



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242
Raleigh, NC 27609

CONSENT ORDER

**IN THE MATTER OF:
FREDRICK M. MULCAHY
RESPIRATORY CARE LICENSE #4821**

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 Fredrick M. Mulcahy, the "Licensee", was found practicing Respiratory Care in North Carolina without a license in violation of G.S. 90.659(a)(1)c and G.S. 90.661(1); and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of Licensee to determine if he has violated, is violating, or is about to violate any provisions of the Act; and

WHEREAS the Temporary RCP license of Fredrick M. Mulcahy expired at midnight on November 10, 2006; and

WHEREAS the Licensee practiced respiratory care in the state during the time his license was expired; and

WHEREAS on July 11, 2007 the Investigational and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203, conducted an interview of the Licensee; and

WHEREAS the Board met on July 12, 2007 and determined to issue a Consent Order to the Licensee; and

WHEREAS 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:

The Licensee shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules.

The Licensee agrees to the issuance of a Board Reprimand for his violations of the Act.

The Licensee agrees to pay to the Board within 90 days of his signature of this consent order, 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 \$100.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

Entry of this Consent Order by the Board is without prejudice to the right of the Board to take any administrative action against Licensee to enforce this Consent Order if the Board determines that Licensee is not fully complying with any term or condition stated herein; and,

This Consent Order shall become final when accepted by the Licensee and entered by the Board based on the execution by its Executive Director.

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CONSENT TO ISSUANCE OF ORDER BY LICENSEE

I, Fredrick M. Mulcahy, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order, as a condition of maintaining my license from the North Carolina Respiratory Care Board.

Fredrick M. Mulcahy
Fredrick M. Mulcahy

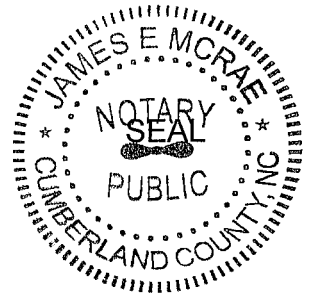
STATE OF NORTH CAROLINA)
)
COUNTY OF HARNETT)

There personally appeared before me, a Notary Public in and for the County of Cumberland State of North Carolina, Fredrick M. Mulcahy, 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 25 day of July, 2007

[Signature]
Notary Public

My Commission Expires: 25 Nov 2009



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 26th day of July 2007

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