

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA L. CASTRO
Supervising Deputy Attorney General
3 STEVE DIEHL
Deputy Attorney General
4 State Bar No. 235250
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, California 93721
6 Telephone: (559) 477-1691
Facsimile: (559) 445-5106
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. D1 2011 561

13 **CELEDONIO S. BLANCAFLOR**
14 **4404 Lauerdale Avenue**
LaCrescenta, California 91214

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

15
16 **Respiratory Care Practitioner License**
No. 21184

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18 Respondent.

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20 Complainant alleges:

21 PARTIES

22 1. Stephanie Nunez (Complainant) brings this Accusation and Petition to Revoke
23 Probation solely in her official capacity as the Executive Officer of the Respiratory Care Board of
24 California (Board), Department of Consumer Affairs.

25 2. On or about December 23, 1999, the Board issued Respiratory Care Practitioner
26 License Number 21184 to Celedonio S. Blancaflor (Respondent). This license was suspended on
27 September 26, 2012, when the Board issued a Cease Practice Order pursuant to California Code
28 of Regulations section 1399.375.

1 CAUSE TO REVOKE PROBATION

2 (Abstention from Use of Mood Altering Substances)

3 12. At all times after the effective date of Respondent’s probation, Condition 16 stated:

4 “For purposes of these terms and conditions, a banned substance includes alcohol,
5 marijuana, controlled substances and any and all other mood altering drugs and substances.

6 Respondent shall completely abstain from the possession or use of all banned substances and their
7 associated paraphernalia. Respondent may take other medication when lawfully prescribed by a
8 licensed practitioner as part of a documented medical treatment. Respondent shall provide the
9 Board a copy of a prescription within five (5) days of the date the prescription was filled.

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

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

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

22 13. Respondent’s probation is subject to revocation because he failed to comply with
23 Probation Condition 16, referenced above. The facts and circumstances regarding this violation
24 are as follows:

25 On or about September 19, 2012, Respondent submitted a biological fluid specimen for
26 testing to Compass Vision Inc. The test results indicated that Respondent tested positive for
27 Ethylglucuronide (EtG), an alcohol biomarker, at 509.0 ng/ml.

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1 On or about September 26, 2012, pursuant to California Code of Regulations section
2 1399.375, Respondent was ordered to cease the practice of respiratory care in California as a
3 result of his September 19, 2012, positive test for Ethylglucuronide, which is a major violation of
4 his probation. Respondent contested the Cease Practice Order stating that on two occasions he
5 unknowingly drank whiskey, which had been added to hot tea prepared by his girlfriend, to help
6 relieve his symptoms of congestion. Respondent's appeal was denied and the Cease Practice
7 Order was upheld.

8 DISCIPLINE CONSIDERATIONS

9 14. To determine the degree of discipline to be imposed on Respondent, Complainant
10 alleges that on or about June 3, 2010, the Respiratory Care Board of California issued Citation
11 No. C-10-0038 to Respondent and ordered him to pay a fine in the amount of \$250.00. The
12 Citation was based upon Respondent's conviction on April 1, 2010, for violating Vehicle Code
13 section 23152, subdivision (b), driving while having a .08% or higher blood alcohol content.

14 PRAYER

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

- 17 1. Revoking the probation that was granted by the Respiratory Care Board in Case No.
18 1H 2011 561 and imposing the disciplinary order that was stayed thereby revoking Respiratory
19 Care Practitioner License No. 21184 issued to Celedonio S. Blancaflor;
 - 20 2. Revoking or suspending Respiratory Care Practitioner License No. 21184 issued to
21 Celedonio S. Blancaflor;
 - 22 3. Ordering Celedonio S. Blancaflor to pay the Respiratory Care Board the costs of the
23 investigation and enforcement of this case, and if probation is continued or extended, the costs of
24 probation monitoring; and
 - 25 4. Taking such other and further action as deemed necessary and proper.
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DATED: February 8, 2013

Original signed by Christine Molina for:

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

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