

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:)

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)

CONSENT ORDER

William P. Ford, RCP)

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License Number – 912)

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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 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 William P. Ford (the “Licensee”). His mailing address is 3901 Hartwell Rd. Fayetteville, NC 28304-5061. The Respiratory Care Practitioner holds North Carolina Respiratory Care License number 912 (the “License”), first issued on May 7, 2002, with an expiration date of August 31, 2015.

3. Waiver of Rights

I, William P. Ford, the Respiratory Care Practitioner, understand that I have each of the following rights:

(Initials)

WPF The right to a hearing before the Board;

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

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

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

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

WPF 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 on September 5, 2014 that William P. Ford's employment had been terminated from Cape Fear Valley Health due to sexual harassment. According to the complaint, two females lodged the complaints. One was the receiver of the harassment with accusations of verbal comments and some inappropriate touching. The other was witness to the acts. The complaint states that the behavior had been going on for a period of time. A full investigation was completed by Human Resources and the Licensee was terminated from his position at the hospital.

C. The Licensee attended the Board's Investigation and Informal Settlement Committee meeting on December 18, 2014 at which time he stated he is currently unemployed after his termination from CFVMC. He denied sexual harassment of the females involved. He stated that it was consensual behavior between him and the alleged victim. The subpoenaed documents provided to the Board indicate that he engaged in inappropriate touching and language between the two employees. He admitted that it could have been interpreted this way and he repeatedly asked the alleged victim if it was ok. He admitted that the behavior was unprofessional and he should not have engaged in the activity. He stated that his termination was reversed and he was allowed to resign.

D. During the Board's Investigation and Informal Settlement Committee meeting on December 18, 2014, Mr. Ford provided letters of reference from five former co-workers attesting to his exceptional ability and performance as an RCP and supervisor. He also provided a written explanation of events as well as testimony that "he will never engage in this type of behavior that could be deemed inappropriate".

E. A former co-worker testified during the Board's Investigation and Informal Settlement Committee meeting on December 18, 2014 on his behalf stating that "Paul (William) was her mentor and he was an exceptional leader".

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, William P. Ford, 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).

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 24 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. The Licensee agrees to continue treatment and counseling with Full Life Counseling or other Board approved provider during the probationary period. 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 during the probationary period. The Licensee agrees to follow any plan of treatment suggested by the counselor.

3. The Licensee accepts and agrees to the assessment of a civil penalty of two hundred and fifty dollars (\$250.00) pursuant to N.C. Gen. Stat. § 90-666 and 21 N.C. Admin. Code § 61.0309 and to remit this sum to the Board no later than April 30, 2015.

4. The Licensee accepts and agrees to write a two-page essay on the meaning of sexual harassment according to Board writing guidelines and submit it electronically no later than 30 days after signing this Consent Order.

5. If employed in Respiratory Care, the Licensee shall cause his immediate supervisor to submit written quarterly reports to the Board during the time the Licensee is on Probation. Each such written report shall document the Licensee's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the Licensee's practice of Respiratory Care.

6. The Licensee also assumes financial responsibility for any costs associated with fulfilling the terms of this Consent Order.

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, 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.

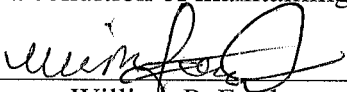
Should circumstances arise that affect the Respiratory Care Practitioner's ability to remain in compliance, the Respiratory Care Practitioner shall immediately notify the Board in writing by return receipt mail, fully describing the situation along with any attendant request for Board consideration.

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, William P. Ford, 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.

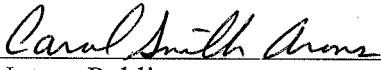


William P. Ford

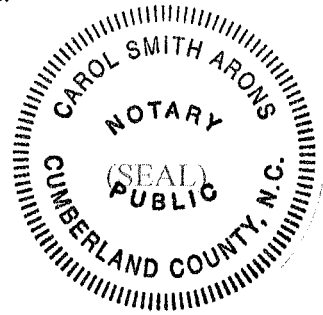
STATE OF NORTH CAROLINA
COUNTY OF Cumberland

There personally appeared before me, a Notary Public in and for the County of Cumberland, State of North Carolina, William P. Ford, 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 2 day of Feb, 2015.




Notary Public



My Commission Expires: Aug 31, 2015

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 4th day of February, 2015.



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