



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242
Raleigh, NC 27609

CONSENT ORDER

**IN THE MATTER OF:
GARY A. MASUCCI
PENDING RESPIRATORY CARE LICENSE #2783**

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 Applicant failed to inform the Board, in his application, that his Ohio License to practice Respiratory Care had prior disciplinary action for the failure to report continuing education activities correctly; and

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

WHEREAS on September 30, 2002, the Investigational 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 September 30, 2002 and determined to issue a Consent Order to license the Applicant as a Respiratory Care Practitioner with conditions; and

WHEREAS 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 and the Board will issue Applicant a license, with the express understanding that Applicant will comply with all of the terms contained herein.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

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

Applicant agrees to permit an audit of his Continuing Education documentation for the next two years and shall supply the documentation with each renewal of his license for the years 2003 and 2004.

Entry of this Consent Order by the Board is without prejudice to the right of the Board to take any administrative 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; and,

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

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

