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9  
10 **BEFORE THE**  
**RESPIRATORY CARE BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. 7002014000002

14 **WAHEDULLAH BASSIR, R.C.P.**  
**10 Thunder Run 8J**  
15 **Irvine, CA 92614**  
**Respiratory Care Practitioner License**  
16 **No. 28683,**

**A C C U S A T I O N**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about April 20, 2009, the Respiratory Care Board issued Respiratory Care  
25 Practitioner License Number 28683 to Wahedullah Bassir, R.C.P. (respondent). The Respiratory  
26 Care Practitioner License expired on January 31, 2014, and has not been renewed.

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**JURISDICTION**

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

5       4.     Section 3710 of the Code states:

6             “The Respiratory Care Board of California, hereafter referred to as the board,  
7 shall enforce and administer this chapter.” [Chapter 8.3, the Respiratory Care  
8 Practice Act.]

9       5.     Section 3718 of the Code states:

10            “The board shall issue, deny, suspend, and revoke licenses to practice  
11 respiratory care as provided in this chapter.”

12       6.     Section 3722 of the Code states:

13            “The board shall adopt any regulations as may be necessary to effectuate this  
14 chapter ...”

15       7.     Section 3750 of the Code states, in pertinent part:

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

19            “... ”

20            “(d) Conviction of a crime that substantially relates to the qualifications,  
21 functions, or duties of a respiratory care practitioner. The record of conviction or a  
22 certified copy thereof shall be conclusive evidence of the conviction.

23            “... ”

24            “(g) Conviction of a violation of any of the provisions of this chapter or of  
25 any provision of Division 2 (commencing with Section 500), or violating, or  
26 attempting to violate, directly or indirectly, or assisting in or abetting the violation  
27 of, or conspiring to violate any provision or term of this chapter or of any  
28 provision of Division 2 (commencing with Section 500).

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“ ...

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

“ ...”

8. Section 3750.5 of the Code states:

“In addition to any other grounds specified in this chapter, the board may deny, suspend, or revoke the license of any applicant or license holder who has done any of the following”

“ ...

“(b) Used any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with Section 4015) of Chapter 9 of this code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, or to others, or that impaired his or her ability to conduct with safety the practice authorized by his or her license.

“ ...

“(d) Been convicted of a criminal offense involving the consumption or self-administration of any of the substances described in subdivisions (a) and (b) ...

“ ...”

9. Section 3752 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of any offense which substantially relates to the qualifications, functions, or duties of a respiratory care practitioner is deemed to be a conviction within the meaning of this article. The board shall order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence,

1           irrespective of a subsequent order under Section 1203.4 of the Penal Code  
2           allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
3           guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
4           information, or indictment.”

5       10.   Section 118 of the Code states:

6           “... ”

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

15          “(c) As used in this section, ‘board’ includes an individual who is authorized  
16          by any provision of this code to issue, suspend, or revoke a license, and ‘license’  
17          includes ‘certificate,’ ‘registration,’ and ‘permit.’”

18       11.   Section 1399.370, title 16, California Code of Regulations states:

19          “For the purposes of denial, suspension, or revocation of a license, a crime or  
20          act shall be considered to be substantially related to the qualifications, functions or  
21          duties of a respiratory care practitioner, if it evidences present or potential  
22          unfitness of a licensee to perform the functions authorized by his or her license or  
23          in a manner inconsistent with the public health, safety, or welfare. Such crimes or  
24          acts include but are not limited to those involving the following:

25          “(a) Violating or attempting to violate, directly or indirectly, or assisting or  
26          abetting the violation of or conspiring to violate any provision or term of the  
27          Business and Professions Code.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Substantially Related to the Qualifications, Functions,**  
3 **or Duties of a Respiratory Care Practitioner)**

4 15. Respondent has subjected his Respiratory Care Practitioner License No. 28683 to  
5 disciplinary action under section 3750, as defined by sections 3750, subdivision (d), 3750.5,  
6 subdivision (d), and 3752, of the Code, and section 1399.370, subdivision (c), title 16, of the  
7 California Code of Regulations, in that he was convicted of a crime substantially related to the  
8 qualifications, functions, or duties of a respiratory care practitioner, as more particularly  
9 described hereinafter:

