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

10 In the Matter of the Accusation Against:

Case No. 1H 2009 554

11 **CHRISTINE M. CARR**
12 **279 Rio Lindo Avenue #23**
13 **Chico, CA 95926**

DEFAULT DECISION
AND ORDER

[Gov. Code §11520]

14 **Respiratory Care Practitioner License No.**
15 **22108**

16 Respondent

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18 FINDINGS OF FACT

19 1. On or about April 18, 2011, Complainant Stephanie Nunez, in her official capacity as
20 the Executive Officer of the Respiratory Care Board of California, Department of Consumer
21 Affairs, filed Accusation No. 1H 2009 554 against Christine M. Carr (Respondent) before the
22 Respiratory Care Board.

23 2. On or about October 3, 2001, the Respiratory Care Board (Board) issued Respiratory
24 Care Practitioner License No. 22108 to Respondent. The Respiratory Care Practitioner License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 September 30, 2011, unless renewed.

27 3. On or about April 18, 2011, Stephanie M. Aguirre, an employee of the Board, served
28 by regular and certified mail, a copy of the Accusation No. 1H 2009 554 and related documents to

1 Respondent's address of record with the Board, which was and is 279 Rio Lindo Avenue #23,
2 Chico, CA 95926. A copy of the Accusation, the related documents, and Declaration of Service
3 are attached as exhibit A, and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c).

6 On or about May 11, 2011, the U.S. Postal Service returned the aforementioned documents
7 served by certified mail, and marked the envelope "unclaimed." A copy of the U.S. Postal
8 Service Track & Confirm search results is attached as exhibit B, and is incorporated herein by
9 reference.

10 5. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
12 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
13 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
16 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1H 2009
17 554.

18 6. California Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
20 agency may take action based upon the respondent's express admissions or upon other evidence
21 and affidavits may be used as evidence without any notice to respondent."

22 7. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default and the evidence before it, contained in
25 exhibits A through F, finds that the allegations in Accusation No. 1H 2009 554 are true.

26 The Respiratory Care Board further finds that pursuant to Business and Professions Code
27 section 3753.5, the costs of investigation and enforcement of the case prayed for in the
28 Accusation total \$2,790.00, based on the Certification of Costs contained in Exhibit F.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Christine M. Carr has subjected
3 her Respiratory Care Practitioner License No. 22108 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of Service are
5 attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Respiratory Care Board is authorized to revoke Respondent's Respiratory Care
8 Practitioner License based upon Business and Professions Code section 3750(f) [negligence] in
9 that she failed to provide respiratory treatment according to doctor's orders, code section 3750(j)
10 [dishonest act] and 3750 (k)[falsifying medical record] in that she charted that she provided
11 respiratory treatment to a patient when, in fact, she did not do so, and respondent's actions
12 described herein are in violation of code section 3755 [unprofessional conduct]. Respondent is
13 hereby ordered to pay the above costs of investigation and enforcement of this action.

14 ORDER

15 IT IS SO ORDERED that Respiratory Care Practitioner License No. 22108, heretofore
16 issued to Respondent Christine M. Carr, is revoked.

17 Respondent is ordered to reimburse the Respiratory Care Board the amount of \$2,790.00
18 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not
19 relieve Respondent of her responsibility to reimburse the Board for its costs. Respondent's
20 Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered
21 under Business and Professions Code section 3753.5 have been paid.

22 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
23 written motion requesting that the Decision be vacated and stating the grounds relied on within
24 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
25 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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This Decision shall become effective on August 4, 2011.

It is so ORDERED July 5, 2011.

Original Signed by:
LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA