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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 Accusation Against:

Case No. 1H 2012 493

12 **PATTI VAREE BURTON**
13 **7625 N. First Street, Apt 176**
Fresno, CA 93720

A C C U S A T I O N

14 **Respiratory Care Practitioner License No.**
15 **5741**

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, Department of Consumer
22 Affairs.

23 2. On or about June 28, 1985, the Respiratory Care Board issued Respiratory Care
24 Practitioner License Number 5741 to Patti Varee Burton (Respondent). The Respiratory Care
25 Practitioner License is in an inactive and suspended status and will expire on July 31, 2014.

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DISCIPLINARY HISTORY

1 3. On or about October 23, 2012, the Board filed a Petition for Interim Suspension
2 Order pursuant to Business & Professions Code section 494 against Respondent's license. On or
3 about October 23, 2012, Respondent agreed to a voluntary suspension of her license to practice
4 respiratory care. On or about October 26, 2012, Administrative Law Judge Cheryl Tompkins
5 signed an Order suspending Respondent's license pending resolution of the administrative case.
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JURISDICTION

7 4. This Accusation is brought before the Respiratory Care Board (Board), Department of
8 Consumer Affairs, under the authority of the following laws. All section references are to the
9 Business and Professions Code unless otherwise indicated.
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11 5. Section 3710 of the Code states: "The Respiratory Care Board of California, hereafter
12 referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory
13 Care Practice Act]."
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15 6. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke
16 licenses to practice respiratory care as provided in this chapter."
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18 7. Section 3750 of the Code states:
19 "The board may order the denial, suspension or revocation of, or the imposition of
20 probationary conditions upon, a license issued under this chapter, for any of the following causes:
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22 "(g) Conviction of a violation of any of the provisions of this chapter or of any
23 provision of Division 2 (commencing with Section 500), or violating, or attempting to
24 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring
25 to violate any provision or term of this chapter or of any provision of Division 2
26 (commencing with Section 500).
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28 8. Section 3750.5 of the Code states:
29 "In addition to any other grounds specified in this chapter, the board may deny, suspend,
30 place on probation, or revoke the license of any applicant or licenseholder who has done any of
31 the following:
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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

17. Paragraphs 13 through 15 are incorporated herein.

18. Respondent's act of working while under the influence of alcohol constitutes unprofessional conduct and is cause for discipline pursuant to code section 3755.

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 Number 5741, issued to Patti Varee Burton;
2. Ordering Patti Varee Burton 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: November 7, 2012

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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