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

12 In the Matter of the Accusation Against:

Case No. 7002015000762

13 **JUAN J. CASTANEDA, RCP**  
14 **44146 Fenhold Street**  
**Lancaster, CA 93535**

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

15 Respiratory Care Practitioner License No.  
29408,

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about November 4, 2009, the Board issued Respiratory Care Practitioner  
24 License Number 29408 to Respondent Juan J. Castaneda, RCP (Respondent). The Respiratory  
25 Care Practitioner License was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on July 31, 2016, unless renewed.

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1 ability to conduct with safety the practice authorized by his or her license.”

2 9. Section 4022 of the Code states:

3 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in  
4 humans or animals, and includes the following:

5 “(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without  
6 prescription," "Rx only," or words of similar import.

7 “(b) Any device that bears the statement: "Caution: federal law restricts this device to sale  
8 by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with  
9 the designation of the practitioner licensed to use or order use of the device.

10 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
11 prescription or furnished pursuant to Section 4006.”

12 **COST RECOVERY**

13 10. Section 3753.5, subdivision (a), of the Code states, in pertinent part:

14 “In any order issued in resolution of a disciplinary proceeding before the board, the board  
15 or the administrative law judge may direct any practitioner or applicant found to have committed  
16 a violation or violations of law or any term and condition of board probation to pay to the board a  
17 sum not to exceed the costs of the investigation and prosecution of the case....”

18 11. Section 3753.7 of the Code states:

19 “For purposes of [the Respiratory Care Practice Act], costs of prosecution shall include  
20 attorney general or other prosecuting attorney fees, expert witness fees, and other administrative,  
21 filing, and service fees.”

22 12. Section 3753.1. of the Code states:

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

26 “(b) The board shall not renew or reinstate the license of any licensee who has failed to pay  
27 all of the costs ordered under this section once a licensee has served his or her term of probation.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Obtained, Possessed, Used, or Administered a Dangerous Drug)**

3 13. Respondent's license is subject to discipline pursuant to Code sections 3750.5,  
4 subdivision (a), and 4022 in that he obtained, possessed, used, and/or administered to himself a  
5 dangerous drug – propofol – during his work shift at his place of employment. The circumstances  
6 are as follows:

7 14. Propofol<sup>1</sup> is a prescription drug administered intravenously and is used to help  
8 patients relax before and during general anesthesia for surgery or other medical procedures. It is  
9 also used in critically ill patients who require a breathing tube connected to a ventilator (a  
10 machine that moves air in and out of the lungs when a person cannot breathe on their own).

11 15. Respondent is a licensed respiratory care practitioner who was employed at Antelope  
12 Valley District Hospital (AVDH) at the times relevant to the charges brought herein.

13 16. On or about April 30, 2015 at or around 6:30 a.m., the Intensive Care Unit respiratory  
14 care practitioner at AVDH was looking for Respondent for a shift change report. Respondent,  
15 scheduled to work the 6:00 p.m. to 6:00 a.m. night shift starting on April 29, 2015, failed to report  
16 for a shift change on the morning of April 30, 2015.

17 17. Respondent was discovered by another respiratory care practitioner in the Pulmonary  
18 Lab,<sup>2</sup> lying on the floor in the supine position with his head bent to one side. His feet were  
19 located in the bathroom area and his body and head were in the lab area. Respondent was not  
20 breathing, looked white, and appeared to be lifeless. Respondent's pulse could not be found and a  
21 Code Blue was called. When Respondent's head was straightened to look for a pulse, he began  
22 waking up.

23 18. A blue tourniquet was still on Respondent's arm and a syringe containing  
24 approximately ½ cc liquid in it was located on the floor next to the arm with the tourniquet.

25 \_\_\_\_\_  
26 <sup>1</sup> The therapeutic class of propofol is that of a general anesthetic. It should be  
administered only by persons trained in the administration of general anesthesia.

27 <sup>2</sup> The Pulmonary Lab is locked and can only be accessed from the outside by entering the  
28 correct number code to unlock the door. The Pulmonary Lab houses pulmonary function test  
(PFT) and body box equipment.

1 There was dried blood on Respondent's arm and blood on the floor around him. He was wearing  
2 a paper gown that was cut off of him. There were two cups on the mirror ledge and needles on  
3 the light fixture above the bathroom sink.

4 19. Respondent was brought down to the emergency department where he was changed  
5 into a patient gown. Within the lining of his clothes, Respondent had multiple bottles of Diprivan  
6 (propofol) as well as used syringes, needles, and a metallic flexible tubing that appeared to be a  
7 respiratory stylet. Respondent admitted to suicidal feelings for up to one year and admitted to  
8 abusing propofol for weeks or months. Respondent was noted to have multiple track marks in  
9 both antecubital fossa – the triangular cavity of the elbow that contains a tendon of the biceps, the  
10 median nerve, and the brachial artery – and both ankles.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Use of a Dangerous Drug in a Dangerous Manner)**

13 20. Respondent's license is subject to discipline pursuant to Code sections 3750.5,  
14 subdivision (b), and 4022 in that he used a dangerous drug – propofol – to an extent or in a  
15 manner dangerous or injurious to himself, or to others, and/or that impaired his ability to conduct  
16 with safety the practice authorized by his license. The circumstances are as follows:

17 21. Complainant refers to and, by this reference, incorporates paragraphs 13 through 19  
18 above as though set forth fully herein.

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**PRAYER**

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

- 1. Revoking or suspending Respiratory Care Practitioner License Number 29408, issued to Juan J. Castaneda;
- 2. Ordering Juan J. Castaneda to pay the 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: November 6, 2015

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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