



# NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

## CONSENT ORDER

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**IN THE MATTER OF:  
GREGORY H. LAKS  
RESPIRATORY CARE LICENSE #2856- PENDING**

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WHEREAS the North Carolina Respiratory Care Board (the "Board") is charged with the administration of The Respiratory Care Practice Act, codified in the North Carolina General Statutes at G.S. 90-646 et seq. (the "Act"); and

WHEREAS the Board received a complaint on October 9, 2003 from his employer, Carolinas Medical Center, informing the Board that he was terminated from his position at the hospital for (1) Practicing with an expired Provisional License in violation of § 90-659(a)(1)c and § 90-661(1) and (2) For continued job performance issues in violation of § 90-659(a)(4); and

WHEREAS the Applicant informed the Board during his Investigation Interview that he had failed to follow physician orders on 2 occasions, had failed to follow hospital policies and procedures on more than one occasion and had failed to make proper patient documentation on more than one occasion, in violation of G.S. 90.659(a)(1)(d), and Board Rules 21 NCAC 61 .0307 (10) and (15); and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of the Applicant to determine if he has violated, is violating, or is about to violate any provisions of the Act; and

WHEREAS on January 2, 2004, the Investigation and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203, conducted an interview of the Applicant to determine the qualifications of the Applicant; and

WHEREAS the Board met on January 2, 2004 and determined to issue a Consent Order to the Applicant; and

WHEREAS the Applicant agrees to the entry of this Consent Order, and voluntarily agrees to waive any rights to a hearing upon entry of this Consent Order, and waives the right to seek judicial review or otherwise challenge or contest the validity of this Consent Order;

AND WHEREAS upon the entry of this Consent Order, this matter will be resolved with the express understanding that the Applicant will comply with all of the terms contained herein.

**NOW THEREFORE, IT IS HEREBY ORDERED THAT:**

The Applicant consents to the issuance of a Board Reprimand for practicing Respiratory Care in North Carolina without a valid license.

The Applicant consents to being licensed to practice respiratory care on Probationary Status for a period of one year from the date of signature of this Consent Order.

Applicant shall cause his immediate Respiratory Care supervisor to submit written quarterly reports to the Board, which shall be submitted by the 15<sup>th</sup> day of April 2004, July 2004, October 2004 and January 2005. Each such written report shall document the Applicant's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the Applicant's practice of Respiratory Care.

Applicant agrees to take and successfully pass a test to be administered by Board Staff within the next 90 days. The exam will test the applicant's knowledge of Board statutes and Rules. To successfully pass the exam, the applicant must receive a score of 75% or more.

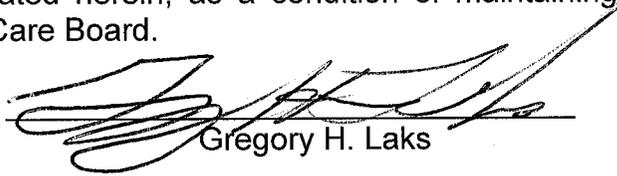
Applicant shall continue to comply with the Act, the Board's Rules, and the Board's published interpretation of those rules.

Entry of this Consent Order is without prejudice to the right of the Board to take any administrative or judicial action against Applicant to enforce this Consent Order if the Board determines that Applicant is not fully complying with any term or condition stated herein.

This Consent Order shall become final when accepted by the Applicant and entered by the Board based on execution of the Consent Order by its Executive Director.

**CONSENT TO ISSUANCE OF ORDER BY APPLICANT**

I, Gregory H. Laks, state that I have read the foregoing Consent Order; and that I know and fully understand its contents. I understand and agree that it is being entered to allow me to continue to be licensed by the Board to practice respiratory care, while fulfilling the Board's responsibility to regulate the practice of respiratory care. I consent to the entry of this Consent Order and agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein, as a condition of maintaining my license from the North Carolina Respiratory Care Board.

  
Gregory H. Laks

STATE OF NORTH CAROLINA )

COUNTY OF Mecklenburg )

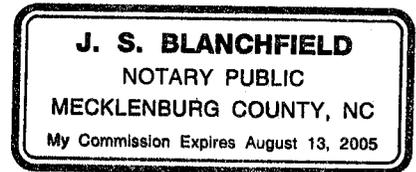
There personally appeared before me, a Notary Public in and for the County of Mecklenburg State of North Carolina, Gregory H. Laks, who after having presented documentation of his identity that was satisfactory to me did acknowledge that he executed the foregoing Consent Order as his free and voluntary act.

This 23<sup>rd</sup> day of February, 2004

  
Notary Public

SEAL

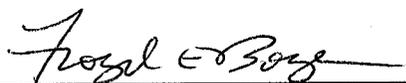
My Commission Expires: August 13, 2005



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

Based on the agreement of the Applicant and the authority previously conveyed by resolution of the Board, the foregoing Consent Order is entered at Raleigh, North Carolina

This 26<sup>th</sup> day of February 2004

  
Floyd E. Boyer, RRT, RCP  
Executive Director