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7

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

10  
11 In the Matter of the Accusation Against:

Case No. 7002016000695

12 **ANGIE MARIE CAMPBELL**

**DEFAULT DECISION  
AND ORDER**

13 **P.O. Box 3424**  
**Paso Robles, CA 93447-3424**

[Gov. Code §11520]

14  
15 **Respiratory Care Practitioner License No.**  
**27014**

16 Respondent  
17

18  
19 **FINDINGS OF FACT**

20 1. On or about June 30, 2016, Complainant Stephanie Nunez, in her official capacity as  
21 the Executive Officer of the Respiratory Care Board (Board) of California, Department of  
22 Consumer Affairs, filed Accusation No. 7002016000695 against Angie Marie Campbell  
23 (Respondent) before the Board.

24 2. On or about December 11, 2007, the Board issued Respiratory Care Practitioner  
25 License No. 27014 to Respondent. The Respiratory Care Practitioner License was in full force  
26 and effect at all times relevant to the charges brought herein and expired on June 30, 2016. A  
27  
28

1 certified copy of Respondent's Certificate of Licensure is contained as **Exhibit 1**<sup>1</sup> in the separate  
2 accompanying Default Decision Evidence Packet.

3 3. On or about June 30, 2016, an employee of the Board, served by Certified and First  
4 Class Mail a copy of Accusation No. 7002016000695, Statement to Respondent, Notice of  
5 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7  
6 to Respondent's address of record with the Board, which was and is P.O. Box 3424, Paso Robles,  
7 CA 93447-3424. A copy of the Accusation, the related documents, and Declaration of Service  
8 are contained in **Exhibit 2** in the separate accompanying Default Decision Evidence Packet.

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

11 4. On or about July 5, 2016, the aforementioned documents served by regular mail were  
12 returned by the U.S. Postal Service marked "Not Deliverable As Addressed, Unable to Forward."  
13 On July 11, 2016, the aforementioned documents served by certified mail were delivered to  
14 Respondent. A copy of the envelope returned by the post office and the U.S. Postal Service  
15 Tracking Sheet is contained in **Exhibit 3** in the separate accompanying Default Decision  
16 Evidence Packet.

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

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

22 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
23 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No.  
24 7002016000695.

25 7. California Government Code section 11520 states, in pertinent part:  
26

27 <sup>1</sup> The Exhibits referred to herein, which are true and correct copies of the originals, are  
28 contained in the separate accompanying "Default Decision Evidence Packet."

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

4           8.     Business and Professions Code section 118 states, in pertinent part:

5           "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
6 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
7 order of a court of law, or its surrender without the written consent of the board, shall not, during  
8 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
9 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
10 provided by law or to enter an order suspending or revoking the license or otherwise taking  
11 disciplinary action against the license on any such ground."

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

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

17           11.    Section 3750 of the Code states, in pertinent part:

18           "The board may order the denial, suspension or revocation of, or the imposition of  
19 probationary conditions upon, a license issued under this chapter, for any of the following causes:

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

24           12.    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:  
28

1           "(a) Obtained, possessed, used, or administered to himself or herself in violation of law, or  
2 furnished or administered to another, any controlled substances as defined in Division 10  
3 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as  
4 defined in Article 2 (commencing with Section 4105) of Chapter 9, except as directed by a  
5 licensed physician and surgeon, dentist, podiatrist, or other authorized health care provider, or  
6 illegally possessed any associated paraphernalia."

7           13. Section 3753.5, subdivision (a) of the Code states:

8           "In any order issued in resolution of a disciplinary proceeding before the board, the board or  
9 the administrative law judge may direct any practitioner or applicant found to have committed a  
10 violation or violations of law or any term and condition of board probation to pay to the board a  
11 sum not to exceed the costs of the investigation and prosecution of the case. A certified copy of  
12 the actual costs, or a good faith estimate of costs where actual costs are not available, signed by  
13 the official custodian of the record or his or her designated representative shall be prima facie  
14 evidence of the actual costs of the investigation and prosecution of the case."

15           14. Section 3753.7 of the Code states:

16           "For purposes of the Respiratory Care Practice Act, costs of prosecution shall include  
17 attorney general or other prosecuting attorney fees, expert witness fees, and other administrative,  
18 filing, and service fees."

