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8 *Attorneys for Complainant*

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. 7002014000140

14 **BOBBY MICHELE BURKITT, R.C.P.**
15 **9362 Mayrene Drive**
Garden Grove, CA 92841

DEFAULT DECISION
AND ORDER

16 **Respiratory Care Practitioner**
17 **License No. 30887,**

[Gov. Code §11520]

18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about July 30, 2014, Complainant Stephanie Nunez, in her official capacity as
21 the Executive Officer of the Respiratory Care Board of California (Board), Department of
22 Consumer Affairs, filed Accusation No. 7002014000140 against Bobby Michele Burkitt, R.C.P.
23 (respondent) before the Respiratory Care Board.

24 2. On or about December 15, 2010, the Board issued Respiratory Care Practitioner
25 License No. 30887 to Bobby Michele Burkitt. Respiratory Care Practitioner License No. 30887

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1 expired on January 31, 2014, and has not been renewed. Respondent's certified license history is
2 attached as Exhibit A, to the accompanying Default Decision Evidence Packet.¹

3 3. On or about July 30, 2014, Tara M. Yoshikawa, an employee of the Board, served by
4 Certified and First Class Mail, a true and correct copy of Accusation No. 7002014000140, and
5 true and correct copies of the following related documents: Statement to Respondent, Notice of
6 Defense (two copies), Requests for Discovery, and Government Code sections 11507.5, 11507.6,
7 and 11507.7, which were served on respondent at his address of record with the Board, which was
8 and is: 9362 Mayrene Drive, Garden Grove, CA 92841. A copy of the Accusation, the related
9 documents, and Declaration of Service are attached as Exhibit B, and are hereby incorporated by
10 reference as if fully set forth herein. Service of the Accusation was effective as a matter of law
11 under the provisions of Government Code section 11505, subdivision (c).

12 4. On or about August 5, 2014, the Accusation and related documents and were received
13 by respondent. A copy of the signed receipt card is attached as Exhibit C.

14 5. Business and Professions Code (Code) section 118 states, in pertinent part:

15 "...

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

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27 ¹ All exhibits are true and correct copies of the originals, and are attached to the
28 accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is
hereby incorporated by reference, in its entirety, as if fully set forth herein.

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

“... ”

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

7. Respondent failed to file a Notice of Defense within 15 days after Accusation No. 7002014000140 was served on him (Exhibit D, Declaration of Deputy Attorney General Lori J. Forcucci) and, therefore, has waived his right to a hearing on the merits of Accusation No. 7002014000140.

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

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

“... ”

9. Pursuant to its authority under Government Code section 11520, the Board hereby finds respondent is in default. The Board will take action without further hearing and, based on respondent’s express admissions by way of default and the evidence before it, contained in Exhibits A through G, finds that the charges and allegations in Accusation No. 7002014000140, and each of them, separately and severally, are true and correct.

10. Section 3710 of the Code states, in pertinent part:

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

“... ”

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11. Section 3718 of the Code states:

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

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

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

“... ”

“(f) Negligence in his or her practice as a respiratory care practitioner.

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

“... ”

“(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.

“(k) Falsifying, or making grossly incorrect, grossly inconsistent, or unintelligible entries in any patient, hospital, or other record.

“... ”

13. Section 1399.370 of title 16 of the California Code of Regulations states, in pertinent part:

“For the purposes of denial, suspension, or revocation of a license, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to perform the functions authorized by his or her license or in a manner

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1 inconsistent with the public health, safety, or welfare. Such crimes or acts shall
2 include but not be limited to those involving the following:

3 “(a) Violating or attempting to violate, directly or indirectly, or assisting or
4 abetting the violation of or conspiring to violate any provision or term of the Act.

5 “...”

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

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

12 15. Section 3753.7 of the Code states:

13 “For purposes of this chapter, costs of prosecution shall include attorney
14 general or other prosecuting attorney fees, expert witness fees, and other
15 administrative, filing, and service fees.”

16 16. Section 3753.1 of the Code states, in pertinent part:

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

20 “...”

