

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

In the Matter of the Accusation Against:

Case No. 1H 2011 561

CELEDONIO S. BLANCAFLOR  
4404 Lauerdale Avenue  
La Crescenta, CA 91214

Respiratory Care Practitioner License No. 21184

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**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on August 23, 2012.

It is so ORDERED August 13, 2012.

Original signed by: \_\_\_\_\_

MURRAY L. OLSON, RCP, RRT-NPS, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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**RESPIRATORY CARE BOARD**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 **CELEDONIO S. BLANCAFLOR, RCP**  
12 **4404 Lauerdale Avenue**  
**LaCrescenta, CA 91214**  
13 **Respiratory Care Practitioner License No.**  
**21184**

Case No. 1H 2011 561  
OAH No. 2012051094

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Respondent.

15  
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care  
20 Board of California. She brought this action solely in her official capacity and is represented in  
21 this matter by Kamala D. Harris, Attorney General of the State of California, by Gloria L. Castro,  
22 Supervising Deputy Attorney General.

23 2. Respondent Celedonio S. Blancaflor, RCP (Respondent) is represented in this  
24 proceeding by attorney Paul S. Geller, whose address is: 80 South Lake Avenue, Suite 500  
25 Pasadena, California 91101

26 3. On or about December 23, 1999, the Respiratory Care Board of California issued  
27 Respiratory Care Practitioner License No. 21184 to Celedonio S. Blancaflor, RCP (Respondent).  
28 The Respiratory Care Practitioner License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 1H 2011 561 and will expire on February 28, 2013, unless  
2 renewed.

3 JURISDICTION

4 4. Accusation No. 1H 2011 561 was filed before the Respiratory Care Board (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on April 17,  
7 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 1H 2011 561 is attached as exhibit A and incorporated  
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 1H 2011 561. Respondent has also carefully read,  
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 1H 2011 561.



1 stayed and Respondent is placed on probation for four (4) years on the following terms and  
2 conditions.

3 1. **OBEY ALL LAWS** Respondent shall obey all laws, whether federal, state, or local.  
4 The Respondent shall also obey all regulations governing the practice of respiratory care in  
5 California.

6 Respondent shall notify the Board in writing within three (3) days of any incident resulting  
7 in his arrest, or charges filed against, or a citation issued against, Respondent.

8 2. **QUARTERLY REPORTS** Respondent shall file quarterly reports of compliance  
9 under penalty of perjury, on forms to be provided, to the probation monitor assigned by the  
10 Board. Omission or falsification in any manner of any information on these reports shall  
11 constitute a violation of probation and shall result in the filing of an accusation and/or a petition  
12 to revoke probation against Respondent's respiratory care practitioner license.

13 Quarterly report forms will be provided by the Board. Respondent is responsible for  
14 contacting the Board to obtain additional forms if needed. Quarterly reports are due for each year  
15 of probation and the entire length of probation as follows:

- 16 • For the period covering January 1st through March 31st, reports are to be completed and  
17 submitted between April 1st and April 7th.
- 18 • For the period covering April 1st through June 30th, reports are to be completed and  
19 submitted between July 1st and July 7th.
- 20 • For the period covering July 1st through September 30th, reports are to be completed and  
21 submitted between October 1st and October 7th.
- 22 • For the period covering October 1st through December 31st, reports are to be completed  
23 and submitted between January 1st and January 7th.

24 3. **PROBATION MONITORING PROGRAM** Respondent shall comply with  
25 requirements of the Board appointed probation monitoring program, and shall, upon reasonable  
26 request, report to or appear to a local venue as directed.

27 Respondent shall claim all certified mail issued by the Board, respond to all notices of  
28 reasonable requests timely, appear as requested by the Board, and submit Annual Reports,

1 Identification Update reports or other reports similar in nature, as requested and directed by the  
2 Board or its representative.

3 Respondent shall provide to the Board the names, physical work addresses, work mailing  
4 addresses, telephone numbers, and e-mail addresses of all employers, human resources personnel,  
5 directors, managers, supervisors, and contractors, and any person providing direct supervision,  
6 and shall give specific, written consent that the Respondent authorizes the Board and its  
7 representatives and the employers, human resources personnel, directors, managers, supervisors,  
8 and contractors, and any person providing direct supervision, to communicate regarding the  
9 Respondent's work status, performance, and monitoring. Monitoring includes, but is not limited  
10 to, any violation or potential violation of any probationary term and condition.

