

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

In the Matter of the Statement of Issues
Against:

Case No. 7002016000155

GRANT DERRICK BULLOCK
10308 Western Avenue, Apt. 101
Downey, CA 90241

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on July 14, 2016.

It is so ORDERED July 5, 2016.

Original signed by: _____

ALAN ROTH, MS, MBA, RRT-NPS, FAARC
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2575
Facsimile: (213) 897-9395
7 E-mail: chris.leong@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
Against:

12 **GRANT DERRICK BULLOCK JR.**
13 **10308 Western Ave., Apt. 101**
14 **Downey, CA 90241**

Applicant.

Case No. 7002016000155

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Respiratory Care Board (Board) of the Department of
18 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
19 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
20 disposition of the Statement of Issues.

21 PARTIES

22 1. Stephanie Nunez (Complainant) is the Executive Officer of the Board. She brought
23 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,
24 Attorney General of the State of California, by Chris Leong, Deputy Attorney General.

25 2. GRANT DERRICK BULLOCK, JR. (Applicant) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about August 24, 2015, Applicant filed an application dated August 17, 2015,
28 with the Respiratory Care Board to obtain a Respiratory Care Practitioner License.

1 Settlement and Disciplinary Order after receiving it. By signing this stipulation Applicant fully
2 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
3 prior to the time the Board considers and acts upon it.

4 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
5 and void and not binding upon the parties unless approved and adopted by the Board, except for
6 this paragraph, which shall remain in full force and effect. Applicant fully understands and
7 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
8 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
9 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the
10 Board, any member thereof, and/or any other person from future participation in this or any other
11 matter affecting or involving Applicant. In the event that the Board, in its discretion, does not
12 approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this
13 paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall
14 not be relied upon or introduced in any disciplinary action by either party hereto. Applicant
15 further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for
16 any reason, Applicant will assert no claim that the Board, or any member thereof, was prejudiced
17 by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
18 Disciplinary Order or of any matter or matters related hereto.

19 ADDITIONAL PROVISIONS

20 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein
21 to be an integrated writing representing the complete, final and exclusive embodiment of the
22 agreements of the parties in the above-entitled matter.

23 13. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
24 including copies of the signatures of the parties, may be used in lieu of original documents and
25 signatures and, further, that copies shall have the same force and effect as originals.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree the
27 Board may, without further notice to or opportunity to be heard by Applicant, issue and enter the
28 following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the application of Applicant GRANT DERRICK BULLOCK, JR. for a license as a Respiratory Care Practitioner is granted, however the Respiratory Care Practitioner License shall be an hereby is immediately revoked, with the revocation stayed, and Applicant placed on probation to the Board for a period of three (3) years from the effective date of this Decision and Order, based on the following terms and conditions:

1. **OBEY ALL LAWS** Applicant shall obey all laws, whether federal, state, or local. The Applicant shall also obey all regulations governing the practice of respiratory care in California. Applicant shall notify the Board in writing within three (3) days of any incident resulting in his arrest, or charges filed against, or a citation issued against, Applicant.

2. **QUARTERLY REPORTS** Applicant shall file quarterly reports of compliance under penalty of perjury, on forms to be provided, to the probation monitor assigned by the Board. Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in the filing of an accusation and/or a petition to revoke probation against Applicant's respiratory care practitioner license.

Quarterly report forms will be provided by the Board. Applicant is responsible for contacting the Board to obtain additional forms if needed. Quarterly reports are due for each year of probation and the entire length of probation as follows:

- For the period covering January 1st through March 31st, reports are to be completed and submitted between April 1st and April 7th.
- For the period covering April 1st through June 30th, reports are to be completed and submitted between July 1st and July 7th.
- For the period covering July 1st through September 30th, reports are to be completed and submitted between October 1st and October 7th.
- For the period covering October 1st through December 31st, reports are to be completed and submitted between January 1st and January 7th.

3. **PROBATION MONITORING PROGRAM** Applicant shall comply with requirements of the Board appointed probation monitoring program, and shall, upon reasonable

1 request, report to or appear to a local venue as directed.

2 Applicant shall claim all certified mail issued by the Board, respond to all notices of
3 reasonable requests timely, appear as requested by the Board, and submit Annual Reports,
4 Identification Update reports or other reports similar in nature, as requested and directed by the
5 Board or its representative.

