



BEFORE THE NORTH CAROLINA RESPIRATORY CARE BOARD

IN THE MATTER OF THE LICENSE)
OF KATHERINE J. WIGGINS TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 4497)
_____)

**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 forms that are needed to complete a criminal background check under North Carolina General Statute G.S. 90-652(1). On or about September 2, 2005, the Board issued a license to practice respiratory care to the Licensee, license number 4497. The Licensee was notified of the items needed to complete the criminal background check by letters mailed first on September 1, 2005. The Licensee returned the criminal background packet on September 16, 2005. The criminal background packet was returned to the Board from the NC State Bureau of Investigation on September 26, 2005 because the finger print card was unable to be processed. A new criminal background packet was mailed to the Licensee on September 27, 2005. The Licensee called the Board office on December 5, 2005 and requested that a new criminal background packet be mailed to her North Carolina address. The requested criminal background packet was mailed to the Licensee's North Carolina address on December 5, 2005. The packet was returned to the Board on December 10, 2005 and marked "Moved, unable to forward". A certified letter was mailed to the Licensee's Florida address on December 13, 2005 requesting the licensee to send the items needed to complete the criminal background check by January 1, 2006, or to appear for an informal interview at the Board office on January 11, 2006. The certified letter was returned to the Board on January 5, 2006 marked "Unclaimed, unable to forward". The December 13, 2005 letter expressly stated that a failure by the Licensee to send the items needed or appear for an interview on January 11, 2006 may result in a suspension of Licensee's license to practice Respiratory Care. On January 31, 2006 a certified letter was mailed to the Licensee's Florida address informing the Licensee of the Board's decision to Summarily Suspend her License to practice respiratory care in North Carolina for failure to return the forms. The certified receipt card was signed and returned to the Board on February 3, 2006.

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, Katherine J. Wiggins, 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 – Letter dated September 27, 2005 to the licensee’s address of record requesting the licensee complete another finger print packet because the previous finger print card was unable to be processed. A certified letter dated December 12, 2005 to the Licensee’s address of record, requesting the licensee to send the items needed to complete the criminal background check 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 was returned to the Board unclaimed on January 5, 2006. Letter dated January 12, 2006, Order for Summary Suspension and Permanent Revocation of License of Katherine J. Wiggins and Notice of Hearing for April 13, 2006. A copy of the certified mail signature receipt was returned to the Board on February 3, 2006 signed by Katherine J. Wig.

Licensee Evidence:

Neither the Licensee nor a representative appeared.

FINDINGS OF FACT

1. The Licensee failed to respond to repeated requests to return the criminal background check packet mailed to the licensee at her address of record on September 27, 2005.
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:

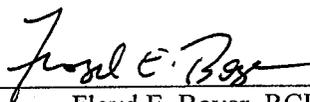
1. The Licensee’s failure to respond to repeated requests to return the criminal background check packet constitutes conduct that presents an imminent hazard to public health, safety, and welfare, and this conduct is prohibited by N.C. Gen. Stat. § 90-659(a)(1).
2. The Licensee’s conduct also constitutes 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 Katherine J. Wiggins to practice respiratory care in North Carolina shall be permanently revoked effective April 13, 2006.

IT IS SO ORDERED:

This the 13th day of April, 2006



Floyd E. Boyer, RCP
Executive Director

North Carolina Respiratory Care Board