19           15. Section 3753.1 of the Code states:

20           "(a) An administrative disciplinary decision imposing terms of probation may include,  
21 among other things, a requirement that the licensee-probationer pay the monetary costs associated  
22 with monitoring the probation. "

23           16. On or about May 2, 2016, at approximately 4:25 p.m., California Highway Patrol  
24 (CHP) Officer A. Guerra, Jr. responded to a report of a possible medical emergency. When he  
25 arrived, Kern County Fire Department personnel were evaluating an adult female (later identified  
26 as Respondent via an expired California driver license) and R.T., an adult male. Officer Guerra  
27 noticed that Respondent was fidgety, nervous, spoke rapidly, and would suddenly nod off during  
28 conversation. Based on Officer Guerra's training and experience, he believed that Respondent

1 appeared to be under the influence of a controlled substance. He asked Respondent if she had  
2 taken any medication or drugs, and she denied taking anything. Officer Guerra checked  
3 Respondent's radial pulse and obtained a reading of 130 beats per minute. He observed that her  
4 eyes were bloodshot and glossy, she was sweating profusely, and she was unable to stand still  
5 while talking. At one point during their conversation, Respondent became distracted and began  
6 picking at her skin on her left chest area. Seconds later, she began nodding off. The officer asked  
7 Respondent who had been driving the vehicle since her license expired. Officer Guerra ran a  
8 check of Respondent's license and was informed that her license was suspended. Respondent  
9 claimed that R.T. had been driving.

10 17. Officer Guerra spoke to R.T., who produced a valid driver's license. Officer Guerra  
11 observed that R.T. was extremely fidgety and his movements were exaggerated. He observed that  
12 R.T. displayed bruxism, had rapid speech, was unsteady, and had bloodshot, glossy eyes. Officer  
13 Guerra checked R.T.'s radial pulse and obtained a reading of 136 beats per minute. R.T. admitted  
14 he had taken several pain medications for a medical condition, but denied taking any illegal  
15 drugs. R.T. denied driving the vehicle, and Officer Guerra was unable to determine who had  
16 been driving.

17 18. Based on his training and experience and both individuals' objective signs of drug  
18 intoxication, Officer Guerra placed Respondent and R.T. under arrest for violating Health and  
19 Safety (H&S) Code section 11550(a) [under the influence of a controlled substance.]

20 19. Officer Guerra searched the vehicle subsequent to arrest. He located a small nylon  
21 purse under the center console. Inside, he found two small zip-lock baggies containing a white,  
22 crystalline substance which was tested with a Narcotic Identification Kit (NIK). The substance  
23 tested presumptively positive for methamphetamine. The purse also contained three hypodermic  
24 syringes, a metal spoon, cotton swabs, matches, and four one dollar bills. In Officer Guerra's  
25 training and experience, these items were all consistent with intravenous drug use. Respondent  
26 admitted that the purse belonged to her.

27 20. Based on the contents of the purse, Officer Guerra arrested Respondent for an  
28 additional violation of H&S Code section 11377(a) [possession of methamphetamine] and

1 Business and Professions Code section 4149 [possession of hypodermic needles.] Respondent  
2 and R.T. were transported to the Central Receiving Facility for booking, and Officer Guerra  
3 issued a Notice to Appear to Respondent. A certified redacted copy of California Highway  
4 Patrol arrest report dated May 2, 2016 is contained in **Exhibit 4** in the separate accompanying  
5 Default Decision Evidence Packet.

6 21. Pursuant to its authority under Government Code section 11520, the Board finds  
7 Respondent is in default. The Board will take action without further hearing and, based on  
8 Respondent's express admissions by way of default and the evidence before it, contained in  
9 Exhibits 1, 2, 3, 4 and 5, finds that the allegations in Accusation No. 7002016000695 are true.

10 22. The Respiratory Care Board further finds that pursuant to Business and Professions  
11 Code section 3753.5, the costs of investigation and enforcement of the case prayed for in the  
12 Accusation total \$2,852.50, based on the Certification of Costs contained in **Exhibit 5** in the  
13 separate accompanying Default Decision Evidence Packet.

#### 14 DETERMINATION OF ISSUES

15 1. Based on the foregoing findings of fact, Respondent Angie Marie Campbell has  
16 subjected her Respiratory Care Practitioner License No. 27014 to discipline.

17 2. A copy of Accusation No. 7002016000695 and the related documents and  
18 Declaration of Service are attached.

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

20 4. Pursuant to its authority under California Government Code section 11520, and based  
21 on the evidence before it, the Board hereby finds that the charges and allegations contained in  
22 Accusation No. 7002016000695, and the Findings of Fact contained in paragraphs 1 through 22,  
23 above, and each of them, separately and severally, are true and correct.

24 5. The Respiratory Care Board is authorized to revoke Respondent's Respiratory Care  
25 Practitioner License based upon the following violations alleged in the Accusation: Business and  
26 Professions code sections 3750(g) and 3750.5(a) [possession of a controlled substance.]

27 6. Respondent is hereby ordered to pay \$2,852.50 costs of investigation and  
28 enforcement of this action.

ORDER

Respiratory Care Practitioner License No. 27014, heretofore issued to Respondent Angie Marie Campbell, is REVOKED.

If Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement of a revoked license. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

Respondent is ordered to reimburse the Respiratory Care Board the amount of \$2,852.50 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

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

This Decision shall become effective on September 7, 2016.

It is so ORDERED August 8, 2016.

Original signed by:

ALAN ROTH, MS, MBA, RRT-NPS, FAARC  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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