

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:

CONSENT ORDER

James N. Britt, RCP
License Number – A-5591

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 James N. Britt (the "RCP"). His mailing address is 12667 NC 125, Hamilton, NC 27840. The RCP holds North Carolina Respiratory Care License number A-5591 (the "License"), first issued on June 05, 2008 with a current expiration date of June 30, 2019.

3. Waiver of Rights

I, James N. Britt, the RCP, 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below, I hereby freely and knowingly waive each of these rights without further process and agree to the terms of this Unpublished Consent Order regarding my License: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.

4. Stipulation to Facts

The RCP and the Board stipulate to the following facts:

- A. The RCP 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 December 11, 2018, a complaint was filed by Cortney Ward in the Human Resource Department at Washington County Hospital ("the Hospital") which stated that the hospital administrator suspected the employee of being intoxicated on November 9, 2018. The complaint indicated that the RCP consented to a drug screen on November 9 and was reported to having admitted prior to testing that he abused of alcohol.
- C. On November 9, 2018, a breathalyzer screen revealed a blood alcohol concentration (BAC) of 170.3 mg deciliter of blood or 0.17% at 11:38 AM. The RCP requested a rescreen that resulted in a BAC of 143.4 mg of alcohol per deciliter of blood or 0.14% at 1:03 PM. The RCP was suspended for 3 unpaid days with the understanding he would have to sign a contract for conditions of continued employment upon his return.
- D. On November 14, 2018, the RCP returned to work and signed a contract agreeing to a 60 day probation period which included entering the hospital's substance abuse program and consenting to BAC screenings at the beginning of each shift.
- E. On December 3, 2018 at 9:27 AM, the RCP was screened at the beginning of the shift which resulted in a BAC of 81.9 mg of alcohol per deciliter of blood or 0.0819%, although he displayed no outward signs of intoxication. At 10:14 am, a rescreen resulted in a BAC of 67.9 mg of alcohol per deciliter of blood or 0.0679%.
- F. On December 3, 2018, the Licensee's supervisor determined that he was a safety hazard for patient care and he was terminated for violating the probationary contract.
- G. On December 12, 2019, a letter was sent to the RCP inviting him to an interview with the Board's Investigative Committee to discuss his conduct.
- H. On January 3, 2019, the RCP requested a continuance in a phone call with the Executive Director. During the call, the RCP acknowledged that the BAC result on December 3 met the legal definition of intoxication for North Carolina but he indicated he was going to seek counseling and he claimed that his performance on the job was not impaired despite the BAC. At that time, the Executive Director informed him that the Board could take immediate action given the BAC.
- I. On January 10, 2019 the Board considered this matter and determined to offer the RCP a three month suspension and entrance into the Alternative Program under a Consent Order that he signed on February 4, 2019.
- J. On March 5, 2019, the RCP attended the Investigative Committee meeting. During the meeting, he denied alcohol use but admitted to drinking 5-6 beers after returning from a trip which was the day before his shift. He stated the laboratory at the Hospital had a number of issues and had been closed.
- K. On April 1, 2019, the Board received a letter of release from the counselor of record after the RCP completed the required 20 hour substance abuse program in the Board's Alternative Program.

L. On April 10, 2019, the Board received a follow-up letter from the counselor of record indicating that the RCP had agreed to a follow-up prevention care plan that had been reviewed and approved by the "Facilitating Counselor". The RCP is to follow the prevention plan and utilize personal supports outlined in the plan.

M. On April 11, 2019, at its regularly scheduled Quarterly Board Meeting the Board determined to end the RCP's Suspension and offer Probation for 24 months with additional stipulations as stated in this Consent Order.

N. The RCP stipulates that he has not sought employment as a Respiratory Care Practitioner prior to signing this Consent Order

O. On April 12, 2019, the RCP agreed to the stipulations offered by the Board in an email to the Executive Director.

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, James N. Britt, the RCP, admit that the a BAC of 81.9 mg of alcohol per deciliter of blood or 0.0819%, in the drug screen at the beginning of the shift on which I was scheduled to work on December 3, 2018 constitutes violations of N.C. Gen. Stat. § 90-659 (a)(1)(d) and § 90-659 (4) and the regulations set forth in 21 N.C. Admin. Code § 61.0307 (10) and (14), and provides a sufficient basis for the Board to permanently revoke my License, or take other disciplinary action.

