

IN THE MATTER OF:)
)
La’Kisha R. Davis, RCP)
License Number – 2061)

CONSENT ORDER

1. Jurisdiction

The North Carolina Respiratory Care Board (the Board) is an occupational licensing board of the State of North Carolina, organized under 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.

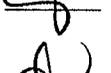
2. Identification of Licensee

The Respiratory Care Practitioner is La’Kisha R. Davis (the “Licensee”). Her mailing address is 5051 Steed Road, Fayetteville, NC 28306. The Respiratory Care Practitioner holds North Carolina Respiratory Care License number 2061 (the “License”), first issued on August 26, 2002, with an expiration date of August 31, 2013.

3. Waiver of Rights

I, La’Kisha R. Davis, the Respiratory Care Practitioner, understand that I have each of the following rights:

(Initials)

-  The right to a hearing before the Board;
-  The right to present evidence to disprove all or some of the charges against me;
-  The right to present evidence to limit or reduce any sanction that could be imposed for a violation;
-  The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;
-  The right to present legal arguments in a brief; and
-  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 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 Respiratory Care Practitioner and the Board stipulate to the following facts:

A. The Respiratory Care Practitioner was engaged in the practice of respiratory care in North Carolina when the events occurred that led to the initiation of this complaint.

B. The Board received a complaint from Tracey Ireland, RCP of Harnett Health, Dunn, NC alleging that the Licensee delivers medication without verifying the medication from the hospital Omnicell system. The complaint states that the Licensee grabs a hand full of medication at a time without verifying that they are the patient's correct ordered medication, then goes to the room and matches the meds to the patient. On some occasions when the hospital is out of stock on a medication the Licensee can somehow deliver the medication.

C. The Board received a second complaint from Amy Parrish, RCP of Harnett Health, Dunn, NC stating that she witnessed the Licensee falsify documents on March 8, 2013. The Licensee worked in the critical care unit on this day where there were two ventilator patients under her care. She went all day without documenting any ventilator checks. One initial ventilator check was documented at 0730 in the morning by a fellow RT and then there weren't any more documented until late in the day at the end of her shift then she went back and edited times and filled in all ventilator documentation. One ventilator patient was weaned and extubated without any documentation throughout the shift.

D. The Licensee admitted during an interview with the Board's Investigation and Informal Settlement Committee that she did pull all meds at one time. The Licensee also stated that she felt the Omnicell counts were off on many occasions. The Licensee stated that she regularly documents procedures she has done on a notebook and goes back later to document in the computer.

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, La'Kisha R. Davis, the Respiratory Care Practitioner, admit that the allegations against me, if proven true, would constitute violations of N.C. Gen. Stat. § 90-659 (a)(1)(d) and the regulations set forth in 21 N.C. Admin. Code § 61 .0307 (10), § 61 .0307(15) and § 61 .0307 (23).

B. Stipulation to Sanction:

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

1. The Licensee agrees to accept a license to practice respiratory care on Probationary Status for a period of 12 months from the date of execution of this order; and as a specific condition of that Probationary Status the Licensee agrees to all of the following terms and limitations.

2. Cause her immediate supervisor to submit written quarterly reports to the Board during the time the Licensee is on Probation. Each such written report shall document the Licensee's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the Licensee's practice of Respiratory Care.

3. The Licensee 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. Admin. Code § 61.0309. The RCP shall remit this sum to the Board no later than ninety (90) days after execution of this order.

4. The Licensee accepts and agrees to the assessment of one hundred dollars (\$100.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d) and to remit this sum to the Board no later than ninety (90) days following the execution of this Consent Order. The RCP also assumes financial responsibility for any costs associated with fulfilling the terms of this Consent Order.

6. Public Record

The parties agree that this Consent Order is public record, as required by N.C. Gen. Stat. § 132-1. Documents that are part of the investigative file are not public record.

7. Reporting

This disciplinary action will be reported to the appropriate entities as outlined in Board policy and 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).

8. Noncompliance with Consent Order

Failure by the RCP to comply with the terms of this Order, either in substance or in timing, is a violation of 21 N.C. Admin. Code § 61 .0307(3). If, during the term of this Consent Order, the Board staff receives evidence that the RCP has violated any of the above conditions, the Board may schedule a show cause hearing for a determination of the violations. If the Board determines

that such violations have occurred, then the Board may suspend or revoke the license, revoke any stay, and may impose additional disciplinary sanctions.

All provisions of this Order are effective upon this Order's effective date. Fulfillment of time-specific elements intended to coincide with active practice (such as, but not limited to; probation, supervision or therapy) will only accrue during periods of active practice in which the RCP is compliant with the terms of this Order. Therefore, any period of noncompliance or inactive practice will not accrue towards fulfillment of those terms.

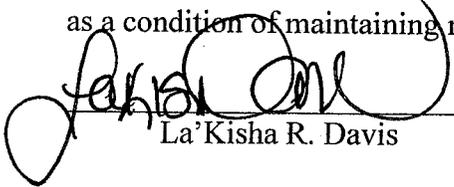
Should circumstances arise that affect the RCP's ability to remain in compliance with the terms of this Consent Order, the RCP shall immediately notify the Board in writing by return receipt mail, fully describing the situation and making any attendant request for modification.

9. Effective Date/Modification

All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs this Order. Any modification of this Consent Order must be approved in writing by the Board before it becomes effective.

CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

I, La'Kisha R. Davis, 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 maintaining my license from the North Carolina Respiratory Care Board.



La'Kisha R. Davis

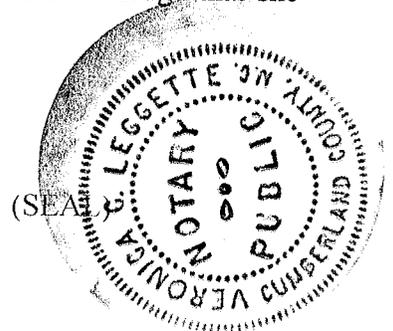
STATE OF NORTH CAROLINA
COUNTY OF _____

There personally appeared before me, a Notary Public in and for the County of Cumberland, State of North Carolina, La'Kisha Davis, 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 22 day of July, 2013.



Notary Public



My Commission Expires: 3-4-2017

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 28th day of July, 2013.



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