

**OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS
RESPIRATORY CARE PRACTITIONERS GOVERNING BOARD
Philbrook Building, 121 South Fruit Street
Concord, New Hampshire 03301**

In The Matter Of:

Docket #09-2018

**Christine L. Norcia
Applicant for Licensure
(Non-Adjudicatory)**

DECISION AND ORDER

By the Board: Richard W. Mozier, RCP, Presiding Officer, Sarah Stone, RCP, John Higgins, RCP, Jeffrey T. Reisert, D.O.

Also present: Tina M. Kelley, Administrator to the Board; J.D. Lavallee, Board Counsel

Appearances: None

Ms. Norcia failed to appear before the Board.

A hearing commenced on January 10, 2018, the specific issues to be determined included:

- A. Whether Respondent engaged in professional misconduct practicing without a license in the State of New Hampshire at Family Health Center in violation of RSA 328-F:23, II (c); RSA 328-F:23, II, (i); RSA 328-F:23, II (j); RSA 326-E:1, X; Resp 405.01(i); Resp 405.01(j); AARC Statement of Ethics and Professional Conduct; and
- B. Whether Respondent engaged in professional misconduct by submitting using the credentials "RRT" in conjunction with her name implying she was a licensed Respiratory Care Practitioner in violation of RSA 328-F:23, II (c); RSA 328-F:23, II, (j); RSA 326-E:1, X; RSA 326-E:4, IV; Resp 405.01(j); AARC Statement of Ethics and Professional Conduct; and/or

- C. If any of the above allegations are proven, whether or not Ms. Norcia should be granted a full unrestricted license to practice as a Respiratory Care Practitioner in the State of New Hampshire and what, if any, conditions should be placed on that license.

At the hearing the Board reviewed numerous exhibits. The following exhibits were entered into evidence:

Board Exhibits:

Exhibit #1 – Application for Initial Licensure or Certification received 7/16/18

Exhibit #2 – Letter of Reference Form signed by Matthew Smith, APRN received 7/25/18

Exhibit #3 – Christina Norcia, RRT - Resume

Exhibit #4 – Email from Ms. Christina Montgomery (Norcia) dated 7/25/18

Applicable Laws:

RSA 328-F:23, II (c):

Misconduct sufficient to support disciplinary proceedings shall include:

- (c) Violation of the ethical standards adopted by the governing board.

RSA 328-F:23, II (i):

Misconduct sufficient to support disciplinary proceedings shall include:

- (i) Practice without a currently valid license or certification.

RSA 328-F:23, II (j):

Misconduct sufficient to support disciplinary proceedings shall include:

Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A, or of any state or federal law reasonably related to the authority of the licensee or certified individual to practice or ability of the licensee or certified individual to practice safely.

RSA 326-E:1, X:

Definitions.

"Respiratory care" means the treatment, management, diagnostic testing and evaluation of responses to respiratory or medical treatment and care of individuals or groups of individuals either having deficiencies or abnormalities of the cardiopulmonary system or requiring support of the cardiopulmonary system. Respiratory care is given in accordance with the prescription of a physician, nurse practitioner, or physician assistant. Respiratory

care includes the implementation of respiratory care strategies and modalities, and the administration of pharmacological, diagnostic, and therapeutic agents necessary to implement a treatment, disease or injury prevention, rehabilitative or diagnostic regimen. Respiratory care includes, but is not limited to: initiating emergency procedures; providing health counseling and teaching; assembly, repair, testing and maintenance of respiratory equipment; and those respiratory care activities that require a substantial amount of scientific knowledge or technical skill.

RSA 326-E:4, IV
Professional Identification

A person or business entity, its employees, agents, or representatives shall not use in conjunction with that person's name or the activity of the business the words "respiratory care", "respiratory therapy", "respiratory care practitioner", "respiratory therapist", the letters "R.T." or "R.C.P", or any other words, abbreviations, or insignia indicating or implying directly or indirectly that respiratory care is provided or supplied, including the billing of services labeled as respiratory care, unless such services are provided by or under the direction of a respiratory care practitioner licensed under this chapter.

Resp 405.01(i)
Misconduct shall be:

- (i) Practice without a currently valid license;

Resp 405.01(j):
Misconduct shall include:

- (j) Violation of:
 - (1) Any provision of RSA 328-F;
 - (2) any provision of RSA 326-E;
 - (3) Any rule adopted by the board; or
 - (4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

AARC Statement of Ethics and Professional Conduct:
In the conduct of professional activities the Respiratory Therapist shall be bound by the following ethical and professional principles. Respiratory Therapists shall:

- Comply with state or federal laws which govern and relate to their practice.

The Board noted from the exhibits they reviewed that Ms. Norcia held a license as a Respiratory Care Practitioner in the State of Vermont which expired in 2016. Her resume and e-mail containing her job description at Family Health Center in New Hampshire both listed treatment within the scope of practice of a Respiratory Care Practitioner. The letter of reference

provided by Matthew Smith, APRN states in part that “her ability as a respiratory therapist in this office has aided us in better helping our patients and getting the correct equipment for them.” and “she routinely aids us in best treatment plans and education of our patients.”

As Ms. Norcia failed to appear at the hearing on January 10, 2019 at 10:30 am the hearing was held in absentia. Based on the exhibits entered into evidence the Board finds sufficient evidence that Ms. Norcia violated the laws and rules of the State of New Hampshire by practicing as a Respiratory Care Practitioner and using the credentials RRT in conjunction with her name without holding a license.

THEREFORE IT IS ORDERED, that the Order on Application Denial issued November 8, 2018 is upheld and will remain in full force and effect.

IT IS FURTHER ORDERED THAT, the Application Denial shall remain in effect until Ms. Norcia requests a hearing and appears before the Board to address all allegations set forth in the Order on Application Denial and this Decision and Order. Once a hearing is held the Board will issue Decision and Order addressing whether or not Ms. Norcia is issued a license and what, if any, restrictions and/or requirements should be placed on that license.

IT IS FURTHER ORDERED, that Ms. Norcia shall not perform any duties within the scope of practice of a Respiratory Care Practitioner, in the State of New Hampshire, described in RSA 326-E:1, X, unless licensed by the New Hampshire Respiratory Care Practitioners Governing Board.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Norcia shall furnish a copy of this Decision and Order to any current employer for whom she performs services as a Respiratory Care Practitioner and to any agency or authority which licenses, certifies or credentials Respiratory Care Practitioners, with which Ms. Norcia is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Norcia furnish a copy of this Decision and Order to any employer for whom she performs services as a Respiratory Care Practitioner and/or agency, or authority with which Ms. Norcia is affiliated which licenses, certifies or credentials Respiratory Care Practitioners for one year from the effective date of this Decision and Order.

*Respiratory Care Practitioners Governing Board
In the Matter of Christina L. Norcia
Decision and Order*

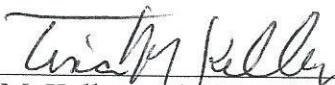
IT IS FURTHER ORDERED that Ms. Norcia's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Norcia's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: February 14, 2019



Tina M. Kelley, Administrator
Authorized Representative of the
Board of Registration of Medical Technicians