



NORTH CAROLINA RESPIRATORY CARE BOARD
125 Edinburgh South Drive, Suite 100
Cary, NC 27511

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Travis E. Maher, RCP
PO Box 913
Badin, NC 28009

Case Number- 13-668 License- 5561

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Mr. Maher,

The North Carolina Respiratory Care Board held a hearing on November 10, 2016, regarding the matters described in the Notice of Hearing that was sent on October 11, 2016 to the address of record that you had provided to the Board. You did not appear for the hearing, but as was stated in the Notice of Hearing, the Board proceeded in your absence. Based on its review of the testimony and exhibits introduced into evidence at the hearing, 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, and of your right to appeal this Final Board Decision.

Appeal Right – You have the right to appeal the Board's decision by filing a Notice of Appeal of the Board's decision in Superior Court, and if you decide to appeal, you should seek legal advice. ***Please note--The North Carolina Administrative Procedure Act states that these appeals must be filed in the Superior Court for the North Carolina county where you currently reside.*** The appeal must be filed within 30 days from your receipt of this letter and the attached Final Board Decision. The date of the signature on the signature card that the Board receives back will define the start of the 30-day period, and to compute the 30-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. The deadline for the actual receipt of your appeal at the Superior Court is ***before 5 PM on the thirtieth day***, unless that day falls on a weekend or on a 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 in the Superior Court for the appropriate county before the deadline.*** 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 Superior Court before 5 PM on the next business day but note that North Carolina does not have the same holidays as other states or the United States Government.

If you do not file an appeal on time, or if you not file in the correct county, 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,



William L. Croft, PhD, RRT, RCP
Executive Director



BEFORE THE NORTH CAROLINA RESPIRATORY CARE BOARD

IN THE MATTER OF THE LICENSE)
OF TRAVIS E. MAHER TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 5561)

**FINAL BOARD DECISION
REVOKING LICENSE**

The subject of this contested case is License Number 5561, held by the Licensee, Mr. Travis E. Maher. This matter came on for hearing before the Board on November 10, 2016, pursuant to N.C. Gen. Stat. § 90-659 (b) and Article 3A of Chapter 150B of the North Carolina General Statutes.

APPEARANCES & WITNESSES TESTIFYING AT THE HEARING

At the hearing, neither the Licensee, Travis E. Maher, nor any other person appeared on his behalf. The case for the Board was presented by its counsel, William R. Shenton.

BOARD EVIDENCE

Dr. William L. Croft, Executive Director of the Board; and the Board Investigator, Ms. Judy Lee Greene, RCP testified as witnesses for the Board. The following exhibits were introduced at the hearing by the Board from its files:

Board Exhibit # 1 – A copy of the Consent Order which the Licensee entered with the Board on October 25, 2013.

Board Exhibit # 2 – A copy of a letter from Stefanie Brown, Director of Respiratory Care Services at Carolinas Medical Center- dated May 12, 2014, and enclosing results of drug tests administered to the Licensee on July 29, 2013, October 4, 2013, December 19, 2013, and February 27, 2014.

Board Exhibit # 3 – A copy of Ms. Greene’s notes about the Licensee’s case and her emails to the Licensee on May 6, 2014; October 20, 2014; December 11, 2014; and April 20, 2016.

Board Exhibit # 4 – Not introduced.

Board Exhibit # 5 – A letter dated August 14, 2015 asking the Licensee to meet with the Investigative and Informal Settlement Committee (IISC) on December 1, 2015.

Board Exhibit # 6 –A copy of the September 8, 2015 IISC summary with an attached Substance Abuse Assessment and drug test from DayMark Recovery Services.

Board Exhibit # 7 – A copy of a letter dated April 27, 2016, and sent to the Licensee’s address of record, which attached a new consent order and a surrender notice.

Board Exhibit # 8 – A copy of the Order for Permanent Revocation and Notice of Hearing dated July 14, 2016.

Board Exhibit # 9 – A copy of Notice of Hearing on Revocation of License Number 5561 sent August 1, 2016 by Certified Mail, scheduling the hearing for October 13, 2016.

FINDINGS OF FACT

1. The Board issued License Number 5561 for the Practice of Respiratory Care to the Licensee.
2. On October 25, 2013, the Licensee entered a Consent Order with the Board (“the 2013 Consent Order”) in which he agreed, as a result of a positive drug screen at CMC-University, to accept a license on Probationary Status for 24 months from that date, and to undertake the following actions:
 - a. Submit to random drug testing at direction of the Board during the 24-month Probationary Period, at the Licensee’s expense and with results reported to the Board;
 - b. Complete a reassessment with a Board-approved substance abuse counselor during the Probationary Period;
 - c. Continue treatment and counseling with a substance abuse counselor during the Probationary Period and follow any plan of treatment suggested by the counselor; and
 - d. Have quarterly written reports of all visits with the counselor submitted to the Board during the Probationary Period.

3. The 2013 Consent Order signed by the Licensee stated:

Failure by the Respiratory Care Practitioner 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 RCP’s license, revoke any stay, or may impose additional disciplinary action.

