



NORTH CAROLINA RESPIRATORY CARE BOARD
1100 Navaho Drive, Suite 242
Raleigh, NC 27609
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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

April 28, 2006

Sarah Pomer
1202 North Walnut Street
Lumberton, NC 28358

Re: Revocation of Your License as a Respiratory Care Practitioner

Dear Ms. Pomer,

A hearing was held by the North Carolina Respiratory Care Board on April 13, 2006, regarding the matters described in the Order for Summary Suspension and Notice of Hearing dated January 12, 2006. The Board sent that notice by certified mail, return receipt requested, to your last address of record.

Based on the Notice of Hearing, your case was called during the Board meeting, but you did not appear and no one else appeared on your behalf. The Board proceeded with the hearing.

The Board considered the testimony and exhibits that were submitted at the hearing. From its review of this evidence, the Board entered the Findings of Fact and Conclusions of Law that are set out in the attached decision. Based on the evidence presented at the hearing, the Board has determined that it should revoke your license to practice Respiratory Care, effective April 13, 2006, the date of the hearing. This letter and the attached decision serve as official notice of the Board's Findings of Fact, Conclusions of Law, and its decision, together with notice of your appeal rights under the North Carolina Administrative Procedure Act.

Appeal Right – You have the right to appeal the Board's decision by filing a petition in the Superior Court of Wake County, North Carolina within thirty (30) days of your receipt of this letter. To compute the thirty days, start counting on the day after this letter is signed for by you or anyone else, because the Board will use the date of signature on the signature card that we will get back to define the start of the 30-day period. Your appeal must be **FILED** in the Office of the Clerk of Court at the Wake County Courthouse in Raleigh, North Carolina, before 5 P.M. on the thirtieth day, unless that day falls on a weekend or a holiday recognized by North Carolina State Government, and please note that North Carolina does not share the same holiday schedule as other states or the Federal government. If the thirtieth day falls on a weekend or recognized North Carolina state holiday, then you must file before 5 PM on the next business day. If you file an appeal after this thirty-day period, then the Board will contest your right to appeal, and it is likely that the court will determine that you have lost your right to appeal.

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

Sincerely,

Floyd E. Boyer, RRT, RCP
Executive Director



BEFORE THE NORTH CAROLINA RESPIRATORY CARE BOARD

IN THE MATTER OF THE LICENSE)
OF SARAH POMER TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 3673)

**FINAL BOARD DECISION
REVOKING LICENSE**

This hearing concerning the Respiratory Care License of Sarah Pomer (“the Licensee”) came before the North Carolina Respiratory Care Board on April 13, 2006, as part of the Board’s regularly scheduled meeting on that date.

PROCEDURAL HISTORY OF THIS CASE

The subject of this hearing is information that the Board got from the Licensee’s employer, Margaret R. Pardee Memorial Hospital, where she was terminated from employment on October 20, 2005. This information indicates that she falsified her application for employment by using a false name and listing a phony license number. She also failed to disclose that she held a probationary license. Other information received from the hospital indicates that she was found asleep during her duty hours and were unable to perform some of the basic skills necessary to practice respiratory care in a safe manner.

The Licensee’s probationary status resulted from another complaint about her conduct and competence that the Board was apprised of by another former employer, Southeastern Regional Medical Center. This information indicated that the Licensee was not competent in her performance of respiratory care and had been counseled on a number of occasions by a supervisor at Southeastern Regional Medical Center for lack of skills and/or competence in the practice of respiratory care. This was reviewed in detail with the Licensee during an interview with the Board’s Investigation and Informal Settlement Committee on January 5, 2005. After that interview, on March 31, 2005, the Licensee declined a sanction approved by the Board and requested a Board Hearing regarding the matter of her conduct while employed by Southeastern Regional Medical Center.

At the Licensee’s request, the Board held a hearing on that matter on October 6, 2005. Although notice of the hearing was sent to the Licensee, she did not come to the hearing. The Board heard the evidence and determined that it should proceed with the disciplinary steps outlined in the letter that had been sent to the Licensee after her interview with the Investigation and Informal Settlement Committee: permitting her to practice respiratory care on a probationary status for 12 months, and requiring her (1) To pay disciplinary costs of \$100.00; and (2) To take and pass the CRT exam administered by the National Board for Respiratory Care.

The information that the Board has received from Margaret R. Pardee Memorial Hospital indicates that the Licensee continues to lack competence in the delivery of respiratory care and has engaged in unprofessional conduct, in violation of Board Rules codified at 21 NCAC 61 .0307(10), (12) and (19).

The Licensee failed to appear at the appointed time for the hearing held on April 13, 2006 or to indicate to the Board that she would be unable to attend.

