



**NORTH CAROLINA RESPIRATORY CARE BOARD**

**1100 Navaho Drive, Suite 242  
Raleigh, NC 27609**

**CONSENT ORDER**

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**IN THE MATTER OF:  
CHARLES G. VAIL  
PENDING RESPIRATORY CARE LICENSE #2815**

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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 Charles G. Vail was found practicing Respiratory Care in North Carolina without a Respiratory Care Practitioner license in violation of G.S. 90.659(a)(1)(c) and G.S. 90.661(1)(2)(3) and (4); and

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

WHEREAS a Board Investigator on October 28, 2004 visited Charles G. Vail's practice site and found that he had practiced Respiratory Care without a license; and

WHEREAS on January 5, 2005 the Investigational and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203, conducted an interview of Charles G. Vail; and

WHEREAS the Board met on January 6, 2005 and determined to issue a Consent Order to Charles G. Vail with conditions; and

WHEREAS Charles G. Vail 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 Charles G. Vail will comply with all of the terms contained herein.

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

Charles G. Vail shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules.

Charles G. Vail agrees to the issuance of a Board Reprimand for his violations of the Act.

Charles G. Vail agrees to pay to the Board within 120 days from the date of signature of the consent order, the sum of \$250.00 for Civil Penalties which are authorized by G.S. 90-666(a) and 21 NCAC 61.0309 (d)(1) and the sum of \$250.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

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

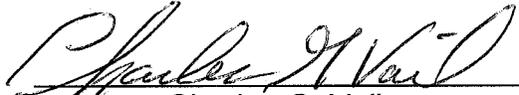
Entry of this Consent Order by the Board does not preclude the Board from taking other adverse action against Charles G. Vail for other acts or omissions by Charles G. Vail that may be brought to Board's attention in the future; and

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

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**CONSENT TO ISSUANCE OF ORDER BY APPLICANT**

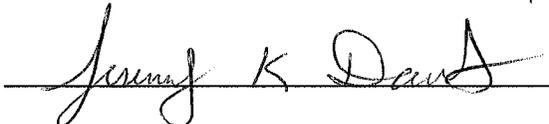
I, Charles G. Vail state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of this Consent Order, as a condition of maintaining my license from the North Carolina Respiratory Care Board.

  
\_\_\_\_\_  
Charles G. Vail

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, Charles G. Vail, 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 21<sup>st</sup> day of January, 2005

  
\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: January 11, 2006

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

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

This 24<sup>th</sup> day of JANUARY 2005

  
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Floyd E. Boyer, RRT, RCP  
Executive Director