

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:

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CONSENT ORDER

Jeffrey M. Cline, RCP
License Number – 5151

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.

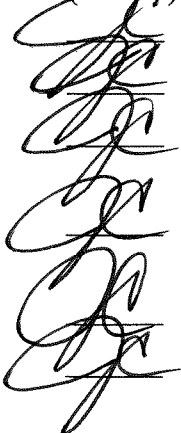
II. Identification of Licensee

The Respiratory Care Practitioner is Jeffrey M. Cline. His mailing address is 1702 Knollwood Dr., Greenville, NC 27858. He holds North Carolina Respiratory Care License Number 5151 (the “License”), first issued on May 6, 2008 with a current expiration date of May 31, 2017.

III. Waiver of Rights

I, Jeffrey M. Cline, 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)



The right to a hearing before the Board;

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

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

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

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 Respiratory Care Practitioner (“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 5, 2016, the Board received a complaint from Skip Bangley, Respiratory Care Manager at Vidant Medical Center, Greenville, NC that the RCP was terminated for failure to follow the sick employee policy and procedure and misappropriation of patient supplies for his own use on April 29, 2016. The complaint states that the RCP took supplies which included one IV set and two IV solutions of Lactated Ringers. The IV solution was administered to the RCP without a physician’s order while he was on shift at Vidant.

C. An Internal investigation report from Vidant dated April 29, 2016 states that the RCP initiated an unsafe practice by obtaining an IV set and two bottles of lactated Ringer's solution from the automated pharmacy dispensing device. He self-administered the fluids with help from members of the nursing and respiratory staff, and failed to report the incident.

D. On June 7, 2016, the RCP appeared for an interview before the Board’s Investigation and Informal Settlement Committee (“IISC”); and admitted that he had engaged in the conduct reported in the Vidant internal investigation report. He explained that he felt ill during his shift and since he was the only supervisor on that day. He felt the need to stay on shift to support the staff since they were about to start a second ECMO pump later that shift, and he was the only other ECMO specialists there. However, he acknowledged that this was a poor decision, and that he should have sought treatment in the Vidant emergency room. He also provided letters of reference for the IISC at the meeting.

V. Stipulated Order

During an Executive Session at its regular quarterly meeting on July 14, 2016 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, Jeffrey M. Cline, the RCP, admit my self-administration of lactated Ringer's solution while on shift treating patients constitutes 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 provides a sufficient basis for the Board to take action against my License.

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B. Stipulation to Sanctions:

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 he agrees:

1. The RCP accepts and agrees to the issuance of a Board Reprimand;
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(a) and 21 N.C. Admin. Code 61 .0309 and .0310; and also agrees to the assessment of one hundred dollars (\$100.00) in disciplinary 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 Consent 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 agrees to complete the AARC Ethics Course within 30 days of his signature of this order and submit a copy of the certificate the Board through CE Broker system.
5. 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).
6. 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, 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.
7. The RCP acknowledges and agrees that if he fails to comply with the terms of this Consent Order, either by completely failing to carry out one of his 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.

8. 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, the Board's Rules, and the Board's published interpretation of those rules, in his practice of Respiratory Care; 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

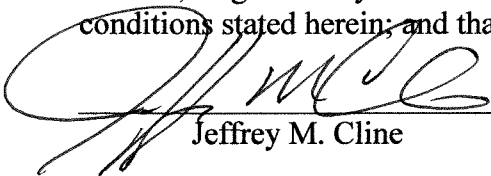
C. Effective Date/Modification

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.

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**CONSENT TO ISSUANCE OF CONSENT ORDER BY RESPIRATORY CARE
PRACTITIONER**

I, Jeffrey M. Cline, 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.

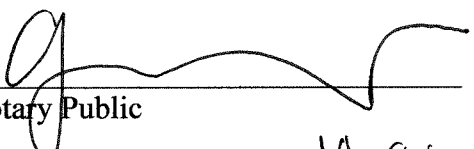


Jeffrey M. Cline

STATE OF NORTH CAROLINA
COUNTY OF Pitt

There, personally appeared before me, a Notary Public in and for the County of Pitt, State of North Carolina Jeffrey M Cline, who, after having presented documentation of his identity that was satisfactory to me, did acknowledge that he executed the foregoing Consent Order as his free and voluntary act.

This 13 day of Sept, 2016.



Notary Public


My Commission Expires: 10-06-2020

(SEAL)

GEORGIA RIGGS
NOTARY PUBLIC
Pitt County, NC
My Commission Expires: 10-06-2020

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

The foregoing Consent Order is entered at Cary, North Carolina, this 16th day of September, 2016.



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