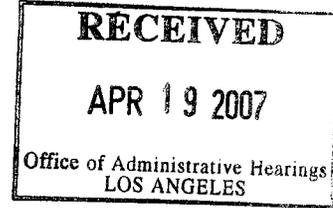


1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KLINT JAMES MCKAY, State Bar No. 120881
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Room 1702
4 Los Angeles, California 90013
Telephone: (213) 576-1327
5 Facsimile: (213) 897-9395



6 Attorneys for Complainant

7
8 **BEFORE THE**
RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition for an Interim
11 Suspension Order Against:

12 DONALD W. CLEMENS
220 Marina Way, Number 45
13 Los Angeles, California 90603,

14 Respiratory Care Practitioner
15 License Number 6604,

16 Respondent.

Case No. 2006-05-0545

OAH No.

JDM 4/20/07
[PROPOSED] ORDER

Date: April 20, 2007

Time: 1:30 p.m.

Place: OAH--Los Angeles, California

17 **INTRODUCTION**

18 The Ex Parte Application of Complainant Respiratory Care Board of California
19 for suspension of Respiratory Care Practitioner License 4460 issued to Respondent Donald W.
20 Clemens came on for hearing on April 20, 2007 at 1:30 p.m. Deputy Attorney General Klint
21 James McKay appeared for the Office of the Attorney General, representing Petitioner, and
22 Respondent appeared *in propria persona*.

23 The Court, having reviewed the moving papers and declarations filed concurrently
24 therewith, and the opposing papers, if any, and having heard the arguments of counsel and
25 Respondent *in propria persona*, and being otherwise fully apprised of the premises, hereby
26 grants the Ex Parte Request of Petitioner of Complainant, and issues its Interim Suspension

27 Order. *This order also issues an Respondent's*
28 *III stipulation that it may issue. JDM 4/20/07*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY ORDERED,

1. Respondent is hereby suspended from the practice of of respiratory care pending a noticed hearing to be set on MAY 7, 2007 AT 1:30 PM

2. The California Attorney General shall give 20 days notice by mail of the above hearing, including a copy of this Petition and all affidavits and other information in support of the Petition.

3. Pending such hearing, **Respondent shall not:**

A. Practice or attempt to practice any aspect of respiratory care;

B. Advertise, by any means, or hold himself out as practicing or available to practice respiratory care therapy;

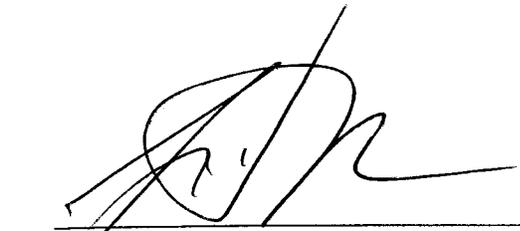
C. Be present in any location or office which is maintained for the practice of respiratory care, or at which medicine is practiced, for any purpose except as a patient or as a visitor of family or friends;

D. Possess, order, purchase, receive, prescribe, furnish, administer, or otherwise distribute controlled substances or dangerous drugs as defined by federal or state law.

4. Respondent shall be required, upon receipt of the order of suspension, to immediately deliver to the Respiratory Care Board of California, or its agent, for safekeeping pending a final administrative order of the Board in this matter, all indicia of his licensure as a respiratory care practitioner, as contemplated by Business and Professions Code section 119, including but not limited to his wall certificate and wallet card issued by the Respiratory Care Board of California.

IT IS SO ORDERED.

DATED: April 30 2007



Administrative Law Judge
Office of Administrative Hearings