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

10  
11 In the Matter of the Petition to Revoke  
Probation Against,

Case No. 7002015000856

12 **DENNISE JOANNE BALDOVINO, R.C.P.**  
13 10446 Hopland Street  
Bellflower, CA 90706  
14 Respiratory Care Practitioner License No. RCP  
31425

**PETITION TO REVOKE PROBATION**

15 Respondent.  
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18 Complainant alleges:

19 PARTIES

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

23 2. On or about May 31, 2011, the Respiratory Care Board issued Respiratory Care  
24 Practitioner License Number RCP 31425 to DENNISE JOANNE BALDOVINO, RCP  
25 (Respondent). The Respiratory Care Practitioner License (“License”) expired on December 31,  
26 2015, and has not been renewed.

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1 DISCIPLINARY HISTORY

2 3. In a disciplinary action entitled: "In the Matter of Accusation Against Dennise  
3 Joanne Baldovino, RCP," Case No. 1H 2013 371, the Respiratory Care Board, issued a decision,  
4 effective January 25, 2015, in which Respondent's License was revoked. However, the  
5 revocation was stayed and Respondent's License was placed on probation for a period of four  
6 years of probation with several terms and conditions. A copy of that decision is attached as  
7 Exhibit A and is incorporated by reference.

8 JURISDICTION

9 4. This Petition to Revoke Probation is brought before the Respiratory Care Board  
10 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
11 references are to the Business and Professions Code unless otherwise indicated.

12 5. Section 118(b) of the Code states:

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

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

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

25 8. Section 3754 of the Code states, in pertinent part:

26 "The board may deny an application for, or issue with terms and conditions, or suspend or  
27 revoke, or impose probationary conditions upon, a licensee in any decision made after a hearing,  
28 as provided in Section 3753."

1 COST RECOVERY

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

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

10 10. Section 3753.7 of the Code states:

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

14 11. Section 3753.1 of the Code states:

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

18 FIRST CAUSE TO REVOKE PROBATION

19 (Biological Fluid Testing)

20 12. At all times after the effective date of Respondent's probation, Condition 15,  
21 Biological Fluid Testing," stated in pertinent part that Respondent was required to participate in  
22 random testing. Respondent shall be required to make daily contact with the drug screening  
23 program to see if she is required to submit a specimen for testing. If Respondent tests positive for  
24 a banned substance, the Board will contact her and her employers and notify them of the positive  
25 test.

26 13. Respondent's probation is subject to revocation because she failed to comply with  
27 Probation Condition 15, referenced above. The facts and circumstances regarding this violation  
28 are as follows:



1 a mistake when she drank wine. However, her appeal was denied and the cease practice  
2 order was upheld.

3 THIRD CAUSE TO REVOKE PROBATION

4 (Valid License Status)

5 16. At all times after the effective date of Respondent’s probation, Condition 11, “Valid  
6 License Status” in the Decision and Order in Case No. 1H 2013 371 stated in pertinent part that  
7 Respondent shall maintain a current, active, and valid license for the length of the probation term.

8 17. Respondent’s probation is subject to revocation because he failed to comply with  
9 Probation Condition 11, referenced above. The facts and circumstances regarding this violation  
10 are as follows:

11 A. Respondent’s Respiratory Care Practitioner License No. 31425 expired on December  
12 31, 2015, and he has failed to renew the license.

13 PRAYER

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

16 1. Revoking the probation that was granted by the Respiratory Care Board of California  
17 in Case No. 1H 2013 371, and imposing the disciplinary order that was stayed, thereby revoking  
18 License No. RCP 31425 issued to Dennise Joanne Baldovino;

19 2. Revoking or suspending License No. RCP 31425, issued to Dennise Joanne  
20 Baldovino;

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3. Ordering Dennise Joanne Baldovino to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if probation is continued or extended, the costs of probation monitoring; and

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

DATED: September 2, 2016

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

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# **Exhibit A**

**Decision and Order**

**Respiratory Care Board of California Case No. 1H 2013 371**