

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:)
)
Dana N. Morton, RCP)
License Number -6673)
Case Number - 19-944)

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 The Respiratory Care Practice Act (“the Act”) codified at 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 Dana N. Morton (the “RCP”). Her mailing address is 104 Carousel Dr. Gold Hill, NC 28071. The RCP held a North Carolina Respiratory Care License Number 6673 (the “License”), which was first issued on June 10, 2011, and expires on June 30, 2020.

3. Waiver of Rights

I, Dana N. Morton, 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 Consent Order regarding my License:

- (Initials)
DM The right to a hearing before the Board;
- DM The right to present evidence to disprove all or some of the charges against me;
- DM The right to present evidence to limit or reduce any sanction that could be imposed for a violation;
- DM The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;
- DM The right to present legal arguments to the Board; and
- DM The right to appeal from any final decision adverse to my license to practice respiratory care.

4. Stipulation to Facts

The Respiratory Care Practitioner (“RCP”) and the Board stipulate to the following facts:

A. The RCP was engaged in the practice of respiratory care in North Carolina when the events occurred that led to the initiation of this complaint.

B. On February 28, 2019, the Respiratory Care Manager, Novant Health Rowan Medical Center, Salisbury, NC filed a complaint stating: “the licensee left the facility on the nightshift of February 20-21, 2019 at around 1:30 AM without talking with the charge therapist or giving a report on her patients. She did not return to work that shift. It seems there was an issue with where her 11-year-old daughter was staying that night”.

C. On March 1, 2019, the Respiratory Care Manager at Novant Health Rowan Medical Center stated in an interview with the Board Investigator that on the night of February 20, 2019, the RCP received a call from the parents of the child's friend stating that her daughter was not welcome at their home and needed to leave. The RCP left the hospital to go get her daughter without talking to the charge therapist or giving a report on her patients and did not return to work.

D. On June 4, 2019, the RCP attended the Investigative Committee meeting at the Board Offices. During the interview, the RCP stated that she gave a report to another therapist prior to leaving. She also stated that in her discussions with the therapist, the supervisor was present and making eye contact with her. The RCP admitted to not asking directly to leave, but she felt her need to leave was clear. She corrected the record that the child was not brought to work but dropped off at the friend's house. She felt the need to leave to collect her daughter was more important, given the call that she received.

E. On July 11, 2019, the Board decided at its regularly scheduled Quarterly Board Meeting to offer the RCP a reprimand with additional stipulations as stated in this Consent Order.

F. On July 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, Dana N. Morton, the RCP, admit if it were proven at a hearing that I left work without notifying my supervisor properly on February 21, 2019, at Novant Health Rowan Medical Center, Salisbury, NC, this would constitute a violation of N.C. Gen. Stat. § 90-659 (a)(1)(d) and the rules codified in 21 N.C. Admin. Code § 61 .0307 (3) and (10); and provides a sufficient basis for the Board to revoke my License permanently, or take other disciplinary action.

B. Stipulation to Sanctions:

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 and agree to the following terms:

- 1) The RCP accepts and agrees to the issuance of a Board Reprimand.
- 2) The RCP accepts and agrees to the assessment of 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. The RCP shall remit this sum to the Board no later than ninety (90) days after execution of this order. However, this payment may be waived by the Board, as stated in this consent order.
- 3) The RCP accepts and agrees to the assessment of one hundred dollars (\$100.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d) and to remit this sum to the Board no later than ninety (90) days following the execution of this Consent Order and may be waived as stated in this consent order. The RCP also assumes financial responsibility for any costs associated with fulfilling the terms of this Consent Order.
- 4) The RCP agrees to complete the AARC Professional Ethics course within 60 days following the execution of this Consent Order. The costs and civil penalties stated in this Consent Order will be waived by the Board if completed within the 60 day period.
- 5) The RCP 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.
- 6) The RCP 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.
- 7) The RCP acknowledges and agrees that this Consent Order is a matter 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) 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 such a modification IN WRITING to the RCP, no modification of this Consent Order shall be in effect.**

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 immediately suspend or revoke the License, or impose additional disciplinary sanctions or performance obligations on the RCP.

10) The RCP 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 RCP which is presented in the Stipulated Facts in this Consent Order.

VI. Effective Date

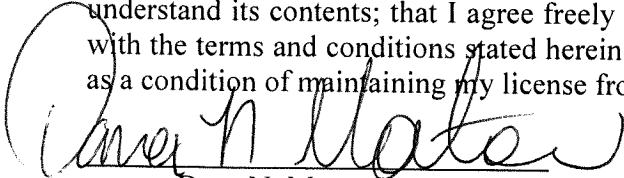
All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs it, and it shall remain in effect for the period or periods specified, or until amended in writing by the Board.

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.

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CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

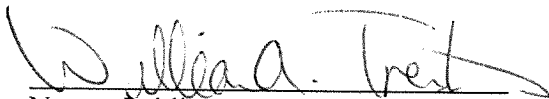
I, Dana N. Morton, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order as a condition of maintaining my license from the North Carolina Respiratory Care Board.


Dana N. Morton

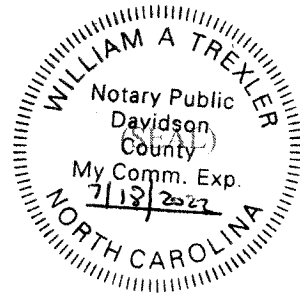
STATE OF NORTH CAROLINA
COUNTY OF Stanly

There personally appeared before me, a Notary Public in and for the County of Stanly, State of North Carolina, Dana N Morton, 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 August, 2019.



Notary Public

My Commission Expires: 7/18/2022



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

The foregoing Consent Order is entered at Cary, North Carolina, this 3rd day of September, 2019.


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