



# **NORTH CAROLINA RESPIRATORY CARE BOARD**

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

## **CONSENT ORDER**

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**IN THE MATTER OF:  
DEAN W. BROWNING.  
PENDING RESPIRATORY CARE LICENSE #3260**

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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 Applicant was found practicing Respiratory Care in North Carolina without a Respiratory Care Practitioner license in violation of G.S. 90.659(a)(1)(c) and G.S. 90.661(1)(2)(3) and (4), and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of Applicant 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 W. Browning expired at midnight on April 4, 2005; and

WHEREAS the Licensee worked with an expired license on the following dates: 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; 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:**

Dean W. Browning shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules.

Dean W. Browning agrees to the issuance of a Board Reprimand for his violations of the Act.

Dean W. Browning agrees to pay to the Board within 90 days from the date of signature of the consent order, the sum of \$250.00 (Paid with check # 1711) 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 Dean W. Browning to enforce this Consent Order if the Board determines that Dean W. Browning 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 Dean W. Browning for other acts or omissions by Dean W. Browning that may be brought to Board's attention in the future; and

This Consent Order shall become final when accepted by Dean W. Browning and entered by the Board based on the execution by its Executive Director.

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**CONSENT TO ISSUANCE OF ORDER BY APPLICANT**

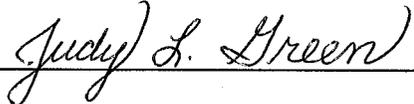
I, Dean W. Browning, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order, as a condition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

  
Dean W. Browning.

STATE OF NORTH CAROLINA )  
  )  
COUNTY OF Buncombe )

There personally appeared before me, a Notary Public in and for the County of Buncombe, State of North Carolina, Dean W. Browning., 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 16<sup>th</sup> day of July, 2005

  
\_\_\_\_\_  
Notary Public

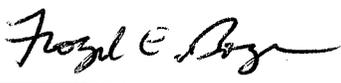
SEAL  
JUDY L. GREEN  
NOTARY PUBLIC  
BUNCOMBE COUNTY, N.C.  
My Commission Expires 4-7-09

My Commission Expires: 4-7-2009

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

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

This 22<sup>nd</sup> day of July 2005

  
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Floyd E. Boyer, RRT, RCP  
Executive Director