

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:)

CONSENT ORDER

Brandy K. Jenkins, RCP)
License Number – 1716)

I. Jurisdiction

The North Carolina Respiratory Care Board (the Board) is an occupational licensing board of the State of North Carolina, organized under N.C. Gen. Stat. § 90-646, et seq. The Board has jurisdiction over this matter pursuant to N.C. General Statute § 90-652 and 21 N.C. Administrative. Code § 61 .0307.

II. Identification of Licensee

The Respiratory Care Practitioner is Brandy K. Jenkins (the “RCP”). Her mailing address is PO Box 1372, Shelby, NC 28151 with the temporary residence located at 4007 Estate Diamond, Christiansted, St. Croix-USVI 00820-4421. The RCP holds North Carolina Respiratory Care License number 1716 (the “License”), first issued on August 12, 2002, with a current expiration date of August 31, 2015.

III. Waiver of Rights

I, Brandy K. Jenkins, the Respiratory Care Practitioner, hereby confirm that I understand that I have each of the following rights, and as noted by my initials below, I hereby freely and knowingly waive each of these rights without further process and agree to the terms of this Consent Order regarding my License:

(Initials)

BKJ The right to a hearing before the Board;

BKJ The right to present evidence to disprove all or some of the charges against me;

BKJ The right to present evidence to limit or reduce any sanction that could be imposed for a violation;

BKJ The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;

BKJ The right to present legal arguments to the Board; and

_____ The right to appeal from any final decision adverse to my license to practice respiratory care.

IV. Stipulation to Facts

The RCP and the Board stipulate to the following facts:

A. The RCP was employed and engaged in the practice of respiratory care in North Carolina during the time period when the events occurred that led to the initiation of this matter.

B. On May 8, 2014, the Board received information by email from Jeanie Brooks, a respiratory care practitioner at Wilson Medical Center reporting the RCP for patient abandonment and unprofessional conduct with suspicion of being impaired while on duty during the 7:00 P-7:00A (night) shift on April 30 thru May 1, 2014.

C. On May 8, 2014, the Board received a letter from Cross Country Travcorps informing the Board of the termination of the RCP at Wilson Medical center for suspicion of impairment.

D. On June 1, 2014, three signed notarized letters were received by the Board office in response to the subpoena. Three staff nurses including nursing supervisor stated that they smelled alcohol on the RCP's breath. No drug screen was performed since the RCP left at 5:01 AM on May 1, 2014, after giving report.

E. On June 10, 2014, the RCP appeared for an interview before the Board's Investigation and Informal Settlement Committee. She denied alcohol use during her shift that was scheduled from 7 PM to 7 AM on April 30 thru May 1, 2014. She stated that around 9 PM on April 30, 2014 that she had interaction with Chris Brown, who was the department manager. She stated that he denied smelling alcohol on her breath. Mr. Brown's statement was considered by the Board. The RCP stated that she quit drinking in 2007 and 2008. She stated that she left the hospital at 5:00 AM, which was approximately 2 hours before the scheduled end of her shift, due to illness. She also stated that she was unaware of any concern about her being impaired until the next day.

F. On March 10, 2015, the RCP appeared for an interview before the Board's Investigation and Informal Settlement Committee; she continued to deny any alcohol use during her shift on April 30 thru May 1, 2014. She restated the fact that she was sick and left the hospital for that reason. She submitted three letters of reference.

G. On April 9, 2015, the Board continued the case to obtain an additional drug screen and an evaluation and recommendation from a counseling center.

H. On June 9, 2015, the RCP appeared for an interview before the Board's Investigation and Informal Settlement Committee; and she continued to deny any alcohol use during her shift on April 30 thru May 1, 2014. She restated that she had left the hospital on May 1, 2014 because she was sick.

I. A random drug screen which was performed by the Board investigator on June 9, 2015 was negative for alcohol. The Board has also received the results of an assessment from Phoenix Counseling Center which indicated that the RCP did not meet the criteria for counseling at this time, based on its assessment.

V. Stipulated Order

During an Executive Session at its regular quarterly meeting on July 9, 2015 the Board considered this matter and determined to offer a Consent Order to the RCP, on the terms set out in this document.

A. Stipulation to Sections of Law Violated:

I, Brandy K. Jenkins, the RCP, admit that if evidence showed that I had used alcohol during a work shift, or was impaired while treating patients due to a prior use of alcohol, that would constitute a violation of N.C. Gen. Stat. § 90-659 (a)(1) (d) and the Board Rule set forth in 21 N.C. Admin. Code 61.0307 (10) and 21 N.C. Admin. Code 61.0307 (14), and would provide a sufficient basis for the Board to permanently revoke my License.

B. Stipulation to Sanction:

Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to hearing, the RCP and the Board hereby enter into this consent order and agree to the following terms, and the RCP understands that each and every one of these terms is an essential provision of this Consent Order, to which she agrees:

1. The RCP agrees to accept a license to practice respiratory care on Probationary Status for a period of not less than 36 months from the date of execution of this order; and as a specific condition of that Probationary Status the RCP agrees to all of the following terms and limitations.

