



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242
Raleigh, NC 27609

CONSENT ORDER

**IN THE MATTER OF:
JOAN M. BURGESS
RESPIRATORY CARE LICENSE #1267**

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 was found practicing Respiratory Care in North Carolina with a Lapsed 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 Licensee to determine if she has violated, is violating, or is about to violate any provisions of the Act; and

WHEREAS at midnight on September 18, 2004 the RCP license issued to the Licensee expired; and

WHEREAS on October 19, 2004 the Board received information from the licensee's practice site that the licensee had practiced while her RCP license was lapsed during the dates September 19 to October 15, 2004; and

WHEREAS Board policy authorizes the Executive Director to issue a Reprimand to individuals found practicing Respiratory Care with a lapsed license within 90 days of the expiration date of the license; 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 the Licensee will comply with all of the terms contained herein.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

Joan M. Burgess shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules.

Joan M. Burgess agrees to the issuance of a Board Reprimand for her violations of the Act.

Joan M. Burgess agrees to pay to the Board within 90 days from the date of signature of the consent order, the sum of \$250.00 for Civil Penalties authorized by G.S. 90-666(a) and 21 NCAC 61.0309 (d)(1).

Joan M. Burgess agrees to pay to the Board within 90 days from the date of signature of the consent order, the sum of \$50.00 for Disciplinary Costs authorized by G.S. 90-666(d) and 21 NCAC 61.0310 (e).

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; 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, Joan M. Burgess 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.

Joan M. Burgess
Joan M. Burgess

STATE OF NORTH CAROLINA)
COUNTY OF Richmond)

There personally appeared before me, a Notary Public in and for the County of Richmond State of North Carolina, Joan M. Burgess, who after having presented documentation of her identity that was satisfactory to me did acknowledge that she executed the foregoing Consent Order as her free and voluntary act.

This 23rd day of February, 2005

Lynn McNeill
Notary Public

SEAL

My Commission Expires: May 26, 2007

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 24th day of February 2005

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