



NORTH CAROLINA RESPIRATORY CARE BOARD
125 Edinburgh South Drive, Suite 100
Cary, NC 27511

SENT BY USPS PRIORITY MAIL AND BY E-MAIL

January 23, 2019

Jamie M. Glover
1081 23rd St. NE
Hickory, NC 28601

License Number: X-5075

Case Number: 18-922

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Mr. Glover,

The North Carolina Respiratory Care Board held a hearing on January 10, 2019, regarding the matters described in the Notice of Hearing that was sent to you on October 29, 2018, at the address of record that you had provided to the Board. You did not appear for the hearing, but as was stated in the Notice of Hearing, the Board proceeded in your absence. Based on its review of the testimony and exhibits introduced into evidence at the hearing, the Board determined to revoke your respiratory care practitioner license. This letter and the attached Final Board Decision serve as official notice of the Board's Findings of Fact, Conclusions of Law, and its Decision to revoke your license, and of your right to appeal this Final Board Decision.

Appeal Right – You have the right to appeal the Board's decision by filing a Notice of Appeal of the Board's decision in Superior Court, and if you decide to appeal, you should seek legal advice. *Please note--The North Carolina Administrative Procedure Act states that these appeals must be filed in the Superior Court for the North Carolina county where you currently reside.* The appeal must be filed within 30 days from your receipt of this letter and the attached Final Board Decision. The date of the signature on the signature card that the Board receives back will define the start of the 30-day period, and to compute the 30-day period, you should count the first day after this letter is signed for, by you *or by anyone else at your address*, as the first of the 30 days, even if that first day after it is signed for is a weekend or a holiday. The deadline for the actual receipt of your appeal at the Superior Court is **before 5 PM on the thirtieth day**, unless that day falls on a weekend or on a holiday recognized by North Carolina State Government. *Please note--putting the appeal in the mail or sending it by some other means on the deadline is not sufficient. Any appeal must be physically received in the Superior Court for the appropriate county before the deadline.* If the thirtieth day falls on a weekend, or on a holiday that is recognized by the State of North Carolina, then your appeal must be received at the Superior Court before 5 PM on the next business day, and please note that North Carolina does not always have the same holidays as other states or the United States Government.

If you do not file an appeal on time, or if you not file in the correct county, you will lose your right to appeal.

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

Sincerely,

William L. Croft, Ed.D., Ph.D., RRT, RCP
Executive Director



BEFORE THE NORTH CAROLINA RESPIRATORY CARE BOARD

IN THE MATTER OF THE LICENSE)
OF JAMIE M. GLOVER TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 5075)

**FINAL BOARD DECISION
REVOKING LICENSE**

The subject of this contested case is License Number 5075, held by the Licensee, Mr. JAMIE M. GLOVER. This matter came on for hearing before the Board on January 10, 2019, pursuant to N.C. Gen. Stat. § 90-659 (b) and Article 3A of Chapter 150B of the North Carolina General Statutes, based on the attached Notice of Hearing that was sent to the address of record that Mr. Glover had provided to the Board.

APPEARANCES & WITNESSES TESTIFYING AT THE HEARING

At the hearing, neither the Licensee, JAMIE M. GLOVER, nor any other person appeared on his behalf. The case for the Board was presented by its counsel, William R. Shenton.

BOARD EVIDENCE

Dr. William L. Croft, Executive Director of the Board, and Judy Green, RCP, RRT, the Board Investigator testified as the witnesses for the Board. The following exhibits were introduced at the hearing by the Board.

Board Exhibit # 1 – A copy of Notice of Hearing on Revocation of License Number 5075 sent to the Licensee’s address of record at 1081 23rd St. NE in Hickory, North Carolina on October 29, 2018, by USPS Priority Mail, scheduling the hearing for January 10, 2019, with a copy of the USPS tracking data showing that the letter was delivered on October 31, 2018, at the address to which it was sent.

Board Exhibit # 2 –A copy of an Unpublished Consent Order for the Alternative Program signed by the Licensee on October 31, 2017 and executed on November 2, 2017.

