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

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

13 **CHRISTOPHER DEL COPPOCK**  
14 **8762 Edwin Street**  
**Rancho Cucamonga, CA 91730**

15 **Respiratory Care Practitioner**  
16 **License No. 28642**

17 Respondent.

Case No. D1-2007-656

**DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about December 16, 2011, Complainant Stephanie Nunez, in her official  
20 capacity as the Executive Officer of the Respiratory Care Board of California, Department of  
21 Consumer Affairs, filed Accusation and Petition to Revoke Probation No. D1-2007-656 against  
22 Christopher Del Coppock (Respondent) before the Respiratory Care Board.

23 2. On or about April 25, 2009, the Respiratory Care Board (Board) issued  
24 Respiratory Care Practitioner License No. 28642 to Respondent. The Respiratory Care  
25 Practitioner License expired on April 30, 2010, and has not been renewed (Exhibit A). Said  
26 license was placed on probation for three years effective April 25, 2009 (Exhibit B - Decision  
27 after Non-Adoption).

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1           3.     On or about December 16, 2011, Stephanie M. Aguirre, an employee of the  
2 Complainant Agency, served by Certified and First Class Mail a copy of the Accusation and  
3 Petition to Revoke Probation No. D1-2007-656, Statement to Respondent, Notice of Defense,  
4 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to  
5 Respondent's address of record with the Board, which was and is 8762 Edwin Street  
6 Rancho Cucamonga, CA 91730. A true and correct copy of the Accusation and Petition to  
7 Revoke Probation, the related documents, and Declaration of Service are attached as Exhibit C,  
8 and are incorporated herein by reference as if fully set forth herein. Service of the Accusation  
9 and Petition to Revoke Probation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c).

11           4.     On or about December 19, 2011, the aforementioned documents referenced in  
12 paragraph 3, above, which were mailed by certified and regular mail, were received by  
13 Respondent. A true and correct copy of the signed Return Receipt returned to the Board by the  
14 United States Postal Service is attached hereto as Exhibit D and incorporated herein by reference  
15 as if fully set forth herein.

16           5.     Business and Professions Code section 118 states, in pertinent part:

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

25           6.     Government Code section 11506 states, in pertinent part:

26           "(c) The respondent shall be entitled to a hearing on the merits if the  
27 respondent files a notice of defense, and the notice shall be deemed a specific denial  
28 of all parts of the accusation not expressly admitted. Failure to file a notice of

1 defense shall constitute a waiver of respondent's right to a hearing, but the agency in  
2 its discretion may nevertheless grant a hearing."

3 7. Respondent failed to file a Notice of Defense within 15 days after service upon  
4 him of a true and correct copy of the Accusation and Petition to Revoke Probation No. D1-2007-  
5 656, and has therefore waived his right to a hearing on the merits of the charges and allegations  
6 contained therein.

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

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

12 9. Pursuant to its authority under Government Code section 11520, the Board  
13 finds Respondent is in default. The Board will take action without further hearing and, based on  
14 Respondent's express admissions by way of default and the evidence before it, contained in  
15 Exhibits A, B, C, D, E, and F, hereto finds that the charges and allegations in Accusation and  
16 Petition to Revoke Probation No. D1-2007-656, and each of them, separately and severally, are  
17 true and correct.

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

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

23 12. Section 3754 of the Code states: "The board may deny an application for, or  
24 issue with terms and conditions, or suspend or revoke, or impose probationary conditions upon, a  
25 license in any decision made after a hearing, as provided in Section 3753."<sup>1</sup>

26 <sup>1</sup> Section 3753 provides that: "The procedure in all matters and proceedings relating to the  
27 denial, suspension, or revocation of licenses under this chapter shall be governed by the  
28 provisions of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of  
Part 1 of Division 3 of Title 2 of the Government Code)."

1           13. Section 3750, subdivision (g) of the Code, states: "Conviction of a violation of  
2 any of the provisions of this chapter or of any provision of Division 2 (commencing with Section  
3 500), or violating, or attempting to violate directly or indirectly, or assisting in or abetting the  
4 violation of, or conspiring to violate any provision or term of this chapter or of any provision of  
5 Division 2 (commencing with Section 500.)."

6           14. Section 3755 of the Code states: "The board may take action against any  
7 respiratory care practitioner who is charged with unprofessional conduct<sup>2</sup> in administering, or  
8 attempting to administer, direct or indirect respiratory care. Unprofessional conduct includes, but  
9 is not limited to, repeated acts of clearly administering directly or indirectly inappropriate or  
10 unsafe respiratory care procedures, protocols, therapeutic regimens, or diagnostic testing or  
11 monitoring techniques, and violation of any provision of Section 3750. The board may determine  
12 unprofessional conduct involving any and all aspects of respiratory care performed by anyone  
13 licensed as a respiratory care practitioner."

