

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:)

)

SECOND CONSENT ORDER

Jessica A. Burris, RCP)

License Number – 7335)

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

II. Identification of Licensee

The Respiratory Care Practitioner is Jessica A. Burris (the "Licensee"). Her mailing address is 301 King St., Apt. 1G, Greensboro, NC 27406. The Respiratory Care Practitioner holds North Carolina Respiratory Care License number 7335 (the "License"), first issued on June 10, 2013 with a current expiration date of June 30, 2020.

III. Waiver of Rights

I, Jessica A. Burris, the Respiratory Care Practitioner, 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)

JAB The right to a hearing before the Board;

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

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

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

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

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

IV. Stipulation to Facts

The Licensee and the Board stipulate to the following facts:

A. The Licensee was engaged in the practice of respiratory care in North Carolina when the events occurred that are described in this Consent Order.

B. On June 3, 2018, a complaint filed by a member of the public stated that Licensee, while employed at Levine Children's Hospital in Charlotte, NC ("the Hospital") was under the influence of controlled substances.

C. On June 14, 2018, the respiratory care manager, at the Hospital was contacted regarding the complaint. The manager agreed to ask the Licensee to submit to a drug screen which she did. The drug screen was negative.

D. On June 16, 2018, the Board obtained three personal and private video recordings that had been posted to the social media account of the complainant, after receiving a call from the respiratory care manager alerting the Board that the complainant had posted them to her social media account without her consent.

E. On one of these videos, the Licensee was recorded saying to the complainant that she could get her some cocaine and making a number of unprofessional comments, during the course of a social conversation with the complainant.

F. On June 22, 2018, during an interview with the Board Investigator, Judy Green, the complainant stated the Licensee was one of the respiratory staff members at the Hospital who had treated the complainant's infant daughter; and that during the daughter's hospitalization, the complainant and the Licensee became friends outside of the hospital. Two days after the death of her child, the complainant went to visit the Licensee at her home, and the complainant stated that during that visit, the Licensee offered her marijuana to relieve the grief that she was feeling. In a second visit, the complainant stated she was offered cocaine by the Licensee.

G. On June 29, 2018, the Licensee agreed to an interview with the Board Investigator and Executive Director. During the interview, the Licensee made the following claims:

a. The Licensee developed a personal relationship with the complainant outside of work and in her home after the child passed away when she brought a funeral dress to the home but not before the child passed away.

b. The Licensee was asked by the complainant about using marijuana to relieve stress but, the Licensee denied taking any illegal substance or supplying any illegal substances to her.

c. The Licensee did not send any text messages to the complainant stating that the Licensee could get the complainant some "blow". She stated that the messages were created by the complainant.

d. The Licensee saw the complainant no more than three times outside of the Hospital.

e. The Licensee was asked by the complainant to get “blow” or cocaine for her and admitted telling the complainant, “I got you something”; but the Licensee denied providing the drugs.

The Licensee told the complainant that “I do not use drugs, never used drugs at work, I never used drugs while taking care of your baby”.

f. The Licensee told the complainant, “I’ve got you the 1 gram of blow” but denied getting her anything and claimed that she only said this to appease the complainant and to protect her from obtaining the drugs off the street.

H. In a letter dated July 25, 2018, responding to a subpoena relating to this matter which the Board issued on June 26, 2018, the General Counsel for Atrium Health stated:

- The Licensee consented to a drug screen on June 14, 2018, and was placed on administrative leave pending the outcome of the test and on June 17, 2018, the drug screen results came back negative; and
- The respiratory manager conducted an internal investigation of the Licensee and found no evidence of impaired clinical performance or judgement, no observed suspicious behavior, and no complaints about suspected drug use, impaired clinical performance, or concerns with overall clinical care regarding the Licensee during the time the hospital provided care to the complainant’s daughter.

I. On January 4, 2019, the complainant attended an interview with the Board’s Investigative Committee at the Board Offices. During the interview the complainant stated that during her daughter’s hospitalization, she and the Licensee became friends outside of the hospital and met about 6 times outside the hospital. Two days after the death of her child, the complainant went to visit the Licensee at her home. The complainant indicated the Licensee offered her marijuana to relieve the grief that the complainant was feeling. In a second visit, the complainant was offered cocaine by the Licensee as depicted in the social media posts provided to the Board.

