



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

August 1, 2007

Lori A. Green
2661 Whippoowill Circle
Duluth, GA 30907

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Ms. Green,

A hearing was held by the North Carolina Respiratory Care Board on July 12, 2007, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated June 5, 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 July 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 LORI A. GREEN TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 4962)
_____)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on July 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 October 20, 2006, the Board issued a license to practice respiratory care to the Licensee, license number 4962. The Licensee was notified of the items needed to complete the criminal background check by letters mailed first on November 28, 2006 to the licensee's address of record. A certified letter was mailed on March 13, 2007 to the Licensee's address of record, requesting the licensee to send the required finger print card, or to appear for an informal interview at the Board office on April 11, 2007. The certified letter was returned to the Board on March 30, 2007 marked "Unclaimed". An email was sent on March 13, 2007 to the Licensee's email address of record, requesting the licensee to send the required finger print card, or to appear for an informal interview at the Board office on April 11, 2007. An email confirmation of delivery was received on March 13, 2007 at 2:18 PM. On June 5, 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 her License to practice respiratory care in North Carolina for failure to return the forms. The certified letter was returned to the Board on June 21, 2007 marked "Unclaimed". On June 18, 2007 a Notice of Hearing was mailed to the Licensee's last address of record informing the Licensee of the hearing to be held on July 12, 2007. The certified receipt card was returned to the Board on June 20, 2007 and signed for.

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, Lori A. Green, 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 – Order for Summary Suspension and Permanent Revocation of License of Lori A. Green and Notice of Hearing for July 12, 2007. A copy of the certified mail receipt dated June 5, 2007. A copy of the certified mail signature receipt was returned to the Board unclaimed on June 21, 2007.

Board Exhibit #2 – The Notice of Hearing dated June 18, 2007. A copy of the certified mail receipt dated June 18, 2007. A copy of the certified mail signature receipt was returned to the Board signed on June 20, 2007.

Board Exhibit #3 – A copy of the Licensee Folder Checklist showing that the Finger Print packet has not been received by the Board.

Board Exhibit #4 – A copy of the letter sent to the Licensee on November 28, 2006 requesting the finger print packet within 14 days. A copy of the certified mail receipt dated November 28, 2006. A copy of the certified mail signature receipt was returned to the Board unclaimed on December 16, 2006.

Board Exhibit #5 – A copy of the letter sent to the Licensee on March 13, 2007 requesting the Licensee attend an Informal Interview in reference to her failure to complete the finger print packet. A copy of the certified mail receipt dated March 13, 2007. A copy of the certified mail signature receipt was returned to the Board unclaimed on March 30, 2007.

Board Exhibit #6 – A copy of the email sent to the Licensee on March 13, 2007 requesting the Licensee attend an Informal Interview in reference to her failure to complete the finger print packet. A copy of the email confirmation of delivery received on March 13, 2007 at 2:18 PM.

Board Exhibit #7 – A copy of the Licensee application showing her address of record and email address of record.

Licensee Evidence:

Neither the Licensee nor a representative appeared.

FINDINGS OF FACT

1. The Licensee failed to respond to repeated requests to return the criminal background check packet mailed to the licensee at her address of record on October 20, 2006.
2. The Licensee failed to appear before the Investigation and Informal Settlement Committee on April 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:

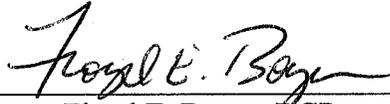
1. The Licensee's failure to respond to repeated requests to return the criminal background check packet constitutes conduct that presents an imminent hazard to public health, safety, and welfare, and this conduct is prohibited by N.C. Gen. Stat. § 90-659(a)(1).
2. The Licensee's conduct also constitutes 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 Lori A. Green to practice respiratory care in North Carolina shall be permanently revoked effective July 12, 2007.

IT IS SO ORDERED:

This the 12th day of July, 2007



Floyd E. Boyer, RCP
Executive Director

North Carolina Respiratory Care Board