

1 KAMALA D. HARRIS
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
4 State Bar No. 239872
600 W. Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2995
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 **In the Matter of the Accusation Against:**

Case No. 7002016000231

14 **STACY PATRICIA CRANDALL, R.C.P.**
15 **419 South Flower Avenue**
Brea, CA 92821

A C C U S A T I O N

16 **Respiratory Care Practitioner License**
17 **No. 17789,**

18 **Respondent.**

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, Department of Consumer
22 Affairs.

23 2. On or about February 1, 1995, the Respiratory Care Board issued Respiratory Care
24 Practitioner License No. 17789 to Stacy Patricia Crandall, R.C.P. (respondent). Respiratory Care
25 Practitioner License No. 17789 was in full force and effect at all times relevant to the charges and
26 allegations brought herein and will expire on June 30, 2016, unless renewed.

27 3. On December 21, 2015, a Stipulated Interim Order of Suspension was issued
28 immediately suspending respondent's Respiratory Care Practitioner License No. 17789 and

1 prohibiting her from practicing in the State of California pending a final Decision and Order by
2 the Respiratory Care Board. Respondent remains suspended as of the date of the filing of this
3 Accusation.

4 **JURISDICTION**

5 4. This Accusation is brought before the Respiratory Care Board (Board), Department of
6 Consumer Affairs, under the authority of the following laws. All section references are to the
7 Business and Professions Code (Code) unless otherwise indicated.

8 5. Section 3710 of the Code states, in pertinent part:

9 “(a) The Respiratory Care Board of California, hereafter referred to as the
10 board, shall enforce and administer this chapter.

11 “...”

12 6. Section 3718 of the Code states:

13 “The board shall issue, deny, suspend, and revoke licenses to practice
14 respiratory care as provided in this chapter.”

15 7. Section 3750 of the Code states, in pertinent part:

16 “The board may order the denial, suspension, or revocation of, or the
17 imposition of probationary conditions upon, a license issued under this chapter, for
18 any of the following causes:

19 “...”

20 “(g) Conviction of a violation of any of the provisions of this chapter or of any
21 provision of Division 2 (commencing with Section 500), or violating, or attempting to
22 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring
23 to violate any provision or term of this chapter or of any provision of Division 2
24 (commencing with Section 500).

25 “...”

26 “(j) The commission of any fraudulent, dishonest, or corrupt act which is
27 substantially related to the qualifications, functions, or duties of a respiratory care
28 practitioner.

1 “...”

2 8. Section 3750.5 of the Code states, in pertinent part:

3 “In addition to any other grounds specified in this chapter, the board may deny,
4 suspend, place on probation, or revoke the license of any applicant or license-holder
5 who has done any of the following:

6 “(a) Obtained, possessed, used, or administered to himself or herself in
7 violation of law, or furnished or administered to another, any controlled substances as
8 defined in Division 10 (commencing with Section 11000) of the Health and Safety
9 Code, or any dangerous drug as defined in Article 2 (commencing with Section 4015)
10 of Chapter 9, except as directed by a licensed physician and surgeon, dentist,
11 podiatrist, or other authorized health care provider, or illegally possessed any
12 associated paraphernalia.

13 “(b) Used any controlled substance as defined in Division 10 (commencing
14 with Section 11000) of the Health and Safety Code, or any dangerous drug as defined
15 in Article 2 (commencing with Section 4015) of Chapter 9 of this code, or alcoholic
16 beverages, to an extent or in a manner dangerous or injurious to himself or herself, or
17 to others, or that impaired his or her ability to conduct with safety the practice
18 authorized by his or her license.

19 “...”

20 9. California Code of Regulations, title 16, section 1399.370, states, in pertinent part:

21 “For the purposes of denial, suspension, or revocation of a license, a crime or
22 act shall be considered to be substantially related to the qualifications, functions or
23 duties of a respiratory care practitioner, if it evidences present or potential unfitness
24 of a licensee to perform the functions authorized by his or her license or in a manner
25 inconsistent with the public health, safety, or welfare. Such crimes or acts include but
26 are not limited to those involving the following:

27 “(a) Violating or attempting to violate, directly or indirectly, or assisting or
28 abetting the violation of or conspiring to violate any provision or term of the B&P.

1 “(b) Commission of an act or conviction of a crime involving fraud, fiscal
2 dishonesty theft, or larceny.

3 “...”

