

IN THE MATTER OF: )

CONSENT ORDER

Annah C. Moody, RCP )

License Number – 6307 )

**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, 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, § 90-659; and 21 N.C. Admin. Code 61.0307.

**2. Identification of RCP**

The Respiratory Care Practitioner whose license is at issue in this matter is Annah C. Moody (the "RCP"). Her mailing address is 224 Brookway West Dr., Lewisville, NC 27023. The RCP holds North Carolina Respiratory Care License number 6307 (the "License"), first issued on July 2, 2010, with a current expiration date of July 31, 2016.

**3. Waiver of Rights**

I, Annah C. Moody, the RCP, 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)

AM

The right to a hearing before the Board;

AM

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

AM

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

AM

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

AM

The right to present legal arguments in a brief; and

AM

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

#### 4. Stipulation to Facts

The Respiratory Care Practitioner and the Board stipulate to the following facts:

A. The RCP was engaged in the practice of respiratory care in North Carolina during the events described in these factual stipulations.

B. On July 31, 2015, the Board received a complaint from Donna Coble, manager of respiratory care at High Point Regional that the RCP was terminated from High Point Regional Hospital for misrepresenting her delivery of care and falsifying a record. The complaint alleged that she charted a chest vest percussion, a vent check with suction and an assessment on a patient when it was observed that no therapy was performed.

C. On December 1, 2015, the RCP attended the Investigative and Informal Settlement Committee meeting. The RCP stated that "she was assisting a fellow RCP in completing treatment rounds" when the event occurred. She stated that "she charted the treatment late and did not make a notation, so it appeared as if she charted a treatment not completed". She admitted to charting the wrong time and did not specify that correct time in the EMR but she stated that she did all assigned treatments during the shift in question.

D. At its regular quarterly meeting on January 14, 2016, the Board voted to issue a Reprimand to the Licensee with the terms and conditions set forth below.

#### 5. Stipulated Order

Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to a hearing, the RCP and the Board hereby enter into this Consent Order and agree to the following specific terms:

##### A. RCP's Stipulation as to Pertinent Sections of the Statute and Rules:

I, Annah C. Moody, the RCP, admit that the Stipulated Facts set forth above in this Consent Order constitute violations of N.C. Gen. Stat. § 90-659(a) (1) b and d; (4); N.C. Gen. Stat. § 90-659(a) (4); and 21 N.C. Admin. Code 61 .0307 (10) and (23) of the Board's Rules.

##### B. RCP's Stipulation to Sanctions and Future Performance Obligations:

1) The RCP acknowledges that in light of the Stipulated Facts set forth above, a Reprimand is an appropriate sanction for the Board to impose. Therefore, the RCP agrees to accept a Reprimand from the Board and to comply with and complete each of the specific requirements set forth below within the time period specified for compliance with each.

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 (a) and 21 N.C. Admin. Code 61.0309 (c) (3); and also agrees to the assessment of one hundred dollars (\$100.00) 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 complete a two page essay on the Importance of the Legal Aspects of Charting according to Board writing guidelines and submit it electronically no later than 30 days after signing this Consent Order.

4) 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).

5) 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.

6) 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.

7) 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. The RCP also agrees to continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules; and 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 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.

#### **6. Effective Date of the Consent Order**

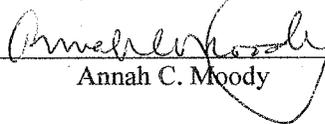
All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs this Order.

#### **7. Modification of the Consent Order**

Should circumstances arise that affect the RCP's ability to remain in compliance with this Consent Order, the RCP shall immediately notify the Board in writing by return receipt mail, fully describing the circumstances and requesting the Board to modify this Consent Order. Any modification of this Consent Order must be approved in writing by the Board before it becomes effective.

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

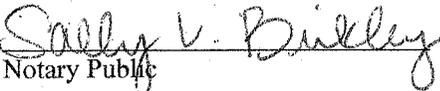
I, Annah C. Moody, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order as a condition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

  
Annah C. Moody

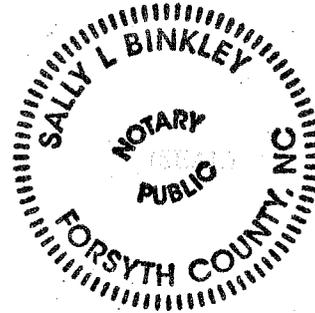
STATE OF NORTH CAROLINA  
COUNTY OF Forsyth

There personally appeared before me, a Notary Public in and for the County of Forsyth, State of North Carolina, Annah Claire Moody, 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 10 day of February 2016.

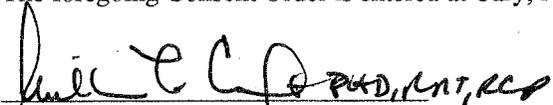
  
Notary Public

My Commission Expires: 02/21/2017



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

The foregoing Consent Order is entered at Cary, North Carolina, this 16<sup>th</sup> day of February, 2016.

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