



## NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242  
Raleigh, NC 27609

October 30, 2009

Kenneth R. Pacheco  
116 Susan Drive  
Garner, NC 27529

Re: Practicing Respiratory Care without a license and Holding oneself out as a Respiratory Care Practitioner

Dear Mr. Pacheco:

I am writing you as the Executive Director of the North Carolina Respiratory Care Board, which has the responsibility to enforce the provisions of North Carolina's Respiratory Care Practice Act.

The Board was notified that you had been practicing respiratory care without a license and holding yourself out as a respiratory care practitioner while you were employed at Raleigh Rehabilitation and Healthcare Center in Raleigh, NC from November 2006 until July 2008.

Under the law, it is unlawful for any person who is not currently licensed by the Board to engage in the practice of respiratory care or use the letters "RCP", "RTT", "RT", or any facsimile or combination in any words, letters, abbreviations, or insignia, to imply orally or in writing or indicate in any way that the person is a respiratory care practitioner or is otherwise licensed by the Board and/or employ or solicit for employment unlicensed persons to practice respiratory care. See N.C. Gen. Stat. § 90-661 "Requirement of License." A violation of the law is a misdemeanor and in addition, the Board may assess a civil penalty up to \$1,000 for a violation of the statute. See N.C. Gen. Stat. §§ 90-662 and 90-666.

The Board investigated the matter and received documentation of the violations from your former employer. In a certified letter mailed July 24, 2009 you were asked to attend an interview with the Board's Investigation and Informal Settlement Committee on October 7, 2009. You attended the interview on that day and during the Interview admitted to practicing Respiratory Care without a license and holding yourself out as a Respiratory Care Practitioner during your employment with Raleigh Rehabilitation and Healthcare Center.

The committee reported its findings to the Board during its meeting held on October 8, 2009 and the Board determined to issue the following order:

Stop any activities which constitute the practice of respiratory care and/or holding yourself out to the public as being a Respiratory Care Practitioner, Respiratory Therapist or any facsimile.



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Assess a civil penalty of five hundred dollars (\$500.00) pursuant to N.C. Gen. Stat. § 90-666 and 21 N.C. Admin. Code § 61.0309 for violations of Board Rules 21 NCAC 61.0309 (d) 1 and 21 NCAC 61.0309 (d) 6.

Assess a Disciplinary Cost of two hundred and fifty dollars (\$250.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d).

Reporting of the violations to the California Board of Respiratory Care, The North Carolina Division of Health Service Regulation and to the Centers for Medicare and Medicaid Services' Office of Inspector General.

We appreciate your immediate and prompt compliance with the Board's instruction not to engage in practice of respiratory care and/or holding yourself out to the public as being a Respiratory Care Practitioner, Respiratory Therapist or any facsimile until such time that you apply for and receive a license. Please confirm in writing that you have received this letter and that you will comply with this order. If you have questions, please feel free to contact the Board.

Thank you,

A handwritten signature in cursive script that reads "Floyd Boyer".

Floyd Boyer, RRT, RCP  
Executive Director