6 Applicant shall provide to the Board the names, physical work addresses, work mailing
7 addresses, telephone numbers, and e-mail addresses of all employers, human resources personnel,
8 directors, managers, supervisors, and contractors, and any person providing direct supervision,
9 and shall give specific, written consent that the Applicant authorizes the Board and its
10 representatives and the employers, human resources personnel, directors, managers, supervisors,
11 and contractors, and any person providing direct supervision, to communicate regarding the
12 Applicant's work status, performance, and monitoring. Monitoring includes, but is not limited to,
13 any violation or potential violation of any probationary term and condition.

14 Applicant is encouraged to contact the Board's Probation Program at any time he has a
15 question or concern regarding his terms and conditions of probation.

16 **4. PROBATION MONITORING COSTS** All costs incurred for probation
17 monitoring during the entire probation shall be paid by the Applicant. The monthly cost may be
18 adjusted as expenses are reduced or increased. Applicant's failure to comply with all terms and
19 conditions may also cause this amount to be increased. Probation monitoring costs will not be
20 tolled.

21 All payments for costs are to be sent directly to the Respiratory Care Board and must be
22 received by the date(s) specified. (Periods of tolling will not toll the probation monitoring costs
23 incurred.)

24 If Applicant is unable to submit costs for any month, he shall be required, instead to submit
25 an explanation of why he is unable to submit the costs, and the date(s) he will be able to submit
26 the costs including payment amount(s). Supporting documentation and evidence of why the
27 Applicant is unable to make such payment(s) must accompany this submission.

28 Applicant understands that failure to submit costs timely is a violation of probation and

1 submission of evidence demonstrating financial hardship does not preclude the Board from
2 pursuing further disciplinary action. However, Applicant understands that by providing evidence
3 and supporting documentation of financial hardship it may delay further disciplinary action.

4 In addition to any other disciplinary action taken by the Board, an unrestricted license will
5 not be issued at the end of the probationary period and the respiratory care practitioner license
6 will not be renewed, until such time all probation monitoring costs have been paid.

7 The filing of bankruptcy by the Applicant shall not relieve the Applicant of his
8 responsibility to reimburse the Board for costs incurred.

9 **5. EMPLOYMENT REQUIREMENT** Applicant shall be employed a minimum of 24
10 hours per week as a respiratory care practitioner for a minimum of 2/3 of his probation period.

11 Applicant may substitute successful completion of a minimum of 30 additional continuing
12 education hours, beyond that which is required for license renewal, for each eight (8) months of
13 employment required. Applicant shall submit proof to the Board of successful completion of all
14 continuing education requirements. Applicant is responsible for paying all costs associated with
15 fulfilling this term and condition of probation.

16 **6. NOTICE TO EMPLOYER** Applicant shall be required to inform all current and
17 subsequent employers, directors, managers, supervisors, and contractors during the probation
18 period, of the discipline imposed by this decision by providing his current and subsequent human
19 resources personnel, directors, managers, supervisors, and contractors with a complete copy of
20 the decision and order, and the Statement of Issues in this matter prior to the beginning of or
21 returning to employment or within three (3) days from each change in a supervisor or director.

22 If Applicant is employed by or through a registry, Applicant shall also make each hospital
23 or establishment to which he is sent aware of the discipline imposed by this decision by providing
24 his human resources personnel, manager, and supervisor for each shift, at each hospital or
25 establishment with a copy of this decision, and the Statement of Issues in this matter prior to the
26 beginning of employment. This must be done each time there is a change in supervisors or
27 administrators.

28 The employer will then inform the Board, in writing, that he/she is aware of the discipline,

1 on forms to be provided to the Applicant. Applicant is responsible for contacting the Board to
2 obtain additional forms if needed. All reports completed by the employer must be submitted from
3 the employer directly to the Board.

4 In addition, any employer, director, manager, supervisor or contractor, shall report to the
5 Board immediately, within 24 hours, if he/she suspects Applicant is under the influence of
6 alcohol or any substance or has had any occurrence of substance abuse.