Board Exhibit # 3 – A copy of the Work Status Treatment Report signed on October 4, 2017 by Jamie Glover provided by Catawba Valley Medical Center documenting his Fit for Duty status.

Board Exhibit # 4 – A copy of a supervisor report dated January 10, 2018 for Jamie Glover completed by Sherry Richardson, Vice President of Catawba Valley Medical Center.

Board Exhibit # 5 –A copy of a letter dated August 2, 2018 sent both to the Licensee’s address of record by USPS Priority Mail and to his email address of record, inviting him to an interview with the Investigative Committee at 10 AM on September 4, 2018, to discuss his failure to inform the Board of the termination of his employment at Vidant Medical Center in Greenville, NC, with a copy of the USPS tracking data and email tracking showing that the mailed copy of the letter was delivered on August 6, 2018, and that the email also was delivered on that date.

Board Exhibit # 6 – A copy of a screen shot from the complaint section of the NCRCB Database that shows an electronic complaint filed on the Board’s website on August 3, 2018 by Sherry Richardson of Hickory, NC indicating that the Licensee had been arraigned for two criminal charges in Catawba County, NC.

Board Exhibit # 7 – A copy of an email dated August 6, 2018, sent by the Board’s Executive Director to the Licensee’s email address of record asking him to respond to the letter that had been mailed on August 2, 2018, and notifying him that the criminal charges filed against him in Catawba County would be included in the September 4, 2018 Investigative Committee Meeting, with the specifics of the criminal charges redacted.

Board Exhibit # 8 – A copy of two certified court documents—1) The Conditions of Release and Release Order for Jamie Glover filed in District Court in Catawba County, NC dated August 8, 2018 which includes an entry on its second page stating that the Defendant had been received by the Detention Facility August 7, 2018; and 2) The Appearance Bond for Pretrial Release signed by the Licensee on August 8, 2018, with the entry on its second page stating that the defendant had been released from custody on August 8, 2018.

Board Exhibit # 9 – A copy of an email and the email attachments dated August 29, 2018, sent by the Board’s Executive Director to the Licensee’s email address of record asking him to respond to the letter mailed on August 2, 2018, and again notifying him that the criminal charges filed against him in Catawba County would be included in the September 4, 2018 Investigative Committee Meeting, with the specifics of the criminal charges redacted; as well as an email confirmation received back that the delivery was complete.

Board Exhibit # 10 – A copy of an email (redacting specifics of criminal charges) and the email attachments dated October 12, 2018, sent by the Executive Director of the Board to the Licensee’s email address of record notifying him that he had not responded to the letter mailed on August 2, 2018, and notifying him that the Board voted to hold a Revocation Hearing on January 10, 2019 due to his non-compliance with his Consent order, and asking if would like to consider surrendering his license immediately; as well as an email confirmation received back that the delivery was complete.

Board Exhibit # 11 – A copy of an email (redacting specifics of criminal charges) and the email attachments dated October 15, 2018, sent to the Licensee’s email address of record notifying him that he has not responded to the letter mailed on August 2, 2018, and that the Board voted to hold a Revocation Hearing on January 10, 2019 for non-compliance with his Consent order, and asking if he would like to consider surrendering his license immediately; and an email confirmation received back that the delivery was complete.

Board Exhibit # 12 – A copy of an email (redacting specifics of criminal charges) and the email attachments dated October 23, 2018, sent to the Licensee’s email address of record notifying him that he has not responded to the letter mailed on August 2, 2018, and that the Board voted to hold a Revocation Hearing on January 10, 2019 for non-compliance with his Consent order, and asking if he would like to consider surrendering his license immediately; and an email confirmation received back that the delivery was complete.

Board Exhibit # 13 – A copy of the Board Investigator’s notes regarding the Licensee’s probation requirements per the signed Consent Order showing the requirements to be tracked, and showing receipt of a single supervisory report in December 2017; and a note that she had left a voicemail message for the Licensee on July 30, 2018.

Exhibit # 14 – A copy of emails sent by the Board Investigator, including emails sent to the Licensee on April 6, 2018 and May 25, 2018 reminding the Licensee about the requirements of his Consent Order.

