



NORTH CAROLINA RESPIRATORY CARE BOARD
1100 Navaho Drive, Suite 242
Raleigh, NC 27609
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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

February 3, 2009

Leslie D. Gray
283 Stucawa Drive
Columbia, SC 29210

Leslie D. Gray
141 Turnberry Lane
Lexington, SC 29072

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Ms. Gray,

A hearing was held by the North Carolina Respiratory Care Board on January 8, 2009, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated November 24, 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 January 8, 2009, 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 LESLIE D. GRAY TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 3170)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on January 8, 2009, 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 comply with the Consent Order signed by the Licensee and notarized on November 26, 2007 and entered on behalf of the Board on November 29, 2007, by failing to: 1) complete and provide proof of 20 hours of continuing education with a minimum of 10 hours of CE by face to face lecture and 2) provide a monthly report to the Board of current mailing address and practice site. On or about January 21, 2003, the Board issued a license to practice respiratory care to the Licensee, license number 3170. The Licensee was requested to contact the Board for failure to comply with the Consent Order by the Board's Investigator to the Licensee's telephone of record and left messages on the answering device on the following dates: June 5, 2008; July 1, 2008; July 15, 2008; July 30, 2008; August 12, 2008; and August 25, 2008. The Licensee was requested to contact the Board for failure to comply with the Consent Order by the Board's Investigator to the Licensee's email address of record on the following dates: May 27, 2008; July 29, 2008; and August 25, 2008. The Licensee was notified that she was scheduled to attend an informal interview on October 8, 2008 with the Board's Investigation and Informal Settlement Committee to discuss the conduct identified above. The Board's notice was sent on August 25, 2008 by certified mail to the address of record that the licensee had provided to the Board. The US Postal Service returned the Return Receipt to the Board unclaimed on September 12, 2008.

The Licensee failed to complete and provide proof of 20 hours of continuing education with a minimum of 10 hours of CE by face to face lecture, failed to provide a monthly report to the Board of current mailing address and practice site, 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, Leslie D. Gray, 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 and Judy Green, Inspector, as the Board's witnesses.

EVIDENCE/EXHIBITS

Board Evidence:

Mr. Boyer's testimony and the following Exhibits were accepted into the record without objection.

Board Exhibit # 1 –A Consent Order signed by the Licensee on November 26, 2007 and entered on behalf of the Board by its Executive Director on November 29, 2007.

Board Exhibit # 2 – A Notice of Hearing mailed to the Licensee at her Columbia, SC address of record on November 24, 2008.

Board Exhibit # 3 – A Notice of Hearing mailed to the Licensee at her Lexington, SC address of record on November 24, 2008.

Board Exhibit # 4 – An Order for Summary Suspension and Permanent Revocation of License of Leslie D. Gray and Notice of Hearing. The Notice was mailed to the Licensee at her Lexington, SC address of record on October 27, 2008.

Board Exhibit # 5 – An Order for Summary Suspension and Permanent Revocation of License of Leslie D. Gray and Notice of Hearing. The Notice was emailed to the Licensee at her email address of record on November 21, 2008.

Ms Green's testimony and the following Exhibits were accepted into the record without objection.

Board Exhibit # 6 – A copy of an email sent to the Licensee's email address of record by Board Inspector Green to the Licensee on May 27 2008 requesting the Licensee to submit her April and May monthly reports. Also noted on the email is Inspector Green's handwriting which notes she had telephoned the Licensee at her telephone number of record on June 5, 2008; July 1, 2008; and July 15, 2008 and left answer machine messages concerning the April and May reports.

Board Exhibit # 7 – A copy of an email sent to the Licensee's email address of record by Board Inspector Green to the Licensee on July 29 2008 requesting the Licensee to submit proof of completion of 20 hours of continuing education and her April, May, June and July 2008 monthly reports. Also noted on the email is Inspector Green's handwriting which notes she had telephoned the Licensee at her telephone number of record on July 30, 2008; August 12, 2008; and August 25, 2008 and left answer machine messages concerning the continuing education and missing reports.

Board Exhibit # 8 – A copy of an email sent to the Licensee's email address of record by Board Inspector Green to the Licensee on August 25, 2008 requesting the Licensee to submit proof of completion of 20 hours of continuing education and her April, May, June and August 2008 monthly reports.

Board Exhibit # 9 – A copy of an email sent to Inspector Green by Mr. Boyer containing a copy of the letter dated August 25, 2008 inviting the Licensee to attend an interview with the Investigation and Informal Settlement Committee on October 8, 2008 to answer to her failure to perform a statutory or legal obligation placed on her by the Board. Also noted on the email is Inspector Green's handwriting which notes she had telephoned the Licensee at her telephone number of record on September 22, 2008 and found the phone disconnected.

Mr. Boyer's testimony and the following Exhibits were accepted into the record without objection.

Board Exhibit # 10 – A copy of a letter sent to the Licensee at her Lexington, SC address of record dated August 25, 2008 inviting the Licensee to attend an interview with the Investigation and Informal Settlement Committee on October 8, 2008 to answer to her failure to perform a statutory or legal obligation placed on her by the Board. A copy of the same letter was mailed to the Licensee's Columbia, SC address of record. A copy of the certified letter envelope marked "Unclaimed" by the postal service and returned to the Board. A copy of the certified mail Receipt dated August 26, 2008.

Board Exhibit # 11 – A copy certified signature request for the letter mailed to the Licensee's Lexington, SC address of record. The signature request was signed by "Gael Gray" and dated November 26, 2008 and was returned to the Board by the postal service.

Licensee Evidence:

Neither the Licensee nor a representative appeared.

FINDINGS OF FACT

1. The Licensee failed to complete and provide proof of 20 hours of continuing education with a minimum of 10 hours of CE by face to face lecture, failed to provide a monthly report to the Board of current mailing address and practice site, 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.
2. The Licensee failed to appear before the Investigation and Informal Settlement Committee on October 8, 2008 as requested by the Board.
3. The Licensee failed to appear before the Board for Hearing on January 8, 2009 as requested by the Board.
4. 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 comply with the Consent Order entered on November 29, 2007 violates N.C. General Statute 90-659 (a) (4) violates Board Rules codified at 21 NCAC 61 .0307 (5).
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 Leslie D. Gray to practice respiratory care in North Carolina shall be permanently revoked effective January 8, 2009.

IT IS SO ORDERED:

This the 8th day of January, 2009



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