



NORTH CAROLINA RESPIRATORY CARE BOARD

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

CONSENT ORDER

**IN THE MATTER OF:
JEFFREY R. WARE
RESPIRATORY CARE LICENSE #3308**

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 on or about April 21, 2003, the Board issued a provisional license to practice respiratory care to Mr. Jeffrey R. Ware ("Licensee"), license number 3308; and

WHEREAS the Board received a complaint dated April 21, 2004 from Presbyterian Hospital alleging that the Licensee had presented a copy of an altered license to the facility; and

WHEREAS the Provisional license issued to the Licensee expired on April 21, 2004; and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of the Licensee to determine if he had violated, or was violating any provisions of the Act, and during the course of this investigation, Mr. Jeffrey R. Ware appeared for an interview before the Board's Investigation and Informal Settlement Committee on April 6, 2005; and

WHEREAS based on its consideration of the investigation and the interview of Mr. Jeffrey R. Ware, the Board determined that it should sanction Mr. Ware based on violations of N.C. Gen. Stat. § 90-659(a)(1)(a) and 21 NCAC 61 .0307(2); and

WHEREAS the Board met on April 7, 2005 and determined to issue a Consent Order to Mr. Jeffrey R. Ware; and

WHEREAS Mr. Jeffrey R. Ware 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;

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

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

Jeffrey R. Ware agrees to the issuance of a Board Reprimand for his violations of the Act.

Jeffrey R. Ware agrees to pay to the Board along with the application to the Board for the issuance of an active license, 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).

After the issuance of an active license Jeffrey R. Ware consents and agrees to being licensed to practice respiratory care on Probationary Status for a period of one year from the date of issuance of the active license.

After issuance of an active license, the Licensee shall cause his immediate Respiratory Care supervisor to submit written quarterly reports to the Board, which shall be submitted by the 15th day of the 4 quarters following the issuance of the license. Each such written report shall document the Licensee's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the Licensee's practice of Respiratory Care.

Jeffrey R. Ware shall continue to comply with the Act, the Board's Rules, and the Board's published interpretation of those rules.

Entry of this Consent Order is without prejudice to the right of the Board to take any administrative or judicial action against Licensee to enforce this Consent Order if the Board determines that Jeffrey R. Ware is not fully complying with any term or condition stated herein.

This Consent Order shall become final when accepted by Jeffrey R. Ware and entered by the Board based on execution of the Consent Order by its Executive Director.

CONSENT TO ISSUANCE OF ORDER BY LICENSEE

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



Jeffrey R. Ware

STATE OF ~~NORTH CAROLINA~~) South Carolina
COUNTY OF York)

There personally appeared before me, a Notary Public in and for the County of York, State of ~~North Carolina~~, Jeffrey R. Ware, 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 May, 2005



SEAL

Notary Public

My Commission Expires: 11/2/08

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 2nd day of May 2005



Floyd E. Boyer, RRT, RCP
Executive Director