11 Respondent is encouraged to contact the Board's Probation Program at any time he has a  
12 question or concern regarding his terms and conditions of probation.

13 **4. PROBATION MONITORING COSTS** All costs incurred for probation  
14 monitoring during the entire probation shall be paid by the Respondent. The monthly cost may be  
15 adjusted as expenses are reduced or increased. Respondent's failure to comply with all terms and  
16 conditions may also cause this amount to be increased. Probation monitoring costs will not be  
17 tolled.

18 All payments for costs are to be sent directly to the Respiratory Care Board and must be  
19 received by the date(s) specified. (Periods of tolling will not toll the probation monitoring costs  
20 incurred.)

21 If Respondent is unable to submit costs for any month, he shall be required, instead to  
22 submit an explanation of why he is unable to submit the costs, and the date(s) he will be able to  
23 submit the costs including payment amount(s). Supporting documentation and evidence of why  
24 the Respondent is unable to make such payment(s) must accompany this submission.

25 Respondent understands that failure to submit costs timely is a violation of probation and  
26 submission of evidence demonstrating financial hardship does not preclude the Board from  
27 pursuing further disciplinary action. However, Respondent understands that by providing  
28 evidence and supporting documentation of financial hardship it may delay further disciplinary

1 action.

2 In addition to any other disciplinary action taken by the Board, an unrestricted license will  
3 not be issued at the end of the probationary period and the respiratory care practitioner license  
4 will not be renewed, until such time all probation monitoring costs have been paid.

5 The filing of bankruptcy by the Respondent shall not relieve the Respondent of his  
6 responsibility to reimburse the Board for costs incurred.

7 **5. EMPLOYMENT REQUIREMENT** Respondent shall be employed a minimum of  
8 24 hours per week as a respiratory care practitioner for a minimum of 2/3 of his probation period.

9 Respondent may substitute successful completion of a minimum of 30 additional  
10 continuing education hours, beyond that which is required for license renewal, for each eight (8)  
11 months of employment required. Respondent shall submit proof to the Board of successful  
12 completion of all continuing education requirements. Respondent is responsible for paying all  
13 costs associated with fulfilling this term and condition of probation.

14 **6. NOTICE TO EMPLOYER** Respondent shall be required to inform all current and  
15 subsequent employers, directors, managers, supervisors, and contractors during the probation  
16 period, of the discipline imposed by this decision by providing his current and subsequent human  
17 resources personnel, directors, managers, supervisors, and contractors with a complete copy of  
18 the decision and order, and the Accusation in this matter prior to the beginning of or returning to  
19 employment or within three (3) days from each change in a supervisor or director.

20 If Respondent is employed by or through a registry, Respondent shall also make each  
21 hospital or establishment to which he is sent aware of the discipline imposed by this decision by  
22 providing his human resources personnel, manager, and supervisor for each shift, at each hospital  
23 or establishment with a copy of this decision, and the Accusation in this matter prior to the  
24 beginning of employment. This must be done each time there is a change in supervisors or  
25 administrators.

26 The employer will then inform the Board, in writing, that he/she is aware of the discipline,  
27 on forms to be provided to the Respondent. Respondent is responsible for contacting the Board to  
28 obtain additional forms if needed. All reports completed by the employer must be submitted from

1 the employer directly to the Board.

2 In addition, any employer, director, manager, supervisor or contractor, shall report to the  
3 Board immediately, within 24 hours, if he suspects Respondent is under the influence of alcohol  
4 or any substance or has had any occurrence of substance abuse.

5 **7. SUPERVISOR QUARTERLY REPORTS** Supervisor Quarterly Reports of  
6 Performance are due for each year of probation and the entire length of probation from each  
7 employer, as follows:

- 8 • For the period covering January 1st through March 31st, reports are to be completed and  
9 submitted between April 1st and April 7th.
- 10 • For the period covering April 1st through June 30th, reports are to be completed and  
11 submitted between July 1st and July 7th.
- 12 • For the period covering July 1st through September 30th, reports are to be completed and  
13 submitted between October 1st and October 7th.
- 14 • For the period covering October 1st through December 31st, reports are to be completed  
15 and submitted between January 1st and January 7th.

