



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

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

October 12, 2007

Warren C. Freeman
283 Stucawa Drive
Columbia, SC 29210

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Mr. Freeman,

A hearing was held by the North Carolina Respiratory Care Board on January 11, 2007, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated July 19, 2007. 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 January 11, 2007, 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 WARREN C. FREEMAN TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 3921)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on October 11, 2007, 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 termination from his employment at NorthEast Medical Center in Concord, NC because he was found to be unable to deliver respiratory care services with reasonable skill and safety to patients. On or about May 10, 2005, the Board issued a license to practice respiratory care to the Licensee, license number 3921. The Board was informed on May 31, 2007 that the Licensee was terminated from his employment at NorthEast Medical Center in Concord, NC. On May 31, 2007, during a period while he was on duty, the Licensee was found dazed and confused in the men's bathroom outside the Intensive Care Unit at NorthEast Medical Center and a cardiac arrest was called. A number of staff members who responded to the called cardiac arrest, have stated that the Licensee had trouble speaking. The Licensee appeared for an interview on July 12, 2007 with the Board's Investigation and Informal Settlement Committee to discuss the conduct identified above and during the interview stated that he had, while on duty May 31, 2007, injected a substance from a vial that he had found in the trash can of a local food store into one of his veins.

On July 19, 2007 a certified letter was mailed to the Licensee's last address of record informing the Licensee of the Board's decision to Summarily Suspend his License to practice respiratory care in North Carolina for unprofessional conduct and being unable to deliver respiratory care with reasonable skill and safety to patient. On August 10, 2007 a Notice of Hearing was mailed to the Licensee's last address of record informing the Licensee of the hearing scheduled for October 11, 2007.

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, Warren C. Freeman, 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 –An Order for Summary Suspension and Permanent Revocation of License of Warren C. Freeman dated July 19, 2007. A Notice of Hearing dated August 10, 2007 for a hearing scheduled for October 11, 2007. A copy of the certified mail signature receipt returned to the Board signed for by the Licensee.

Board Exhibit # 2 –A transcript from the July 12, 2007 interview with the Board’s Investigation and Informal Settlement Committee.

Board Exhibit # 3 – A copy of the complaint from Susan Hinson, RCP of NorthEast Medical Center in Concord, NC.

Board Exhibit # 4 – A copy of the “Record of Disciplinary Action” form from NorthEast Medical dated May 31, 2007 outlining the incidence and recording immediate termination.

Board Exhibit # 5 – A copy of Sworn Statements of the incidence from 1) Carrie Silastic, RN; 2) Robert Woodle, RCP; 3) Bobbie Claffey, RCP; 4) Robert Jester, RCP; 5) Barry Hedrick, RCP; 6) Susan Hinson, RCP; 7) Beth Eudy, RCP; and 8) Kim Barnhardt, RN.

Licensee Evidence:

Neither the Licensee nor a representative appeared.

FINDINGS OF FACT

1. On May 31, 2007, during a period while he was on duty, the Licensee was found dazed and confused in the men’s bathroom outside the Intensive Care Unit at NorthEast Medical Center and a cardiac arrest was called. A number of staff members who responded to the called cardiac arrest, have stated that the Licensee had trouble speaking.
2. The Licensee appeared on July 12, 2007, for an interview with the Board’s Investigation and Informal Settlement Committee to discuss the conduct identified above and during the interview stated that he had, while on duty May 31, 2007, injected a substance from a vial that he had found in the trash can of a local food store into one of his veins.
3. The Licensee failed to appear before the Board for Hearing on October 11, 2007 as requested by the Board.
4. 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:

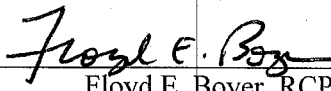
1. The Licensee reporting to practice respiratory care at NorthEast Medical Center and injecting a substance into his vein constitutes violations of N.C. Gen. Stat. § 90-659(a)(4) and 21 N.C.A.C. 61.0307(14).
2. The Licensee’s conduct also constitutes unprofessional conduct in the delivery of respiratory 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 Warren C. Freeman to practice respiratory care in North Carolina shall be permanently revoked effective January 11, 2007.

IT IS SO ORDERED:

This the 11th day of October, 2007


Floyd E. Boyer, RCP

Executive Director

North Carolina Respiratory Care Board