

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
RESPIRATORY CARE BOARD

IN THE MATTER OF: )

)

**CONSENT ORDER**

Kimberly M. Bowers, RCP )

License Number – 5691 )

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**1. Jurisdiction**

The North Carolina Respiratory Care Board (the Board) is an occupational licensing board of the State of North Carolina, organized under The Respiratory Care Practice Act (“the Act”) codified at 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 Kimberly M. Bowers (the “RCP”). Her mailing address is 12329 Hazard Rd. in Oakboro, NC 28129. The RCP holds North Carolina Respiratory Care License Number 5691 (the “License”), first issued on June 20, 2008, and expiring on June 30, 2015.

**3. Waiver of Rights**

I, Kimberly M. Bowers, the Respiratory Care Practitioner, understand that I have each of the following rights:

(Initials)

KB The right to a hearing before the Board;

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

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

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

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

KB 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 each of 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 (“RCP”) and the Board stipulate to the following facts:

A. The RCP 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 10, 2014, a letter was mailed to her address of record informing the Licensee that her NBRC credentials would expire on June 30, 2014.

C. On July 9, 2014, an email was sent to notifying the Licensee that she failed to perform a statutory or legal obligation placed upon her by the Board for failing to maintain her NBRC credentials.

D. On August 8, 2014, the Licensee emailed the Board stating that “she is working on her credentials and she is not working”.

E. On September 09, 2014, the Licensee attended the Board’s Investigation and Informal Settlement Committee meeting at which time she stated that she had not renewed her credentials, but she is not working in respiratory care currently but has an active license. The Licensee stated that she was unaware of the steps she needed to take to keep the credentials current and would like to keep her license.

#### **5. Stipulated Order**

##### **A. Stipulation to Sections of Law Violated:**

I, Kimberly M. Bowers, the RCP, admit that if it were proven at a hearing that I had practiced respiratory care with lapsed credentials after July 1, 2014 until renewed this would constitute a violation of N.C. Gen. Stat. § 90-659 (a)(4) and the rules codified at 21 N.C. Admin. Code § 61 .0302 (d), 21 N.C. Admin. Code § 61 .0307 (1) and 21 N.C. Admin. Code § 61 .0307 (5).

**B. Stipulation to Sanctions:**

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 and agree to the following terms:

- 1) The RCP accepts and agrees to the issuance of a Board Reprimand;
- 2) The RCP agrees to write and submit an essay comparing and contrasting the differences between the NBRC and NCRCB within 30 days from the signing of this order.
- 3) The RCP agrees that this Consent Order is a public record, as defined by N.C. Gen. Stat. § 132-1, except that documents in the Board's investigative file are not public record;
- 4) Should circumstances arise that affect the RCP's ability to remain in compliance, the RCP agrees to notify the Board immediately in writing by return receipt mail, fully describing the situation, as well, as any attendant request for Board consideration;
- 5) Based on the understandings and agreements by the RCP that are recited in this Order, the Board agrees not to proceed with any further sanctions, based upon the conduct described above. However, if the RCP fails to comply with any of the foregoing provisions of this Consent Order, while it is in effect, including the deadlines set forth in the Order, that is a violation of 21 N.C. Admin. Code § 61 .0307(3). In that event, the Board may schedule a show cause hearing for the RCP to appear and provide evidence regarding any alleged violations of the terms of the Order. If the Board determines that violations have occurred, then it may suspend or revoke the RCP's License, revoke any stay, and may take additional disciplinary action.

**C. Compliance with the Act, Board Rules and Board Interpretations.**

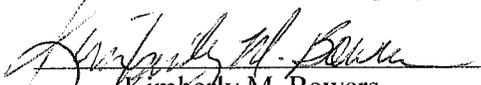
The RCP also agrees to continue to comply with the Act, the Board's Rules, and the Board's published interpretation of the Act and its Rules.

**6. Effective Date/Modification of Order**

All provisions of this Consent Order are effective on the date that the Executive Director of the Board signs this Order, and any modification of the terms of this Consent Order must be approved in writing by the Board before it may become effective.

**CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER**

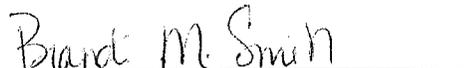
I, Kimberly M. Bowers, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order as a condition of maintaining my license from the North Carolina Respiratory Care Board.

  
Kimberly M. Bowers

STATE OF NORTH CAROLINA  
COUNTY OF Stanly

There personally appeared before me, a Notary Public in and for the County of Stanly, State of North Carolina, Kimberly M. Bowers, 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 26 day of November, 2014.

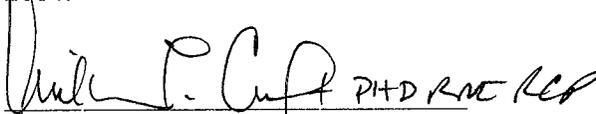
  
Notary Public

(SEAL)

My Commission Expires: October 15, 2017

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

The foregoing Consent Order is entered at Cary, North Carolina, this 1<sup>st</sup> day of December, 2014.

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