16 Respondent is ultimately responsible for ensuring his employer(s) submits complete and  
17 timely reports.

18 **8. CHANGES OF EMPLOYMENT OR RESIDENCE** Respondent shall notify the  
19 Board, and appointed probation monitor, in writing, of any and all changes of employment,  
20 location, and address within three (3) days of such change. This includes but is not limited to  
21 applying for employment, termination or resignation from employment, change in employment  
22 status, change in supervisors, administrators or directors.

23 Respondent shall also notify his probation monitor AND the Board IN WRITING of any  
24 changes of residence or mailing address within three (3) days. P.O. Boxes are accepted for  
25 mailing purposes, however the Respondent must also provide his physical residence address as  
26 well.

27 **9. COST RECOVERY** Respondent shall pay to the Board a sum not to exceed the  
28 costs of the investigation and prosecution of this case. That sum shall be \$1,087.50 and shall be

1 paid in full directly to the Board, in equal quarterly payments, within 12 months from the  
2 effective date of this decision. Cost recovery will not be tolled.

3 If Respondent is unable to submit costs timely, he shall be required, instead to submit an  
4 explanation of why he is unable to submit these costs in part or in entirety, and the date(s) he will  
5 be able to submit the costs including payment amount(s). Supporting documentation and  
6 evidence of why the Respondent is unable to make such payment(s) must accompany this  
7 submission.

8 Respondent understands that failure to submit costs timely is a violation of probation and  
9 submission of evidence demonstrating financial hardship does not preclude the Board from  
10 pursuing further disciplinary action. However, Respondent understands that by providing  
11 evidence and supporting documentation of financial hardship may delay further disciplinary  
12 action.

13 Consideration to financial hardship will not be given should Respondent violate this term  
14 and condition, unless an unexpected and unavoidable hardship is established from the date of this  
15 order to the date payment(s) is due.

16 The filing of bankruptcy by the Respondent shall not relieve the Respondent of his  
17 responsibility to reimburse the Board for these costs.

18 **10. TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE** Periods of  
19 residency or practice outside California, whether the periods of residency or practice are  
20 temporary or permanent, will toll the probation period but will not toll the obey all laws, quarterly  
21 reports, probation monitoring program, probation monitoring costs, or cost recovery  
22 requirements. Travel out of California for more than 30 days must be reported to the Board in  
23 writing prior to departure. Respondent shall notify the Board, in writing, within three (3) days,  
24 upon his return to California and prior to the commencement of any employment where  
25 representation as a respiratory care practitioner is/was provided.

26 Respondent's license shall automatically be cancelled if respondent's cumulative period  
27 tolling is greater than five (5) years. However, the cancellation of the license does not relieve the  
28 respondent from outstanding cost recovery or probation monitoring costs.

1           11.   **VALID LICENSE STATUS** Respondent shall maintain a current, active and valid  
2 license for the length of the probation period. Failure to pay all fees and meet CE requirements  
3 prior to his license expiration date shall constitute a violation of probation.

4           12.   **VIOLATION OF PROBATION** If Respondent commits a "Major Violation," as  
5 identified in the Disciplinary Guidelines, incorporated by reference pursuant to section 1399.374,  
6 he shall receive a notice to cease the practice of respiratory care, as directed by the Board. The  
7 Board shall attempt to contact Respondent by electronic and/or telephonic means to advise him of  
8 the notice to cease practice and shall deliver such notice by certified and regular mail. The Board  
9 shall update its licensing database to reflect the status of the license.

10           If the Respondent is ordered to cease practice, he may file a written appeal, within 10 days  
11 of the date of the notice to cease practice, to provide additional evidence disputing the finding of  
12 the violation(s) that was cause for the notice to cease practice. The Executive Officer will review  
13 the appeal and make a determination in the matter, within 10 days from the date the written  
14 appeal and all supporting evidence or documentation is received. The probationer shall be  
15 notified of the outcome by certified mail.

16           Respondent shall not resume the practice of respiratory care until a final decision on an  
17 accusation and/or petition to revoke probation is made or until such time as the Board delivers  
18 written notification that the notice to cease practice has been dissolved. The cessation of practice  
19 shall not apply to the reduction of the probationary time period.

20           The Board will contact the Respondent and his employers, human resources personnel,  
21 directors, managers, supervisors, and contractors and notify them that Respondent has been issued  
22 a notice to cease practice.

23           In addition, if Respondent violates any term of the probation in any respect, the Board, after  
24 giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the  
25 disciplinary order that was stayed.

