

IN THE MATTER OF:)
)
Jessica D. Carter, RCP)
License Number -6236)
Case Number - 19-947)

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 Jessica D. Carter (the “RCP”). Her mailing address is 416 Beech St. Eden, NC 27288. The RCP held a North Carolina Respiratory Care License Number 6236 (the “License”), which was first issued on May 21, 2010, and expires on May 30, 2020.

3. Waiver of Rights

I, Jessica D. Carter, 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)

- JC The right to a hearing before the Board;
- JC The right to present evidence to disprove all or some of the charges against me;
- JC The right to present evidence to limit or reduce any sanction that could be imposed for a violation;
- JC The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;
- JC The right to present legal arguments to the Board; and
- JC 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 March 29, 2019, a complaint was filed by the Manager of Respiratory Care Services at Novant Health Forsyth Medical Center in Winston Salem, NC. The complaint stated RCP left her assignment/shift without permission on March 29, 2019. She was advised by the shift supervisor on multiple occasions that she not only couldn't have the night off due to low staffing levels but that she couldn't leave early. The RCP made the decision to leave on her own accord 2 hours prior to the end of her shift without permission but she did notify the supervisor of her departure. The manager stated that a letter of resignation from the RCP was found on her desk, which stated she was not coming back effective immediately.

C. On March 29, 2019, the Respiratory Care Manager at Novant Health stated in an interview with the Board Investigator that on the night of March 29, 2019, the RCP needed to leave to pick up her child. According to the shift supervisor, the RCP left the hospital at 5:00 AM to go get her child 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. She stated that she did not have a babysitter to keep her two children for March 29, 2019. She asked to be off the night of March 29, 2019, because she did not have a sitter. She indicated the lead therapist said that they had low staffing that night. According to the RCP, he stated that she could be off if she found someone else to work for her. The RCP attempted to get coverage. She stated she notified her supervisor regarding her need to leave early in the shift and gave a written report to him. She admitted he never gave her expressed permission to leave.

E. On July 11, 2019, the Board decided at its regularly scheduled Quarterly Board Meeting to offer the RCP probation 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, Jessica D. Carter, the RCP, admit if it were proven at a hearing that I left work without notifying my supervisor properly on March 29, 2019, at Novant Health Forsyth Medical Center, Winston Salem, 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 agrees to accept a license to practice respiratory care on Probationary Status for a period of 12 months from the date of execution of this order, and as a specific condition of that Probationary Status, the RCP agrees to all of the following terms and limitations.
- 2) The RCP accepts and agrees to the assessment of two hundred and fifty dollars (\$250.00) in civil penalties and one hundred (\$100.00) dollars costs pursuant to N.C. Gen. Stat. § 90-666(a) and N.C. Gen. Stat. § 90-666(d) payable within 90 days of signing this Consent Order.
- 3) The RCP accepts and agrees to successfully complete the AARC Ethics Course within 30 days of signing this Consent Order.
- 4) The RCP accepts and agrees to successfully complete an essay on "What constitutes patient abandonment" within 30 days of signing this Consent Order using Board writing standards.
- 5) 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 format defined by the Board and shall document the RCP's performance in the delivery of Respiratory Care or other professional duties and detail any concerns of the supervisor about the RCP's Practice of Respiratory Care or another professional service on a form supplied by the Board.
- 6) The RCP shall report any disciplinary action taken against him in connection with his employment as a Respiratory Care Practitioner or in connection with any other employment in which she is involved in providing health care services.
- 7) The RCP agrees that this Consent Order is a public record, as defined by N.C. Gen. Stat. § 132-1, except that documents in the Board's investigative file are not public record.
- 8) The RCP agrees to attend one or more interviews 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 assess her compliance with this Consent Order.
- 9) 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) maintained by the U.S. Department of Health and Human Services.
- 10) 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.**

11) 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; and

12) 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 are 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, Jessica D. Carter, 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.

Jessica D. Carter
Jessica D. Carter

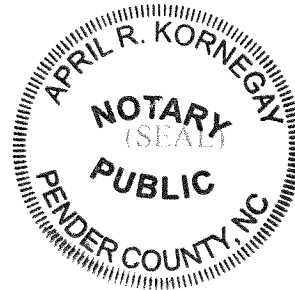
STATE OF NORTH CAROLINA
COUNTY OF Pender

There personally appeared before me, a Notary Public in and for the County of Pender, State of North Carolina, Jessica D. Carter, 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 26 day of August, 2019.

April R. Kornegay
Notary Public

My Commission Expires: October 22, 2021.



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