



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

James D. Carr
114 Emerald Lake Drive
Dothan, AL 36303

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Mr. Carr,

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 JAMES D. CARR TO PRACTICE)
RESPIRATORY CARE)
LICENSE NO. 4503)
_____)

**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 29, 2005, the Board issued a license to practice respiratory care to the Licensee, license number 4503. The Licensee was notified of the items needed to complete the criminal background check by letters mailed first on September 6, 2005 and then again on October 10, 2005 to the licensee's address of record. A certified letter was mailed on November 21, 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. 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, 2006 may result in a suspension of Licensee's license to practice Respiratory Care. The certified letter receipt card was signed on November 29, 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 he would be unable to attend.

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, James D. Carr, nor any other person appeared on his 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 October 10, 2005 to the licensee's address of record requesting the licensee return the background check packet within 14 days of receipt of the letter. A certified letter dated November 21, 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 signed by Frank Knoula on November 29, 2005. A letter dated January 12, 2006, Order for Summary Suspension and Permanent Revocation of License of James D. Carr and Notice of Hearing for April 13, 2006. A copy of the certified mail signature receipt signed by Sandra Knoula 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 criminal background check packet mailed to the licensee at his address of record on September 6, 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:

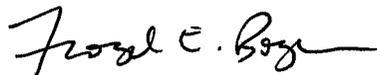
1. The Licensee's failure to respond to repeated requests to return the criminal background check packet constitutes conduct that presents an imminent hazard to public health, safety, and welfare, and this conduct is prohibited by N.C. Gen. Stat. § 90-659(a)(1).
2. The Licensee's conduct also constitutes 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 James D. Carr 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