

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF RESPIRATORY CARE

_____)
IN THE MATTER OF)
Erica L. Murphy)
License No. RT10062)
License Expiration Date 5/31/2014)
_____)

DOCKET NO. REP-2013-004

RECEIVED BY
NOV 04 2013
MULTI-BOARD

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Respiratory Care ("Board") and Erica L. Murphy ("Licensee"), who has held a license to practice as a Respiratory Therapist ("RT") issued by the Board, License No. RT10062, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's records maintained by the Board. For the purposes of this Consent Agreement for Reprimand ("Consent Agreement"), the words "RT license" or "license" shall refer to both an active license and to the right to renew such license.

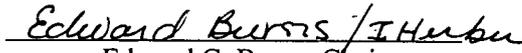
- 1. The License agrees that she has entered into this Consent Agreement for Reprimand in resolution of the Board's investigation of a complaint filed against her RT license identified as Docket No. REP-2013-004 ("complaint"). The complaint alleges that the Licensee, on or about June 29, 2012, August 20, 2012, September 21 and 26, 2012, October 10, 2012, November 4 and 5, 12, 13, 14 and 20, 2012, December 30, 2012, and January 4 and 5, 2013, while employed as a Respiratory Therapist at Baystate Mary Lane Hospital ("Baystate") located in Ware, Massachusetts, she practiced with an expired license.
2. The licensee agrees that until May 31, 2012, she held an active license to practice as a Respiratory Therapist issued by the Board, License No. RT3171. On May 31, 2012, License No. RT10062 expired.
3. In connection with the allegations contained in the complaint, the Licensee acknowledges that her conduct as described in Paragraphs 1 and 2, above, constitutes unprofessional conduct warranting disciplinary action by the Board pursuant to 261 Code of Massachusetts Regulations ("CMR") 4.04(5) and constitutes conduct that undermines the public confidence in the integrity of the profession warranting disciplinary action by the Board. See Sugarman v. Board of Registration in Medicine, 422 Mass. 338, 342 (1996); Raymond v. Board of Registration of Medicine, 387 Mass. 708, 713 (1982) (boards have authority to protect image of profession and discipline licensees for conduct that undermines public's confidence in integrity of profession, as reasonably related to promotion of public health, welfare, and safety).

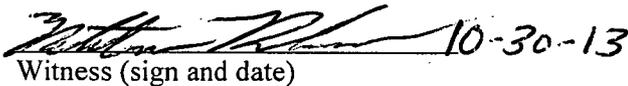
4. In full resolution of the complaint, and without the necessity of additional proceedings before the Board, the Board hereby imposes, and the Licensee hereby accepts a REPRIMAND in connection with the complaint. The Licensee understands that a reprimand constitutes disciplinary action by the Board.
5. The Board agrees that in return for the Licensee's execution of this Consent Agreement, the Board will not pursue further disciplinary action against her RT license in connection with the complaint.
6. The Licensee certifies that she has read this Consent Agreement. The Licensee understands that entering into this Consent Agreement is a final act and not subject to reconsideration or judicial review.
7. The Licensee states that she has used legal counsel in connection with her decision to enter into this Consent Agreement or, if she has not used legal counsel, that the decision not to do so has been one taken of her own free will.
8. The Licensee understands that after the Effective Date, the Consent Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this executed Consent Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law. The Licensee agrees to return to the Board, either by hand or certified mail, two (2) duplicate originals of this Consent Agreement signed, witnessed and dated, within fourteen (14) days of her receipt of the Consent Agreement from the Board.
9. The Licensee understands that she has a right to formal adjudication concerning the allegations against her and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedures Act, 1.01 *et seq.* The Licensee further states that she understands that in executing this document entitled "Consent Agreement for Reprimand," she is knowingly and voluntarily waiving her right to a formal adjudication of the complaint and to the rights listed above.

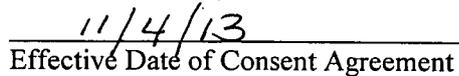
BY THE LICENSEE:


Erica L Murphy

BY THE BOARD:


Edward C. Burns, Chair


Witness (sign and date) 10-30-13


Effective Date of Consent Agreement

Matthew Boudreau
Witness Print Name

FOR BOARD USE:

A copy of a fully signed Consent Agreement for Reprimand was sent to the
Licensee/Licensee's attorney on September 15, 2013 by Certified Mail
No. 7012 0470 0001 35266851 by IH.