



NORTH CAROLINA RESPIRATORY CARE BOARD

**1100 Navaho Drive, Suite 242
Raleigh, NC 27609**

CONSENT ORDER

**IN THE MATTER OF:
CHRISTOPHER J. BURGESS
RESPIRATORY CARE LICENSE #3225**

WHEREAS the North Carolina Respiratory Care Board (the "Board") is charged with the administration of The Respiratory Care Practice Act, codified in the North Carolina General Statutes at G.S. 90-646 et Seq. (the "Act"); and

WHEREAS the Licensee was found allowing unlicensed individuals, under his supervision, to practice Respiratory Care in North Carolina in violation of G.S. 90.659(a)(4)c and G.S. 90.661(4); and

WHEREAS the Licensee was found practicing Respiratory Care in North Carolina without a license in violation of G.S. 90.659(a)(1)c and G.S. 90.661(1); and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of the Licensee to determine if he has violated, is violating, or is about to violate any provisions of the Act; and

WHEREAS the RCP license of Velma Langford expired at midnight on September 25, 2004; and

WHEREAS the RCP license of Karen Haigler expired at midnight on November 1, 2004; and

WHEREAS Siobian Johnson was practicing Respiratory Care in North Carolina without a North Carolina Respiratory Care license; and

WHEREAS the Licensee allowed the individuals named to work with an expired license and in the case of Siobian Johnson without a license; and

WHEREAS the Licensee himself practiced Respiratory Care with an expired license between the dates March 27, 2004 and November 22, 2004; and

WHEREAS Board policy authorizes the Executive Director to offer the option of a Reprimand to a licensee practicing respiratory care with a lapsed license or to a licensee employing a person with a lapsed license; and

WHEREAS Licensee agrees to the entry of this Consent Order, and voluntarily agrees to waive any rights to a hearing upon entry of this Consent Order, and waives the right to seek judicial review or otherwise challenge or contest the validity of this Consent Order;

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

Christopher J. Burgess shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules.

Christopher J. Burgess agrees to the issuance of a Board Reprimand for his violations of the Act.

Christopher J. Burgess agrees to pay to the Board within 90 days from the date of signature of the consent order, the sum of \$250.00 for Civil Penalties which are authorized by G.S. 90-666(a) and 21 NCAC 61.0309 (d)(1) and the sum of \$250.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

Entry of this Consent Order by the Board is without prejudice to the right of the Board to take any administrative action against Christopher J. Burgess to enforce this Consent Order if the Board determines that Christopher J. Burgess is not fully complying with any term or condition stated herein;

Entry of this Consent Order by the Board does not preclude the Board from taking other adverse action against Christopher J. Burgess for other acts or omissions by Christopher J. Burgess that may be brought to Board's attention in the future; and

This Consent Order shall become final when accepted by Christopher J. Burgess and entered by the Board based on the execution by its Executive Director.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

AND WHEREAS upon the entry of this Consent Order, this matter will be resolved with the express understanding that Licensee will comply with all of the terms contained herein.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

CONSENT TO ISSUANCE OF ORDER BY LICENSEE

I, Christopher J. Burgess, 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 with the North Carolina Respiratory Care Board.

Christopher J. Burgess RRT, RCP
Christopher J. Burgess

STATE OF NORTH CAROLINA)
COUNTY OF *Mecklenburg*)

There personally appeared before me, a Notary Public in and for the County of *mecklenburg* State of North Carolina, Christopher J. Burgess, 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 *18th* day of *April*, 2005

E. Dean Salter *E. DEAN SALTER*

SEAL

Notary Public

My Commission Expires: *April 25, 2005*

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

Based on the agreement of the Licensee and the authority previously conveyed by resolution of the Board, the foregoing Consent Order is entered at Raleigh, North Carolina

This *16th* day of *May* 2005

Floyd E. Boyer
Floyd E. Boyer, RRT, RCP
Executive Director