



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

October 23, 2006

Arthur O. Butts, Jr.
6112 Regis Court
Fayetteville, NC 28314

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Mr. Butts,

A hearing was held by the North Carolina Respiratory Care Board on October 12, 2006, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated July 13, 2006. 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 October 12, 2006, 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 ARTHUR O. BUTTS, JR. TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 4180)
_____)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on October 12, 2006, as part of the Board's regularly scheduled meeting on that date.

PROCEDURAL HISTORY OF THIS CASE

The subject of this hearing is the Licensee's failure to disclose his criminal history on his application for licensure North Carolina General Statute G.S. 90-652(1). On or about February 22, 2005, the Board issued a license to practice respiratory care to the Licensee, license number 4108. A certified letter was mailed on May 25, 2005 to the Licensee's address of record, requesting the licensee to appear for an informal interview at the Board office on July 11, 2006. The certified letter receipt card was signed on May 26, 2006 and returned to the Board.

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, Arthur O. Butts, 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, as the Board's witness.

EVIDENCE/EXHIBITS

Board Evidence:

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

Board Exhibit # 1 –A letter dated July 12, 2006, Order for Summary Suspension and Permanent Revocation of License of Arthur O. Butts, Jr and Notice of Hearing for October 12, 2006. A copy of the certified mail signature receipt signed by Kimberly D. Butts on July 21, 2006.

Board Exhibit # 2 –A letter dated September 22, 2006, Notice of Hearing for October 12, 2006. A copy of the certified mail signature receipt signed by Kimberly D. Butts on September 23, 2006.

Board Exhibit # 3 – A certified letter dated May 25, 2006 to the Licensee's address of record, requesting the licensee to appear for an informal interview at the Board office on July 11, 2006. A copy of the certified mail signature receipt signed by Doris Butts on May 26, 2006.

Board Exhibit # 4 – A copy of the Licensee’s database record showing his address of record, and a copy if the Licensee’s application showing that in response to the question; “Have you ever been convicted of a felony? Have you ever been convicted of any misdemeanor, except for minor traffic violations? Have you ever been convicted of any crime directly related to the practice of respiratory care? Is any disciplinary action pending or ever been taken against any health care provider license / certificate you have or have had?”, the Licensee checked “No”.

Board Exhibit # 5 – A copy of the Licensee’s criminal background check performed by the North Carolina State Bureau of Investigation showing that the Licensee had been convicted of Embezzlement in 1983.

Licensee Evidence:

Neither the Licensee nor a representative appeared.

FINDINGS OF FACT

1. The Licensee failed to appear before the Investigation and Informal Settlement Committee on July 11, 2006 as requested by the Board.
2. The Licensee failed to appear before the Board for Hearing on October 12, 2006 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:

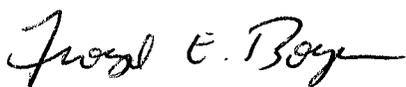
1. The licensee’s conviction of or entering a plea of guilty or nolo contendere to any crime involving moral turpitude violates N.C. General Statute 90-659 (a) (2) and a licensee’s failure to disclose a conviction of or entering a plea of guilty or nolo contendere to any crime involving moral turpitude violates Board Rules codified at 21 NCAC 61 .0308 (a)(1).
1. 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 Arthur O. Butts, Jr. to practice respiratory care in North Carolina shall be permanently revoked effective October 12, 2006.

IT IS SO ORDERED:

This the 12th day of October, 2006



Floyd E. Boyer, RCP
Executive Director
North Carolina Respiratory Care Board