21 17. Respondent has subjected his Respiratory Care Practitioner License No. 30887
22 to disciplinary action under section 3750, as defined by section subdivision (f), of the Code,
23 and section 1399.370, of title 16 of the California Code of Regulations, in that respondent
24 committed negligence in his practice as a respiratory care provider (Exhibit E, Declaration
25 and Report of Expert Wayne Wallace, MBA, RRT, R.C.P.), as more particularly described
26 hereinafter:

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1 (a) On or about, October 10, 2013, patient H.,² was admitted to New Orange Hills
2 Hospital (NOH) with a diagnosis of bronchiectasis, among other ailments.

3 (b) While a patient NOH, patient H. received supplemental oxygen by way of a nasal
4 cannula during the day, and a ventilator at night. In addition, patient H. received respiratory care
5 treatments with a Hand Held Nebulizer, by which she was administered inhaled Colistin, for the
6 treatment of Moraxella catarrhalis.

7 (c) From on or about March 17, 2011, to on or about November 26, 2013, respondent
8 was a respiratory care practitioner employed at NOH, whose duties included providing respiratory
9 care and treatments to patient H.

10 (d) On or about November 13, 2013, doctors' orders for patient H. required that she be
11 administered Hand Held Nebulizer treatments in the morning and afternoon. On or about
12 November 13, 2013, patient H.'s respiratory flow sheets showed that Hand Held Nebulizer
13 treatments were administered to her at 6:38 a.m., and 1:12 p.m., that ventilator checks had been
14 completed, and that prior and subsequent to the purported administration of such treatments, pre-
15 assessment and post-assessment checks had been performed. Patient H.'s respiratory flow sheets
16 documented the completion of these treatments, and were initialed by respondent.

17 (e) On or about November 15, 2013, NOH received a complaint from patient H. that she
18 had not received respiratory care treatments from respondent, including treatments that were to
19 have been administered to her on or about November 13, 2013. (Exhibit F, Declaration of Alice
20 A. Jacobs, Supervising RCP.)

21 (f) On or about November 22, 2013, in an interview with NOH personnel, respondent
22 stated that he did not administer patient H.'s morning treatment, as ordered, probably because
23 breakfast was there, and he probably did not administer her afternoon treatment. (Exhibit F,
24 Declaration of Alice A. Jacobs, Supervising RCP.)

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28 ² Medical records received were redacted, showing only one initial for he patient,
designated herein as patient H.

1 18. Respondent has further subjected his Respiratory Care Practitioner License No.
2 30887 to disciplinary action under section 3750, as defined by section 3750 subdivision (j), of the
3 Code, and section 1399.370, of title 16 of the California Code of Regulations, in that respondent
4 falsely documented the medical records of patient H. to indicate that he had provided her with
5 respiratory care, when he had not provided such care.

6 19. Respondent has further subjected his Respiratory Care Practitioner License No.
7 30887 to disciplinary action under section 3750, as defined by section 3750, subdivision (k), of
8 the Code, in that respondent falsified, made grossly incorrect, grossly inconsistent or
9 unintelligible entries in a patient, hospital or other record, by committed by falsely documenting
10 the medical records of patient H. to indicate that he had provided her with respiratory care and
11 treatments, when, in truth and fact, he had not provided that care and treatments to the patient.

12 20. Respondent has further subjected his Respiratory Care Practitioner License No.
13 30887 to disciplinary action under section 3750, as defined by section 3750, subdivision (g), of
14 the Code, and 1399.370, subdivision (a), of title 16 of the California Code of Regulations, in that
15 respondent has violated or attempted to violate, directly or indirectly, a provision or provisions, of
16 the Respiratory Care Act as more particularly described in paragraphs 17 through 19, above,
17 which are hereby incorporated by reference as if fully set forth herein.

18 21. The Board further finds that pursuant to Business and Professions Code section
19 3753.5, the costs of investigation and enforcement of the case prayed for in the Accusation total
20 \$3,333.00, based on the Certification of Costs contained in Exhibit G. (Exhibit G, jointly,
21 Declaration of Costs of Executive Officer Stephanie Nunez, and Deputy Attorney General Lori J.
22 Forcucci.)

