



**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**

April 28, 2006

Rae Anne Bowser  
33 Sandra Drive  
Ormond Beach, FL 32176

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

Dear Ms. Bowser,

A hearing was held by the North Carolina Respiratory Care Board on April 13, 2006, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated January 12, 2006. 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 April 13, 2006, 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 RAE ANNE BOWSER TO )  
PRACTICE RESPIRATORY CARE )  
LICENSE NO. 4067 )  
\_\_\_\_\_ )

**FINAL BOARD DECISION  
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on April 13, 2006, 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 return documentation of continuing education (CE) hours that are needed to complete her license renewal requirements under North Carolina General Statute G.S. 90-652(1) and Board Rule 21 NCAC 61 .0401. On or about September 27, 2004, the Board issued a license to practice respiratory care to the Licensee, license number 4067. The licensee renewed her North Carolina Respiratory Care license online on September 2, 2005 and documented continuing education that was taken too early to count for the license renewal period. The Licensee was notified of the CE needed to complete the renewal requirements by a letter mailed on September 3, 2005. A certified letter was mailed on November 22, 2005 to the Licensee’s address of record, requesting the licensee to send the CE needed to complete the renewal application by January 1, 2006, or to appear for an informal interview at the Board office on January 11, 2006. The November 21, 2005 letter expressly stated that a failure by the Licensee to send the items needed or appear for an interview on January 11 may result in a suspension of Licensee’s license to practice Respiratory Care. The certified letter receipt card was signed on December 17, 2005 and returned to the Board

The Licensee failed to appear at the appointed time for the interview or to indicate to the Board that she would be unable to attend.

**APPEARANCES/WITNESSES**

At the hearing, neither the Licensee, Rae Anne Bowser, 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, as the Board’s witness.

**EVIDENCE/EXHIBITS**

**Board Evidence:**

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

Board Exhibit # 1 – A certified letter dated November 21, 2005 to the Licensee’s address of record, requesting the licensee to send the items needed to provide evidence of approved continuing education

required by the Board by January 1, 2006, or to appear for an informal interview at the Board office on January 11, 2006. A copy of the certified mail signature receipt signed by Allison Paulus on December 17, 2005. Letter dated January 12, 2006, Order for Summary Suspension and Permanent Revocation of License of Rae Anne Bowser and Notice of Hearing for April 13, 2006. A copy of the certified mail signature receipt signed by R. Bowser on January 31, 2006.

**Licensee Evidence:**

Neither the Licensee nor a representative appeared.

**FINDINGS OF FACT**

1. The Licensee failed to respond to repeated requests to return the evidence of approved continuing education required by the Board.
2. The Licensee failed to appear before the Investigation and Informal Settlement Committee on January 11, 2006 as requested by the Board.
3. 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:

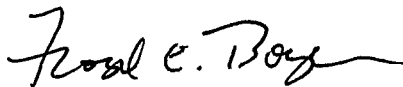
1. The Licensee's failure to respond to repeated requests to provide evidence of approved continuing education required by the Board constitutes conduct that presents an imminent hazard to public health, safety, and welfare, and this conduct is prohibited by N.C. Gen. Stat. § 90-659(a)(1).
2. The Licensee's 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 Rae Anne Bowser to practice respiratory care in North Carolina shall be permanently revoked effective April 13, 2006.

**IT IS SO ORDERED:**

This the 13<sup>th</sup> day of April, 2006



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