

**STATE OF NORTH DAKOTA  
BOARD OF RESPIRATORY CARE**

**IN THE MATTER OF:**

**Carlos Hernandez**

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**North Dakota State Board  
of Respiratory Care,**

**Petitioner,**

**v.**

**Carlos Hernandez,**

**Respondent.**

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**SETTLEMENT AGREEMENT**

**A. PARTIES**

This Settlement Agreement is made by the North Dakota Board of Respiratory Care (“Board”) and Carlos Hernandez (“Hernandez”).

**B. RECITALS**

Hernandez held a registered respiratory therapist license granted by the Board through January 31, 2021.

The Board has authority to revoke a respiratory therapy license on grounds set forth in North Dakota Century Code (“N.D.C.C.”) § 43-42-03(5).

Based on an investigation, the Board concluded there was a factual basis for issuing the Administrative Complaint that was served on Hernandez on or about March 22, 2021, a copy of which is attached hereto.

In connection with issuance of the Administrative Complaint, the Board concluded there is probable cause to believe Hernandez’s conduct violated N.D.C.C. § 43-42-03(5)(d) and the AARC Statement of Ethics and Professional Conduct referenced in N.D. Admin. Code § 105-03-02-01.

The Board has authority to revoke the license of a licensee who engages in conduct that was unethical, unprofessional, and detrimental to the health, safety, and welfare of the public.

Hernandez acknowledges he has been informed and understands he has the right to a hearing and an appeal pursuant to N.D.C.C. § 43-42-03(5) and N.D.C.C. ch. 28-32 before the completion of the pending formal disciplinary action arising out of the Administrative Complaint.

Hernandez also acknowledges he has been informed and understands he has a right to seek the advice of legal counsel with regard to this matter.

Hernandez makes no specific admissions of wrongdoing but does not wish to contest the proposed revocation of the license that was issued by the Board.

Hernandez enters into this Settlement Agreement voluntarily and of his own free will.

There are no covenants, promises, undertakings, or understandings by the parties except as specifically referenced in this Settlement Agreement.

### **C. AGREEMENT**

The Board and Hernandez agree to resolve this matter as follows:

1. The registered respiratory therapist license issued to Hernandez by the Board shall be revoked upon execution of this Settlement Agreement.
2. Hernandez waives his rights to an administrative hearing and appeal.
3. This Agreement shall be governed by the substantive laws of the State of North Dakota without regard to conflicts of law principles.