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FINDINGS OF FACT

1. The Board originally issued License Number 5075 for the Practice of Respiratory Care to the Licensee on May 7, 2008.
2. The Board maintains individual files for each of its licensees, and those files contain the physical address, email address, and contact telephone number which all licensees provide to the Board in order that the Board can contact them.
3. On October 31, 2017, the Licensee voluntarily entered into a Consent Order with the Board in which he waived his rights to a hearing and stipulated to the following facts:
 - a. The Licensee was employed in the practice of respiratory care at Catawba Valley Medical Center in North Carolina during the time period when the events occurred that led to the initiation of this matter.
 - b. The Licensee's work performance had declined by July of 2017. He was tardy in arriving for his scheduled shifts and coworkers were unable to reach him by phone during his scheduled shifts; and on July 22, 2017, a supervisor instructed him to provide a drug screen.
 - c. A urinalysis and breathalyzer were performed on July 22, 2017 and the results were positive for methamphetamines (652 ng/ml).
 - d. The Licensee had been using methamphetamines for approximately two months before the tests were administered.
 - e. The Licensee was involuntarily committed to Frye Hospital's psychiatric unit on August 3, 2017.
 - f. The Licensee attended the Board's Investigation and Informal Settlement Committee meeting on September 12, 2017.
 - g. During the interview, the Licensee freely admitted his drug use and that he was admitted to Frye Hospital Psychiatric Unit for substance abuse issues. He presented a letter from his physician stating that he is not cleared for work at this time. The Licensee related issues with stress and marriage for his abuse of medication. The Licensee provided letters of recommendation that the Board considered.
 - h. On October 12, 2017 the Board considered this matter and determined to offer the Licensee entrance into the Intervention Program under an Unpublished Consent Order, on the terms set out in this document.
 - i. On October 12, 2017, in a telephone call with the Executive Director of the Board, the Licensee agreed to enter this Consent Order.
4. The Licensee signed the Consent Order on October 31, 2017; and under its terms, agreed that he would retain his license on a Probationary Status for 36 months, during which time he agreed that he must comply with a number of specific steps, including:
 - i. Seeking treatment and counseling with a Board-approved substance abuse counselor, and following any Plan of Treatment suggested by the counselor;
 - ii. Reporting any change of employment and submit written quarterly supervisor reports to the Board; and
 - iii. Attending interviews with the Board's Investigative Committee.
5. In the Consent Order, the Licensee also agreed that a failure to comply with its terms would constitute a violation of 21 N.C. Admin. Code 61 .0307(3), and that as a result the Board may suspend or revoke his license.
6. On April 6, 2018, the Board Investigator sent an email to the Licensee's address of record requesting an update on the Licensee's employment status. The reminder included the requirements of his Consent Order signed on October 31, 2017.
7. On May 25, 2018, the Board Investigator sent an email to the Licensee's address of record requesting an update on the Licensee's employment status. The reminder included the requirements of his Consent Order signed on October 31, 2017. The Board Investigator reminded the Licensee that his 36 months' probation required quarterly supervisory reports and drug screens.
8. During the entire time that the Licensee held his license on Probationary Status, the Board received a single Treatment Report dated October 4, 2017 and a single supervisory report on January 10, 2018.
9. On July 30, 2018, the Board received notice from Ken Stephens, RCP Assistant Manager at Vidant Healthcare in Greenville, NC that he terminated the Licensee on July 15, 2018. The Licensee did not notify the Board of this change in his employment status, as he was required to under the Consent Order, and pursuant to 21 NCAC 61 .0308.
10. On July 30, 2018, the Board Investigator left a phone message with the Licensee on the phone number of record to remind him of his obligations under the Consent Order.
11. On August 2, 2018, the Board's Executive Director sent the licensee letter by mail and by email, inviting him to the Board's Informal and Investigative Settlement Committee (IISC) meeting on September 4, 2018 to discuss his