J. The Licensee also attended the January 4, 2019 Investigative Committee meeting at the Board Offices. During the interview, the Licensee made the following statements or claims:

- She denied drug use on the job or any other time and provided negative drug screens of specimens collected on September 20, 2018, and December 7, 2018;
- She stated she told the complainant that she could get her some “blow” only in an effort to appease her and to prevent the complainant from obtaining on the street in an effort to protect her, with no intention of actually providing any illegal drug to the complainant;
- She admitted to engaging in a social relationship with complainant, who was the mother of a child at the Hospital; and acknowledged she should never have any type of relationship with family members or patients other than professional interactions including any social media contact in the future; and
- She admitted her relationship and actions with the complainant were unprofessional.

K. On January 10, 2019, the Attorney for the Licensee confirmed that she agreed to enter a Consent Order with terms which in part included Probation for 24 months and a Reprimand with the requirement that she complete the AARC Code of Ethics course; pay a Civil Penalty of \$500.00 and Disciplinary Cost of \$200.00; and submit Quarterly Supervisory Reports.

L. On March 4, 2019, the Attorney for the Licensee submitted a signed Consent Order by email and USPS. In this First Consent Order, the Licensee agreed to Probation for 24 months and Reprimand which included the following requirements: 1) Complete the AARC Code of Ethics course; 2) pay a Civil Penalty of \$500.00; 3) pay the Disciplinary Cost of \$200.00; and 4) Require submission of Quarterly Supervisory Reports. Also, she agreed to the following stipulations:

1. During the entire time that the Licensee holds the License on Probationary Status, and if employed as a Respiratory Care Practitioner or in any other health care occupation, the Licensee shall cause her immediate supervisor to submit written quarterly reports to the Board. Each such written report shall be submitted in a form supplied by the Board and shall document the Licensee's performance in the delivery of Respiratory Care or other professional duties and detail any concerns of the supervisor about the Licensee's Practice of Respiratory Care or other professional service on an electronic form supplied by the Board;
2. The Licensee agrees to report any change of employment as a Respiratory Care Practitioner and any change of address in writing to the Board within five business days after any such change;
3. The Licensee agrees that if circumstances arise which affect the Licensee'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 Licensee shall immediately notify the Board in writing, fully describing the situation and providing a specific request to modify the terms of this Consent Order for the Board's consideration. However, the Licensee acknowledges that unless and until the Board confirms such a modification IN WRITING to the Licensee, no modification of this Consent Order shall be in effect.
4. The Licensee acknowledges and agrees that she must continue to comply with the Respiratory Care Practice Act ("RCPA") and the Board's Rules;

M. On June 28, 2019, Patti J. Kriegel BS, RRT, RCP, Respiratory Therapy Services at Cone Health in Greensboro, NC called the Board regarding the Licensee. Ms. Kriegel stated the Licensee has started work at Cone Health on February 25, 2019, and that the Licensee did not notify Cone Health of any of the Consent Order requirements nor notify the Board of these changes.

N. On July 3, 2019, the Licensee's attorney stated in a phone call to the Executive Director that he advised her that she did not need to notify the Board since she signed the First Consent Order after she started employment at Cone Health.

O. On September 3, 2019, the Licensee attended the Investigative Committee meeting on this matter. The Licensee acknowledged during the interview that she did not follow any of the following requirements of the First Consent Order:

1. During the entire time that the Licensee holds the License on Probationary Status, and if employed as a Respiratory Care Practitioner or in any other health care occupation, the Licensee shall cause her immediate supervisor to submit written quarterly reports to the Board. Each such written report shall be submitted in a form supplied by the Board and shall document the Licensee's performance in the delivery of Respiratory Care or other professional duties and detail any concerns of the supervisor about the Licensee's Practice of Respiratory Care or other professional service on an electronic form supplied by the Board;
2. The Licensee agrees to report any change of employment as a Respiratory Care Practitioner and any change of address in writing to the Board within five business days after any such change;
3. The Licensee agrees that if circumstances arise which affect the Licensee'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 Licensee shall immediately notify the Board in writing, fully describing the situation and providing a specific request to modify the terms of this Consent Order for the Board's consideration. However, the Licensee acknowledges that unless and until the Board confirms such a modification IN WRITING to the Licensee, no modification of this Consent Order shall be in effect; and
4. The Licensee acknowledges and agrees that she must continue to comply with the Respiratory Care Practice Act ("RCPA") and the Board's Rules.

