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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 90005,  
*Redondo Beach 277*  
14 Respiratory Care Practitioner  
License Number 6604,

15  
16 Respondent.

Case No. 2006-05-0545

OAH No. *L2007 040537*

~~PROPOSED~~ ORDER

*JDM*

Date: May 7, 2007

Time: 1:30 p.m.

Place: OAH--Los Angeles, California

17  
18 The Application of Complainant Respiratory Care Board of California for  
19 suspension of Respiratory Care Practitioner License 6604 issued to Respondent Donald W.  
20 Clemens came on for regularly hearing on May 7, 2007 at 1:30 p.m. Deputy Attorney General  
21 Klint James McKay appeared for the Office of the Attorney General, representing Petitioner, and  
22 Respondent appeared *in propria persona*.

23 Petitioner previously applied for an Interim Suspension Order ex parte on April  
24 20, 2007. At such hearing, Deputy Attorney General Klint James McKay and Respondent  
25 stipulated to an ex parte Interim Suspension Order, which issued that date and is currently in  
26 effect. This Interim Suspension Order shall supercede that one.

27 At the April 20, 2007 hearing, Respondent was given personal notice of this  
28 hearing, and acknowledged his understanding of the time, date and substance thereof.

1 The Court, having reviewed the moving papers and declarations filed concurrently  
2 therewith, and the opposing papers, if any, and having heard the arguments of counsel and all  
3 parties *in propria persona*, and being otherwise fully apprised of the premises, hereby issues its  
4 Interim Suspension Order pending the hearing on the Accusation in this matter.

5 *CAREV ALSO ISSUES AN RESPONDENT'S STIPULATION*  
6 *THAT IT MAY ISSUE. OR 5/7/07*  
7 IT IS HEREBY ORDERED:

8 1. Respondent is suspended from the practice of respiratory care pending hearing on  
9 the Accusation in this matter.

10 2. Pursuant to California Business and Professions Code section 494(f), said  
11 Accusation shall be filed not later than 15 days hereafter (that is, by May 22, 2007).

12 3. Pending the hearing on said Accusation, Respondent shall not:

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

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

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

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

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

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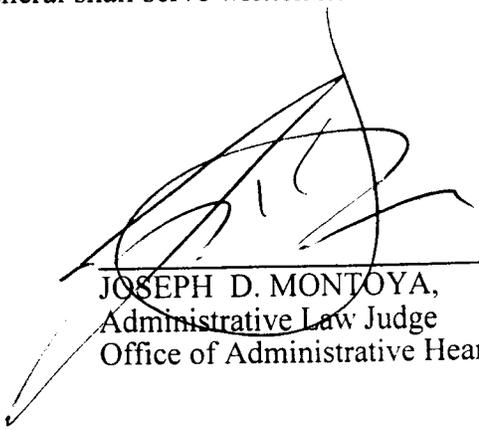
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5. The Office of the Attorney General shall serve written notice of this Order on Respondent.

IT IS SO ORDERED.

DATED: May 7, 2007



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JOSEPH D. MONTOYA,  
Administrative Law Judge  
Office of Administrative Hearings