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, Sarah Pomer, nor any other person appeared on her behalf. The case for the Board was presented by its counsel, William R. Shenton. Mr. Shenton called Mr. Floyd Boyer, Executive Director of the Board; Ms. Judy Green, Investigator for the Board; Mr. Roger S. Shuler, RCP, RPSGT from Margaret Pardee Memorial Hospital and Robin Williams, RPSGT from Margaret Pardee Memorial Hospital, as the Board's witnesses.

EVIDENCE/EXHIBITS

Board Evidence:

Mr. Boyer's, Ms. Green's, Mr. Schuler's and Ms. Williams' testimony and the following Exhibits were accepted into the record without objection.

Board Exhibit # 1 – Order for Summary Suspension and Permanent Revocation of License of Sarah Pomer and Notice of Hearing for April 13, 2006. Included in Board Exhibit #1 is a copy of the certified mail receipt showing the mail was returned to the Board on January 19, 2006 with the notation "Vacant".

Board Exhibit # 2 – Sworn statement of Mr. Roger S. Shuler, RCP, RPSGT from Margaret Pardee Memorial Hospital. The statement noted Mr. Shuler's concerns with the competence of Licensee and the Licensee's sleeping on the job during her performance of sleep studies.

Board Exhibit # 3- Sworn statement of Ms. Bobbie Rodriguez, RCP from Southeastern Regional Medical Center. The statement noted Ms. Rodriguez's concerns with Licensee's sleeping on the job during her performance of sleep studies.

Board Exhibit # 4- Sworn statement of Ms. Claudette McCallum, RCP from Southeastern Regional Medical Center. The statement noted Ms. McCallum's concerns with the competence of Licensee and the Licensee's sleeping on the job during her performance of sleep studies. The statement further noted the concerns with the Licensee's competence that was presented to Ms. Jones from physicians and nurses at Southeastern Regional Medical Center.

Board Exhibit # 5- Sworn statement of Ms. Bobbie Jones, RCP from Southeastern Regional Medical Center. The statement noted Ms. Jones's concerns with the competence of the Licensee and the Licensee's sleeping on the job during her performance of sleep studies.

Board Exhibit # 6- Notice of Hearing dated and mailed March 28, 2006 notifying Licensee of the April 13, 2006 Hearing. Included in Board Exhibit #6 is a copy of the certified mail receipt showing the mail was returned to the Board on March 30, 2006 with the notation "Unable to Forward".

Board Exhibit # 7- Copy of the November 9, 2004 letter inviting the Licensee to an Informal Interview on January 5, 2005 with a copy of the certified receipt card signed by the Licensee. A copy of the subpoena dated November 9, 2004 requesting documents from Claudette McCallum, RCP of Southeastern Regional Medical Center. A copy of the letter, signed by Licensee, declining the sanction approved by the Board at its January 5, 2005 meeting. A copy of the Notice for Hearing for the hearing scheduled for October 6, 2005 with a copy of the certified receipt card returned to the Board unclaimed. A copy of the acceptance of Licensee's resignation on November 3, 2004 signed by Claudette McCallum, RCP of Southeastern Regional Medical Center.

Licensee Evidence:

Neither the Licensee nor a representative appeared. Board Exhibit #7 was presented and entered on behalf of the Licensee.

FINDINGS OF FACT

1. The Licensee failed to provide respiratory care in a safe and competent manner at Southeastern Medical Center and at Margaret Pardee Memorial Hospital.
2. The Licensee was found sleeping while on duty on numerous occasions at Southeastern Medical Center and at Margaret Pardee Memorial Hospital.
3. The Licensee failed to comply with the Probationary sanction ordered by the Board.
4. The Licensee failed to inform Margaret Pardee Memorial Hospital of her probationary status with the Board.
5. The Licensee has not contacted the Board office to attempt to arrange different dates or times to appear, and did not appear for the hearing.

CONCLUSIONS OF LAW

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

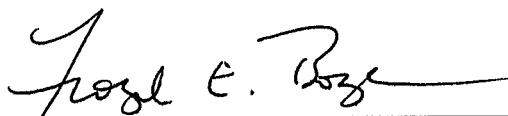
1. The Licensee's failure to provide respiratory care in a safe and competent manner constitutes conduct that presents an imminent hazard to public health, safety, and welfare, and this conduct is prohibited by N.C. Gen. Stat. § 90-659(a)(1).
2. The Licensee's failure to comply with the probationary sanction ordered by the Board violates N.C. Gen. Stat. § 90-659(a)(4).
3. The Licensee's conduct also constitutes unprofessional conduct in the delivery of respiratory care and therefore violates N.C. Gen. Stat. § 90-659(a)(1)(d) and 21 N.C.A.C. 61.0307(10).

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board has determined that the license of Sarah Pomer to practice respiratory care in North Carolina shall be permanently revoked effective April 13, 2006.

IT IS SO ORDERED:

This the 13th day of April, 2006



Floyd E. Boyer, RCP
Executive Director
North Carolina Respiratory Care Board