



NORTH CAROLINA RESPIRATORY CARE BOARD
1100 Navaho Drive, Suite 242
Raleigh, NC 27609
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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

July 14, 2005

Craig A. Ditmars
905 Chimney Lane, Apt 608
Albermarle, NC 28001

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Mr. Ditmars,

A hearing was held by the North Carolina Respiratory Care Board on July 7, 2005, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated January 6, 2005. The Board sent that notice by certified mail, return receipt requested, to your last address of record.

Based on the Notice of Hearing, your case was called during the Board meeting, but you did not appear and no one else appeared on your behalf. The Board proceeded with the hearing.

The Board considered the testimony and exhibits that were submitted at the hearing. From its review of this evidence, the Board entered the Findings of Fact and Conclusions of Law that are set out in the attached decision. Based on the evidence presented at the hearing, the Board has determined that it should revoke your license to practice Respiratory Care, effective July 7, 2005, the date of the hearing. This letter and the attached decision serve as official notice of the Board's Findings of Fact, Conclusions of Law, and its decision, together with notice of your appeal rights under the North Carolina Administrative Procedure Act.

Appeal Right – You have the right to appeal the Board's decision by filing a petition in the Superior Court of Wake County, North Carolina within thirty (30) days of your receipt of this letter. To compute the thirty days, start counting on the day after this letter is signed for by you or anyone else, because the Board will use the date of signature on the signature card that we will get back to define the start of the 30-day period. Your appeal must be **FILED** in the Office of the Clerk of Court at the Wake County Courthouse in Raleigh, North Carolina, no later than 5 P.M. on the thirtieth day, unless that day falls on a weekend or a holiday recognized by North Carolina State Government, and please note that North Carolina does not share the same holiday schedule as other states or the Federal government. If the thirtieth day falls on a weekend or recognized North Carolina state holiday, then you must file before 5 PM on the next business day. If you do not file an appeal within this thirty-day period, you lose your right to appeal.

Should you have any questions regarding any aspect of this letter, please do not hesitate to contact me.

Sincerely,

Floyd E. Boyer, RRT, RCP
Executive Director



BEFORE THE NORTH CAROLINA RESPIRATORY CARE BOARD

IN THE MATTER OF THE LICENSE)
OF CRAIG A. DITMARS TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 2701)
_____)

FINAL BOARD DECISION REVOKING LICENSE

This hearing came before the North Carolina Respiratory Care Board on July 7, 2005, as part of the Board's regularly scheduled meeting on that date.

PROCEDURAL HISTORY OF THIS CASE

The subject of this hearing is that the Licensee was terminated from his employment at Maxim Staffing on January 3, 2005 due to arrest for multiple substance violations including DWI and cocaine possession.

The Licensee was notified that he was scheduled to attend an informal interview at 2:30 PM on April 6, 2005 with the Board's Investigation and Informal Settlement Committee to discuss the conduct identified above, the Board's notice was sent on January 12, 2005 by certified mail to the address of record that Mr. Ditmars had provided to the Board, and the Board received the letter returned unclaimed.

The Licensee was notified that he was scheduled to attend an informal interview at 2:30 PM on April 6, 2005 with the Board's Investigation and Informal Settlement Committee to discuss the conduct identified above. The Board's notice was sent on March 31, 2005 by electronic mail to the email address of record that Mr. Ditmars had provided to the Board, and the Board received a reply that the email was received on March 31 at 21:32 GMT.

The Licensee failed to appear at the appointed time for the interview or to indicate to the Board that he would be unable to attend.

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, Craig A. Ditmars nor any other person appeared on his behalf. The case for the Board was presented by its counsel, William R. Shenton. Mr. Shenton called Mr. Floyd Boyer, Executive Director of the Board as the Board's only witness.

EVIDENCE/EXHIBITS

Board Evidence:

Mr. Boyer's testimony and the following Exhibits were accepted into the record without objection.

Board Exhibit # 1 – Order for Summary Suspension and Permanent Revocation of License of Craig A. Ditmars and Notice of Hearing for July 7, 2005.

Board Exhibit # 2 – A copy of the complaint form from Matthew Shelton of Maxim Staffing dated January 3, 2005 informing the Board of the termination of employment for being arrested for multiple substance violations.

Board Exhibit # 3- Copy of the subpoena to Brian Freeman at Stanly Memorial Hospital requesting dates of employment, copies of disciplinary action(s), copies of employee's statement(s), copies of supervisor's documentation and copies of drug screens for Craig Ditmars. Included in Board exhibit #3 are copies of the responses from Stanly Memorial Hospital with a copy of the drug screen and alcohol testing for Craig Ditmars. Also included is a copy of the arrest report from the Stanly County Sheriff Office.

Board Exhibit # 4 – Copy of a letter requesting the Licensee attend an informal interview on April 6, 2005, mailed on November 8, 2004 to licensee's address of record and a copy of the certified receipt showing the mail unclaimed.

Board Exhibit # 5 – Copy of the email sent to Mr. Ditmars' email address of record on March 31, 2005 at 4:33PM and a copy of the email delivery verification showing the email was received at 21:32:49 GMT on March 31, 2005. The email asked for acknowledgement that Mr. Ditmars would be attending the Interview with the Board's Investigation and Informal Settlement committee on April 6, 2005.

Licensee Evidence:

Neither the Licensee nor a representative appeared and no evidence was presented on his behalf.

FINDINGS OF FACT

1. The Licensee was arrested on December 30, 2005 for possession of cocaine and DWI-alcohol by the Stanly County Sheriff Department.
2. A drug screen performed on December 31, 2004 at Stanly Memorial Hospital showed positive for cocaine.
3. A breathalyzer performed on December 30, 2005 by the Stanly County Sheriff Department showed positive for alcohol.
4. A alcohol test performed on December 31, 2004 at Stanly Memorial Hospital showed an alcohol level of .097
5. The Licensee failed to appear before the Investigation and Informal Settlement Committee on January 5, 2005 as requested by the Board.

6. The Licensee has not contacted the Board office to attempt to arrange different dates or times to appear, and did not appear for the hearing.

CONCLUSIONS OF LAW

Based upon the foregoing Finding of Fact, the Board enters the following Conclusions of Law:


1. The Licensee reporting to practice respiratory care at Stanly Memorial Hospital under the influence of alcohol constitutes violations of N.C. Gen. Stat. § 90-659(a)(4) and 21 N.C.A.C. 61.0307(14).
2. The Licensee's conduct also constitutes unprofessional conduct in the delivery of respiratory care and therefore violates N.C. Gen. Stat. § 90-659(a)(1)(d) and 21 N.C.A.C. 61.0307(10).

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board has determined that the license of Craig A. Ditmars to practice respiratory care in North Carolina shall be permanently revoked effective July 7, 2005.

IT IS SO ORDERED:

This the 7th day of July, 2005



Joseph Coyle, M.D., Chair
North Carolina Respiratory Care Board