



**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**

July 19, 2010

David I. Coulter  
1025 Bolens Creek Road  
Burnsville, NC 28714

**Re: Revocation of Your License as a Respiratory Care Practitioner**

Dear Mr. Coulter,

A hearing was held by the North Carolina Respiratory Care Board on July 8, 2010, regarding the matters described in the Order for Summary Suspension and Permanent Revocation and Notice of Hearing dated April 8, 2010 and the Notice of Hearing dated June 1, 2010. The Board sent those notices 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 8, 2010, 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 DAVID I. COULTER TO )  
PRACTICE RESPIRATORY CARE )  
LICENSE NO. 5754 )  
\_\_\_\_\_ )

**FINAL BOARD DECISION  
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on July 8, 2010, as part of the Board's regularly scheduled meeting on that date.

**PROCEDURAL HISTORY OF THIS CASE**

The subject of this hearing are complaints that the Board received on or about March 2, 2010 that the Licensee was terminated from his employment at Blue Ridge Regional Hospital on February 18, 2010 for reporting to work on January 18, 2010 under the influence of alcohol. The report from the facility stated that the licensee reported one and one half hour late to work, that the licensee could not walk straight and the licensee had a strong smell of alcohol. The report also stated that the licensee did admit to drinking alcohol. The licensee informed the Board by phone on February 27, 2010 that he was terminated from his position at Blue Ridge Regional Hospital was attending Drug Counseling at Cornerstone for Recovery in Louisville, TN. On February 24, 2010 Wallace Smith of Cornerstone of Recovery called the Board office and informed the Board that licensee had left treatment.

On or about October 13, 2008, the Board issued a license to practice respiratory care to the Licensee, license number 5754.

On March 2, 2010, a certified letter was mailed to the Licensee's last address of record requesting the Licensee attend an Informal Interview to answer to the complaint. The letter informed the licensee that the interview date was set for April 7, 2010. The certified letter receipt was returned to the Board signed by David Coulter on March 5, 2010. The licensee failed to appear for the Interview.

Based on information gathered by the Board in its investigation and in the course of the interview of others conducted by the Board's Investigator, the Board Summarily Suspended the license on April, 8 2010.

On April 13, 2010, the Order for Summary Suspension and Permanent Revocation of License and Notice of Hearing was mailed by certified letter to the Licensee's last address of record. The letter informed the licensee that the Hearing date was set for July 8, 2010. The certified letter was returned to the Board on May 5, 2010 marked "Unclaimed, Unable to Forward".

On May 6, 2010, the Order for Summary Suspension and Permanent Revocation of License and Notice of Hearing was also sent to the licensee's email address of record.

On June 1, 2010, the Notice of Hearing was mailed by certified letter to the Licensee's last address of record. The letter informed the licensee that the Hearing date was set for July 8, 2010. The certified letter was returned to the Board on June 7, 2010 marked "Unclaimed, Unable to Forward".

On June 1, 2010, the Notice of Hearing was also sent to the licensee's email address of record.

## **APPEARANCES/WITNESSES**

At the hearing, neither the Licensee, David I. Coulter, nor any other person appeared on his behalf. The case for the Board was presented by its counsel, William R. Shenton. Mr. Shenton called Floyd Boyer, Executive Director of the Board and Judy Green, Board Investigator as the Board's witnesses.

## **EVIDENCE/EXHIBITS**

### **Board Evidence:**

The testimony of Floyd Boyer, Executive Director of the Board and Judy Green, Board Investigator and the following Exhibits were accepted into the record without objection.

Board Exhibit # 1 — Initial Letter to David Coulter re Complaint and Investigation, 3/2/10 by NCRCB

Board Exhibit #2 — Order For Summary Suspension and Permanent Revocation of License of David I. Coulter and Notice of Hearing, 04/08/10 by NCRCB

Board Exhibit #3 E-Mail from Floyd Boyer, NCRCB to David Coulter forwarding Order for Summary Suspension and Notice of Hearing as the original certified letter was returned, 05/06/10

Board Exhibit #4 — Notice of Hearing, 6/1/2010 by NCRCB

Board Exhibit #5 — E-Mail from Floyd Boyer, NCRCB to David Coulter forwarding Notice of Hearing, 6/01/10

Board Exhibit #6 — Transcript of Deposition of Richard Charles Greene, 6/23/10

Board Exhibit #7 — Affidavit of Janet Hicks

### **Licensee Evidence:**

Neither the Licensee nor a representative appeared.

## **FINDINGS OF FACT**

1. The Licensee was terminated from his employment at Blue Ridge Regional Hospital on February 18, 2010 for reporting to work on January 18, 2010 under the influence of alcohol.
2. The Licensee failed to appear at an Informal Board Interview on April 7, 2010 as requested by the Board.
3. The Licensee failed to appear before the Board for Hearing on July 8, 2010 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 Interview or Hearing.

## **CONCLUSIONS OF LAW**

Based upon the foregoing Finding of Fact, the Board enters the following Conclusions of Law:

1. The licensee's reporting to work on January 18, 2010 under the influence of alcohol violates Board Rules codified at 21 NCAC 61 .0307(14).

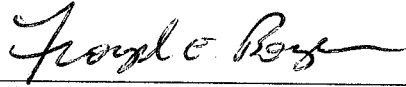
1. The Licensee's conduct also constitutes unprofessional conduct in the delivery of respiratory care and therefore violates N.C. Gen. Stat. § 90-659(a)(1)(d) and 21 N.C.A.C. 61.0307(10).

### **FINAL DECISION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board has determined that the license of David I. Coulter to practice respiratory care in North Carolina shall be permanently revoked effective July 8, 2010.

### **IT IS SO ORDERED:**

This the 8<sup>h</sup> day of July 2010



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