

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
RESPIRATORY CARE BOARD

IN THE MATTER OF:

Maurice X. Brown, RCP
License Number – 6111

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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 (“RCPA”), codified at N.C. Gen. Stat. § 90-646, et seq. The Board has jurisdiction over this matter under N.C. Gen. Stat. § 90-652 and 21 N.C. Administrative Code 61 .0307 in the Board’s rules.

II. Identification of Licensee

The Respiratory Care Practitioner whose license is the subject of this matter is Maurice X. Brown (the “RCP”). His mailing address is 2503 Kilborne Dr. Apt. F, Charlotte, NC 28205. The RCP holds North Carolina Respiratory Care License Number 6111 (the “License”), first issued on September 28, 2009, with a current expiration date of September 30, 2019.

III. Waiver of Rights

I, Maurice X. Brown, 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)

MB The right to a hearing before the Board;

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

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

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

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

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

IV. Stipulation to Facts

Having waived all rights to present any evidence on this matter, the RCP stipulates with the Board to the following facts:

A) The RCP was employed and engaged in the practice of respiratory care in North Carolina, and his License was subject to the Board's jurisdiction during the time period when the events described in this Consent Order occurred.

B) On June 13, 2018, the Board received a complaint regarding the conduct of the RCP while employed at Atrium Health formerly Carolinas Health System in Charlotte, NC. from a member of the public, Amanda Atkins ("Complainant"), alleging that the RCP was using drugs while on shift at Atrium Health-Levine's Children Hospital.

C) On June 22, 2018, the Board Investigator interviewed the complainant. She stated that the RCP's behavior appeared "slow and lethargic" at times when he was caring for her daughter. She stated that he never witnessed the RCP doing drugs but was told by a co-worker of the RCP that he preferred taking "downers".

D) On July 9, 2018, the Board Investigator interviewed the RCP. He stated that he voluntarily submitted to a drug test while at Levine on June 14, 2018. He admitted that the urine test was positive for Xanax and he did not have a prescription for the drug. He stated that he got the Xanax from Jessica Burris who was a co-worker and friend outside of work. The RCP entered the hospital Employee Assistance Program (EAP) and completed a 20-hour substance abuse counseling.

E) During his interview with the Board Investigator, the RCP stated that he regretted the bad decision that he had made, took full responsibility for his action, and demonstrated insight and awareness of how this action could impact his practice of respiratory care.

F) On September 4, 2018, the RCP appeared for an interview before the Board's Investigative Committee; and he did not admit to any other drug or alcohol use. He denied chronic drug use but accepts responsibility for testing positive. He took full responsibility for his action, and demonstrated insight and awareness of how this action could impact his practice of respiratory care

G) On October 11, 2018 the Board considered this matter and determined to place the RCP on probation for 24 months with the following stipulations to include quarterly supervisory reports, counseling evaluation and follow plan of care, quarterly counseling reports, and random drug screens.

V. Stipulated Order

During an Executive Session at its regular quarterly meeting on October 11, 2018 the Board considered this matter and determined to offer a Consent Order to the RCP, on the terms set out in

this document; and in an email to the Executive Director on October 12, 2018, the RCP accepted each of the provisions of this Consent Order.

A. Stipulation to Violations of RCPA and Board Rules:

I, Maurice X. Brown, the RCP, admit that testing positive for Xanax while on shift would violate N.C. Gen. Stat. § 90-659 (a) (1) (d) and the Board Rule set forth in 21 N.C. Admin. Code 61.0307 (10) and (14) and would provide a sufficient basis for the Board to revoke my License. Therefore, in consideration of the Board allowing me to keep my License, I freely and voluntarily agree to the following:

B. RCP's Stipulation to Sanctions:

Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to hearing, the RCP and the Board hereby enter into this consent order and agree to the following terms, and the RCP understands that each and every one of these terms is an essential provision of this Consent Order, to which he agrees:

1. The RCP agrees that he will retain the License to practice respiratory care on Probationary Status for a period of not less than 24 months from the date of his execution of this Consent Order; and as a specific condition of that Probationary Status, the RCP agrees to all of the following additional terms and limitations.

2. 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.

3. 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.

