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FILED WITH THE BOARD OF
RESPIRATORY CARE

ON 6 August 2001
Sandra K O'Neal

By: Sandra Y. Dick
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER OF THE PRACTICE :
OF RESPIRATORY CARE BY: : Administrative Action
: :
KEVIN SUTTON :
: :
: : CONSENT ORDER
IN THE STATE OF NEW JERSEY :

:

this matter was opened to the New Jersey State Board of Respiratory Care upon receipt of information that Kevin Sutton ingested cocaine, a Controlled Dangerous Substance on one occasion in November of 1999. The Board considered information that he had agreed to begin to undergo random urine screening in April, 2000, a minimum of once per month for a year under the auspices of the Physicians Health Program, but did not begin such monitoring until February of 2001. The Board has reviewed all relevant documentation submitted.

The Board found that having acknowledged the information regarding controlled dangerous substances outlined above, respondent has demonstrated sufficient rehabilitation and fitness

to continue to practice respiratory care, so long as he complies with the conditions required by this Order. The parties being desirous of resolving this matter, and the Board finding that the within Consent Order is adequately protective of the public interest;

IT IS ON THIS *19* DAY OF JUNE, 2001

NUNC PRO TUNC FEBRUARY 21, 2001

ORDERED:

1. That Kevin Sutton shall be permitted to retain his respiratory license in the State of New Jersey on the following conditions:

a. Kevin Sutton shall refrain from the use of all controlled substances unless specifically prescribed by a treating physician for a legitimate medical purpose, and in the usual course of the treating physician's medical practice.

b. Kevin Sutton shall submit to random urine monitoring a minimum of 24 times over a period of one year from February 21, 2001 until February 20, 2002, under the supervision of the Physician's health Program (PHP), the time and place of same to be determined by the monitoring program with no more than 24 hours notice and to be performed in accordance with their protocol. Kevin Sutton shall provide a copy of this Order to the PHP.

c. Kevin Sutton shall become knowledgeable about any and all foods or food additives or other products which may confound the

validity of urine screening and shall refrain from ingesting or otherwise using or employing any such product.

d. If any controlled substance is taken by Kevin Sutton upon prescription or dispensed by a physician, he shall notify the urine tester of that fact before the next urine sample is submitted, and shall have his treating physician transmit the medical record immediately to the PHP.

e. Kevin Sutton shall be responsible to ensure that the Physicians's Health Program supplies quarterly reports to the Board regarding his progress. The first such report to be filed within one month of the filing of this Order. An immediate (within 24 hours of awareness) report, both orally and in writing, shall be made by the PHP to the Board of any information that Kevin Sutton engaged in any violation of any laws regarding controlled dangerous substances or any positive urine screen or failure to appear for urine monitoring. Further, Kevin Sutton expressly waives any claim to privilege or confidentiality that he may have concerning the above outlined reports and disclosures by the PHP to the Board.

f. All costs associated with the urine monitoring program outlined above shall be paid directly by Kevin Sutton.

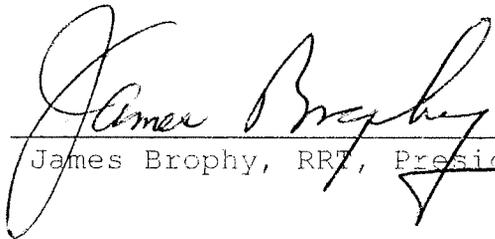
2. Kevin Sutton hereby consents to the entry of an Order of Automatic Suspension of license, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that he has materially failed to comply with any of the conditions

set forth above, any other provision of this Order, or any report or a confirmed positive urine, or a prima facie showing of drug abuse, possession of controlled dangerous substance or distribution of such substances.

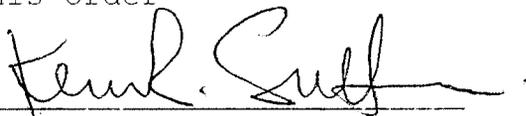
3. Kevin Sutton shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive in the case of urine testing, or that other information submitted was false.

STATE BOARD OF RESPIRATORY CARE

BY:


James Brophy, RRT, President

I have read and understood the within Order and agree to be bound by the terms herein. Consent is hereby given for the Board to enter this Order


Kevin Sutton