

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
RESPIRATORY CARE BOARD

IN THE MATTER OF: )

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**CONSENT ORDER**

Alexis N. Barton )  
(formerly-Alexis Sanderson), RCP )

License Number – 7796 )

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Case Number - 15-786

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**I. 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 (“the 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 and 21 N.C. Admin. Code § 61.0307.

**II. Identification of Licensee**

The Respiratory Care Practitioner is Alexis N. Barton (the “RCP”). Her mailing address is 2064 McGirt Rd., Maxton, NC 28364. The RCP held a North Carolina Respiratory Care License Number 7796 (the “License”), first issued on January 21, 2015, and expires on January 31, 2017.

**III. Waiver of Rights**

I, Alexis N. Barton, the RCP, 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)

AB The right to a hearing before the Board;

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

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

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

AB The right to present legal arguments to the Board; and

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

#### **IV. Stipulation to Facts**

The Respiratory Care Practitioner (“RCP”) and the Board stipulate to the following facts:

A. The RCP was engaged in the practice of respiratory care in North Carolina when the events occurred that led to the initiation of this complaint.

B. On December 12, 2015, the Board received notice from Ismail Montes from Columbus Regional Healthcare System in Whiteville, NC that the RCP had practiced respiratory care from June 9, 2014 until January 20, 2015 without an active license.

C. On December 17, 2015, the RCP called to explain that she was under the impression that her license was active.

D. In a telephone interview On December 17, 2015, Jason Beck, RRT, RCP, Administrative Director at Columbus Regional Healthcare System, indicated that the lapse of the RCP’S License was discovered during a review of the renewals for January, and that he and his respiratory care supervisor were unaware of the issue. Mr. Beck also stated that the HR Department is responsible for verifying all respiratory care licenses online and hardcopy verification is not part of the policy, that HR conducts all of the checks and verifies requirements are met, and that the HR department clears the staff for work.

E. On March 8, 2016, the RCP was interviewed by the Board’s Investigation and Informal Settlement Committee and she admitted to working without a license and accepted responsibility for her actions. She stated that she thought her NBRC card was her license. She realized she did not have a license early in January 2015. She called the board to ask what needed to be completed to renew the License. She admitted that she did not tell the board staff that she had been working. She continued to work until her License was issued on January 21, 2015.

#### **V. Stipulated Order**

During an Executive Session at its regular quarterly meeting on April 14, 2016 the Board considered this matter and determined to offer a Consent Order to the RCP, on the terms set out in this document.

##### **A. Stipulation to Sections of Law Violated:**

I, Alexis N. Barton , the RCP, admit that my practicing respiratory care at Columbus Regional Healthcare System from June 9, 2014 until January 20, 2015 without an active license is a violation of N.C. Gen. Stat. § 90-659 (a)(1)(c) and the rule codified at 21 N.C. Admin. Code § 61 .0307 (4).

**B. Stipulation to Sanctions:**

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 and agree to the following terms:

- 1) The RCP accepts and agrees to the issuance of a Board Reprimand.
- 2) The RCP agrees to create a Presentation for the graduating seniors at Robeson Community College on the licensing process for respiratory care practitioners in North Carolina and to present to the students once on or before May 12, 2016.
- 3) The RCP accepts and agrees to the assessment of a civil penalty of five hundred dollars (\$500.00) pursuant to N.C. Gen. Stat. § 90-666 and 21 N.C. Admin. Code § 61.0309. The RCP shall remit this sum to the Board no later than ninety (90) days after execution of this order.
- 4) The RCP accepts and agrees to the assessment of two hundred and fifty dollars (\$250.00) in costs pursuant to N.C. Gen. Stat. § 90-666(d) and to remit this sum to the Board no later than ninety (90) days following the execution of this Consent Order. The RCP also assumes financial responsibility for any other costs associated with fulfilling the terms of this Consent Order.
- 5) 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).
- 6) The RCP agrees that if circumstances arise which affect the RCP's ability to comply fully and timely with any of the terms of this Consent Order, the RCP shall immediately notify the Board in writing, fully describing the situation and providing a specific request to modify its terms for Board consideration. However, the RCP acknowledges that no modification of this Consent Order shall be in effect until the Board confirms such a modification in writing to the RCP.
- 7) 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.
- 8) 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.

**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 ORDER BY RESPIRATORY CARE PRACTITIONER**

I, Alexis N. Barton , 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.

Alexis N. Barton  
Alexis N. Barton

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, ALEXIS N. BARTON, 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 3rd day of MAY, 2016.

Thomas W. Stanton  
THOMAS W. STANTON  
Notary Public

(SEAL)

My Commission Expires: 31 JULY 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 6th day of May, 2016.

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