

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:

Jessica L. Strong, RCP
License Number – 5582

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CONSENT ORDER

I. 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. General Statute § 90-652 and 21 N.C. Administrative. Code § 61 .0307.

II. Identification of Licensee

The Respiratory Care Practitioner is Jessica L. Strong (the “Licensee”). Her mailing address is 753 Bryant Circle, Maxton, NC 28364. The Licensee holds North Carolina Respiratory Care License number 5582 (the “License”), first issued on May 20, 2008, with a current expiration date of May 31, 2015.

III. Waiver of Rights

I, Jessica L. Strong, the Licensee, understand that I have each of the following rights, and as noted by my initials below, 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:

- JS The right to a hearing before the Board;
- JS The right to present evidence to disprove all or some of the charges against me;
- JS The right to present evidence to limit or reduce any sanction that could be imposed for a violation;
- JS The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;
- JS The right to present legal arguments in a brief; and
- JS The right to appeal from any final decision adverse to my license to practice respiratory care.

IV. Stipulation to Facts

The Licensee and the Board stipulate to the following facts:

- A. The Licensee was seeking employment to practice of respiratory care in North Carolina during the time period when the events occurred that led to the initiation of this matter.
- B. On October 27, 2014, the Board received information from Claudette McCallum RRT/RCP, Manager, CPS at Southeastern Regional Health stating that she had hired the Licensee, and that the Licensee tested positive during the pre-employment drug screen.
- C. On January 30, 2015, the Board subpoenaed documents from Southeastern Regional Health which showed that the Licensee tested positive for a marijuana metabolite.
- D. On March 10, 2015, the Licensee appeared for an interview before the Board's Investigation and Informal Settlement Committee. The Licensee stated that she had been in the company of a group of individuals who were smoking marijuana in the days leading up to her employment drug screen. She provided a written statement indicating her error and expressed regret.
- E. The Licensee presented letters of reference from colleagues and previous employers, which documented the quality of her services during her previous employment.

V. Stipulated Order

During an Executive Session at its regular quarterly meeting on April 9, 2015 the Board considered this matter and determined to offer a Consent Order to the Licensee, on the terms set out in this document.

A. Stipulation to Sections of Law Violated:

I, Jessica L. Strong, the Licensee, admit that if evidence showed that I had possessed or used marijuana, which is an illegal substance, that would be a criminal offense which would constitute a violation of N.C. Gen. Stat. § 90-659 (a)(2) and the Board Rule set forth in 21 N.C. Admin. Code 61.0307 (24), which would provide a sufficient basis for the Board to permanently revoke my License.

B. Stipulation to Sanction and Future Performance Obligation:

Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to hearing, the Licensee and the Board hereby enter into this Consent Order and agree to the following terms, and the Licensee understands that each and every one of these terms is an essential provision of this Order, to which she agrees:

1. Effective Date and Duration.

The Licensee agrees that this Consent Order shall be effective on the date she signs it (“the Effective Date”). The Licensee agrees that all provisions of this Order are effective upon the Order’s Effective Date.

The Licensee agrees that 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 Licensee is compliant with the terms of this Consent Order. Therefore, any period of noncompliance or inactive practice will not accrue towards fulfillment of those terms.

2. Probationary Status.

The Licensee agrees to accept a license to practice respiratory care on Probationary Status for a period from the date of her execution of this Consent Order, through the date of the first regularly scheduled Board Meeting to occur after the one year anniversary of its effective date.

The Licensee agrees to furnish written quarterly supervisor performance reports while employed as an RCP at any location, inside or outside North Carolina.

The Licensee agrees to report any change of employment as a Respiratory Care Practitioner and/or change of address in writing to the Board within five business days after such change.

The Licensee agrees to attend an interview with the Investigation and Informal Settlement Committee of the Board, the exact date to be determined by the Board in its discretion in the future, to determine compliance with this Consent Order.

The Licensee agrees to continue to comply with the Respiratory Care Practice Act, the Board’s Rules, and the Board’s published interpretation of those rules.

3. Substance Abuse Counseling and Monitoring.

The Licensee agrees to permit the Board to conduct random drug testing of the Licensee for a period of 12 months, and further agrees that the entire 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 will be collected, and will instruct the Licensee regarding these and any of the details of how any drug test should occur. The Board in its discretion may choose to accept drug screens performed by other state or federal agencies that are documented to be random screens with samples collected within 7 days of a date selected by the Board for a random drug screen of the Licensee.

The Licensee agrees to seek treatment and counseling with a Board approved substance abuse counselor within 30 days of from the date of her execution of this Consent Order, to submit a copy of the substance abuse counselor's findings and plan of treatment to the Board and to follow any Plan of Treatment suggested by the Counselor.

The Licensee agrees to sign and submit a release of information form to her Counselor allowing the Counselor to provide written reports of any sessions with her Counselor to the Board on a quarterly basis for 12 months if requested by the Board.

4. Public Record and Reporting.

The Licensee understands and agrees that this Consent Order is a public record, as required by N.C. Gen. Stat. § 132-1; and that this Order 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).

5. Costs.

The Licensee accepts and agrees to the assessment of one hundred dollars (\$100.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d) and agrees to remit this sum to the Board no later than ninety (90) days following Effective Date of this Consent Order. The Licensee also assumes financial responsibility for any costs associated with fulfilling the terms of this Order.

6. Noncompliance.

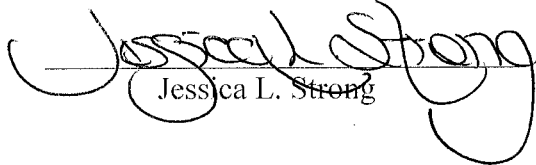
The Licensee agrees that her failure to comply with the terms of this Consent Order, either in substance or in timing, is a violation of 21 N.C. Admin. Code § 61 .0307(3). If, during the term of this Order, the Board staff receives evidence that the Licensee has violated any of the above conditions, the Board may schedule a show cause hearing to determine whether violations have occurred and their nature and scope. If the Board determines that such violations have occurred, then the Board may suspend or revoke the license, revoke any stay, and may impose additional disciplinary sanctions.

7. Modification.

The Licensee agrees that any modification of this Consent Order must be approved in writing by the Board before it becomes effective. Should circumstances arise that affect the Licensee's ability to remain in compliance with the terms of this Order, the Licensee shall immediately notify the Board in writing by return receipt mail, fully describing the situation and making any attendant request for modification.

CONSENT TO ISSUANCE OF CONSENT ORDER BY RESPIRATORY CARE PRACTITIONER

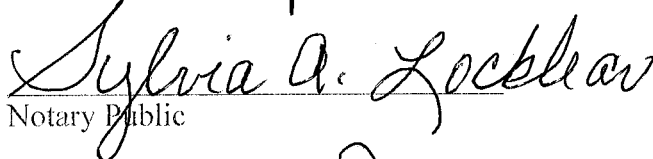
I, Jessica L. Strong, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that after having an opportunity to consult with and obtain advice of counsel, I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order.


Jessica L. Strong

STATE OF NORTH CAROLINA
COUNTY OF Robeson

There personally appeared before me, a Notary Public in and for the County of Robeson, State of North Carolina, N.C., 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 23 day of April, 2015.

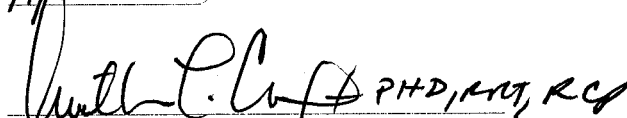

Notary Public

(SEAL)

My Commission Expires: June 16 2019

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 28th day of April, 2015.


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