4 **COST RECOVERY**

5 10. Section 3753.5 of the Code states, in pertinent part:

6 “(a) In any order issued in resolution of a disciplinary proceeding before the
7 board, the board or the administrative law judge may direct any practitioner or
8 applicant found to have committed a violation or violations of law or any term and
9 condition of board probation to pay to the board a sum not to exceed the costs of the
10 investigation and prosecution of the case. A certified copy of the actual costs, or a
11 good faith estimate of costs where actual costs are not available, signed by the official
12 custodian of the record or his or her designated representative shall be prima facie
13 evidence of the actual costs of the investigation and prosecution of the case.

14 “...”

15 11. Section 3753.7 of the Code states:

16 “For purposes of this chapter, costs of prosecution shall include attorney
17 general or other prosecuting attorney fees, expert witness fees, and other
18 administrative, filing, and service fees.”

19 12. Section 3753.1 of the Code states, in pertinent part:

20 “(a) An administrative disciplinary decision imposing terms of probation may
21 include, among other things, a requirement that the licensee-probationer pay the
22 monetary costs associated with monitoring the probation.

23 “...”

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Fraud, Dishonesty or Corruption)**

26 13. Respondent has subjected her Respiratory Care Practitioner License No. 17789 to
27 disciplinary action under section 3750, as defined by section 3750, subdivision (j), of the Code,
28 and section 1399.370, subdivision (b), of title 16 of the California Code of Regulations, in that

1 she committed an act or acts of fraud, dishonesty or corruption, as more particularly described
2 hereinafter:

3 (a) On or about September 21, 2015, pharmacy technician, K.R., discovered
4 six vials of Propofol were missing from the anesthesia cart in the Labor and Delivery
5 Operating Room at the Orange County Global Medical Center.

6 (b) On or about September 22, 2015, K.R. discovered four additional vials of
7 Propofol were missing from the anesthesia cart in the Labor and Delivery Operating
8 Room.

9 (c) On or about September 28, 2015, a security camera was mounted to
10 record activity around the anesthesia cart in the Labor and Delivery Operating Room.

11 (d) Video footage taken from the security camera showed respondent, a
12 respiratory therapist at Orange County Global Medical Center, entering the Labor and
13 Delivery Operating Room, opening the anesthesia cart and removing items from the
14 cart.

15 (e) A subsequent inspection revealed two vials of Propofol were missing
16 from the anesthesia cart.

17 (f) On or about October 1, 2015, respondent met with the Administrative
18 Director of the Respiratory Department, J.W., and the Director of Human Resources,
19 T.B., to discuss the missing Propofol vials.

20 (g) During the meeting, respondent admitted taking the Propofol vials from
21 the anesthesia cart for her personal use by injection. Respondent also admitted
22 retrieving Morphine from the Sharps containers and stated she was addicted to Norco.

23 (h) On or about October 1, 2015, respondent's employment at the Orange
24 County Global Medical Center was terminated.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Obtained, Possessed, Used or Administered a Dangerous**
3 **Drug and/or Controlled Substance to Herself)**

4 14. Respondent has further subjected her Respiratory Care Practitioner License No.
5 17789 to disciplinary action under section 3750.5, as defined by section 3750.5, subdivision (a),
6 of the Code, in that she obtained, possessed, used and/or administered a dangerous drug and/or
7 controlled substance to herself, to wit: Propofol and Morphine, as more particularly alleged in
8 paragraph 13, above, which is hereby incorporated by reference and realleged as if fully set forth
9 herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Used any Controlled Substance or any Dangerous Drug**
12 **to an Extent or Manner Dangerous or Injurious to Herself or Others)**

13 15. Respondent has further subjected her Respiratory Care Practitioner License No.
14 17789 to disciplinary action under section 3750.5, as defined by section 3750.5, subdivision (b),
15 of the Code, in that she used a controlled substance or dangerous drug to an extent or manner
16 dangerous or injurious to herself or others, to wit: Propofol and Morphine, as more particularly
17 alleged in paragraph 13, above, which is hereby incorporated by reference and realleged as if
18 fully set forth herein.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Violation of a Provision or Provisions of the Act)**

21 16. Respondent has further subjected her Respiratory Care Practitioner License No.
22 17789 to disciplinary action under section 3750, as defined by section 3750, subdivision (g), of
23 the Code, and section 1399.370, subdivision (a), of title 16 of the California Code of Regulations,
24 in that she has violated a provision or provisions of the Respiratory Care Practice Act, as more
25 particularly alleged in paragraphs 13, 14, and 15, above, which are hereby incorporated by
26 reference and realleged as if fully set forth herein.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

1. Revoking or suspending Respiratory Care Practitioner License No. 17789, issued to respondent Stacy Patricia Crandall, R.C.P.;

2. Ordering respondent Stacy Patricia Crandall, R.C.P. to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: February 18, 2016

Original signed by Liane Freels for:

STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant