



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

November 20, 2008

Gregory M. Hidalgo
2760 1 F Stantonsburg Rd.
Greenville, NC 27834

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Mr. Hidalgo,

A hearing was held by the North Carolina Respiratory Care Board on October 9, 2008, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated July 12, 2008. 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 October 9, 2008, 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 GREGORY M. HIDALGO TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 4990)
_____)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on October 9, 2008, 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 documentation of the continuing education (CE) hours that were needed to complete his license renewal requirements under North Carolina General Statute G.S. 90-652(1) and Board Rule 21 NCAC 61 .0401. On or about February 14, 2007, the Board issued a license to practice respiratory care to the Licensee, license number 4990. The Licensee was notified of the documentation needed to complete the renewal requirements by a letter mailed on March 10, 2008. The Licensee was notified on April 22, 2008 to his email address of record that he was scheduled to attend an informal interview on July 9, 2008 with the Board’s Investigation and Informal Settlement Committee.

On August 14, 2008 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 required continuing education documentation. The certified letter was returned to the Board on September 2, 2008 marked “Unclaimed”.

The Licensee failed to deliver the continuing education documentation to complete the renewal requirements, failed to appear at the appointed time for the interview, failed to communicate to the Board that she would be unable to attend, and failed to respond in any fashion to the Board’s multiple communications on this matter.

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, Gregory M. Hidalgo, 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 – Not entered

Board Exhibit # 2 –An email dated April 22, 2008 to the licensee’s email address of record informing the licensee of the informal interview to be held July 9, 2008.

Board Exhibit # 3 –An second email dated April 22, 2008 to the licensee’s email address of record informing the licensee of the informal interview to be held July 9, 2008.

Board Exhibit # 4 –An second email dated July 1, 2008 to the licensee’s email address of record informing the licensee of the informal interview to be held July 9, 2008.

Board Exhibit # 5- Not entered

Board Exhibit # 6- The Order for Summary Suspension and Permanent Revocation of License of Gregory M. Hidalgo and Notice of Hearing for October 9, 2008. A copy of the certified mail receipt showing the letter was mailed on August 19, 2008 to the licensee’s address of record. A copy of the certified mail signature receipt returned to the Board unclaimed.

Board Exhibit # 7- A copy of an email send on August 19, 2008 to the licensee’s email address of record with The Order for Summary Suspension and Permanent Revocation of License of Gregory M. Hidalgo and Notice of Hearing for October 9, 2008.

Licensee Evidence:

Neither the Licensee nor a representative appeared.

FINDINGS OF FACT

1. The Licensee failed to appear before the Investigation and Informal Settlement Committee on July 9, 2008 as requested by the Board.
2. The Licensee failed to appear before the Board for Hearing on October 9, 2008 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 falsification of continuing education violates N.C. General Statute 90-659 (a) (1) (a) violates Board Rules codified at 21 NCAC 61 .0309 (d)(13).
1. 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 Gregory M. Hidalgo to practice respiratory care in North Carolina shall be permanently revoked effective October 9, 2008.

IT IS SO ORDERED:

This the 9th day of October, 2008



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