

IN THE MATTER OF:

Telisha M. Lewis, RCP
License Number – 6347

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CONSENT ORDER

1. 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. Gen. Stat. § 90-652 and 21 N.C. Admin. Code § 61.0307.

2. Identification of Licensee

The Respiratory Care Practitioner is Telisha M. Lewis (the "Licensee"). Her mailing address is 1188 Watt Rd. Lumberton, NC 28360. The Licensee holds North Carolina Respiratory Care License number 6347 (the "License"), first issued on October 4, 2010, with an expiration date of October 31, 2015.

3. Waiver of Rights

I, Telisha M. Lewis, the Licensee, understand that I have each of the following rights: (Note waiver of each right with Initials)

T.L. The right to a hearing before the Board;

T.L. The right to present evidence to disprove all or some of the charges against me;

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

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

T.L. The right to present legal arguments in a brief; and

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

As noted by my initials above, I hereby freely and knowingly waive these rights without further process and agree to the terms of this Consent Order regarding my license. In order to resolve this matter by a Consent Order, I also agree that the Board staff and counsel may discuss this Consent Order with the Board *ex parte* whether or not the Board accepts this Order as written.



4. Stipulation to Facts

The Licensee and the Board stipulate to the following facts:

A. The Licensee was employed 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 October 27, 2014, the Board received call from the Licensee prior to her renewal that she wanted to self-report convictions for DUI in December 2013 and March 2014 resulting from 2012 and 2013 arrest. She stated that the breathalyzer registered 0.11 for the first offense and 0.16 for the second offense. She notified the Board that her driver's license was suspended for 4 years, with unsupervised probation during this time and must attend Alcoholics Anonymous.

C. On December 8, 2014, a report from Clerk of Court in Cumberland County stated that Ms. Lewis was found guilty of a level 4 offense for the offense occurring on June 7, 2013. She received 120 days incarceration suspended for 12 months and ordered to pay restitution with an order date of December 17, 2013.

D. On December 18, 2014, the Licensee appeared for an interview before the Board's Investigation and Informal Settlement Committee. Ms. Lewis admitted to the two DUI charges. She stated that she lost her license after the first offense then was caught driving with a revoked license. She did not realize how much she had to drink on the second charge and felt she could drive.

E. She stated regret for her actions. The Licensee acknowledged that she had made a serious mistake and regrets her actions.

F. The Licensee presented letters of reference from colleagues at Scotland Memorial Hospital, which documented the quality of her service during her employment there.

G. On January 8, 2015 the Board considered this matter and determined to offer a Consent Order to the Licensee, on the terms set out in this document.

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, Telisha M. Lewis, the RCP, admit that if the conduct described above was proven at a hearing, that would constitute violations of N.C. Gen. Stat. § 90-659 (a)(1)(d) and the regulations set forth in 21 N.C. Admin. Code § 61.0307 (10) and 21 N.C. Admin. Code § 61.0307 (24), and would provide a sufficient basis for the Board to permanently revoke my License.

B. Stipulation to Interim Sanction:

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

1. The Licensee 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 Licensee agrees to all of the following terms and limitations.

2. The Licensee accepts and agrees to the assessment of two hundred and fifty dollars (\$250.00) in civil penalties pursuant to N.C. Gen. Stat. § 90-666(a) to be paid within 90 days of the signing of this order;

3. The Licensee agrees to permit the Board to conduct random drug testing of the Licensee for a period of 36 months, and further agrees that the entire costs of all drug testing will be paid by the Licensee. 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 Licensee regarding these and any of the details of how any drug test should occur. The Board may accept drug screens performed by other state or federal agencies from those other agencies as proof of Licensee's ongoing compliance;

4. The Licensee 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;

5. The Licensee agrees to submit written reports to the Board, on a quarterly basis, during the next 36 months for any court order requirements;

6. The Licensee agrees to seek treatment and counseling with a Board approved substance abuse counselor during the probationary period within 30 days of her signature of this order and submit a copy of the counselor's findings and plan of treatment to the Board and;

7. The Licensee agrees to sign a release of information form with her Counselor allowing him/her to provide written reports to the Board of her sessions with her Counselor on a quarterly basis for 36 months. The Licensee shall agree to follow any Plan of Treatment suggested by the Counselor;

8. The Licensee 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;

9. The Licensee agrees to continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules.

6. Public Record

The parties agree that this Consent Order is public record, as required by N.C. Gen. Stat. § 132-1. Documents that are part of the investigative file are not public record.

7. Reporting

This disciplinary action will be reported to the appropriate entities as outlined in Board policy and 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. Costs

The Respiratory Care Practitioner assumes financial responsibility for any costs associated with fulfilling the terms of this Consent Order.

9. Noncompliance with Consent Order

Failure by the RCP to comply with the terms of this Order, either in substance or in timing, is a violation of 21 N.C. Admin. Code § 61 .0307(3). If, during the term of this Consent Order, the Board staff receives evidence that the RCP has violated any of the above conditions, the Board may schedule a show cause hearing for a determination of the violations. If the Board determines that such violations have occurred, then the Board may suspend or revoke the license, revoke any stay, and may impose additional disciplinary sanctions.

All provisions of this Order are effective upon this Order's effective date. Fulfillment of time-specific elements intended to coincide with active practice (such as, but not limited to; probation, supervision or therapy) will only accrue during periods of active practice in which the RCP is compliant with the terms of this Order. Therefore, any period of noncompliance or inactive practice will not accrue towards fulfillment of those terms.

Should circumstances arise that affect the RCP's ability to remain in compliance with the terms of this Consent Order, the RCP shall immediately notify the Board in writing by return receipt mail, fully describing the situation and making any attendant request for modification.

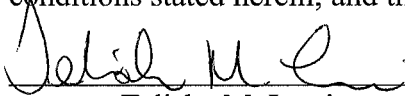
10. Effective Date/Modification

All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs this Order. Any modification of this Consent Order must be approved in writing by the Board before it becomes effective.

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CONSENT TO ISSUANCE OF CONSENT ORDER BY RESPIRATORY CARE PRACTITIONER

I, Telisha M. Lewis, 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.

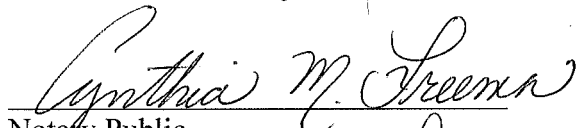


Telisha M. Lewis

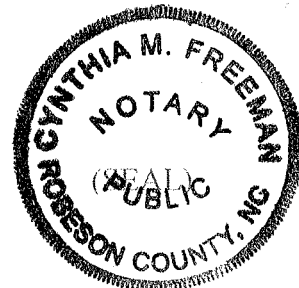
STATE OF NORTH CAROLINA
COUNTY OF Robeson

There personally appeared before me, a Notary Public in and for the County of Robeson, State of North Carolina, Telisha M Lewis, 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 6th day of Feb, 2015.



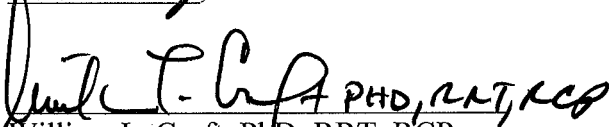
Notary Public



My Commission Expires: June 27, 2017

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 9th day of February, 2015.



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