2. The RCP agrees to pay a civil penalty of two hundred and fifty dollars (\$250.00) pursuant to N.C. Gen. Stat. § 90-666 and 21 N.C. Admin. Code 61.0309 and also agrees to the assessment of two hundred and fifty dollars (\$250.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d). The RCP agrees that the civil penalty and cost amounts are reasonable in light of the factual stipulations and agrees to remit these sums to the Board no later than 90 days after execution of this order. The RCP also assumes financial responsibility for any other costs associated with fulfilling the terms of this Consent Order.

3. The RCP agrees to report change of employment as a Respiratory Care Practitioner and/or change of address in writing to the Board within five business days after such change;

4. The RCP shall cause her immediate supervisor to submit written quarterly reports to the Board during the time the RCP is on Probation. Each such written report shall document the RCP's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the RCP's practice of Respiratory Care with a form supplied by the Board;

5. During the entire time that the RCP holds the License on Probationary Status, the RCP agrees to permit the Board to conduct random drug testing of the RCP, and further agrees that the entire costs of all drug testing will be paid by the RCP. The Board will determine the laboratory where the testing would be performed and the manner in which the sample will be collected, and will instruct the RCP regarding these and any other details of how any drug test should occur. The Board may accept drug screens performed by other state or federal agencies or employer as proof of RCP's ongoing compliance

6. The RCP agrees to an interview with the Investigation and Informal Settlement Committee of the Board, the exact dates to be determined by the Board in its discretion in the future, to determine compliance with this Consent Order and;

7. The RCP acknowledges and agrees that this Consent Order and the materials compiled by the Board are matters of public record under the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*; and that the contents of this Consent Order will be reported to the appropriate entities as outlined in Board policy and as required by state and/or federal law or guidelines. Those entities include, but are not limited to, the National Databank maintained by the National Board for Respiratory Care and the Healthcare Integrity and Protection Data Bank (HIPDB).

8. The RCP agrees that if circumstances arise which affect the RCP's ability to remain in compliance with any of the terms of this Consent Order, or to make continued progress on completing the requirements, the RCP shall immediately notify the Board in writing by return receipt mail, fully describing the situation and providing a specific request to modify its terms for Board consideration. However, no modification of this Consent Order shall be in effect until the Board confirms such a modification in writing to the RCP.

9. The RCP acknowledges and agrees that if she fails to comply with the terms of this Consent Order, either by completely failing to carry out one of her obligations, or failing to complete an obligation within a time specified, that will constitute a violation of 21 N.C. Admin. Code 61 .0307(3), and that as a result, the Board may suspend or revoke the License, or impose additional disciplinary sanctions or performance obligations on the RCP.

10. The RCP agrees to continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules in her practice of Respiratory Care.

6. Effective Date/Modification

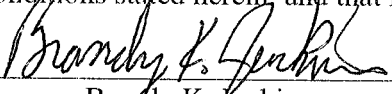
All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs it, and it shall remain in effect for the time period or periods specified, or until amended in writing by the Board.

The terms of this Consent Order shall remain in effect until the RCP completes each of the requirements listed above. However, the RCP must continue to comply with the Respiratory Care Practice Act and the Board's Rules; and the RCP acknowledges that if other evidence of the RCP's non-compliance with the Act or the Rules that is not presented in the Stipulated Facts above should arise, then the Board may invoke other disciplinary measures against the RCP, based on that other evidence; and that in determining the appropriate action to take, the Board also may consider the conduct of the RCP which is presented in the Stipulated Facts in this Consent Order.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK

CONSENT TO ISSUANCE OF CONSENT ORDER BY RESPIRATORY CARE PRACTITIONER

I, Brandy K. Jenkins, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that after having an opportunity to consult with and obtain advice of counsel, I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order.


Brandy K. Jenkins

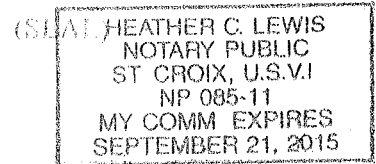
St. Croix, VI
STATE OF NORTH CAROLINA
COUNTY OF Christiansted

There personally appeared before me, a Notary Public in and for the County of Christiansted, State of North Carolina, St. Croix, VI, Brandy K. Jenkins, who, after having presented documentation of her identity that was satisfactory to me, did acknowledge that she executed the foregoing Consent Order as her free and voluntary act.

This 27th day of July, 2015.



Notary Public

My Commission Expires: 9-21-2015



ENTRY OF CONSENT ORDER ON BEHALF OF THE NORTH CAROLINA RESPIRATORY CARE BOARD

The foregoing Consent Order is entered at Cary, North Carolina, this 30th day of July, 2015.


William L. Croft, PhD, RRT, RCP
Executive Director
North Carolina Respiratory Care Board