

IN THE MATTER OF:)
)
Jantina C. McDougald, RCP)
License Number – 4187)

CONSENT ORDER

1. Jurisdiction

The North Carolina Respiratory Care Board (the Board) is an occupational licensing board of the State of North Carolina, organized under N.C. Gen. Stat. § 90-646, et seq. The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 90-652 and 21 N.C. Admin. Code § 61.0307.

2. Identification of Licensee

The Respiratory Care Practitioner is Jantina C. McDougald (the “Licensee”). Her mailing address is 3875 Daniel McLeod Road, Red Springs, NC 28377. The Respiratory Care Practitioner holds North Carolina Respiratory Care License number 4187 (the “License”), first issued on May 2, 2005, with an expiration date of May 2, 2009.

3. Waiver of Rights

I, Jantina C. McDougald, the Respiratory Care Practitioner, understand that I have each of the following rights:

(Initials)

JCM The right to a hearing before the Board;

JCM The right to present evidence to disprove all or some of the charges against me;

JCM The right to present evidence to limit or reduce any sanction that could be imposed for a violation;

JCM The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;

JCM The right to present legal arguments in a brief; and

JCM The right to appeal from any final decision adverse to my license to practice respiratory care.

As noted by my initials above, I hereby freely and knowingly waive these rights without further process and agree to the terms of this Consent Order regarding my license. In order to resolve this matter by a Consent Order, I also agree that the Board staff and counsel may discuss this Consent Order with the Board *ex parte* whether or not the Board accepts this Order as written.

4. Stipulation to Facts

The Respiratory Care Practitioner and the Board stipulate to the following facts:

A. The Respiratory Care Practitioner was engaged in the practice of respiratory care in North Carolina when the events occurred that led to the initiation of this complaint.

B. The Board received a complaint from Board Staff alleging that the Licensee falsified her continuing education (CE) records. The Licensee renewed her license on April 17, 2008 and checked CE option 1 and CE option 2 (minimum of 12 hours CE and retook and passed the CRT exam). The Licensee was on the audit list and an audit notice was mailed on April 18, 2008. The Licensee returned her CE documentation to the Board on May 19, 2008 which included 3 CE hours that were taken after the April 17, 2008 renewal. There was no documentation that she had retaken and passed the CRT exam.

C. The Licensee admitted during an interview with the Board's Investigation and Informal Settlement Committee that she had taken a 2 day CE class that she thought counted for the 12 hours required but upon audit found the hours to be insufficient. The Licensee admitted that she had taken an additional 3 CE hours after her renewal date. The Licensee also stated that she did not mean to check Option 2 and that she had not retaken the CRT exam

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, Jantina C. McDougald, the Respiratory Care Practitioner, admit that the allegations against me, if proven true, would constitute violations of N.C. Gen. Stat. § 90-659 (a)(4) and the regulations set forth in 21 N.C. Admin. Code § 61 .0307 (23) and 21 N.C. Admin. Code § 61 .0401 (g).

B. Stipulation to Sanction:

Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to hearing, the Respiratory Care Practitioner and the Board hereby enter into this consent order whereby the Respiratory Care Practitioner and the Board agree to the following terms:

1. The issuance of a Board Reprimand.
2. The Respiratory Care Practitioner is assessed a civil penalty of two hundred and fifty dollars (\$250.00) pursuant to N.C. Gen. Stat. § 90-666 and 21 N.C. Admin. Code § 61.0309

The Respiratory Care Practitioner shall remit this sum to the Board no later than ninety (90) days following execution of this order.

3. To continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules.

6. Public Record

The parties agree that this Consent Order is public record, as required by N.C. Gen. Stat. § 132-1. Documents that are part of the investigative file are not public record.

7. Reporting

This disciplinary action will be reported to the appropriate entities as outlined in Board policy and required by state and/or federal law or guidelines. Those entities include, but are not limited to, the National Databank maintained by the National Board for Respiratory Care and the Healthcare Integrity and Protection Data Bank (HIPDB).

8. Costs

The Respiratory Care Practitioner assumes financial responsibility for any costs associated with fulfilling the terms of this Consent Order.

The Respiratory Care Practitioner is assessed one hundred dollars (\$100.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d) and shall remit this sum to the Board no later than ninety (90) days following the execution of this Consent Order.

9. Effective Date

All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs this Order.

10. Noncompliance with Consent Order

Failure by the Respiratory Care Practitioner to comply with the terms of this Order, either in substance or in timing, is a violation of 21 N.C. Admin. Code § 61 .0307(3). If, during the term of this Consent Order, the Board staff receives evidence that the Respiratory Care Practitioner has violated any of the above conditions, the Board may schedule a show cause hearing for a determination of the violations. If the Board determines that such violations have occurred, then the Board may suspend or revoke the license, revoke any stay, or may impose additional disciplinary action.

All provisions of this Order are effective upon this Order's effective date. Fulfillment of time-specific elements intended to coincide with active practice (such as, but not limited to; probation, supervision or therapy) will only accrue during periods of active practice in which the Respiratory Care Practitioner is compliant with the terms of this Order. Therefore, any period of noncompliance or inactive practice will not accrue towards fulfillment of those terms.

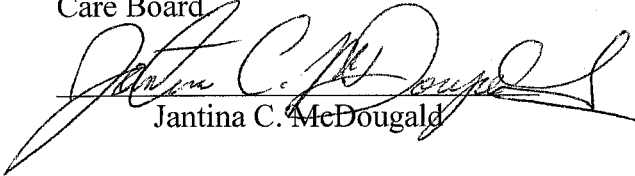
Should circumstances arise that affect the Respiratory Care Practitioner's ability to remain in compliance, the Respiratory Care Practitioner shall immediately notify the Board in writing by return receipt mail, fully describing the situation along with any attendant request for Board consideration.

Any modification of this Consent Order must be pre-approved in writing by the Board before it may occur.

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CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

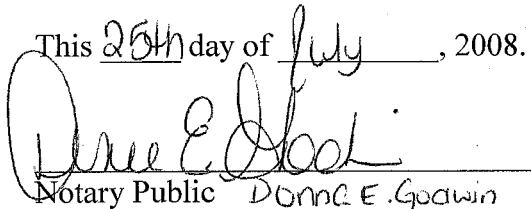
I, Jantina C. McDougald, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order as a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


Jantina C. McDougald

STATE OF NORTH CAROLINA
COUNTY OF ROBESON

There personally appeared before me, a Notary Public in and for the County of ROBESON, State of North Carolina, Jantina C. McDougald, who, after having presented documentation of her identity that was satisfactory to me, did acknowledge that she executed the foregoing Consent Order as her free and voluntary act.

This 25th day of July, 2008.

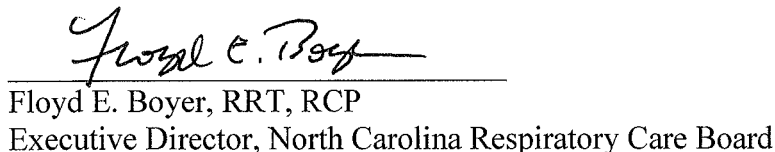

Notary Public Donna E. Godwin



My Commission Expires: 7-2-2011

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 28th day of July, 2008.


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