7 **7. SUPERVISOR QUARTERLY REPORTS** Supervisor Quarterly Reports of
8 Performance are due for each year of probation and the entire length of probation from each
9 employer, as follows:

- 10 • For the period covering January 1st through March 31st, reports are to be
11 completed and submitted between April 1st and April 7th.
- 12 • For the period covering April 1st through June 30th, reports are to be completed
13 and submitted between July 1st and July 7th.
- 14 • For the period covering July 1st through September 30th, reports are to be
15 completed and submitted between October 1st and October 7th.
- 16 • For the period covering October 1st through December 31st, reports are to be
17 completed and submitted between January 1st and January 7th.

18 Applicant is ultimately responsible for ensuring his employer(s) submits complete and
19 timely reports.

20 **8. CHANGES OF EMPLOYMENT OR RESIDENCE** Applicant shall notify the
21 Board, and appointed probation monitor, in writing, of any and all changes of employment,
22 location, and address within three (3) days of such change. This includes but is not limited to
23 applying for employment, termination or resignation from employment, change in employment
24 status, change in supervisors, administrators or directors.

25 Applicant shall also notify his probation monitor AND the Board IN WRITING of any
26 changes of residence or mailing address within three (3) days. P.O. Boxes are accepted for
27 mailing purposes, however the Applicant must also provide his physical residence address as
28 well.

1 9. **TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE** Periods of
2 residency or practice outside California, whether the periods of residency or practice are
3 temporary or permanent, will toll the probation period but will not toll the obey all laws, quarterly
4 reports, probation monitoring program, probation monitoring costs, or cost recovery
5 requirements. Travel out of California for more than 30 days must be reported to the Board in
6 writing prior to departure. Applicant shall notify the Board, in writing, within three (3) days,
7 upon his return to California and prior to the commencement of any employment where
8 representation as a respiratory care practitioner is/was provided.

9 10. **VALID LICENSE STATUS** Applicant shall maintain a current, active and valid
10 license for the length of the probation period. Failure to pay all fees and meet CE requirements
11 prior to his license expiration date shall constitute a violation of probation.

12 11. **VIOLATION OF PROBATION** If Applicant commits a "Major Violation," as
13 identified in the Disciplinary Guidelines, incorporated by reference pursuant to section 1399.374,
14 he shall receive a notice to cease the practice of respiratory care, as directed by the Board. The
15 Board shall attempt to contact Applicant by electronic and/or telephonic means to advise him of
16 the notice to cease practice and shall deliver such notice by certified and regular mail. The Board
17 shall update its licensing database to reflect the status of the license.

18 If the Applicant is ordered to cease practice, he may file a written appeal, within 10 days of
19 the date of the notice to cease practice, to provide additional evidence disputing the finding of the
20 violation(s) that was cause for the notice to cease practice. The Executive Officer will review the
21 appeal and make a determination in the matter, within 10 days from the date the written appeal
22 and all supporting evidence or documentation is received. The probationer shall be notified of the
23 outcome by certified mail.

24 Applicant shall not resume the practice of respiratory care until a final decision on an
25 accusation and/or petition to revoke probation is made or until such time as the Board delivers
26 written notification that the notice to cease practice has been dissolved. The cessation of practice
27 shall not apply to the reduction of the probationary time period.

28 The Board will contact the Applicant and his employers, human resources personnel,

1 directors, managers, supervisors, and contractors and notify them that Applicant has been issued a
2 notice to cease practice.

3 In addition, if Applicant violates any term of the probation in any respect, the Board, after
4 giving Applicant notice and the opportunity to be heard, may revoke probation and carry out the
5 disciplinary order that was stayed.

6 If a petition to revoke probation is filed against Applicant during probation, the Board shall
7 have continuing jurisdiction and the period of probation shall be extended until the matter is final.
8 No petition for modification of penalty shall be considered while there is an accusation or petition
9 to revoke probation or other penalty pending against Applicant.

10 12. **COMPLETION OF PROBATION** Upon successful completion of probation,
11 Applicant's license shall be fully restored.

12 13. **WORK SCHEDULES** Applicant shall be required to submit to the probation
13 monitor work schedules on a weekly/monthly basis for the length of probation for each and every
14 place of employment. Applicant shall ensure the Board has a copy of his current work schedule
15 at all times for each place of employment.