23 **DETERMINATION OF ISSUES**

24 1. Based on the foregoing findings of fact, respondent Bobby Michele Burkitt, R.C.P.,
25 has subjected his Respiratory Care Practitioner License No. 30887 to discipline.

26 2. The agency has jurisdiction to adjudicate this case by default.

27 3. Pursuant to its authority under California Government Code section 11520, and based
28 on the evidence before it, the Board hereby finds that the charges and allegations contained in

1 Accusation No. 7002014000140, and the Findings of Fact contained in paragraphs 1 through 21,
2 above, and each of them, separately and severally, are true and correct.

3 4. Pursuant to its authority under California Government Code section 11520, and by
4 reason of the Findings of Fact contained in paragraphs 1 through 21, above, and Determination of
5 Issues 1, 2, and 3, above, the Board hereby finds that respondent Bobby Michele Burkitt, R.C.P.,
6 has subjected his Respiratory Care Board License No. 30887 to disciplinary action in that:

7 (a) Respondent committed negligence in his practice as a respiratory care
8 practitioner, in violation of California Business and Professions Code section 3750,
9 subdivision (f);

10 (b) Respondent committed fraudulent, dishonest, or corrupt acts which are
11 substantially related to the qualifications, functions, or duties of a Respiratory Care
12 Practitioner by falsely documenting the medical records of patient H. to indicate that
13 he had provided her with respiratory care and treatments, in truth and fact, when he
14 had not provided that care, in violation of California Business and Professions Code
15 section 3750, subdivision (j), and section 1399.370, subdivision (a), of title 16 of the
16 California Code of Regulations;

17 (c) Respondent falsified or made grossly incorrect, grossly inconsistent, or
18 unintelligible entries in any patient, hospital, or other record, by falsely documenting
19 the medical records of patient H. to indicate that he had provided her with respiratory
20 care and treatments, when, in truth and fact, he had not provided that care and
21 treatments to the patient, in violation of California Business and Professions Code
22 section 3750, subdivision (k); and

23 (d) Respondent has violated or attempted to violate, directly or indirectly, a
24 provision or provisions, of the Respiratory Care Practice Act, as determined in
25 paragraphs 4(a), 4(b), and 4(c), above, in violation of California Business and
26 Professions Code section 3750, subdivision (g), and section 1399.370, subdivision
27 (a), of title 16 of the California Code of Regulations

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1 **ORDER**

2 IT IS SO ORDERED that Respiratory Care Practitioner License No. 30887, heretofore
3 issued to respondent Bobby Michele Burkitt, R.C.P., is revoked.

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

8 Respondent is ordered to reimburse the Respiratory Care Board the amount of \$3,330.00
9 for its investigative and enforcement costs. The filing of bankruptcy by respondent shall not
10 relieve respondent of his responsibility to reimburse the Board for its costs. Respondent's
11 Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered
12 under Business and Professions Code section 3753.5 have been paid.

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

17 This Decision shall become effective on April 2, 2015.

18 It is so ORDERED March 3, 2015.

19 Original signed by:

20 ALAN ROTH, MS, MBA, RRT-NPS, FAARC
21 PRESIDENT, RESPIRATORY CARE BOARD
22 DEPARTMENT OF CONSUMER AFFAIRS
23 STATE OF CALIFORNIA
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1 KAMALA D. HARRIS
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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. 7002014000140

14 **BOBBY MICHELE BURKITT, R.C.P.**
(aka, Robert Michele Burkitt)
15 **9362 Mayrene Drive**
Garden Grove, CA 92841

A C C U S A T I O N

16 **Respiratory Care Practitioner License**
17 **No. 30887**

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 December 15, 2010, the Respiratory Care Board issued Respiratory Care
25 Practitioner License No. 30887 to Bobby Michele Burkitt, R.C.P., also known as Robert Michele
26 Burkitt, (Respondent). Respiratory Care Practitioner License No. 30887 expired on January 31,
27 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), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 3710 of the Code states, in pertinent part:

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 “...”

