

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:)

CONSENT ORDER

Jessica A. Burris, RCP)

License Number – 7335)

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 Jessica A. Burris (the “Licensee”). Her mailing address is 2116 Clear Brook Dr., Kannapolis, NC 28083. The Respiratory Care Practitioner holds North Carolina Respiratory Care License number 7335 (the “License”), first issued on June 10, 2013 with an expiration date of June 30, 2015.

3. Waiver of Rights

I, Jessica A. Burris, the Respiratory Care Practitioner, understand that I have each of the following rights:

(Initials)

JAB

The right to a hearing before the Board;

JAB

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

JAB

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

JAB

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

JAB

The right to present legal arguments in a brief; and

JAB

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. On June 9, 2014, the Board received a complaint from Kathy Fons, Manager of the Cardiopulmonary, Respiratory Care, and Emergency Management Department at Huntersville Medical Center, Huntersville, NC. Ms. Fons reported to the Board that the Licensee was observed by security in a vehicle on hospital property for approximately 1.5 hours during 2 separate incidents on June 2, 2014. Ms. Fons reported that the Licensee stated she has prescriptions for all medications she takes including Hydrocodone at work for a kidney stone/UTI.

C. On June 2, 2014, the Fit-For-Duty policy was followed with a urine and blood test and the licensee was dismissed from work pending the results.

D. On June 5, 2014, the security report completed by Robert Davis stated the Licensee was observed on security camera in a vehicle on hospital property from 1:19 AM to 02:07 AM. The reported stated that the Licensee appeared to be taking medicine.

E. On June 24, 2014, the performance evaluation completed by Kathy Fons stated that the Licensee was in the car for 86 minutes on the night of the occurrence without clocking out leaving the patients without coverage and observed on security camera apparently taking medicine. While the drug test was negative, the determination by Ms. Fons was that the Licensee's actions compromised patient health, safety, and welfare. The Licensee admitted to leaving the building without clocking out. The Licensee indicated that she was unaware of the time lapse that was documented, but she had her phone on. Per hospital policy, the phone was tested and it did not work according to the security report. The Licensee was terminated.

F. On September 09, 2014, the Licensee was interviewed by the Board's Investigation and Informal Settlement Committee and confirmed that she had been terminated from Huntersville Medical Center after 11 months of employment.

G. During the interview the Licensee admitted to the events described above. The Licensee admitted that she left the hospital to eat in her friend's truck, and while in the truck she took an oxycodone dose, while on duty, to reduce the pain that she was experiencing. The Licensee indicated that she was unaware of the time lapse that was documented, but stated that she had her phone on. The Licensee stated that she understands that the phone was tested by security and it did not work according to the security report.

H. During the interview, the Licensee accepted responsibility for her actions and unprofessional behavior during the interview and demonstrated awareness that her actions could have created a serious risk to the care of any patients for whom she was responsible.

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, Jessica A. Burris, 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. The Licensee agrees to accept a license to practice respiratory care on Probationary Status for a period of 36 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. Permit the Board to conduct quarterly drug testing of the Licensee during the probationary period. The costs of all drug testing will be paid by the Licensee. The Board will determine the laboratory where the testing would be performed and the manner in which the sample would be collected, and will instruct the Licensee regarding the details of how any drug test should occur and;

3. The Licensee agrees to seek treatment and counseling with a Board approved substance abuse counselor during the probationary period within 30 days of her signature of this order and submit a copy of the counselor's findings and plan of treatment to the Board and;

4. The Licensee accepts and agrees to the assessment of two hundred and fifty dollars (\$250.00) in civil penalties and three hundred (\$300.00) dollars costs pursuant to N.C. Gen. Stat. § 90-666(a) and N.C. Gen. Stat. § 90-666(d);

5.

6. The Licensee agrees to attend an Interview with the Board's Investigation and Informal Settlement Committee meeting to be held at any time during the Probationary period that the Committee Chair deems appropriate and; Licensee also assumes financial responsibility for any costs associated with fulfilling the terms of this Consent Order; and

7. 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, under N.C. Gen. Stat. § 132-1.

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.

CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

I, Jessica A. Burris, 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.

Jessica A. Burris
Jessica A. Burris

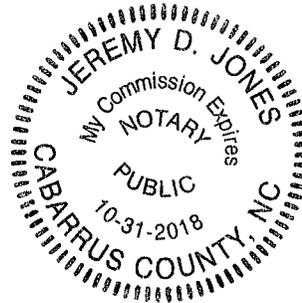
STATE OF NORTH CAROLINA
COUNTY OF Cabarrus

There personally appeared before me, a Notary Public in and for the County of Cabarrus, State of North Carolina, Jessica A. Burris, 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 9 Day of January, 2015.

[Signature]
Notary Public

My Commission Expires: 10/31/2018



(SEAL)

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 16th Day of JANUARY 2015.

[Signature]
William Croft, PhD, RRT, RCP
Executive Director, North Carolina Respiratory Care Board