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

11 In the Matter of the Accusation Against:

Case No. 7002015000199

12 **ANGELA MARIE BENNETT**

13 **3300 Bridgeway Lakes Drive**
14 **West Sacramento, CA 95691-6241**

A C C U S A T I O N

15 **Respiratory Care Practitioner License No.**
16 **26755**

Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Respiratory Care Board of California, Department of Consumer
21 Affairs.

22 2. On or about September 20, 2007, the Respiratory Care Board (Board) issued
23 Respiratory Care Practitioner License Number 26755 to Angela Marie Bennett (Respondent).
24 The Respiratory Care Practitioner License was in full force and effect at all times relevant to the
25 charges brought herein and will expire on January 31, 2017, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board, Department of Consumer Affairs, under
3 the authority of the following laws. All section references are to the Business and Professions
4 Code unless otherwise indicated.

5 4. Section 3710 of the Code states: "The Respiratory Care Board of California,
6 hereafter referred to as the board, shall enforce and administer this chapter." [Chapter 8.3, the
7 Respiratory Care Practice Act.].

8 5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke
9 licenses to practice respiratory care as provided in this chapter."

10 6. Section 3750 of the Code states:
11 "The board may order the denial, suspension or revocation of, or the imposition of
12 probationary conditions upon, a license issued under this chapter, for any of the following causes:

13 "(d) Conviction of a crime that substantially relates to the qualifications,
14 functions, or duties of a respiratory care practitioner. The record of conviction or a
15 certified copy thereof shall be conclusive evidence of the conviction.

16 "(g) Conviction of a violation of any of the provisions of this chapter or of any
17 provision of Division 2 (commencing with Section 500), or violating, or attempting to
18 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring
19 to violate any provision or term of this chapter or of any provision of Division 2
20 (commencing with Section 500).

21 "(j) The commission of any fraudulent, dishonest, or corrupt act which is
22 substantially related to the qualifications, functions, or duties of a respiratory care
23 practitioner.

24 7. Section 3750.5 of the Code states:
25 "In addition to any other grounds specified in this chapter, the board may deny, suspend,
26 place on probation, or revoke the license of any applicant or licenseholder who has done any of
27 the following:
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1 twelve hour shift, but began experiencing asthma symptoms after working a few hours.
2 Respondent informed her co-worker and supervisor that she wanted to leave work early due to
3 illness. At approximately 9:41 a.m., Respondent accessed Omnicell, a locked medication
4 dispensing system, using a patient's identification number, to obtain Albuterol Sulfate¹ and
5 Respondent self-administered the Albuterol Sulfate. Respondent left the workplace at
6 approximately 10:30 a.m. and sought treatment at an urgent care facility.

7 15. On or about September 13, 2014, C.G., Director of Cardiopulmonary,
8 Neurodiagnostics and Clinical Lab Services at Woodland Healthcare, met with Respondent.
9 Respondent admitted that on September 9, 2014, she used a patient's identification number to
10 remove Albuterol Sulfate from Omnicell, and admitted that she self-administered the Albuterol.
11 She stated that she had done so because she had been in severe respiratory distress. When C.G.
12 asked why she had not gone to Woodland Healthcare's emergency room or urgent care, she stated
13 that she did not have insurance and could not pay the bill for services at either location.
14 However, Respondent provided C.G. with a copy of a medical doctor's note dated September 9,
15 2014, stating that she saw a doctor after she left Woodland Healthcare that morning.

16 16. On April 9, 2015, Board Investigator Michael Estrada telephoned Respondent to
17 interview her regarding the incident. Respondent admitted that on September 9, 2014, she had
18 accessed Omnicell and removed Albuterol Sulfate for personal use. However, she stated that she
19 could not recall whether she had used a patient's identification to access the medication.

20 17. Respondent's act of using a patient's identification to access medication from a
21 secure site and self-administering the medication constitutes a dishonest act in violation of Code
22 section 3750(j) and CCR 1399.370(b).

23 SECOND CAUSE FOR DISCIPLINE

24 (Substantially-Related Conviction)

25 18. Respondent's license is subject to further disciplinary action under code sections
26 3750(d), 3752 [substantially-related conviction], 3750.5(d) and CCR 1399.370(c) [conviction of a

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28 ¹ Albuterol Sulfate is a prescription medication used for the treatment of asthma.

