



NORTH CAROLINA RESPIRATORY CARE BOARD

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

CONSENT ORDER

**IN THE MATTER OF:
THOMAS M. ALLEN, JR.
RESPIRATORY CARE LICENSE #1770**

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 an unlicensed individual, 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 Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of 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 Dean Browning, RCP # 3260, expired at midnight on April 4, 2005; and

WHEREAS the Licensee allowed Dean Browning, RCP # 3260, to work with an expired license on 4/4/05, 4/5/05, 4/8/05 and 4/11/05; 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;

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.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

Thomas M. Allen, Jr. shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules.

Thomas M. Allen, Jr. agrees to the issuance of a Board Reprimand for his violations of the Act.

Thomas M. Allen, Jr. 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 \$100.00 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 Thomas M. Allen, Jr. to enforce this Consent Order if the Board determines that Thomas M. Allen, Jr. is not fully complying with any term or condition stated herein;

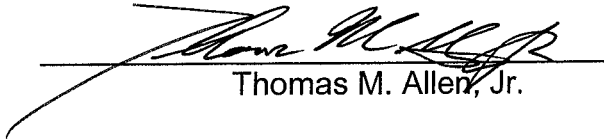
Entry of this Consent Order by the Board does not preclude the Board from taking other adverse action against Thomas M. Allen, Jr. for other acts or omissions by Thomas M. Allen, Jr. that may be brought to Board's attention in the future; and

This Consent Order shall become final when accepted by Thomas M. Allen, Jr. and entered by the Board based on the execution by its Executive Director.

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CONSENT TO ISSUANCE OF ORDER BY LICENSEE

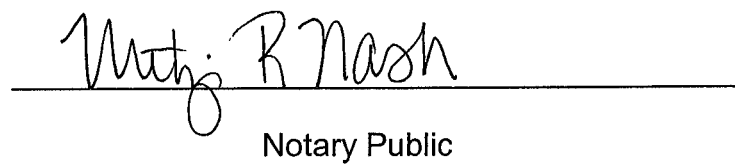
I, Thomas M. Allen, Jr., state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order, as a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


Thomas M. Allen, Jr.

STATE OF NORTH CAROLINA)
COUNTY OF Buncombe)

There personally appeared before me, a Notary Public in and for the County of Henderson, State of North Carolina, Thomas M. Allen, Jr., 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 29 day of June, 2005


Notary Public

SEAL

My Commission Expires: May 30, 2009

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 8th day of July 2005


Floyd E. Boyer, RRT, RCP
Executive Director