P. During her interview on September 3, 2019 with the Investigative Committee, the Licensee stated that she was following her attorney's advice in these matters. She informed the Board that she would like Dr. Croft to contact her on all matters pertaining to the Consent Order going forward and not her attorney.

Q. On October 10, 2019, the Board determined during Executive Session based on the Licensee statements and evidence that she violated the terms of the original Consent Order signed on March 4, 2019 and decided to place the Licensee on probation for 36 months with the additional conditions provided in this order.

R. On October 30, 2019 in an email to the Executive Director, the Licensee agreed to enter this Second Consent Order with the Board, accepted the condition that she would hold the License on probation for 36 months and the following additional provisions.

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Stipulated Order

A. Stipulation to Sections of Law Violated:

I, Jessica A. Burris, the Respiratory Care Practitioner, admit that the allegations against me, if proven true, would constitute violations of N.C. Gen. Stat. § 90-659 (a)(1)(d) and (a)(4) and the regulations set forth in 21 N.C. Admin. Code § 61 .0307 (3) and (10). Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to a hearing, the Respiratory Care Practitioner and the Board hereby enter into this Consent Order whereby the Respiratory Care Practitioner and the Board agree to the following terms, which supersede and replace all terms of the Licensee's First Consent Order.

B. Stipulation to Sanction:

By her agreement to this Consent Order now, the Licensee confirms, as she did in prior interviews with the Board, that her statements recorded on the social media posts were extremely unprofessional and that her statement to the complainant regarding narcotics was completely inappropriate and potentially dangerous.

By her agreement to this Consent Order now, the Licensee confirms, as she did in prior interviews with the Board, that engaging in social relationships with patients or their family members outside of work is not ethical.

By her agreement to this Consent Order now, the Licensee confirms, as she did in prior interviews with the Board, that her inappropriate actions, and potentially dangerous statements, in the course of her personal relationship with the complainant did not constitute behavior that "reflects integrity, supports objectivity, and fosters trust in the profession and its professionals," under the terms of the Board's Code of Ethics.

As noted by her initials below, the Licensee agrees to each of the following specific limitations and obligations under this Second Consent Order as a condition of continuing to hold the License:

1. JAB The Licensee agrees to accept a Reprimand and a license to practice respiratory care on Probationary Status for a period of 36 months from the date of execution of the First Consent Order dated March 4, 2019; and as a specific condition of that Probationary Status the Licensee agrees to all of the following terms and limitations.

2. JAB The Licensee agrees to provide a complete list of all her full-time, part-time, or intermittent employment at the time of her execution of this Second Consent Order and to furnish that list to the Executive Director at the time she sends the signed Second Consent Order to the Board.

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3. VAB During the entire time that the Licensee holds the License on Probationary Status, and if employed as a Respiratory Care Practitioner or in any other health care occupation, the Licensee shall cause her immediate supervisor to submit written quarterly reports to the Board. Each such written report shall be submitted in a form supplied by the Board and shall document the Licensee's performance in the delivery of Respiratory Care or other professional duties and detail any concerns of the supervisor about the Licensee's Practice of Respiratory Care or other professional service on an electronic form supplied by the Board.

THE LICENSEE UNDERSTANDS AND AGREES THAT HER OBLIGATION TO HAVE HER SUPERVISOR IN ANY HEALTH CARE OCCUPATION TO SUBMIT THESE REPORTS ON A TIMELY QUARTERLY BASIS IS ABSOLUTE, THAT THIS IS HER INDIVIDUAL RESPONSIBILITY; THAT IT IS NOT CONDITIONED OR CONTINGENT ON THE ACTIONS OR INTERPRETATIONS OF ANY OTHER PERSON OR ORGANIZATION; AND THAT IF SHE HAS QUESTIONS ABOUT HOW TO INTERPRET THIS REQUIREMENT, SHE MUST CONSULT THE BOARD FOR CLARIFICATION.

4. VAB The Licensee shall report any disciplinary action taken against her in connection with her employment as a Respiratory Care Practitioner or in connection with any other employment in which she is involved in providing health care services.

