



# NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

## CONSENT ORDER

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**IN THE MATTER OF:  
TERRY F. LEE  
RESPIRATORY CARE LICENSE # 2121**

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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 Licensee engaged in unprofessional conduct related to the delivery of respiratory care, and in violation of the Board's rule codified at 21 NCAC 61 .0307(10), in that on December 4, 2003, the licensee appeared at his place of employment at Moses Cone Hospital while off duty, and engaged in belligerent and verbally abusive conduct towards other staff. This resulted in security staff of the Hospital escorting him to the Emergency Department and subsequently in the termination of his employment at Moses Cone; and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of Licensee to determine if he has violated, is violating, or is about to violate any provisions of the Act; and

WHEREAS on March 31, 2004, the Investigation and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203 conducted an interview of the Licensee; and

WHEREAS the Board met on April 1, 2004 and determined to issue a Consent Order to the Licensee as a Respiratory Care Practitioner with conditions; and

WHEREAS Licensee 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 with the express understanding that Licensee will comply with all of the terms contained herein.

**NOW THEREFORE, IT IS HEREBY ORDERED THAT:**

Licensee shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules;

Licensee shall have a Probationary License for a period of nine (9) months, beginning on the 7th day of October 2004;

Licensee agrees to pay to the Board before August 23, 2005, the sum of \$250.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

Licensee agrees to permit the Board to conduct random drug testing of the Licensee at any time from October 7, 2004 through June 30, 2005. 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.

Entry of this Consent Order by the Board is without prejudice to the right of the Board to take any administrative action against Licensee to enforce this Consent Order if the Board determines that Licensee is not fully complying with any term or condition stated herein;

Entry of this Consent Order by the Board does not preclude the Board from taking other adverse action against Licensee for other acts or omissions by Licensee that may be brought to Board's attention in the future; and

This Consent Order shall become final when accepted by the Licensee and entered by the Board based on the execution by its Executive Director.

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**CONSENT TO ISSUANCE OF ORDER BY LICENSEE**

I, Terry F. Lee 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 from the North Carolina Respiratory Care Board.

Terry Lee  
Terry F. Lee

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, Terry F. Lee, 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 18 day of October, 2004.

[Signature]  
Notary Public



My Commission Expires: 8/15/06

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

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

This 19<sup>th</sup> day of October 2004.

Floyd E. Boyer  
Floyd E. Boyer, RRT, RCP  
Executive Director