16 14. **BIOLOGICAL FLUID TESTING** Applicant, at his expense, shall participate in
17 random testing, including but not limited to biological fluid testing (i.e. urine, blood, saliva),
18 breathalyzer, hair follicle testing, and/or any drug screening program approved by the Board.

19 Applicant shall be required to make daily contact, to determine if he is required to submit a
20 specimen for testing, each day, including weekends, holidays, and vacations in or outside of
21 California, at a lab approved by the Board. Board representatives may also appear unannounced,
22 at any time to collect a specimen. All collections will be observed.

23 At all times, Applicant shall fully cooperate with the Board or any of its representatives,
24 and shall, when directed, appear for testing as requested and submit to such tests and samples for
25 the detection of alcohol, narcotics, hypnotic, dangerous drugs or other controlled substances. All
26 alternative testing sites, due to vacation or travel outside of California must be approved by the
27 Board, 30 days prior to the vacation or travel.

28 If Applicant is unable to provide a specimen in a reasonable amount of time from the

1 request, while at the work site, Applicant understands that any Board representative may request
2 from the supervisor, manager or director on duty to observe Applicant in a manner that does not
3 interrupt or jeopardize patient care in any manner until such time Applicant provides a specimen
4 acceptable to the Board.

5 If Applicant tests positive for a banned substance (including testing positive for ETG), the
6 Board will contact the Applicant and his employers, human resources personnel, directors,
7 managers, supervisors, and/or contractors and notify them of the positive test, including the
8 substance(s) and levels detected. Thereafter, the Board may contact the specimen collector,
9 laboratory, Applicant, treating physician, treatment provider and/or support group facilitators to
10 determine whether the positive test is evidence of prohibited use. If the Board determines the
11 positive test is not evidence of prohibited use, the Board shall inform the Applicant and others
12 previously contacted, that the positive test was not a violation of his probationary order.

13 **15. ABSTENTION FROM USE OF MOOD ALTERING SUBSTANCES** For
14 purposes of these terms and conditions, a banned substance includes alcohol, marijuana,
15 controlled substances and any and all other mood altering drugs and substances. Applicant shall
16 completely abstain from the possession or use of all banned substances and their associated
17 paraphernalia. Applicant may take other medication when lawfully prescribed by a licensed
18 practitioner as part of a documented medical treatment. Applicant shall provide the Board a copy
19 of a prescription within five (5) days of the date the prescription was filled.

20 Applicant shall execute a release authorizing the release of pharmacy and prescribing
21 records as well as physical and mental health medical records. Applicant shall also provide
22 information of treating physicians, counselors or any other treating professional as requested by
23 the Board.

24 Applicant shall ensure that he is not in the presence of or in the same physical location as
25 individuals who are using illegal substances, even if Applicant is not personally ingesting the
26 drug(s). Applicant shall also ensure he is not ingesting or using any product that contains trace
27 amounts of alcohol or any other banned substances (including but not limited to: cold/flu
28 medications, cough syrups, diet pills/products, mouth wash, skin care or hygiene products,

1 perfumes, poppy seeds, dessert or any foods, etc...).

2 Any positive result that registers over the established laboratory cutoff level for a banned
3 substance, shall be reported to each of Applicant's employers.

4 16. **RESTRICTION OF PRACTICE** Applicant may not be employed or function as a
5 member of respiratory care management or supervisory staff during the entire length of probation.
6 This includes lead functions. Applicant is prohibited from working as part of a transport team.
7 Applicant is also prohibited from providing instruction or supervision to respiratory care students
8 or applicants whether in a clinical or classroom setting.

9 ACCEPTANCE

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
11 stipulation and the effect it will have on my Respiratory Care Practitioner license. I enter into
12 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
13 agree to be bound by the Decision and Order of the Respiratory Care Board.

14
15 DATED: JUNE 2, 2016


16 GRANT DERRICK BULLOCK, JR.
17 Applicant

18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Respiratory Care Board.

21 Dated: June 2, 2016

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 E. A. JONES III
25 Supervising Deputy Attorney General


26 CHRIS LEONG
27 Deputy Attorney General
28 Attorneys for Complainant

LA2016500387
61999752.docx