



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

CONSENT ORDER

**IN THE MATTER OF:
AUNDRAE C. BARRETT
PENDING RESPIRATORY CARE LICENSE #3753**

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 was convicted of or entered a plea of nolo contendere to any crime involving moral turpitude, in violation of G.S. 90.659(a)(2); and

WHEREAS the Applicant was convicted of unlawful possession of a controlled dangerous substance, in violation of 21 NCAC 61 .0307 (25); 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 June 30, 2004, 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 July 1, 2004 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 shall consent to Probationary Status for a period of one year from the date of issuance of his Respiratory Care Practitioner license.

Applicant shall cause his immediate Respiratory Care supervisor to submit written quarterly reports to the Board, which shall be submitted by the 15th day of October, 2004, January 2005, April 2005, July 2005 and each such written report shall document the Applicant's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about the Applicant's practice of Respiratory Care.

Applicant shall consent to continue attending his Narcotics Anonymous (NA) meetings and provide documentation to the Board monthly on or before the 15th day of August, 2004; September, 2004; October, 2004; November 2004; December, 2004; January, 2005; February, 2005; March, 2005; April, 2005; May, 2005; June, 2005; and July, 2005.

Applicant agrees to permit the Board to conduct criminal background checks of the Applicant during the next 3 years. The background checks may be performed at random at anytime during the dates July 1, 2004 to July 31, 2007.

Applicant agrees to permit the Board to conduct random drug testing of the Licensee during the next 3 years. The drug testing may be performed at any time during the dates July 1, 2004 to July 31, 2007. The 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 would be collected, and will instruct the Licensee regarding the details of how any drug test should occur.

Applicant agrees to complete 50 hours of Continuing Education approved by the Board within the next 12 months from the date of issuance of his Respiratory Care Practitioner license and provide documentation to the Board.

Applicant agrees to take and successfully complete the Certified Respiratory Therapist (CRT) or Registered Respiratory Therapist (RRT) exam administered by the National Board for Respiratory Care (NBRC) within the next 12 months from the date of issuance of his Respiratory Care Practitioner license and provide documentation to the Board.

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 by its Executive Director.

CONSENT TO ISSUANCE OF ORDER BY APPLICANT

I, Aundrae C. Barrett, 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 obtaining my license from the North Carolina Respiratory Care Board.

Aundrae C. Barrett
Aundrae C. Barrett

STATE OF NORTH CAROLINA)
COUNTY OF Wake)

There personally appeared before me, a Notary Public in and for the County of Wake, State of North Carolina, Aundrae C. Barrett, who after having presented documentation of his identity that was satisfactory to me did acknowledge that he executed the foregoing Consent Order as his free and voluntary act.

This 7th day of July, 2004

Jane E. Carter
Notary Public

SEAL

My Commission Expires: 12-8-07

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

Based on the agreement of the Applicant and the authority previously conveyed by resolution of the Board, the foregoing Consent Order is entered at Raleigh, North Carolina

This 7th day of July 2004

Floyd E. Boyer

Floyd E. Boyer, RRT, RCP
Executive Director