4. The Licensee did not complete the actions to which he had agreed in the 2013 Consent Order, and thus failed to comply with it. In particular, the Licensee:
 - a. Submitted to random drug testing only for the first 12 months of the Probationary Period;
 - b. Failed to provide evidence of ongoing treatment throughout the Probationary Period; and
 - c. Failed to comply with the recommendation by DayMark, in its Final Report, that the Licensee continue treatment after discharge from Carolinas Health System’s Employee Assistance Program.
5. Ms. Green called the Licensee several times and sent emails to his email address of record on October 20, 2014, and December 11, 2014, reminding the Licensee that he needed to provide drug screens and that none had been provided since those that were enclosed with a letter from Carolinas Medical Center University in May of 2014 (Exhibit 2).
6. The Board received no further communications from the Licensee before its next quarterly meeting On January 14, 2016. On January 14, 2016, the Board determined to suspend the Licensee’s license to practice respiratory care with a six-month stay from the date that he executes a new consent order (“the New Consent Order”); provided that Licensee agrees to enter the New Consent Order and performs each of the following:
 - a. Submit to random drug testing during the period of suspension of his license, with the costs of all drug testing paid by the Licensee;
 - b. Assume financial responsibility for any other costs associated with fulfilling the terms of the New Consent Order;
 - c. Complete a reassessment with a Board-approved substance abuse counselor;
 - d. Continue treatment, counseling and follow any treatment plan developed by a substance abuse counselor during the suspension with quarterly reports to the Board from the substance abuse counselor regarding all visits;
 - e. Attend an Interview with the Board’s Investigation and Informal Settlement Committee meeting to be held in June 2016, and at any other times during the suspension that the Committee Chair deems appropriate; and

- f. Continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules.
7. The New Consent Order was mailed via certified letter on January 20, 2016 to the Licensee's last known address. The Licensee failed to return the New Consent Order.
8. On March 8, 2016, the Board received the unopened New Consent Order envelope marked returned and undelivered to address of record with the signature card missing, and as a result, an email notice attaching the New Consent Order was sent to the last known email address of the Licensee.
9. On March 10, 2016, a second email notice attaching the New Consent Order was sent to the last known email address of the Licensee .
10. On March 15 and 16, 2016, the third and fourth email notices, attaching the New Consent Order, were sent to the Licensee's last known email address, respectively.
11. On March 17, 2016, the Licensee did call the Board office when the Executive Director was out of the office and left a message saying that he would call back.
12. On April 20, 2016, Ms. Green sent a follow up email message to the Licensee reminding the Licensee that "If you would like to keep your licenses, you will be required to sign the consent order," and she followed this with a phone call to the Licensee on April 27, 2016 leaving a message to call the Board office.
13. On April 27, 2016, a final communication was sent via Federal Express to the of the Licensee's last known address regarding his choices due to his non- compliance.
14. Except for the brief message left on March 17, 2016, the Licensee has failed to respond in any fashion to the Board's multiple prior communications on this matter.
15. The Licensee failed to return any of the copies of the New Consent Order, or otherwise respond, and the Board did not receive any other communication from the Licensee about this matter after March 17 and before its regular quarterly meeting on July 14, 2016; and the Board still had not received any communication about this matter from the Licensee, as of the date of the Hearing.
16. The Licensee has failed to comply with the terms of the 2013 Consent Order, to which he agreed on October 25, 2013, and has failed to respond to a number of Board attempts to communicate with him about his non-compliance.

CONCLUSIONS OF LAW

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

1. To the extent any of the foregoing findings of fact contain conclusions of law, or that the conclusions of law are findings of fact, they should be so considered without regard to the given labels. To the extent any portions of the findings of fact constitute mixed issues of law and fact, such findings of fact shall be deemed incorporated herein by reference as conclusions of law.
2. The 2013 Consent Order was freely and willingly entered by the Licensee, after being fully informed of his rights.
3. The Licensee was legally bound to follow the terms of the 2013 Consent Order.
4. The Licensee failed to comply with the terms of the 2013 Consent Order.

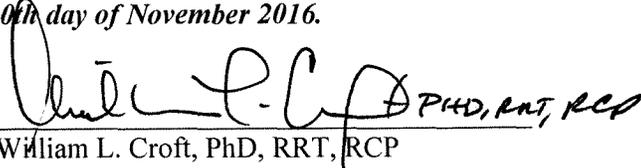
5. The Licensee failed to respond to a number of attempts by the Board to encourage his compliance with the 2013 Consent Order.
6. Notice of the Hearing was sent to the Licensee's address of record on file with the Board; but the Licensee did not respond.
7. The Licensee's failure to comply with the 2013 Consent Oder constitutes a violation of 21 N.C. Admin. Code § 61 .0307(3).
8. The Licensee's failure to comply with the 2013 Consent Order is a sufficient basis to permanently revoke License Number 5561.

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board determined that the license of Travis E. Maher to practice respiratory care in North Carolina shall be permanently revoked, effective November 10, 2016.

IT IS SO ORDERED.

Effective by Order of the Board on the 10th day of November 2016.


William L. Croft, PhD, RRT, RCP
Executive Director
North Carolina Respiratory Care Board