

IN THE MATTER OF:)
)
Rhonda S. Vaughan, RCP)
License Number – 1448)

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 Rhonda S. Vaughan (the "Licensee"). Her mailing address is 9642 Sherrills Ford Road, Terrell, NC 28682. The Respiratory Care Practitioner holds North Carolina Respiratory Care License number 1448 (the "License"), first issued on July 8, 2002, with an expiration date of July 31, 2014.

3. Waiver of Rights

I, Rhonda S. Vaughan, the Respiratory Care Practitioner, understand that I have each of the following rights:

(Initials)

RV The right to a hearing before the Board;

RV The right to present evidence to disprove all or some of the charges against me;

RV The right to present evidence to limit or reduce any sanction that could be imposed for a violation;

RV The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;

RV The right to present legal arguments in a brief; and

RV 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 Licensee and the Board stipulate to the following facts:

A. The Licensee 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 Heather Neal, RCP of Presbyterian Hospital stating that Rhonda Vaughan was drug tested on August 8, 2013 following a suspicion that she had smoked marijuana or similar substance in an employee restroom while on shift. Another employee had entered the restroom and noticed a strong smell that was suspected to be marijuana. The badge reader report for that access controlled restroom was pulled and the Licensee was the last person that had entered the space prior to when the smell was noticed. The Licensee submitted to a search of her locker and personal belongings by the hospital's public safety officer. The officer found a "pipe" in the Licensee's purse that smelled like marijuana and had residue consistent with marijuana. The Licensee admitted that she only uses the pipe to smoke "herbs". The officer advised her that synthetic marijuana is also illegal and the pipe itself is not allowed on hospital property. The Licensee was terminated from her position at the hospital. This is the Licensee's second drug related event in 5 years.

C. The Licensee attended the Board's Investigation and Informal Settlement Committee meeting on September 10, 2013 and admitted to smoking synthetic marijuana while at work on the day in question.

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, Rhonda S. Vaughan, 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) and (14).

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. Suspension of her RCP License for 6 months.

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2. The Licensee agrees to seek treatment and counseling with a Board approved addiction counselor within 90 days of her signature of this order and submit a copy of the counselor's findings and plan of treatment to the Board. The Licensee agrees to sign a release of information form and furnish it to the counselor allowing the counselor to provide quarterly written reports to the Board of all visits with the counselor. The Licensee agrees to follow any plan of treatment suggested by the counselor.

3. Attend an Interview with the Board's Investigation and Informal Settlement Committee meeting on March 18, 2014. The committee may recommend additional conditions for the Licensee to comply with in order to return to the practice of respiratory care.

4. To continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules.

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. Effective Date

All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs this Order.

9. Noncompliance with Consent Order

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 Respiratory Care Practitioner 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, or may impose additional disciplinary action.

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 Respiratory Care Practitioner is compliant with the terms of this Order.

Should circumstances arise that affect the Respiratory Care Practitioner's ability to remain in compliance, the Respiratory Care Practitioner shall immediately notify the Board in writing by return receipt mail, fully describing the situation along with any attendant request for Board consideration.

Any modification of this Consent Order must be pre-approved in writing by the Board before it may occur.

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CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

I, Rhonda S. Vaughan, 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.

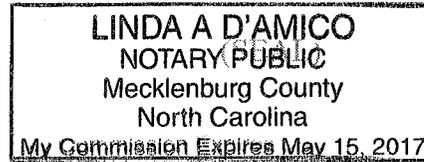
Rhonda S. Vaughan
Rhonda S. Vaughan

STATE OF NORTH CAROLINA
COUNTY OF NC

There personally appeared before me, a Notary Public in and for the County of Mecklenburg, State of North Carolina, Rhonda S. Vaughan, 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 1st day of NOV, 2013.

Linda A. Damico
Notary Public



My Commission Expires: May 15, 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 5th day of November, 2013.

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