



NORTH CAROLINA RESPIRATORY CARE BOARD
1100 Navaho Drive, Suite 242
Raleigh, NC 27609
(919) 878-5595
FAX (919) 878-5565

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

July 14, 2005

Torie East
4545 N. 58 Hwy
Nashville, NC 27856

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Ms. East,

A hearing was held by the North Carolina Respiratory Care Board on July 7, 2005, regarding the matters described in the Notice of Hearing dated February 9, 2005. The Board sent that notice by certified mail, return receipt requested, to your last address of record.

Based on the Notice of Hearing, your case was called during the Board meeting, but you did not appear and no one else appeared on your behalf. The Board proceeded with the hearing.

The Board considered the testimony and exhibits that were submitted at the hearing. From its review of this evidence, the Board entered the Findings of Fact and Conclusions of Law that are set out in the attached decision. Based on the evidence presented at the hearing, the Board has determined that it should revoke your license to practice Respiratory Care, effective July 7, 2005, the date of the hearing. This letter and the attached decision serve as official notice of the Board's Findings of Fact, Conclusions of Law, and its decision, together with notice of your appeal rights under the North Carolina Administrative Procedure Act.

Appeal Right – You have the right to appeal the Board's decision by filing a petition in the Superior Court of Wake County, North Carolina within thirty (30) days of your receipt of this letter. To compute the thirty days, start counting on the day after this letter is signed for by you or anyone else, because the Board will use the date of signature on the signature card that we will get back to define the start of the 30-day period. Your appeal must be **FILED** in the Office of the Clerk of Court at the Wake County Courthouse in Raleigh, North Carolina, no later than 5 P.M. on the thirtieth day, unless that day falls on a weekend or a holiday recognized by North Carolina State Government, and please note that North Carolina does not share the same holiday schedule as other states or the Federal government. If the thirtieth day falls on a weekend or recognized North Carolina state holiday, then you must file before 5 PM on the next business day. If you do not file an appeal within this thirty-day period, you lose your right to appeal.

Should you have any questions regarding any aspect of this letter, please do not hesitate to contact me.

Sincerely,

Floyd E. Boyer, RRT, RCP
Executive Director



BEFORE THE NORTH CAROLINA RESPIRATORY CARE BOARD

IN THE MATTER OF THE LICENSE)
OF TORIE L. EAST TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 3620)
_____)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing came before the North Carolina Respiratory Care Board on July 7, 2005, as part of the Board's regularly scheduled meeting on that date.

PROCEDURAL HISTORY OF THIS CASE

The subject of this hearing is information that has been presented to the Board and was reviewed in detail with the Licensee during an interview with the Board's Investigation and Informal Settlement Committee on June 30, 2004. During the interview Ms. East admitted that she falsified patient records while employed at Down East Respiratory Services, Inc. Ms. East also indicated she had been out of the practice of Respiratory Care for two years between July, 2002 and June, 2004 and that she had a problem with alcohol abuse in the past.

Based on the Interview and other available information, the Board approved the issuance of a Consent Order permitting Ms. East to practice respiratory care on a probationary status for 6 months, and requiring Ms. East: 1) to be reevaluated for continued practice by a scheduled interview with the Board's Investigation and Informal Settlement Committee on January 5, 2005; 2) to submit quarterly reports from her immediate respiratory care supervisor; 3) to submit to evaluation by a Substance Abuse Counselor within 30 days of signing the Consent Order and have a report sent to the Board; 4) to allow for random drug testing for a period of 3 years; 5) to limit her practice to hospital and/or long term care setting(s); 6) to complete 20 hours of continuing education within 90 days; 7) to pay the Board \$150.00 for disciplinary costs within 90 days; and 8) to continue to comply with the Respiratory Care Practice Act and Board Rules.

Ms. East signed this Consent Order on July 9, 2004, agreeing to each of its terms. Ms. East completed the evaluation by a Substance Abuse Counselor on August 2, 2004 but has failed to comply with each of the other seven conditions stipulated in the Consent Order.

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, Torie L. East nor any other person appeared on her behalf. The case for the Board was presented by its counsel, William R. Shenton. Mr. Shenton called Mr. Floyd Boyer, Executive Director of the Board, as the Board's only witness.

EVIDENCE/EXHIBITS

Board Evidence:

Mr. Boyer's testimony and the following Exhibits were accepted into the record without objection.

Board Exhibit # 1 – Notice of Hearing for July 7, 2005

Board Exhibit # 2 - Consent Order signed by the Licensee on July 9, 2004.

Board Exhibit # 3 – Copy of the psychological evaluation of the licensee performed by Dr. Harrell of Family Counseling Services, Rocky Mount, NC on August 2, 2004.

Board Exhibit # 4- Notice of Hearing for April 7, 2005 which was continued to July 7, 2005.

Board Exhibit # 5 and #6- Copies of envelopes mailed to Ms. East showing the mail unclaimed.

Board Exhibit # 7- Copy of Ms. East's application for licensure.

Licensee Evidence:

Neither the Licensee nor a representative appeared and no evidence was presented on her behalf.

FINDINGS OF FACT

1. The Licensee completed the evaluation by a Substance Abuse Counselor on August 2, 2004 but failed to comply with each of the other seven conditions stipulated in the Consent Order.
2. The Licensee failed to appear before the Investigation and Informal Settlement Committee on January 5, 2005 as required by the Consent Order.
3. The Licensee has not contacted the Board office to attempt to arrange different dates or times to appear, and did not appear for the hearing.

CONCLUSIONS OF LAW

Based upon the foregoing Finding of Fact, the Board enters the following Conclusions of Law:

1. The Licensee's failure to comply with the Consent Order entered into by the Licensee on July 9, 2004 constitutes violations of 21 N.C.A.C. 61.0307(5).

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board has determined that the license of Torie L. East to practice respiratory care in North Carolina shall be permanently revoked effective July 7, 2005.

IT IS SO ORDERED:

This the 7th day of July, 2005



Joseph Coyle, M.D., Chair
North Carolina Respiratory Care Board