

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:)

) **CONSENT ORDER**

Katherine M. Trego)

License Number – 7016 Pending)

1. Jurisdiction

The North Carolina Respiratory Care Board (the Board) is an occupational licensing board of the State of North Carolina, organized under The Respiratory Care Practice Act ("the Act") codified at 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 Applicant

The applicant is Katherine M. Trego (the "Applicant"). Her mailing address of record is 405 S. Fayetteville Avenue, Dunn, NC 28334. The Applicant has applied for a North Carolina Respiratory Care License. The License number 7016 is Pending.

3. Waiver of Rights

I, Katherine M. Trego, the Applicant, understand that I have each of the following rights:

(Initials)

KT The right to a hearing before the Board;

KT The right to present evidence to disprove any or all of the charges against me;

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

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

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

KT 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 each of 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 Applicant and the Board stipulate to the following facts:

A. The Board received an RCP application from the Applicant on June 4, 2012. The Applicant noted on the application that she had been employed at Betsy Johnson Regional Hospital from September, 2011 to the date of her application.

C. Board Inspector Green visited the hospital on June 6, 2012 to determine if the Applicant had engaged in the practice of respiratory care during her employment at Betsy Johnson Regional Hospital. During the visit to the hospital Inspector Green was informed that the Applicant had been terminated on May 30, 2012 for not being licensed as a RCP in the state. The hospital stated that they had mistakenly entered the Applicant's Maryland license expiration date in their database and had not followed up or requested a copy of a North Carolina RCP license until recently.

D. An email was received by the Board on July 30, 2012 from Marty Priebe, RCP of Betsy Johnson Regional Hospital with attachments that showed multiple emails sent by the Applicant to individuals at Betsy Johnson Regional Hospital. Each email was signed as Katherine Trego, RCP/BSM.

E. On August 15, 2012 a subpoena was issued to Vicki Allen, CNO at Betsy Johnson Regional Hospital requesting copies of the Applicant's job description, performance evaluations and competency evaluations performed by the Applicant. The documentation requested was returned to the Board on August 24, 2012. A review of the documentation received revealed that the Applicant's job description required her to be licensed by the Board and that the Applicant had completed multiple performance evaluations and competency evaluations of the respiratory care staff at Betsy Johnson Regional Hospital.

F. The Applicant attended an interview with the Board's Investigation and Informal Settlement Committee on September 5, 2012. During the interview the Applicant stated that she had not performed any respiratory care procedures during the time she worked as the Cardiopulmonary Manager at Betsy Johnson Regional Hospital, and that she did not intend to provide respiratory care to patients during her employment there. However, she did admit that she had completed multiple performance evaluations and competency evaluations of the respiratory care staff at Betsy Johnson Regional Hospital and that she had used the RCP credential in internal communications during her employment there.

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, Katherine M. Trego, the Applicant, admit that the facts stipulated above constitute a violation of N.C. Gen. Stat. § 90-659 (a)(1)(c) and N.C. Gen. Stat. § 90-661(1), (3) and (4).

B. Stipulation to Sanctions:

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

- i) The Applicant accepts and agrees to the issuance of a Board Reprimand;
- ii) The Applicant accepts and agrees to the assessment of a civil penalty of two hundred and fifty dollars (\$250.00) pursuant to N.C. Gen. Stat. § 90-666 and 21 N.C. Administrative Code § 61.0309 and to remit this sum to the Board within 120 days of signature of this order.
- iii) The Applicant accepts and agrees to the assessment of two hundred and fifty dollars (\$250.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d) and to remit this sum to the Board within 120 days of signature of this order. The Applicant also assumes financial responsibility for any costs associated with fulfilling the terms of this Consent Order;
- iv) The Applicant agrees that this Consent Order is a public record, as defined by N.C. Gen. Stat. § 132-1, except that documents in the Board's investigative file are not public record;
- v) The Applicant acknowledges that this disciplinary action will be reported to appropriate entities as outlined in Board policy and as 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);
- vi) Should circumstances arise that affect the Applicant's ability to remain in compliance, the Applicant agrees to notify the Board immediately in writing by return receipt mail, fully describing the situation, as well, as any attendant request for Board consideration;
- vii) Based on the understandings and agreements by the Applicant that are recited in this Order, the Board agrees not to proceed with any further sanctions, based upon the conduct described above. However, if the Applicant fails to comply with any of the foregoing provisions of this Consent Order, while it is in effect, including the deadlines set forth in the Order, that is a violation of 21 N.C. Admin. Code § 61.0307(3). In that event, the Board may schedule a show cause hearing for the Applicant to appear and provide evidence regarding any alleged violations of the terms of the Order. If the Board determines that violations have occurred, then it may suspend or revoke the License, revoke any stay, and may take additional disciplinary action.

C. Compliance with the Act, Board Rules and Board Interpretations.

The Applicant also agrees to continue to comply with the Act, the Board's Rules, and the Board's published interpretation of the Act and its Rules.

6. Effective Date/Modification of Order

All provisions of this Consent Order are effective on the date that the Executive Director of the Board signs this Order, and any modification of the terms of this Consent Order must be approved in writing by the Board before it may become effective.

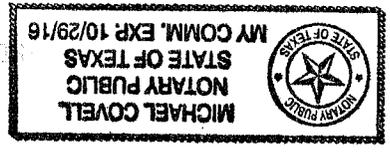
CONSENT TO ISSUANCE OF ORDER BY APPLICANT

I, Katherine M. Trego, 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 being issued and maintaining a license from the North Carolina Respiratory Care Board.

Katherine M. Trego
Katherine M. Trego
Care Board.

STATE OF NORTH CAROLINA
COUNTY OF HARRIS

There personally appeared before me, a Notary Public in and for the County of HARRIS, State of Texas, Michael Covell 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 7th day of May, 2013.
Michael Covell
Notary Public
My Commission Expires: 10/29/16

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 15th day of May, 2013.

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