



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

CONSENT ORDER

**IN THE MATTER OF:
CHERYL G. DAVIS
RESPIRATORY CARE LICENSE #4053**

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 September 7 2004, the Board issued a license to practice respiratory care to Ms. Cheryl G. Davis ("Licensee"), license number 4053; and

WHEREAS the Board received a complaint on September 21, 2005 from an individual from the public informing the Board that the Licensee had been arrested for breaking and entering, larceny and attempted arson in Henderson County, NC and was incarcerated in the Henderson County Detention Center; and

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

WHEREAS the licensee was convicted of felony breaking and entering on February 10, 2006; and

WHEREAS on July 12, 2006, the Investigation and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203, conducted an interview of the Licensee; and

WHEREAS the Board met on July 13, 2006 and determined to issue a Consent Order to the Licensee; and

WHEREAS the 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 the Licensee will comply with all of the terms contained herein.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

The Licensee consents and agrees to provide the Board the complete Psychological Evaluation conducted at Dorothea Dix Hospital in Raleigh, NC. The Licensee must sign a release of information form with Dorothea Dix Hospital allowing the hospital to provide the report to the Board. The Licensee shall agree to follow any Plan of Treatment suggested by the Dorothea Dix Hospital. The costs of any treatment plan will be paid by the Licensee. The report must be given to the Board before resuming the practice of respiratory care.

The Licensee consents and agrees to being licensed to practice respiratory care on Probationary Status for a period of one year from the date of signature of this Consent Order.

The Licensee shall cause her 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 signature of this Consent Order. 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.

The Licensee agrees to pay to the Board, within 180 days from the date of signature of the consent order, the sum of \$250.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

The Licensee 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 the Licensee is not fully complying with any term or condition stated herein.

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

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CONSENT TO ISSUANCE OF ORDER BY LICENSEE

I, Cheryl G. Davis, state that I have read the foregoing Consent Order; and that I know and fully understand its contents. I understand and agree that it is being entered to allow me to continue to be licensed by the Board to practice respiratory care, while fulfilling the Board's responsibility to regulate the practice of respiratory care. 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.

Cheryl G. Davis
Cheryl G. Davis

STATE OF NORTH CAROLINA)
COUNTY OF HENDERSON)

There personally appeared before me, a Notary Public in and for the County of HENDERSON State of North Carolina, Cheryl G. Davis, 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 8th day of SEPTEMBER, 2006

[Signature]

SEAL

Notary Public

My Commission Expires: MAY 29th, 2011

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 12th day of September 2006

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