- Failure to notify the Board that his employment with Vidant Medical Center, as required by the consent order signed on October 31, 2017. The USPS Tracking System indicated that it arrived at the Licensee's address of record on August 6; and the Board also received confirmation of the delivery by email on August 6.
12. On August 3, 2018, a new complaint about the Licensee was filed by a member of the public which stated out of concerns for public safety that the Board should be aware Licensee had been charged with crimes in Catawba County.
 13. For a brief period, from August 7-8, 2018, while the Board was attempting to reach the Licensee, he was incarcerated, but the Board has never received any information to indicate that the Licensee did not have access to receipt of mail at his physical address of record, or emails at his email address, other than the two days on which he was incarcerated in Catawba County.
 14. After receiving the information about criminal charges pending against the Licensee, the Executive Director accessed the official website of the North Carolina Judicial Branch and confirmed that four criminal charges had been brought against the Licensee in Catawba County.
 15. On August 6, 2018, an email was sent to the Licensee's email address of record informing him that a new complaint had been filed with the Board by a member of the public concerning the criminal charges.. The email included and invitation to attend an interview with the Board's Investigative Committee on September 4, 2018, at 10 AM, as well as a form Letter of Surrender of his License.
 16. On August 29, 2018, a second email as a reminder of the interview scheduled with the Investigative Committee, was sent to the Licensee's email address of record stating that a new complaint had been filed by a member of the public about criminal charges pending against him in Catawba County. The email included Investigative Committee invitation letter as well as a form Letter of Surrender of his license.
 17. On August 29, 2018, a reminder call was made by the Executive Director to the Licensee's phone number of record, but the voicemail greeting stated that he was unable to take calls now.
 18. On September 4, 2018, the Licensee failed to appear before the Investigative Committee. Based on the evidence, the Investigative Committee determined that he violated the terms of his Consent Order and recommended revocation of his license.
 19. As of October 11, 2018, the Board had received no return phone calls or emails from the Licensee. Other than the Treatment Report in Board Exhibit 3, dated October 4, 2017, and the Supervisor Report in Board Exhibit 4, dated January 10, 2018, none of the counselor and supervisory reports, or employment status notifications required by the Consent Order had been submitted.
 20. The Licensee failed to comply with the Consent Order, and has failed to respond to repeated contacts by the Board about his non-compliance
 21. Based on the Licensee's non-compliance and lack of response, the Board voted on October 11, 2018 to proceed to a hearing on the revocation of his License, on the grounds that he failed to comply with his Consent Order.
 22. The Licensee failed to appear for the hearing on January 10, 2019, either personally or through a representative; and did not communicate any request to the Board to change the date of the hearing.

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CONCLUSIONS OF LAW

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

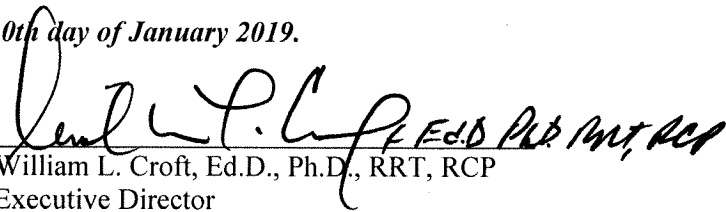
1. To the extent any of the foregoing Findings of Fact contain Conclusions of Law, or that any of these Conclusions of Law are Findings of Fact, they should be so considered without regard to how they may be denominated. To the extent any portions of the Findings of Fact constitute mixed issues of law and fact, such Findings of Fact shall be deemed incorporated herein by reference as Conclusions of Law.
2. The Board provided proper notice of the hearing to the Licensee.
3. The Licensee was legally bound to comply with a Consent Order signed On October 31, 2017,
4. The Licensee failed to respond to a number of Board contacts through mail and email and by telephone to address the issue of his failure to comply with the Consent Order.
5. The Licensee failed to comply with his Consent Order which constitutes a violation of 21 N.C. Admin. Code § 61.0307 (5).
6. The Licensee's violation of N. 21 N.C. Admin. Code § 61.0307 (5) a constitutes a sufficient basis to revoke the License permanently.

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board determined that the license of JAMIE M. GLOVER to practice respiratory care in North Carolina shall be permanently revoked, effective January 10, 2019.

IT IS SO ORDERED.

Effective by Order of the Board on the 10th day of January 2019.


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