

IN THE MATTER OF:

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CONSENT ORDER

JoElla Stephens, RCP
License Number – 355

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 JoElla Stephens (the “RCP”). Her mailing address is 479 12th Ave. NE, Hickory, NC 28601. The RCP holds North Carolina Respiratory Care License number 355 (the “License”), first issued on February 11, 2002 with a current expiration date of August 31, 2015.

III. Waiver of Rights

I, JoElla Stephens, the Respiratory Care Practitioner, hereby confirm that I 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:

(Initials)

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 to the Board; and

JS

The right to appeal from any final decision adverse to my license to practice respiratory care.

IV. Stipulation to Facts

The RCP and the Board stipulate to the following facts:

A. The RCP was employed and engaged in the 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 May 1, 2015, the Board received a complaint by email from Tony Pulido, RCP, Director of Cardio-Pulmonary at Carolinas Medical Center –Main (CMC-Main) that the RCP tested positive on a drug and alcohol screen while on duty during the day shift from 7 AM to 7 PM on April 11, 2015. The RCP entered counseling on April 23, 2015. Mr. Pulido indicated that he attended and signed paperwork with the HR manager on April 11, 2015 at which time, the RCP was asked to call the Board and report. The RCP did not report to the Board as requested by May 1, 2015.

C. On June 2, 2015, the Board received documents from CMC-Main under a subpoena, and the documents included a drug and alcohol screen and screening form completed on April 11, 2015 showing that the RCP was tested for her change in behavior that included drowsy and indifferent appearance, staggering, unsteady gait, slow, incoherent-slurred speech, and bloodshot, watery, glassy eyes. The drug screen results collected on April 11, 2015 reported a positive screen for opiates and barbiturates but were negative for alcohol.

D. On June 9, 2015, the RCP appeared for an interview before the Board's Investigation and Informal Settlement Committee; and the RCP provided a statement from her physician regarding her behavior in which the physician indicated that she had been prescribed Belviq, and that this prescribed medication may have caused her behavioral change. The RCP denied any other drug use but stated that she may have accidentally taken her roommate's medication during her altered mental state. The RCP stated that she completed a 20 hour treatment program and a full assessment by Mercy Horizons at Carolinas HealthCare System Behavioral Health. She stated that she was evaluated by the hospital EAP, and cleared for work. The RCP also provided three letters of reference attesting to her experience and work capability.

V. Stipulated Order

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

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A. Stipulation to Sections of Law Violated:

I, JoElla Stephens, the RCP, admit that if evidence showed that if I became impaired while treating patients because I had used prescription or non-prescription medication, that would constitute a violation of N.C. Gen. Stat. § 90-659 (a)(1) (d) and the Board Rule set forth in 21 N.C. Admin. Code 61.0307 (10) and 21 N.C. Admin. Code 61.0307 (14), and would provide a sufficient basis for the Board to permanently revoke my License.

B. Stipulation to Sanction:

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

1. The RCP agrees to accept a license to practice respiratory care on Probationary Status for a period of not less than 24 months from the date of execution of this order; and as a specific condition of that Probationary Status the RCP agrees to all of the following terms and limitations.

2. The RCP agrees to pay 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 also agrees to the assessment of two hundred and fifty dollars (\$250.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d). The RCP agrees that the civil penalty and cost amounts are reasonable in light of the factual stipulations and agrees to remit these sums to the Board no later than 90 days after execution of this order. The RCP also assumes financial responsibility for any other costs associated with fulfilling the terms of this Consent Order.

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

4. The RCP shall cause her immediate supervisor to submit written quarterly reports to the Board during the time the RCP is on Probation. Each such written report shall be submitted in a format defined by the Board and shall document the RCP's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the RCP's practice of Respiratory Care with a form supplied by the Board and;

5. During the entire time that the RCP holds the License on Probationary Status, the RCP agrees to permit the Board to conduct random drug testing of the RCP, and further agrees that the entire costs of all drug testing will be paid by the RCP. 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 RCP regarding these and any other details of how any drug test should occur. The Board may accept drug screens performed by other state or federal agencies or employer as proof of RCP's ongoing compliance

6. The RCP 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 that Counselor's findings and plan of treatment to the Board or the Board may accept the evidence of the RCP's completion of such counseling from Carolinas Medical Center: Behavioral Health Center or Horizons Outpatient Services.

7. The RCP agrees to sign a release of information form with her Counselor allowing him/her to provide written reports to the Board of her sessions with her Counselor on a quarterly basis for 24 months or the Board may accept the evidence of the RCP's completion of such counseling from Carolinas Medical Center: Behavioral Health Center or Horizons Outpatient Services. The RCP shall agree to follow any Plan of Treatment suggested by the Counselor.

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

9. The RCP acknowledges and agrees that this Consent Order and the materials compiled by the Board are matters of public record under the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*; and that the contents of this Consent Order will be reported to the appropriate entities as outlined in Board policy and as 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).

10. The RCP agrees that if circumstances arise which affect the RCP's ability to remain in compliance with any of the terms of this Consent Order, or to make continued progress on completing the requirements, the RCP shall immediately notify the Board in writing by return receipt mail, fully describing the situation and providing a specific request to modify its terms for Board consideration. However, no modification of this Consent Order shall be in effect until the Board confirms such a modification in writing to the RCP.

11. The RCP acknowledges and agrees that if she fails to comply with the terms of this Consent Order, either by completely failing to carry out one of her obligations, or failing to complete an obligation within a time specified, that will constitute a violation of 21 N.C. Admin. Code 61 .0307(3), and that as a result, the Board may suspend or revoke the License, or impose additional disciplinary sanctions or performance obligations on the RCP.

12. The RCP agrees to continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules in her practice of Respiratory Care.

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6. Effective Date/Modification

All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs it, and it shall remain in effect for the time period or periods specified, or until amended in writing by the Board.

The terms of this Consent Order shall remain in effect until the RCP completes each of the requirements listed above. However, the RCP must continue to comply with the Respiratory Care Practice Act and the Board's Rules; and the RCP acknowledges that if other evidence of the RCP's non-compliance with the Act or the Rules that is not presented in the Stipulated Facts above should arise, then the Board may invoke other disciplinary measures against the RCP, based on that other evidence; and that in determining the appropriate action to take, the Board also may consider the conduct of the RCP which is presented in the Stipulated Facts in this Consent Order.

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CONSENT TO ISSUANCE OF CONSENT ORDER BY RESPIRATORY CARE PRACTITIONER

I, JoElla Stephens, 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.

JoElla Stephens
JoElla Stephens

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

There personally appeared before me, a Notary Public in and for the County of CATAWBA, State of North Carolina, JoElla Stephens 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 28th day of July, 2015.

Amanda Brown
Notary Public

My Commission Expires: May 27 2018



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

The foregoing Consent Order is entered at Cary, North Carolina, this 29th day of 2015, 2015.

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