THE LICENSEE UNDERSTANDS AND AGREES THAT HER OBLIGATION TO REPORT ANY SUCH ACTION WITHIN FIVE BUSINESS DAYS IS ABSOLUTE, THAT THIS IS HER INDIVIDUAL RESPONSIBILITY; THAT IT IS NOT CONDITIONED OR CONTINGENT ON THE ACTIONS OR INTERPRETATIONS OF ANY OTHER PERSON OR ORGANIZATION; AND THAT IF SHE HAS QUESTIONS ABOUT HOW TO INTERPRET THIS REQUIREMENT, SHE MUST CONSULT THE BOARD FOR CLARIFICATION.

5. VAB The Licensee agrees to attend one or more interviews with the Investigative Committee of the Board, the exact dates to be determined by the Board in its discretion in the future, to assess her compliance with this Consent Order.

6. VAB The Licensee agrees to report any change of employment as a Respiratory Care Practitioner and any change of address that occurs at any time *after her execution* of this Second Consent Order in writing to the Board within five business days after any such change.

THE LICENSEE UNDERSTANDS AND AGREES THAT HER OBLIGATION TO REPORT EMPLOYMENT WITHIN FIVE BUSINESS DAYS IS ABSOLUTE, THAT THIS IS HER INDIVIDUAL RESPONSIBILITY; THAT IT IS NOT CONDITIONED OR CONTINGENT ON THE ACTIONS OR INTERPRETATIONS OF ANY OTHER PERSON OR ORGANIZATION; AND THAT IF SHE HAS QUESTIONS ABOUT HOW TO INTERPRET THIS REQUIREMENT, SHE MUST CONSULT THE BOARD FOR CLARIFICATION.

7. VAB The Licensee 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) maintained by the U.S. Department of Health and Human Services.

8. JAB The Licensee agrees that if circumstances arise which affect the Licensee'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 Licensee shall immediately notify the Board in writing, fully describing the situation and providing a specific request to modify the terms of this Consent Order for the Board's consideration. However, the Licensee acknowledges that unless and until the Board confirms such a modification IN WRITING to the Licensee, no modification of this Consent Order shall be in effect.

9. JAB The Licensee 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 immediately suspend or revoke the License, or impose additional disciplinary sanctions or performance obligations on the Licensee.

10. JAB The Licensee acknowledges and agrees that she must continue to comply with the Respiratory Care Practice Act ("RCPA") and the Board's Rules; and further acknowledges that if evidence of her non-compliance with the RCPA or the Board's Rules that is not presented in the Stipulated Facts above should arise after execution of this Consent Order, then the Board may invoke other disciplinary measures against her, based on that other evidence; and that in determining the appropriate action to take in response to any such other evidence of her non-compliance with the RCPA or the Board's Rules, the Board also may consider the conduct of the Licensee which is presented in the Stipulated Facts in this Consent Order.

VI. Effective Date

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

The terms of this Second Consent Order shall remain in effect until the Licensee completes each of the requirements listed above and receives written confirmation of completion from the Board.

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CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

I, Jessica A. Burris, state that I have read the foregoing Second Consent Order; that I know and fully understand its contents; that 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 Second Consent Order as a condition of maintaining my license from the North Carolina Respiratory Care Board.

Jessica A. Burris
Jessica A. Burris

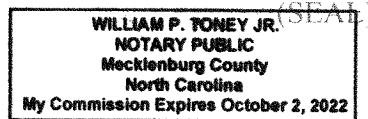
STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

There personally appeared before me, a Notary Public in and for the County of CABARRUS, State of North Carolina, Jessica Burris, who, after having presented documentation of her identity that was satisfactory to me, did acknowledge that she executed the foregoing Second Consent Order as her free and voluntary act.

This 26 day of February, 2020.

W. P. Toney Jr
Notary Public Signature

William P. Toney Jr
Print Name



My Commission Expires: Oct 2, 2022

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

The foregoing Second Consent Order is entered at Cary, North Carolina, this 27th day of February, 2020.

William Croft, Ed.D., Ph.D., RRT, RCP
William Croft, Ed.D., Ph.D., RRT, RCP
Executive Director, North Carolina Respiratory Care Board