1 crime involving alcohol [in that she was convicted of violating Vehicle Code (VC) section
2 23152(b).]

3 19. On or about April 21, 2015, a criminal complaint was filed in Yolo County Superior
4 Court, case number CR-15-002307. Count 1 charged Respondent with a misdemeanor violation
5 of VC section 23152(e) [driving under the influence of drugs.] Count 2 charged Respondent with
6 a misdemeanor violation of VC section 23152(b) [driving with a .08% or more blood alcohol
7 content. Both counts charged an enhancement violation of VC 23578 stating that Respondent's
8 blood alcohol content was excessive.

9 20. On or about July 13, 2015, Respondent was convicted on her plea of no contest to a
10 misdemeanor violation of VC 23152(b) and she admitted the enhancement violation of VC
11 23578. She was sentenced to 36 months informal probation, six days in jail, and ordered to pay
12 fines.

13 The circumstances of the arrest are as follows:

14 21. On or about February 14, 2015 at approximately 7:00 p.m., West Sacramento Police
15 Officer Barrantes responded to the scene of a non-injury two vehicle traffic collision. Respondent
16 was the driver of one vehicle, and she informed the officer that she was the driver and only
17 occupant in the vehicle. As they spoke, Officer Barrantes smelled alcohol on Respondent's
18 breath and person. He observed that her eyes were watery and droopy, she was slow to respond
19 and her speech was slightly slurred. She was holding the left side of her ribs and stated that she
20 had not been injured in the traffic collision, but from a previous injury. Officer Barrantes was
21 able to conduct only one field sobriety examination on the scene due to Respondent's injury. He
22 conducted a horizontal gaze nystagmus test and she was unable to properly follow his
23 instructions.

24 22. Respondent told Officer Barrantes that she was driving home after running errands
25 and was going to make a southbound turn but she was not in the turning lane, but in the number
26 two lane. She stated that she had a broken rib and had taken prescription medications Xanax² and

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28 ² Alprozalam (trade name Xanax) is a prescription medication used to treat anxiety.

1 Hydrocodone³, and “a few others” for the pain. She admitted that she knew that she should not
2 be driving but she wanted to get home and everything she took was prescribed. She admitted that
3 she had two shots of alcohol earlier in the day and last took all the pills at about 4:00 p.m.

4 23. Officer Barrantes located three bottles of medication inside of Respondent’s purse
5 labeled with her name and listed as containing hydrocodone 5- 325 milligrams (mg), Ibuprofen
6 800 mg, and Tramadol 50 mg. He asked Respondent if she was willing to provide a breath or
7 blood sample to determine her level of intoxication. Respondent chose to provide a blood
8 sample, and Officer Barrantes secured the blood draw for further analysis.

9 24. Officer Barrantes transported Respondent to the West Sacramento Police Department
10 to be processed, where she waived her Miranda rights and agreed to provide a statement. She
11 stated that at approximately 4:00 p.m., she took her medication which was two of each of her pills
12 including a “half of a bar of Xanax .5 mg” for pain due to a broken rib. Respondent was
13 medically cleared at Woodland Memorial Hospital, and booked into the Yolo County Jail for
14 violating VC 23152(a) [driving under the influence of alcohol and drugs.] The blood test
15 obtained from Respondent on February 14, 2015 contained 0.22% alcohol.

16 THIRD CAUSE FOR DISCIPLINE

17 (Used Alcohol and/or Drugs in a Manner Dangerous or Injurious to Herself or Others)

18 25. Respondent’s license is further subject to disciplinary action under code section
19 3750.5(b), in that she used alcohol and/or drugs in a manner dangerous or injurious to herself or
20 others, as more particularly alleged in paragraphs 17 through 24, above, which is hereby
21 incorporated by reference and realleged as if fully set forth herein.

22 PRAYER

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

25 1. Revoking or suspending Respiratory Care Practitioner License Number 26755, issued
26 to Angela Marie Bennett;

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28 ³ Hydrocodone is an opiate pain medication prescribed to relieve moderate to severe pain.

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2. Ordering Angela Marie Bennett 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;

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

DATED: June 6, 2016

Original signed by Liane Freels for:
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant

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