

IN THE MATTER OF: )

)

**CONSENT ORDER**

Mindy D. Carringer, RCP )

License Number – 5001 )

**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 Mindy D. Carringer (the “Licensee”). Her mailing address is 120 Carringer Cove Road, Brasstown, NC 28902. The Respiratory Care Practitioner holds North Carolina Respiratory Care License number 5001 (the “License”), first issued on January 4, 2007, with an expiration date of January 31, 2012.

**3. Waiver of Rights**

I, Mindy D. Carringer, the Respiratory Care Practitioner, understand that I have each of the following rights:

(Initials)

mc The right to a hearing before the Board;

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

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

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

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

mc 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 information from Board Staff alleging that the Licensee failed to produce proper continuing education (CE) records. The Licensee renewed her license on January 28, 2011 and checked CE option 1 (completion of a minimum of 12 hours CE). The Licensee was on the audit list and an audit notice was mailed on January 31, 2011. On March 1, 2011 the Licensee called the Board office and stated she could not find her CE's that she completed.

C. The Licensee admitted during an interview with the Board's Investigation and Informal Settlement Committee that she could not find her CE's that she completed.

#### **5. Stipulated Order**

##### **A. Stipulation to Sections of Law Violated:**

I, Mindy D. Carringer, 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 RCP shall remit this sum to the Board no later than ninety (90) days after execution of this order;

3. The CE the Licensee completed for her 2010 to 2011 renewal and presented to the Committee may not be used for the RCP's 2011-2012 renewal.

## **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.

**THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK**

**CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER**

I, Mindy D. Carringer, 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.

Mindy D. Carringer  
Mindy D. Carringer

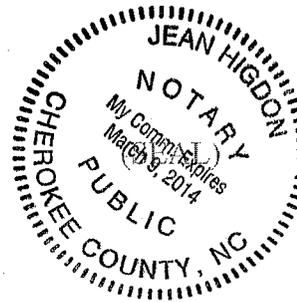
STATE OF NORTH CAROLINA  
COUNTY OF Cherokee

There personally appeared before me, a Notary Public in and for the County of Cherokee, State of North Carolina, Mindy D. Carringer, 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 18 day of August, 2011.

Jean Higdon  
Notary Public

My Commission Expires: March 9, 2014



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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 22<sup>nd</sup> day of August, 2011.

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