



**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**

May 2, 2013

Mindy D. Carringer  
PO Box 892  
Hiawassee, GA 30546

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

Dear Ms. Carringer,

A hearing was held by the North Carolina Respiratory Care Board on April 11, 2013, regarding the matters described in the Notice of Hearing dated February 19, 2013. Based on its review of the testimony and exhibits introduced into evidence, the Board determined to revoke your respiratory care practitioner license. This letter and the attached Final Board Decision serve as official notice of the Board's Findings of Fact, Conclusions of Law, and its Final Board Decision, along 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 to the Board within thirty (30) days of your receipt of this letter. To compute the thirty day period, you should count the day after this letter is signed for by you or by anyone else at your address as the first of the 30 days, because the date of signature on the signature card that the Board receives will define the start of the 30-day period. The deadline for the actual receipt of your appeal at the Board Office is no later than **5 P.M. on the thirtieth day**, unless that day falls on a weekend or holiday recognized by North Carolina State Government. Please note putting the appeal in the mail or sending it by some other means on the deadline is not sufficient. ***Any appeal must be actually received at the Board Office before the deadline.*** Also note that North Carolina does not have the same holidays as other states or the United States Government. If the thirtieth day falls on a weekend, or on a holiday that is recognized by the State of North Carolina, then your appeal must be received at the Board office no later than 5 PM on the next business day. If you do not file an appeal on time, you will 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 MINDY D. CARRINGER TO )  
PRACTICE RESPIRATORY CARE )  
LICENSE NO. 5001 )  
\_\_\_\_\_ )

**FINAL BOARD DECISION  
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on April 11, 2013, as part of the Board’s regularly scheduled meeting on that date.

**PROCEDURAL HISTORY OF THIS CASE**

The subject of this hearing is the Board’s decision to revoke the license held by the Licensee, based upon information about the Licensee’s conduct. The Board received a complaint on January 23, 2012 and invited the Licensee to an interview with the Investigation and Informal Settlement Committee on June 12, 2012. The Licensee signed a Consent Order on August 6, 2012. The Licensee was invited to a second interview with the Investigation and Informal Settlement Committee on March 12, 2013, but did not attend.

**APPEARANCES & WITNESSES TESTIFYING AT THE HEARING**

At the hearing, neither the Licensee, Mindy D. Carringer, nor any other person appeared on her behalf. The case for the Board was presented by its counsel, William R. Shenton. Mr. Shenton called the following witnesses on behalf of the Board: Mr. Floyd Boyer, Executive Director of the Board, and Ms. Judy Green, Board Investigator;

**EXHIBITS**

**Board Exhibits:**

**Board Exhibit # 1** – A copy of the Licensee’s original application for licensure dated December 18, 2006 along with a copy of the NBRC credential, marriage certificate, respiratory care program diploma, life support certificates, Florida License verification and Georgia License verification.

**Board Exhibit # 2** - A copy of a letter dated March 22, 2012 inviting the Licensee to an interview with the Board’s Investigation and Informal Settlement Committee in regard to information provided by the Licensee in an interview with the Board’s Investigator, along with a copy of the certified mail receipt and signature card signed by Ms. Karen Davis.

**Board Exhibit # 3** – A Copy of the Consent Order mailed to the Licensee on July 24, 2012, along with a copy of the certified mail receipt and signed signature card.

**Board Exhibit # 4** – A Copy of the same Consent order in which the Licensee agreed to probationary license status for 12 months, with the conditions that she submit to random drug screens and have her supervisor submit quarterly reports about her work performance.

**Board Exhibit # 5** - A copy of a letter dated October 29, 2012 inviting the Licensee to appear for an interview with the Board's Investigation and Informal Settlement Committee concerning her termination from employment from Kelly's Home Health Services, along with a copy of the certified mail receipt and signature card signed Karen Davis.

**Board Exhibit # 6** – A copy of the Notice of Hearing mailed to the Licensee's address of record on February 19, 2013, with the certified mail receipt and signature card.

