

IN THE MATTER OF:)
)
Donica L. Laney, RCP)
)
License Number – 2728)
Case Number – 16-845)

CONSENT ORDER

I. Jurisdiction




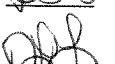


The North Carolina Respiratory Care Board (the Board) is an occupational licensing board of the State of North Carolina, organized under The Respiratory Care Practice Act (“the Act”) codified at N.C. Gen. Stat. § 90-646, et seq. The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 90-652 and 21 N.C. Admin. Code § 61.0307.

II. Identification of Licensee

The Respiratory Care Practitioner is Donica L. Laney (the “RCP”). Her mailing address is 310 Lynnfield Dr., Kershaw, SC 29067. The RCP held a North Carolina Respiratory Care License Number 2728 (the “License”), first issued on September 18, 2002, and expires on September 30, 2017.

III. Waiver of Rights

I, Donica L. Laney, 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)  The right to a hearing before the Board;
-  The right to present evidence to disprove all or some of the charges against me;
-  The right to present evidence to limit or reduce any sanction that could be imposed for a violation;
-  The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;
-  The right to present legal arguments to the Board; and
-  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 November 21, 2016, the Board received a complaint that the licensee deliberately falsified records, committed forgery, altered documents, or provided false employment-related information. RCP scanned, documented, and charged a patient for a treatment which she did not administer.

C. On November 28, 2016, the Board investigator interviewed by phone the Respiratory Care Manager, Novant Health, Matthews, NC. The manager reported that a patient reported to a nurse that she was short of breath and did not get her nebulizer treatment. An investigation revealed that the medication was charted and scanned but never given. The RCP was terminated on November 18, 2016 for violating the zero tolerance policy. Manager filed the complaint on 11-21-16 for falsification of patient records.

D. On February 15, 2017, the RCP was interviewed by the Board investigator. The RCP stated that she worked the day shift from 7 AM- 7 PM and admitted that she did document a treatment on a patient and was then called to the ED, then forgot to return to do the treatment. She stated that it was not intentional but an over site on her part.

E. On March 7, 2017, the RCP was interviewed by the Board’s Investigation and Informal Settlement Committee and admitted that she scanned the medications at the nursing station prior to delivering the nebulizer treatments. She stated that she was called to the ER stat after she scanned the treatments. She completed one treatment but failed to complete three of the four upon her return and she feels that there are no excuses for her actions, but struggles with time management.

V. Stipulated Order

During an Executive Session at its regular quarterly meeting on April 13, 2017 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, Donica L. Laney , the RCP, admit that my actions in failing to create and maintain respiratory care records documenting the assessment and treatment provided to each patient charting treatments is unprofessional conduct and a violation of N.C. Gen. Stat. § 90-659 (a)(1)(d) and § 90-659 (a)(4) and the rules codified at 21 N.C. Admin. Code § 61 .0307 (10) and (15).

THE REMAINDER OF THIS PAGE WAS LEFT INTENTIONALLY BLANK

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 submit an essay within 30 days of signing this order on the "Legal and Medical and Medical Ramifications of False Documentation" according to the Board approved writing standards.
- 3) The RCP agrees to complete the AARC Ethics Course and submit evidence for completion within 30 days of signing this order.
- 4) The RCP accepts and agrees to the assessment of a civil penalty of two hundred and fifty dollars (\$250.00) 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.
- 5) The RCP accepts and agrees to the assessment of hundred dollars (\$100.00) 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.
- 6) 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).
- 7) 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.
- 8) 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.
- 9) 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 REMAINDER OF THIS PAGE WAS LEFT INTENTIONALLY BLANK

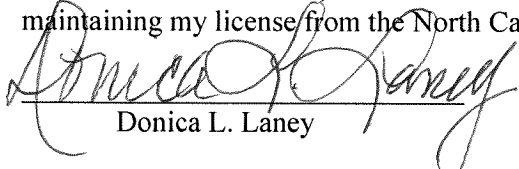
6. Effective Date/Modification

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 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.

CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

I, Donica L. Laney, 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.

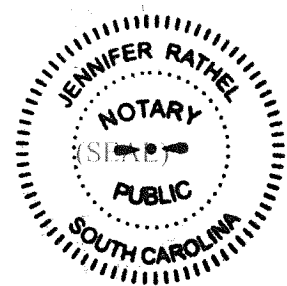

Donica L. Laney

South Carolina
STATE OF NORTH CAROLINA
COUNTY OF *Lancaster*

There personally appeared before me, a Notary Public in and for the County of *Lancaster*, State of ~~North~~ *South* Carolina, *Donica L. Laney*, 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 *18* day of *may*, 2017.

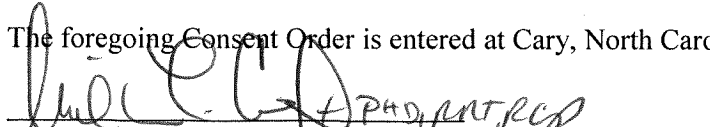

Notary Public



My Commission Expires: *6-9-2021*

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

The foregoing Consent Order is entered at Cary, North Carolina, this *30th* day of *MAY*, 2017.


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