B. Stipulation to Interim Sanction:

Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to a hearing, the RCP and the Board hereby enter into this Consent Order and agree to the terms specified below. The Board offers the Alternative Program (AP) to licensees in situations where the information received indicates that an RCP's competency may be impaired because of a substance use disorder, but who voluntarily seeks and receives medical supervision for substance use issues; and the Board has determined to offer participation in the AP Program to the RCP. The RCP understands that every one of the following terms is an essential provision of this Order, to which he agrees:

1. The RCP agrees to hold his License on a Probationary status for not less than 24 months from the date of his signature of this order. The RCP further agrees that the Board may extend this probation, or take further action against his License, up to and including revoking it, based upon the Board's review of his compliance with the terms of this Consent Order.

2. As a specific condition of his Probation, the RCP agrees to all of the following terms and limitations.

3. The RCP agrees to attend one or more interviews with the Investigation Committee of the Board, to assess his compliance with this Consent Order. the exact dates and times to be determined by the Board in its discretion in the future. The RCP further agrees that if for some reason, he is unable to attend any scheduled interview with the Investigative Committee on a date selected by the Board, that the period of the probation of his License shall be extended by not less

than 100 days, to allow time for an additional quarterly meeting of the Investigation Committee and the full Board to occur before the conclusion of the Probationary Period.

4. The RCP shall follow Plan of Treatment approved by the Counselor and agrees to provide the Board with a copy of the discharge care plan within 30 days of signing this order.

5. The RCP shall submit to random alcohol screens during his Probation and shall pay the costs of any drug screens, treatment, or testing required under this Consent Order and agrees to assume financial responsibility for any other costs associated with fulfilling the terms of this Consent Order.

6.

7. Upon any employment as a Respiratory Care Practitioner, the RCP shall report that employment to the Board by email or other writing within five business days of hiring; and the RCP shall report any change of employment as a Respiratory Care Practitioner and any change of address by email or other writing to the Board within five business days after any such change.

8. During the entire time that the RCP holds the License on Probationary Status, and if employed as a Respiratory Care Practitioner or in any other health care occupation, the RCP shall cause his 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 RCP's performance in the delivery of Respiratory Care or other professional duties and shall detail any concerns of the supervisor about the RCP's Practice of Respiratory Care or other professional services.

9. The RCP shall report any disciplinary action taken against him in connection with her employment as a Respiratory Care Practitioner or in connection with any other employment in which he is involved in providing health care services.

10. 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 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.

11. 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, fully describing the situation and providing a specific request to modify the terms of this Consent Order for the Board's consideration. **HOWEVER, THE RCP ACKNOWLEDGES THAT UNLESS AND UNTIL THE BOARD CONFIRMS IN WRITING ITS ACCEPTANCE OF ANY MODIFICATION REQUESTED, NO SUCH MODIFICATION SHALL BE IN EFFECT.**

12. The RCP acknowledges and agrees that if he fails to comply with the terms of this Consent Order, either by 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.

6. Effective Date

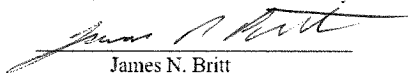
All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs it, and it shall remain in effect for the period or periods specified, or until amended in writing by the Board.

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

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 in response to any such other evidence of the Licensee's non-compliance with the Act or the Rules, the Board also may consider the conduct of the RCP which is presented in the Stipulated Facts in this Consent Order.

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

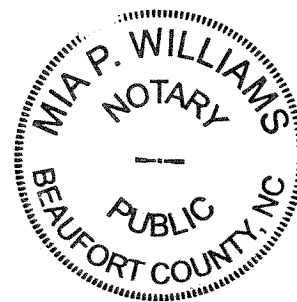
I, James N. Britt, state that I have read the foregoing Order; that I know and fully understand its contents; that after having an opportunity to consult with and obtain advice of counsel, I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein;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


James N. Britt

STATE OF NORTH CAROLINA
COUNTY OF Beaufort

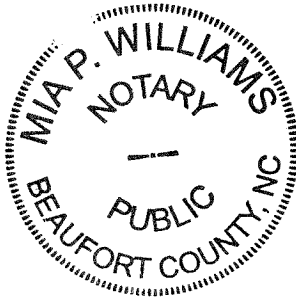
There personally appeared before me, a Notary Public in and for the County of Beaufort, State of North Carolina, James N Britt, who, after having presented documentation of his identity that was satisfactory to me, did acknowledge that he executed the foregoing Unpublished Consent Order as his free and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

This 23rd day of April, 2019.



Mia P. Williams
Notary Public

My Commission Expires: 8/24/2019



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

The foregoing Consent Order is entered at Cary, North Carolina, this 25th day of April, 2019.

William L. Croft
Ed.D., Ph.D., RRT, RCP

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