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8
9 **BEFORE THE**
RESPIRATORY CARE BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12
13 **LEILANI AGBAYANI AMORES, R.C.P.**
6942 Jasmine Court
San Bernardino, CA 92407
14
15 **Respiratory Care Practitioner License**
No. 16918

Case No. 1H-2008-371

A C C U S A T I O N

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Respiratory Care Board of California.

22 2. On or about January 25, 1994, the Respiratory Care Board issued Respiratory Care
23 Practitioner License Number 16918 to Leilani Agbayani Amores, R.C.P. (Respondent). The
24 Respiratory Care Practitioner License was in full force and effect at all times relevant to the
25 charges brought herein and will expire on January 31, 2010, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Respiratory Care Board, Department of
3 Consumer Affairs, State of California (“Board”), under the authority of the following laws. All
4 section references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 3710 of the Code states: “The Respiratory Care Board of California,
6 hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the
7 Respiratory Care Practice Act].”

8 5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke
9 licenses to practice respiratory care as provided in this chapter.”

10 6. Section 3750 of the Code states:
11 “The board may order the denial, suspension or revocation of, or the imposition of
12 probationary conditions upon, a license issued under this chapter, for any of the following causes:

13 “...
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14 “(f) Negligence in his or her practice as a respiratory care practitioner.
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15 “...
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16 “(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially
17 related to the qualifications, functions, or duties of a respiratory care practitioner.

18 “(k) Falsifying, or making grossly incorrect, grossly inconsistent, or unintelligible entries in
19 any patient, hospital, or other record.

20 “....”

21 COST RECOVERY

22 7. Section 3753.5, subdivision (a) of the Code states:

23 "In any order issued in resolution of a disciplinary proceeding before the board, the board or
24 the administrative law judge may direct any practitioner or applicant found to have committed a
25 violation or violations of law to pay to the board a sum not to exceed the costs of the investigation
26 and prosecution of the case."

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1 Later, a review of the Neurological Care Unit Mechanical Ventilation Record (vent record)
2 for the shift indicated respondent noted she conducted a “ventilation check” on patients at
3 3:00 a.m., 3:05 a.m., 3:15 a.m., 3:25 a.m., 3:35 a.m. and 3:40 a.m. On or about May 29, 2008,
4 CHSB terminated respondent’s employment for “sleeping on the job” and for making false
5 statements in patients’ vent records.

6 12. Respondent Leilani Agbayani Amores, RCP, has committed negligence in the
7 practice of respiratory care in that at about 3:25 a.m. on May 29, 2008, she fell asleep while on
8 duty as an ICU respiratory care therapist assigned to attend to patients in the NCU.

9 SECOND CAUSE FOR DISCIPLINE

10 (Commission of any Fraudulent, Dishonest, or Corrupt Act)

11 13. Respondent Leilani Agbayani Amores, RCP, has further subjected her Respiratory
12 Care Practitioner License No. 16918 to disciplinary action under section under sections 3718 and
13 3750, subdivision (j) of the Code, in that she engaged in a fraudulent, dishonest and corrupt act
14 by falsely indicating in a patient’s medical record that she completed a “ventilation check” at 3:25
15 a.m. on May 29, 2008, when in fact she was asleep at that time, as more particularly alleged in
16 paragraph 11, above, which are incorporated and realleged as if fully set forth herein.

17 THIRD CAUSE FOR DISCIPLINE

18 (Making a False Entry in a Patient’s Record)

19 14. Respondent Leilani Agbayani Amores, RCP, has further subjected her Respiratory
20 Care Practitioner License No. 16918 to disciplinary action under section under sections 3718 and
21 3750, subdivision (k) of the Code, in that she made a false entry in a patient’s medical record
22 indicating she completed a “ventilation check” at 3:25 a.m. on May 29, 2008 when in fact she
23 was asleep at that time, as more particularly alleged in paragraph 11, above, which are
24 incorporated and realleged as if fully set forth herein.

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1 PRAYER

2 WHEREFORE, complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Respiratory Care Practitioner License Number 16918 issued
5 to Leilani Agbayani Amores, R.C.P.;

6 2. Ordering Leilani Agbayani Amores, R.C.P., to pay the Respiratory Care Board the
7 costs of the investigation and enforcement of this case, and if placed on probation, the costs of
8 probation monitoring; and

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: September 10, 2009

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15 Original signed by Liane Freels for:
16 STEPHANIE NUNEZ
17 Executive Officer
18 Respiratory Care Board of California
19 State of California
20 *Complainant*

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