10 16. 2014 Driving Under The Influence Conviction

11 A. On or about October 5, 2013, respondent was involved in a non-injury  
12 traffic collision wherein the vehicle he was driving rear-ended another vehicle that  
13 was stopped on the roadway. Following the collision, at approximately 1547  
14 hours, Irvine Police Department Officer R.W. responded to the location of the  
15 traffic collision where respondent was located along with the driver of the other  
16 vehicle. Officer R.W. identified damage to the front end of respondent's vehicle  
17 consistent with a recent collision. While questioning both drivers about the  
18 accident, Officer R.W. immediately noticed respondent was exhibiting signs of  
19 impairment including, slow and slurred speech, poor balance and stumbling while  
20 walking, and an agitated demeanor.

21 B. A second officer, Officer J.O., responded to the collision scene to  
22 conduct a driving under the influence (DUI) evaluation of respondent. While  
23 questioning respondent, Officer J.O. observed that respondent exhibited multiple  
24 objective signs of impairment. During questioning, respondent admitted to Officer  
25 J.O. that he had taken "Xanax"<sup>1</sup> at approximately 1400 hours that same day, prior

26 <sup>1</sup> Xanax is a brand name for Alprazolam, a Schedule IV controlled substance pursuant to  
27 Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to  
28 Business and Professions Code section 4022.

1 to the accident. A drug prescription for respondent was located inside  
2 respondent's vehicle which listed various controlled substances. According to  
3 respondent's arrest report: "*The prescription was filled out by Dr. [D.P.] on 8-22-*  
4 *13 for [sixty] 30 mg Adderall<sup>2</sup> pills, [sixty] 2 mg Xanax pills, and another drug*  
5 *that was unreadable for what appeared to be [one hundred twenty] 10 mg pills."*  
6 [Emphasis added.] Respondent was uncooperative with Officer J.O. and he  
7 refused to perform Standardized Field Sobriety Tests (SFST) when requested by  
8 the officer.

9 C. Based upon the facts and totality of the circumstances, including,  
10 respondent's admission that he had recently taken Xanax before the traffic  
11 collision; objective signs of impairment; agitated demeanor; and his refusal to  
12 perform SFSTs, Officer J.O. determined that respondent was driving under the  
13 influence of drugs, and arrested him at approximately 1651 hours for violation of  
14 Vehicle Code section 23152, subdivision (a) [driving under the influence of  
15 alcohol and/or drugs]. Respondent chose to take a breath test and subsequently  
16 gave two breath samples. At 1740 hours, respondent's Blood Alcohol  
17 Concentration (BAC) level measured 0.00 percent; and again, at 1743 hours, his  
18 BAC measured 0.00 percent.

19 D. On or about September 18, 2014, in the Superior Court of California,  
20 County of Orange, in the case of *The People of the State of California vs.*  
21 *Wahedullah Bassir, AKA Wahed Bassir, Wahed Basir, Wahedulla Bassir*, Superior  
22 Court case number 14HM03058, respondent was convicted of Vehicle Code  
23 section 23152, subdivision (a). Respondent handwrote and signed under penalty  
24 of perjury the following statement on the guilty change of plea form: "*On 10/5/13,*  
25 *in Orange County, I did willfully and unlawfully drive a vehicle on a public*

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26 <sup>2</sup> Adderall is a brand name for dextroamphetamine and amphetamine, a Schedule II  
27 controlled substance pursuant to Health and Safety Code section 11055, subdivision (d), and a  
28 dangerous drug pursuant to Business and Professions Code section 4022. It is an amphetamine  
salts used for attention-deficit hyperactivity disorder and narcolepsy.