**Board Exhibit # 7** – A copy of a Deposition of Terry Haney, dated April 8, 2013.

**Board Exhibit # 8** – A copy of a Deposition of Linda Peacock, dated April 8, 2013.

**Board Exhibit # 9** – A copy of a handwritten statement from the Board's Investigator.

**Licensee Evidence:**

Neither the Licensee nor a representative appeared, and no evidence was offered on her behalf.

**FINDINGS OF FACT**

1. On or about January 4, 2007 the Board issued License Number 5001 to the Licensee to practice respiratory care.
2. After the Board received certain information about the Licensee, she was interviewed by the Board's investigator. The Licensee stated to the investigator during the interview that she had been under treatment at the Balsam Center and had been receiving random drug screens.
3. The Licensee did not provide documentation from the Balsam Center then or at any later date.
4. As a result of the statements she made to the Board Investigator, the Licensee was invited to attend an interview with the Investigation and Informal Settlement Committee of the Board on June 12, 2012. During the interview on that date, the Licensee acknowledged that she had been addicted to controlled substances and had provided respiratory care while under the influence of controlled substances. She stated that she had been under treatment at the Balsam Center.
5. The Licensee signed a Consent Order with the Board on August 6, 2012. In the Consent Order the Licensee stipulated that she had been addicted to controlled substances and had provided respiratory care while under the influence of controlled substances. In the Consent Order, the Licensee also agreed to probationary license status for 12 months, on the condition that she submit to random drug screens and have her supervisor submit quarterly reports about her work performance.
6. After issuance of this Order by the Board, the Licensee lost her job, so there is no longer any person who could submit quarterly performance reports about the Licensee. As a result of information the Board received about the circumstances of her termination, the Licensee was invited to attend a second interview with the Investigation and Informal Settlement Committee on March 12, 2013. However the Licensee did not attend the interview.
7. After the Licensee failed to attend the interview of March 12, 2013, the Board Investigator attempted to contact her but was unable to reach her using the telephone contact information which the Licensee had on record with the Board.
8. The Board Investigator eventually was able to reach the Licensee through the Licensee's mother, Ms. Karen Davis, who stated that the Board's Notices to the PO Box 892 in Hiawassee, Georgia address had been received by Ms. Davis, and Ms. Davis also provided a cell phone number to reach the Licensee.

9. When the Board Investigator reached the Licensee using the cell phone number provided by Ms. Davis, the Licensee stated that she did not attend the March 12, 2013 interview because she did not have funds to pay for the trip to Raleigh. The Investigator told her that that she could request a rescheduling of the interview and also instructed the Licensee to bring a copy of her treatment plan at the Balsam Center to the rescheduled interview.
10. The Licensee never contacted the Board to arrange a rescheduling of the interview and has not provided any other information about her treatment to the Board.
11. The Licensee failed to keep her contact information current at the Board and as a result the Board Investigator has been unable to contact her to arrange for random drug screens during the probationary period.
12. The Licensee failed to appear for the hearing in this matter and has not requested a continuance.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Finding of Fact, the Board enters the following Conclusions of Law:

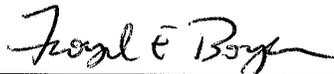
1. The Licensee's failure to adhere to the conditions of the Consent Order she signed August 6, 2012 violates N.C. Gen. Stat. § 90-659(a)(4) and Board Rule 21 NCAC 61 .0307 (3).
2. The Licensee's admission of being addicted to controlled substances and providing respiratory care while under the influence of controlled substances violates N.C. Gen. Stat. § 90-659(a)(1)(b) and Board Rule 21 NCAC 61 .0307 (14).
3. The Licensee's failure to adhere to the conditions of the Consent Order she signed August 6, 2012 constitutes unprofessional conduct which violates N.C. Gen. Stat. § 90-659(a)(1)(d) and Board Rule 21 NCAC 61 .0307 (10).

### **FINAL DECISION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board has determined that the license of Mindy D. Carringer to practice respiratory care in North Carolina shall be permanently revoked effective April 11, 2013.

### **IT IS SO ORDERED:**

Effective by Order of the Board on the 11th day of April 2013



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