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By

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARING

STEPHANIE NUNEZ Executive Officer Respiratory Care Board Department of Consumer Affairs State of California Petitioner, v. PAUL BROCK, R.C.P. 1533 W. 11th Street, # 67, Upland, CA 91786 Respiratory Care Practitioner License No. 25769 Respondent	Case No. 1H-2010-535 OAH No. 2010090102 **STIPULATION FOR INTERIM ORDER OF SUSPENSION (BUS. & PROF. CODE SECTION 494)**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true and, if approved by the Office of Administrative Hearings, that the order below shall be issued.

PARTIES

1. Petitioner Stephanie Nunez is the Executive Officer of the Respiratory Care Board and is represented in the above-entitled matter by Edmund G. Brown Jr., Attorney General of the State of California, by Deputy Attorney General Sanford Feldman.

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2. Respondent Paul Brock, R.C.P., is representing himself in this matter.

JURISDICTION

3. On or about August 25, 2010, Petitioner, acting solely in her office capacity, filed Accusation No. 1H-2010-535 against Respondent Paul Brock, R.C.P., who is currently licensed by the Respiratory Care Board and holds Respiratory Care Practitioner License No. 25769, which will expire on October 31, 2011, unless renewed. The Accusation alleges that Respondent violated Business and Professions Code sections 3750, subdivision (g) and 3750.5, subdivisions (a) and (b), in that Respondent obtained, possessed and used controlled substances.

4. Pursuant to the provisions of Business and Professions Code section 494, an administrative law judge may issue an interim order suspending or imposing restriction on a license. Interim orders may be issued only if the affidavits in support of the petition show that the licensee has engaged in acts or omissions constituting a violation of the code and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare.

FACTUAL BASIS FOR INTERIM ORDER OF SUSPENSION

5. Respondent suffers from chronic depression. He has also been diagnosed with bi-polar disorder. Approximately two weeks prior to July 15, 2010, Respondent's treating psychiatrist changed Respondent's medications. Respondent was advised that suicidal tendencies were a possible side effect of the new medications. On or about July 15, 2010, while working as a respiratory care practitioner at Glendale Adventist Hospital in Glendale, California, Respondent obtained propofol, a controlled substance, from the intensive care unit. Respondent injected himself with the propofol in an effort to kill himself. Respondent was found unconscious on the floor of the Emergency Room bathroom. He was admitted to the hospital, treated and released. Respondent's conduct constitutes violations of Business and Professions Code sections 3750, subdivision (g) and 3750.5, subdivisions (a) and (b).

8. Due to the nature of the alleged violations, Petitioner believes that Respondent's continued practice of respiratory care, prior to a decision following a hearing on the above referenced Accusation, will represent a danger to the health, safety and welfare of the public and

that public protection requires his license be immediately suspended pending issuance of such decision.

9. Based on the foregoing stipulations and agreements, the parties agree that an Interim Order of Suspension should be issued immediately suspending respondent's Respiratory Care Practitioner License No. 25769 and immediately prohibiting him from practicing respiratory care in the State of California pending further order from the Office of Administrative Hearings.

WAIVERS

10. Respondent Paul Brock, R.C.P., is fully aware of his right under Business and Professions Code section 494 to a noticed hearing on a petition for interim order of suspension as well as all other rights accorded him under section 494, which include, at a minimum, the following rights:

(1) To be represented by counsel.

(2) Have a record made of the proceedings, copies of which shall be available to the licentiate upon payment of costs computed in accordance with the provisions for transcript costs for judicial review contained in Section 11523 of the Government Code.

(3) Present affidavits and other documentary evidence.

(4) Present oral argument. To have a record made of the proceedings, copies of which may be obtained by the licentiate upon payment of any reasonable charges associated with the record.

11. Respondent Paul Brock, R.C.P., wishing to cooperate with the Board in its efforts to protect the public, hereby knowingly, intelligently, freely and voluntarily waives and gives up each and every one of the rights set forth and/or referenced above and stipulates to issuance of the interim order of suspension set forth below without notice or further hearing.

12. The parties further stipulate that facsimile copies of this stipulation and order," including any and all facsimile signatures appearing thereon, may be used in lieu of original

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documents and signatures and, further, that facsimile copies and signatures shall have the same force and effect as originals.

Dated: 8/26/2010, 2010.

By: _____
PAUL BROCK, R.C.P.
Respondent

Dated: 9/2/10, 2010.

EDMUND G. BROWN JR.
Attorney General of the
State of California

By: _____
SANFORD FELDMAN
Deputy Attorney General

Attorneys for Petitioner

ORDER

Pursuant to the above stipulation of the parties, Respiratory Care Practitioner License No. 25769, issued to Respondent PAUL BROCK, R.C.P., shall be and hereby is immediately suspended, and Respondent PAUL BROCK, R.C.P., is hereby immediately prohibited from practicing as a as a respiratory care practitioner in California pending further order of this court or the issuance of a final decision in Accusation No. 1H-2010-535 pending against Paul Brock.

IT IS SO ORDERED this 2nd day of September, 2010.

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HONORABLE ALAN R. ALVORD
ADMINISTRATIVE LAW JUDGE