1 and section 1399.370, subdivision (b), title 16, of the California Code of Regulations, in that he  
2 committed a fraudulent, dishonest, or corrupt act substantially related to the qualifications,  
3 functions, or duties of a respiratory care practitioner, as more particularly described hereinafter:

4 20. 2014 “Petty Theft” Arrest

5 A. On or about January 12, 2014, respondent was arrested for shoplifting at  
6 a Stater Brothers’ grocery store located in Santa Ana, California. On that date,  
7 respondent was observed by a store employee (L.S.) entering the store and  
8 immediately grabbing several empty plastic bags from a front register. L.S.  
9 continued his observation of respondent inside the store, where he watched  
10 respondent place several grocery items into a basket and then transferred them into  
11 the empty plastic bags he had grabbed when he initially entered the store.  
12 Respondent then exited the store without paying for the items.<sup>3</sup> L.S. confronted  
13 respondent outside the store about his failure to pay for the items, at which point  
14 respondent apologized to L.S. for his actions. L.S. then placed respondent under  
15 citizen’s arrest and called the police. Santa Ana Police Department Officer S.R.  
16 responded to the store location and interviewed L.S. about the incident. L.S. told  
17 Officer S.R. that he had prior knowledge of respondent because of a past incident,  
18 wherein respondent had entered the same store and selected several items, and then  
19 ran out without paying for them. Respondent was never stopped or arrested for  
20 this past incident. Based upon his investigation into the incident, Officer S.R.  
21 placed respondent under arrest for violation of Penal Code section 488,  
22 subdivision (a) [petty theft], and transported him to Santa Ana Jail.

23 B. On or about January 30, 2014, the Orange County District Attorney’s  
24 Office filed a criminal complaint against respondent in the matter of *The People of*  
25 *the State of California vs. Waheddullah Bassir, AKA Wahedullah Bassir, Wahed*  
26 *Bassir, Wahed Basir*, Superior Court case number 14CM00790. The criminal

27 \_\_\_\_\_  
28 <sup>3</sup> The value of the items that respondent shoplifted was approximately \$68.45.

1 complaint charged respondent with a violation of Penal Code sections 484,  
2 subdivision (a), and 488 [petty theft], a misdemeanor. On or about June 13, 2014,  
3 pursuant to a sentence recommendation for terminal disposition, the case against  
4 respondent was dismissed upon a motion made by the District Attorney's Office,  
5 in exchange for which, respondent voluntarily agreed to provide a  
6 deoxyribonucleic acid (DNA) sample, fingerprints and photograph, to the Orange  
7 County District Attorney's Office for permanent retention, analysis and search  
8 within any database(s) for law enforcement purposes, and pay a seventy-five dollar  
9 (\$75.00) administrative fee.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Violation of a Provision or Provisions of the Respiratory Care Practice Act)**

12 21. Respondent has further subjected his Respiratory Care Practitioner License No.  
13 28683 to disciplinary action under section 3750, as defined by 3750, subdivision (g), and section  
14 1399.370, subdivision (a), title 16, of the California Code of Regulations, in that he violated a  
15 provision or provisions of the Respiratory Care Practice Act, as more particularly alleged in  
16 paragraphs 15, 16, 17, 18, 19 and 20, above, which are hereby incorporated by reference and  
17 realleged as if fully set forth herein.

18 **DISCIPLINARY CONSIDERATIONS**

19 22. On or about January 20, 2009, the Board received an application for licensure from  
20 respondent. The application inquired whether respondent had ever been convicted of a  
21 misdemeanor and, if yes, to complete and submit a criminal history addendum. Respondent  
22 answered "yes" to this question and submitted a background statement with an attached type-  
23 written document listing information related to his past criminal convictions including, the  
24 following two (2) convictions for DUI and one (1) conviction for a "wet reckless":

- 25 A. Offense: violation of Vehicle Code section 23152 (a);  
26 Location of Offense: Irvine, CA;  
27 Date of Conviction: on or about September 15, 1996; and  
28 Superior Court Case No.: 96HM00968.

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- B. Offense: violation of Vehicle Code section 23103 (a) [“wet reckless”];  
 Location of Offense: Irvine, CA;  
 Date of Conviction: on or about June 20, 1999; and  
 Superior Court Case No.: 99HM01532.
- C. Offense: violation of Vehicle Code section 23152 (a) and (b);  
 Location of Offense: Irvine, CA;  
 Date of Conviction: on or about December 10, 2001; and  
 Superior Court Case No.: 01HM04919.

**PRAYER**

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

- 1. Revoking or suspending Respiratory Care Practitioner License Number 28683, issued to respondent Wahedullah Bassir, R.C.P.;
- 2. Ordering respondent Wahedullah Bassir, R.C.P. 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; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: September 3, 2015

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