10 5. Section 3718 of the Code states:

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

13 6. Section 3750 of the Code states, in pertinent part:

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

17 “...”

18 “(f) Negligence in his or her practice as a respiratory care practitioner.

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

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

27 “(k) Falsifying, or making grossly incorrect, grossly inconsistent, or
28 unintelligible entries in any patient, hospital, or other record.

1 "..."

2 7. California Code of Regulations, title 16, section 1399.370, states, in pertinent part:

3 "For the purposes of denial, suspension, or revocation of a license, a crime or
4 act shall be considered to be substantially related to the qualifications, functions or
5 duties of a respiratory care practitioner, if it evidences present or potential unfitness
6 of a licensee to perform the functions authorized by his or her license or in a manner
7 inconsistent with the public health, safety, or welfare. Such crimes or acts shall
8 include but not be limited to those involving the following:

9 "(a) Violating or attempting to violate, directly or indirectly, or assisting or
10 abetting the violation of or conspiring to violate any provision or term of the Act.

11 "..."

12 8. Section 118 of the Code states, in pertinent part:

13 "...

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

22 "..."

23 **COST RECOVERY**

24 9. Section 3753.5, subdivision (a), of the Code states:

25 "In any order issued in resolution of a disciplinary proceeding before the board,
26 the board or the administrative law judge may direct any practitioner or applicant
27 found to have committed a violation or violations of law or any term and condition of
28

1 board probation to pay to the board a sum not to exceed the costs of the investigation
2 and prosecution of the case.”

3 10. Section 3753.7 of the Code states:

4 “For purposes of this chapter, costs of prosecution shall include attorney
5 general or other prosecuting attorney fees, expert witness fees, and other
6 administrative, filing, and service fees.”

7 11. Section 3753.1 of the Code states, in pertinent part:

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

11 “...”

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Negligence in his Practice as a Respiratory Care Practitioner)

14 12. Respondent has subjected his Respiratory Care Practitioner License No. 30887 to
15 disciplinary action under sections 3710, 3718 and 3750, as defined by section 3750, subdivision
16 (f), of the Code, in that Respondent committed negligence in his practice as a respiratory care
17 provider, as more particularly alleged hereinafter:

18 13. On or about, October 10, 2013, patient H.,¹ a 66 year old patient, was admitted to
19 New Orange Hills Hospital (NOH) with a diagnosis of bronchiectasis,² among other ailments.

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25 ¹ Medical records received were redacted, showing only one initial for the patient,
designated herein as “patient H.”

26 ² Bronchiectasis is irreversible, abnormal dilatation of the bronchi. Involved bronchi are
27 dilated, inflamed, and easily collapsible, resulting in airflow obstruction and impaired clearance
of secretions.

1 14. During that time, patient H. received supplemental oxygen by way of a nasal cannula³
2 during the day, and a ventilator⁴ at night. In addition, patient H. received respiratory care
3 treatments with a Hand Held Nebulizer,⁵ by which she was administered inhaled Colistin,⁶ for the
4 treatment of *Moraxella catarrhalis*.⁷

5 15. From or about, March 17, 2011, to November 26, 2013, Respondent was a respiratory
6 care practitioner employed at NOH, whose duties included the respiratory care and treatment of
7 patient H.

8 16. On or about November 13, 2013, doctors' orders for patient H. required that she be
9 administered Hand Held Nebulizer treatments in the morning and afternoon. On or about
10 November 13, 2013, patient H.'s respiratory flow sheets showed that Hand Held Nebulizer
11 treatments were administered to her at 6:38 a.m., and 1:12 p.m., that ventilator checks had been
12 completed, and that prior and subsequent to the purported administration of such treatments, pre-
13 assessment and post-assessment checks had been performed. Patient H.'s respiratory flow sheets
14 documented the completion of these treatments, and were initialed by Respondent.