14           15. Section 3753.5, subdivision (a) of the Code states:

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

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26           <sup>2</sup> Unprofessional conduct has been defined as conduct which breaches the rules or ethical  
27 code of the medical profession, or conduct which is unbecoming a member in good standing of  
28 the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v.*  
*Board of Medical Examiners* (1978) 81 Cal.App.3d 654.)

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16. Section 3753.7 of the Code states:

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

17. Section 3753.1 of the Code states:

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

18. Respondent has subjected his Respiratory Care Practitioner License No. 28642 to disciplinary action by reason of the following (Exhibit E –Violation Report):

**Failure to Submit Quarterly Reports**

19. At all times after the effective date of Respondent’s probation in Case No. 1H-2007-656, Respondent was subject to terms and conditions of probation:. Condition 2 stated:

"QUARTERLY REPORTS Respondent shall file quarterly reports of compliance under penalty of perjury, on forms to be provided, to the probation monitor assigned by the Board. Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in the filing of an accusation and/or a petition to revoke probation against Respondent's respiratory care practitioner license.

"Quarterly report forms will be provided by the Board. Respondent is responsible for contacting the Board to obtain additional forms in needed. Quarterly reports are due for each year of probation and the entire length of probation as follows:

"For the period covering January 1st through March 31st, reports are to be completed and submitted between April 1st and April 7th.

"For the period covering April 1st through June 30th, reports are to be completed and submitted between July 1st and July 7th.

"For the period covering July 1st through September 30th, reports are to be completed and submitted between October 1st and October 7th.

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1 "For the period covering October 1st through December 31st, reports are to be completed  
2 and submitted between January 1st and January 7th.

3 "Failure to submit complete and timely reports shall constitute a violation of probation."

4 20. Respondent's probation is subject to revocation because he failed to comply  
5 with Probation Condition 2, referenced above. The facts and circumstances regarding this  
6 violation are as follows:

7 A. Respondent failed to submit a quarterly report for the period of October 1,  
8 2010 through December 31, 2010.

9 B. Respondent failed to submit a quarterly report for the period of January 1,  
10 2011 through March 31, 2011.

11 C. Respondent failed to submit a quarterly report for the period of April 1,  
12 2011 through June 30, 2011.

13 D. Respondent failed to submit a quarterly report for the period of July 1,  
14 2011 through September 30, 2011.

15 **Failure to Comply with Probation Monitoring Costs**

16 21. At all times after the effective date of Respondent's probation in Case No. 1H-  
17 2007-656, Condition 4 stated:

18 "PROBATION MONITORING COSTS All costs incurred for probation monitoring during  
19 the entire probation shall be paid by the Respondent. The monthly cost may be adjusted as  
20 expenses are reduced or increased. All payments for costs are to be sent directly to the  
21 Respiratory Care Board and must be received by the date(s) specified. (Periods of tolling will not  
22 toll the probation monitoring costs incurred.) If Respondent is unable to submit costs for any  
23 month, he shall be required, instead to submit an explanation of why he is unable to submit the  
24 costs, and the date(s) he will be able to submit the costs including payment amount(s).  
25 Supporting documentation and evidence of why the Respondent is unable to make such  
26 payment(s) must accompany this submission. Respondent understands that failure to submit  
27 costs timely is a violation of probation and submission of evidence demonstrating financial  
28 hardship does not preclude the Board from pursuing further disciplinary action. However,

1 Respondent understands that providing evidence and supporting documentation of financial  
2 hardship it may delay further disciplinary action. In addition to any other disciplinary action taken  
3 by the Board, an unrestricted license will not be issued at the end of the probationary period and  
4 the respiratory care practitioner license will not be renewed, until such time all probation  
5 monitoring costs have been paid. The filing of bankruptcy by the Respondent shall not relieve the  
6 Respondent of his responsibility to reimburse the Board for costs incurred."

7 22. Respondent's probation is subject to revocation because he failed to comply  
8 with Probation Condition 4 in that he failed to pay monthly probation monitoring payments with  
9 a total past due balance of \$2,900.00 as of March 25, 2012.

