



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

CONSENT ORDER

IN THE MATTER OF:

BRIAN M. FREE

RESPIRATORY CARE LICENSE #5352 PENDING

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 during an inspection at Angel Hospital in Franklin, NC; Brian M. Free, the "Applicant", 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 Applicant to determine if he has violated, is violating, or is about to violate any provisions of the Act; and

WHEREAS on October 10, 2007 the Investigational and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203, conducted an interview of the Applicant; and

WHEREAS the Board met on October 11, 2007 and determined to issue a Consent Order to the Applicant; and

WHEREAS Applicant 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 Applicant will comply with all of the terms contained herein.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

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

The Applicant agrees to the issuance of a Board Reprimand for his violations of the Act as a condition for issuance of his license to practice respiratory care.

The Applicant agrees to pay to the Board within 90 days of the signature of this 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 \$200.00 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 Applicant to enforce this Consent Order if the Board determines that Applicant is not fully complying with any term or condition stated herein; and,

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

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CONSENT TO ISSUANCE OF ORDER BY APPLICANT

I, Brian M. Free, 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 receiving my license from the North Carolina Respiratory Care Board.

Brian M. Free

Brian M. Free

STATE OF NORTH CAROLINA)

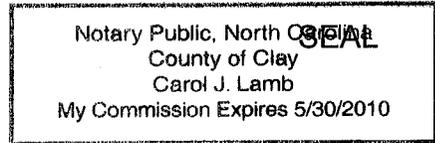
COUNTY OF Clay)

There personally appeared before me, a Notary Public in and for the County of Clay, State of North Carolina, Brian M. Free, 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 15th day of October, 2007

Carol J. Lamb

Notary Public



My Commission Expires: May 30, 2010

ENTRY OF CONSENT ORDER ON BEHALF OF THE NORTH CAROLINA RESPIRATORY CARE BOARD:

Based on the agreement of the Applicant and the authority previously conveyed by resolution of the Board, the foregoing Consent Order is entered at Raleigh, North Carolina

This 18th day of October 2007

Floyd E. Boyer

Floyd E. Boyer, RRT, RCP
Executive Director