



**NORTH CAROLINA RESPIRATORY CARE BOARD**  
1100 Navaho Drive, Suite 242  
Raleigh, NC 27609  
(919) 878-5595  
FAX (919) 878-5565

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

July 14, 2005

Thomas Y. Williams, Jr.  
5708 Sloping Oaks Road, Apt 203  
Charlotte, NC 28212

**Re: Revocation of Your License as a Respiratory Care Practitioner**

Dear Mr. Williams,

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 THOMAS Y. WILLIAMS, JR. TO )  
PRACTICE RESPIRATORY CARE )  
LICENSE NO. 3591 )

**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 Carolinas Medical Center on November 29, 2004 for failure to properly respond to Basic Life Support guidelines after witnessing a patient suffer a cardiopulmonary arrest.

The Board has been informed that the Licensee was arrested on February 2, 2004 for misdemeanor unlawful concealment and on May 29, 2004 for felony possession of a stolen vehicle.

The Licensee was notified that he was scheduled to attend an informal interview at 2:00 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 20, 2005 by certified mail to the address of record that Mr. Williams had provided to the Board, and the Board received a return receipt indicating that the letter had been received on February 16, 2005.

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, Thomas Y. Williams, Jr. 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, Ms. Judy Green, Investigator for the Board and Thomas L. Nelson from Carolinas Medical Center as the Board's witnesses.

### EVIDENCE/EXHIBITS

#### **Board Evidence:**

Mr. Boyer's, Ms. Green's and Mr. Nelson'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 Thomas Y. Williams, Jr. and Notice of Hearing for July 7, 2005. Included in Board Exhibit #1 is a copy of the certified mail receipt signed showing the mail was received at the Licensee's address of record on May 11, 2005.

Board Exhibit # 2 - Letter requesting the Licensee attend an informal interview on April 6, 2005 mailed on January 20, 2005 to licensee's address of record and a copy of the certified receipt showing the licensee received the letter on February 16, 2005.

Board Exhibit # 3- Copy of the subpoena to Thomas L. Nelson at Carolinas Medical Center requesting dates of employment, copies of disciplinary action(s), copies of employee's statement(s) and copies of supervisor's documentation for Thomas Y. Williams, Jr.

Board Exhibit # 4 – A copy of statements from Amanda Oxendine, RN of Carolinas Medical Center and copy of an Interview between Mr. Thomas Nelson, RCP of Carolinas Medical Center and the Licensee.

Board Exhibit # 5 – A copy of statements from Mr. Thomas Nelson, RCP of Carolinas Medical Center.

Board Exhibit # 6- A copy of Licensee's employee attendance record and counseling records supplied by Carolinas Medical Center.

Board Exhibit # 7- A copy of the Licensee's statement following the incident.

**Licensee Evidence:**

Neither the Licensee nor a representative appeared. Board Exhibit #7 was presented and entered on behalf of the Licensee.

**FINDINGS OF FACT**

1. The Licensee's failed to properly respond to Basic Life Support guidelines after witnessing a patient suffer a cardiopulmonary arrest at Carolinas Medical Center on November 29, 2004.
2. The Licensee failed to appear before the Investigation and Informal Settlement Committee on April 6, 2005 as requested by the Board.
3. 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:

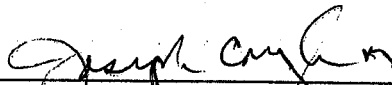
1. The Licensee's failure to properly respond to Basic Life Support guidelines after witnessing a patient suffer a cardiopulmonary arrest constitutes conduct that presents an imminent hazard to public health, safety, and welfare, and this conduct is prohibited by N.C. Gen. Stat. § 90-659(a)(1).
2. The 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 Thomas Y. Williams, Jr. 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

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