10 **Failure to Meet Employment Requirement**

11 23. At all times after the effective date of Respondent's probation in Case No. 1H-  
12 2007-656, Condition 5 stated:

13 "EMPLOYMENT REQUIREMENT Respondent shall be employed a minimum of 24  
14 hours per week as a respiratory care practitioner for a minimum of 2/3 of his probation period.  
15 Respondent may substitute successful completion of a minimum of thirty (30) additional  
16 continuing education hours, beyond that which is required for license renewal, for each 8 months  
17 of employment required. Respondent shall submit proof to the Board of successful completion of  
18 all continuing education requirements. Respondent is responsible for paying all costs associated  
19 with fulfilling this term and condition of probation.

20 24. Respondent's probation is subject to revocation because he failed to comply  
21 with Probation Condition 5 in that he failed to meet the minimum employment requirement.

22 **Failure to Maintain Valid License Status**

23 25. At all times after the effective date of Respondent's probation in Case No. 1H-  
24 2007-656, Condition 9 stated:

25 "VALID LICENSE STATUS Respondent shall maintain a current, active and valid license  
26 for the length of the probation period. Failure to pay all fees and meet CE requirements prior to  
27 his license expiration date shall constitute a violation of probation."

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1 1399.370, subdivision (a), in that he violated a provision of this chapter, in that he failed to  
2 comply with the following terms and conditions of probation 2, 4, 5, 9, and 12, in Case No. 1H-  
3 2007-656, as more particularly described in paragraphs 19 through 28, above, which are  
4 incorporated by reference and realleged as if fully set forth herein.

5 **Unprofessional Conduct**

6 30. Respondent is subject to disciplinary action under section 3755 of the Code, and  
7 title 16 of the California Code of Regulations section 1399.370, subdivision (a), in that he  
8 engaged in unprofessional conduct by failing to comply with the following terms and conditions  
9 of probation: 2, 4, 5, 9, and 12, in Case No. 1H-2007-656, as more particularly described in  
10 paragraphs 19, through 29, above, which are incorporated by reference and realleged as if fully  
11 set forth herein.

12 31. The Board further finds that pursuant to Business and Professions Code section  
13 3753.5, the costs of investigation and enforcement of the case prayed for in the Accusation and  
14 Petition to Revoke Probation No. D1-2007-656, total \$1,280.00, based on the Certificate of Costs  
15 contained in Exhibit F.

16 **DETERMINATION OF ISSUES**

17 1. Based on the foregoing findings of fact, Respondent Christopher Del Coppock  
18 has subjected his Respiratory Care Practitioner License No. 28642 to discipline.

19 2. Pursuant to its authority under California Government Code section 11520, and  
20 based on the evidence before it, the Board hereby finds that the charges and allegations contained  
21 in the Accusation and Petition to Revoke Probation No. D1-2007-656, and the Findings of Fact  
22 contained in paragraphs 1 through 31, above, and each of them, separately and severally, are true  
23 and correct. A true and correct copy of the Accusation and Petition to Revoke Probation Case  
24 No. D1-2007-656 and the related documents and Declaration are attached.

25 3. Pursuant to its authority under California Code section 11520, and by reason of  
26 the Findings of Fact contained in paragraphs 1 through 31, above, and Determination of Issues 1  
27 and 2, above, the Board hereby finds that respondent Christopher Del Coppock, has subjected his  
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1 Respiratory Care Practitioner's License No. 28642 to disciplinary action under California  
2 Business and Professions Code sections 3710, 3718, 3754, 3750, and 3755 in that he:

- 3 (a) Violated terms and conditions of his probation; and  
4 (b) Engaged in unprofessional conduct by failing to comply with the  
5 following terms and conditions of probation: 2, 4, 5, 9, and 12.

6 4. Respondent is hereby ordered to pay the above costs of investigation and  
7 enforcement of this action.

8 **ORDER**

9 **IT IS SO ORDERED** that Respiratory Care Practitioner License No. 28642,  
10 heretofore issued to Respondent Christopher Del Coppock, is revoked.

11 Respondent is ordered to reimburse the Respiratory Care Board the amount of  
12 \$1,280.00 for its investigative and enforcement costs. The filing of bankruptcy by Respondent  
13 shall not relieve Respondent of his responsibility to reimburse the Board for its costs.

14 Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all  
15 costs ordered under Business and Professions Code section 3753.5 have been paid.

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

20 This Decision shall become effective on June 1, 2012.

21 It is so ORDERED May 2, 2012.

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24 Original signed by:  
25 MURRAY L. OLSON, RCP, RRT-NPS, RPFT  
26 PRESIDENT, RESPIRATORY CARE BOARD  
27 DEPARTMENT OF CONSUMER AFFAIRS  
28 STATE OF CALIFORNIA