15 17. On or about November 15, 2013, NOH received a complaint from patient H. that she
16 had not received respiratory care treatments from Respondent, including those that were to have
17 been administered to her on or about November 13, 2013.

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21 ³ The nasal cannula is a device used to deliver supplemental oxygen or airflow to a
patient in need of respiratory help.

22 ⁴ A ventilator is a machine designed to mechanically move breathable air into and out of
23 the lungs, to provide the mechanism of breathing for a patient who is physically unable to
breathe, or who is breathing insufficiently.

24 ⁵ A nebulizer is a type of inhaler that sprays a fine, liquid mist of medication. The device
25 consists of an air compressor, a cup for medication, and tubing connected to a mouthpiece or
mask through which the medication is inhaled.

26 ⁶ Colistin is an antibiotic.

27 ⁷ *Moraxella catarrhalis* (also known as, *M. catarrhalis*) is a human pathogen with an
28 affinity for the human upper respiratory tract.

1 18. On or about November 22, 2013, in an interview with NOH personnel, Respondent
2 stated that he did not administer patient H.'s morning treatment, as ordered, probably because
3 breakfast was there, and he probably did not administer her afternoon treatment.

4 19. Respondent committed negligence in his care and treatment of patient H, which
5 included, but was not limited to, the following:

6 (a) On or about November 13, 2013, Respondent failed to provide medicated
7 aerosol Hand Held Nebulizer treatment and/or treatments to patient H., as ordered by her
8 physician; and

9 (b) On or about November 13, 2013, Respondent falsely documented patient H.'s
10 medical records to show he administered that Hand Held Nebulizer treatment and/ or
11 treatments were administered to patient H. at 6:38 a.m., and 1:12 p.m., and that subsequent
12 to the administration of each treatment, post-assessment checks had been performed, when,
13 Respondent had not provided the treatment and/or treatments, or post-treatment assessment,
14 and/or assessments, to patient H.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Commission of any Fraudulent, Dishonest, or Corrupt Act Which Is Substantially
17 Related to the Qualifications, Functions, or Duties of a Respiratory Care Practitioner)

18 20. Respondent has further subjected his Respiratory Care Practitioner License No.
19 30887 to disciplinary action under sections 3710, 3718 and 3750, as defined by section 3750,
20 subdivision (j), of the Code, and section 1399.370, of title 16 of the California Code of
21 Regulations, in that that Respondent falsely documented the medical records of patient H. to
22 indicate that he had provided her with respiratory care, when he had not provided such care, as
23 more particularly alleged in paragraphs 12 through 19 above, which are hereby incorporated by
24 reference and realleged as if fully set forth herein.

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THIRD CAUSE FOR DISCIPLINE

(Falsifying, or Making Grossly Incorrect, Grossly Inconsistent, or Unintelligible Entries in Any Patient, Hospital, or Other Record)

21. Respondent has further subjected his Respiratory Care Practitioner License No. 30887 to disciplinary action under sections 3710, 3718 and 3750, as defined by section 3750, subdivision (k), of the Code, in that that Respondent falsely documented the medical records of patient H. to indicate that he had provided her with respiratory care, when he had not provided such care, as more particularly alleged in paragraphs 12 through 19 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Violating or Attempting to Violate, Directly or Indirectly, any Provision or Provisions, or any Term or Terms, of the Act)

22. Respondent has further subjected his Respiratory Care Practitioner License No. 30887 to disciplinary action under sections 3710, 3718 and 3750, subdivision (g), of the Code, as defined by section 1399.370, subdivision (a), of title 16 of the California Code of Regulations, in that Respondent has violated or attempted to violate, directly or indirectly, a provision or provisions, or a term or terms, of the Respiratory Care Act of California, as more particularly alleged in paragraphs 12 through 21 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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 No. 30887, issued to Respondent Bobby Michele Burkitt, R.C.P.;
2. Ordering Respondent Bobby Michele Burkitt, 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

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

DATED: July 30, 2014

Original signed by Liane Freels for:

STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant

SD2014707431
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