26           If a petition to revoke probation is filed against Respondent during probation, the Board  
27 shall have continuing jurisdiction and the period of probation shall be extended until the matter is  
28 final. No petition for modification of penalty shall be considered while there is an accusation or

1 petition to revoke probation or other penalty pending against Respondent.

2 13. **COMPLETION OF PROBATION** Upon successful completion of probation,  
3 Respondent's license shall be fully restored.

4 14. **WORK SCHEDULES** Respondent shall be required to submit to the probation  
5 monitor work schedules on a weekly/monthly basis for the length of probation for each and every  
6 place of employment. Respondent shall ensure the Board has a copy of his current work schedule  
7 at all times for each place of employment.

8 15. **BIOLOGICAL FLUID TESTING** Respondent, at his expense, shall participate in  
9 random testing, including but not limited to biological fluid testing (i.e. urine, blood, saliva),  
10 breathalyzer, hair follicle testing, and/or any drug screening program approved by the Board.

11 Respondent shall be required to make daily contact, to determine if he is required to submit  
12 a specimen for testing, each day, including weekends, holidays, and vacations in or outside of  
13 California, at a lab approved by the Board. Board representatives may also appear unannounced,  
14 at any time to collect a specimen. All collections will be observed.

15 At all times, Respondent shall fully cooperate with the Board or any of its representatives,  
16 and shall, when directed, appear for testing as requested and submit to such tests and samples for  
17 the detection of alcohol, narcotics, hypnotic, dangerous drugs or other controlled substances. All  
18 alternative testing sites, due to vacation or travel outside of California must be approved by the  
19 Board, 30 days prior to the vacation or travel.

20 If Respondent is unable to provide a specimen in a reasonable amount of time from the  
21 request, while at the work site, Respondent understands that any Board representative may  
22 request from the supervisor, manager or director on duty to observe Respondent in a manner that  
23 does not interrupt or jeopardize patient care in any manner until such time Respondent provides a  
24 specimen acceptable to the Board.

25 If Respondent tests positive for a banned substance (including testing positive for ETG), the  
26 Board will contact the Respondent and his employers, human resources personnel, directors,  
27 managers, supervisors, and/or contractors and notify them of the positive test, including the  
28 substance(s) and levels detected. Thereafter, the Board may contact the specimen collector,

1 laboratory, Respondent, treating physician, treatment provider and/or support group facilitators to  
2 determine whether the positive test is evidence of prohibited use. If the Board determines the  
3 positive test is not evidence of prohibited use, the Board shall inform the Respondent and others  
4 previously contacted, that the positive test was not a violation of his probationary order.

5       **16. ABSTENTION FROM USE OF MOOD ALTERING SUBSTANCES** For  
6 purposes of these terms and conditions, a banned substance includes alcohol, marijuana,  
7 controlled substances and any and all other mood altering drugs and substances. Respondent  
8 shall completely abstain from the possession or use of all banned substances and their associated  
9 paraphernalia. Respondent may take other medication when lawfully prescribed by a licensed  
10 practitioner as part of a documented medical treatment. Respondent shall provide the Board a  
11 copy of a prescription within five (5) days of the date the prescription was filled.

12       Respondent shall execute a release authorizing the release of pharmacy and prescribing  
13 records as well as physical and mental health medical records. Respondent shall also provide  
14 information of treating physicians, counselors or any other treating professional as requested by  
15 the Board.

16       Respondent shall ensure that he is not in the presence of or in the same physical location as  
17 individuals who are using illegal substances, even if Respondent is not personally ingesting the  
18 drug(s). Respondent shall also ensure he is not ingesting or using any product that contains trace  
19 amounts of alcohol or any other banned substances (including but not limited to: cold/flu  
20 medications, cough syrups, diet pills/products, mouth wash, skin care or hygiene products,  
21 perfumes, poppy seeds, dessert or any foods, etc...).

22       Any positive result that registers over the established laboratory cutoff level for a banned  
23 substance, shall be reported to each of Respondent's employers.

24       **17. RESTRICTION OF PRACTICE** Respondent may not be employed or function as  
25 a member of respiratory care management or supervisory staff during the entire length of  
26 probation. This includes lead functions. Respondent is prohibited from working as part of a  
27 transport team. Respondent is also prohibited from providing instruction or supervision to  
28 respiratory care students or applicants whether in a clinical or classroom setting.



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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

Dated: July 23, 2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GLORIA L. CASTRO  
Supervising Deputy Attorney General

Original signed by: \_\_\_\_\_  
GLORIA L. CASTRO  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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