4. The RCP agrees to seek treatment and counseling with a Board approved substance abuse counselor within 30 days of his signature of this Consent Order and to submit a copy of that Counselor's findings and plan of treatment to the Board. The RCP also agrees to follow any Plan of Treatment suggested by the counselor to its completion and to sign a release of information form with his Counselor that allows the Counselor to provide written reports to the Board of his sessions with his Counselor on a quarterly basis for 24 months or until the plan of treatment is completed, whichever is sooner.

5. During the entire time that the RCP holds the License on Probationary Status, the RCP agrees to permit the Board to conduct Random Drug testing of the RCP, and further agrees that the entire costs of all drug testing will be paid by the RCP. The Board will determine the laboratory where the testing would be performed and the manner in which the sample will be collected and will instruct the RCP regarding these and any other details of how any drug test should occur. The Board may, but is not required to, accept drug screens performed by other state or federal agencies or employers as proof of RCP's ongoing compliance.

6. The RCP agrees to pay the costs of any drug screens, or treatment, or testing required under this Consent Order and agrees to assume financial responsibility for any other costs associated with fulfilling the terms of this Consent Order.

7. The RCP agrees to report any change of employment as a Respiratory Care Practitioner and any change of address in writing to the Board within five business days after any such change;

8. During the entire time that the RCP holds the License on Probationary Status, and if employed as a Respiratory Care Practitioner or in any other health care occupation the RCP shall cause his immediate supervisor to submit written quarterly reports to the Board. Each such written report shall be submitted in a format defined by the Board and shall document the RCP's performance in the delivery of Respiratory Care or other professional duties, and detail any concerns of the supervisor about the RCP's Practice of Respiratory Care or other professional service on a form supplied by the Board.

9. The RCP shall report any disciplinary action taken against him in connection with his employment as a Respiratory Care Practitioner or in connection with any other employment in which he is involved in providing health care services.

10. The RCP agrees to attend one or more interviews with the Investigative Committee of the Board, the exact dates to be determined by the Board in its discretion in the future, to assess his compliance with this Consent Order.

11. 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) maintained by the U.S. Department of Health and Human Services.

12. 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, fully describing the situation and providing a specific request to modify the terms of this Consent Order for the Board's consideration. **However, the RCP acknowledges that unless and until the Board confirms such a modification IN WRITING to the RCP, no modification of this Consent Order shall be in effect.**

13. The RCP acknowledges and agrees that if he fails to comply with the terms of this Consent Order, either by completely failing to carry out one of his 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 immediately suspend or revoke the License, or impose additional disciplinary sanctions or performance obligations on the RCP.

14. The RCP acknowledges and agrees that he must continue to comply with the Respiratory Care Practice Act ("RCPA") and the Board's Rules; and further acknowledges that if evidence of his non-compliance with the RCPA or the Board's Rules that is not presented in the Stipulated Facts above should arise after execution of this Consent Order, then the Board may invoke other disciplinary measures against his, based on that other evidence; and that in determining the appropriate action to take in response to any such other evidence of his non-compliance with the RCPA or the Board's Rules, the Board also may consider the conduct of the RCP which is presented in the Stipulated Facts in this Consent Order.

VI. Effective Date

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 and receives written confirmation of completion from the Board.

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CONSENT TO THE ENTRY OF CONSENT ORDER BY RESPIRATORY CARE PRACTITIONER

I, Maurice X. Brown, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that after having an opportunity to consult with and obtain advice of counsel if I wanted to do so, I freely and without threat or coercion of any kind, consent to the entry of this Consent Order and agree to comply with the terms and conditions stated in it.

Maurice Brown
Maurice X. Brown

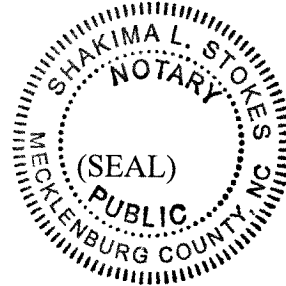
STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg

There personally appeared before me, a Notary Public in and for the County of Mecklenburg State of North Carolina, Maurice X. Brown 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 23rd day of October, 2018.

Shakima Stokes
Notary Public Shakima L. Stokes

My Commission Expires: MAY 20, 2022



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

The foregoing Consent Order is entered at Cary, North Carolina, this 29th day of October, 2018, and a copy of the signed Consent Order was mailed to the RCP's Address of Record currently on file with the Board.

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