



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

April 13, 2007

Kervin D. Washington
1073 Hwy 315 #328
Wilkes-Barre, PA 18702

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Ms. Taylor,

A hearing was held by the North Carolina Respiratory Care Board on April 12, 2007, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated January 11, 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 April 12, 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 KERVIN D. WASHINGTON TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 4782)
_____)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on April 12, 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 failure to return forms that are needed to complete a criminal background check under North Carolina General Statute G.S. 90-652(1). On or about May 15, 2006, the Board issued a license to practice respiratory care to the Licensee, license number 4782. The Licensee was notified of the items needed to complete the criminal background check by letters mailed first on July 20, 2006 and then again on August 17, 2006 to the Licensee's address of record. The licensee was sent a certified letter mailed on December 21, 2006 to the Licensee's address of record requesting the Licensee appear for an informal interview at the Board office on January 10, 2007.

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

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, Kervin D. Washington, nor any other person appeared on her 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 – Included in Exhibit #1 are the following:

- A copy of the Licensee's application for licensure
- Copies of licensure verification letters from the Ohio Board of Respiratory Care and the Pennsylvania Bureau of Professional and Occupational Affairs.
- A copy of the credential verification form from the NBRC.

Board Exhibit # 2 – A copy of the Licensee Folder Checklist showing that fingerprints are missing.

Board Exhibit # 3 – A copy of a certified letter mailed to the licensee’s address of record dated July 20, 2006 requesting the Licensee return the finger print card within 14 days. A copy of the certified mail receipt and signature card returned to the Board on July 21 2006. The card was signed by M. Flzone.

Board Exhibit # 4 – A copy of an email send to the License’s email address of record on August 17, 2008 informing the Licensee that the fingerprint card mailed to the licensee on May 16, 200 has not be returned.

Board Exhibit # 5 – A copy of an email receipt notification for the email sent August 17, 2008 showing the email was received.

Board Exhibit #6 – A copy of the handwritten note dated 10/10/06 showing a phone call was made to the licensee’s phone number of record and that a lady answered stating Mr. Washington no longer has this cell number and she does not know a new number for him.

Board Exhibit #7 – A copy of the database print screen for Kervin D. Washington.

Board Exhibit # 8 – A copy of a certified letter mailed to the licensee’s address of record dated December 21, 2006 requesting the Licensee to appear on January 10, 2007 for an Interview with the Board’s Investigation and Informal Settlement Committee to respond to the Licensee’s failure to provide the finger print card required to complete the criminal background check.. A copy of the certified mail receipt and signature card returned to the Board on December 27 2006. The card was signed by L. George.

Board Exhibit # 98 – A copy of the Notice of Hearing. The notice was sent to the Licensee’s address of record by certified mail on January 18, 2007. A copy of the certified mail receipt and the signature request card. The signature card was returned to the Board on January 22, 2007 signed by L. George.

Licensee Evidence:

Neither the Licensee nor a representative appeared.

FINDINGS OF FACT

1. The Licensee failed to respond to repeated requests to return the second finger print card packet mailed to the licensee at her address of record on July 20, 2006.
2. The Licensee failed to appear before the Investigation and Informal Settlement Committee on January 11, 2007 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 respond to repeated requests to return the finger print card packet 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).

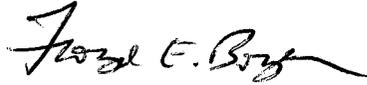
2. The Licensee's conduct also constitutes unprofessional conduct in the delivery of respiratory care and therefore violates N.C. Gen. Stat. § 90-659(a)(1)(d) and 21 N.C.A.C. 61.0307(10).

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board has determined that the license of Kervin D. Washington to practice respiratory care in North Carolina shall be permanently revoked effective April 12, 2007.

IT IS SO ORDERED:

This the 12th day of April, 2007



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