

BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of Interim Suspension Order
Against:

KATRINA DENIECE AGUILAR

Respiratory Care Practitioner License No.
34977

Respondent.

Case No. 7002015000704

OAH No. 2015080680

INTERIM SUSPENSION ORDER

The Petition for Interim Suspension Order was brought by the petitioner, Stephanie Nunez, Executive Officer of the Respiratory Care Board, pursuant to Business and Professions Code section 494 and Government Code section 11529, and came on for a noticed hearing on September 3, 2015 at 1:00 p.m. before Administrative Law Judge Vallera J. Johnson.

Kamala D. Harris, Attorney General of the State of California, through Deputy Attorney General Emily L. Brinkman, represented petitioner. Respondent Katrina Deniece Aguilar represented herself.

The ALJ Johnson has considered the Petition and attached exhibits, the declarations of Colleen Dunn and Antonio Vincente and attached exhibits, respondent's statement, letters of support, and computer printouts, respondent's testimony, and petitioner's oral argument. Respondent waived oral argument.

Based on the foregoing, the ALJ Johnson finds that petitioner has established that there is a reasonable likelihood petitioner will prevail on an Accusation filed by the board in this matter, and that the likelihood of injury to the public in not issuing an interim suspension order, with restrictions, outweighs the likelihood of injury to respondent in issuing the order, with restrictions. Good cause appearing therefor:

IT IS ORDERED THAT, Respiratory Care License Number 34977 issued to Respondent Katrina Deniece Aguilar is suspended pending a final decision by the board on the Accusation in this matter. However the suspension is stayed, subject to the following terms and conditions.

- (a) Respondent shall abstain from the use of alcohol.
- (b) Respondent shall not appear at work with a measureable amount of alcohol in her blood.
- (c) At the request of the board, respondent shall submit to random biological fluid testing at respondent's expense.
- (d) Respondent shall commence an alcohol treatment program through the San Bernardino County's Department of Behavioral Health (program) no later than September 11, 2015. She shall participate in counseling/treatment no less than three times per week while attending said program. In lieu of the foregoing, respondent shall participate in Alcoholics Anonymous (AA) meetings no less than three times per week. She shall cease practice as a respiratory therapist until she has completed at least three treatment sessions or three AA sessions and has provided documentary evidence of the foregoing to the board. Upon request by the board, within 24 hours, respondent shall provide additional documentary evidence that she is participating in the program or AA.
- (e) Respondent shall work only in a supervised setting.
- (f) At all times, respondent shall keep the board apprised of her current street address.

Within 30 days after the issuance of this Interim Order, the board shall file an Accusation in this matter. If respondent requests a hearing, the board shall provide respondent with a hearing on the Accusation within 30 days of the request, unless respondent stipulates to a later hearing. The board shall render a decision in this matter within 15 days of the date the decision is received from the administrative law judge, unless the board can show good cause for the delay. (Gov. Code, § 11529.)

DATED: September 4, 2015

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Cheryl R. Tompkin

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for

VALLERA J. JOHNSON
 Administrative Law Judge
 Office of Administrative Hearings