



NORTH CAROLINA RESPIRATORY CARE BOARD

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

CONSENT ORDER

**IN THE MATTER OF:
ROBERT J. CLOSE
RESPIRATORY CARE LICENSE #3270**

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 10, 2003, the Board issued a license to practice respiratory care to Mr. Robert J. Close ("Licensee"), license number 3270; and

WHEREAS the Board received a complaint on March 11, 2006 from Rowan Memorial Hospital, informing the Board that the Licensee had failed a pre employment substance abuse test by testing positive for cocaine; 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 on October 11, 2006, the Investigation and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203, conducted an interview of the Licensee to determine the qualifications of the Licensee; and

WHEREAS the Board met on October 12, 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:

Licensee consents to being licensed to practice respiratory care on Probationary Status for a period of 12 months from the date of signature of this Consent Order.

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 January 2007, April 2007, July 2007 and October 2007. 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.

Licensee shall sign a release of information form with his Substance Abuse Counselor allowing him/her to provide written reports to the Board during the probationary period. Licensee agrees to follow any Plan of Treatment recommended by the Substance Abuse Counselor.

Licensee agrees to permit the Board to conduct random drug testing of the Licensee during the probationary period. The drug testing may be performed at any time during the probationary period. The costs of all drug testing will be paid by the Licensee. The Board will determine the laboratory where the testing would be performed and the manner in which the sample would be collected, and will instruct the Licensee regarding the details of how any drug test should occur.

Licensee agrees to pay to the Board before his next renewal date, April 10, 2007, 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 \$150.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

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 the Licensee to enforce this Consent Order if the Board determines that 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, Robert J. Close, 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.

Robert J. Close
Robert J. Close

STATE OF NORTH CAROLINA) Mass
COUNTY OF Brock)

There personally appeared before me, a Notary Public in and for the County of _____, State of North Carolina, Robert J. Close, 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 27 day of October, 2006

Odesia Melo
Notary Public

SEAL

My Commission Expires: _____
Odesia Melo
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 2, 2010

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 30th day of October 2006

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