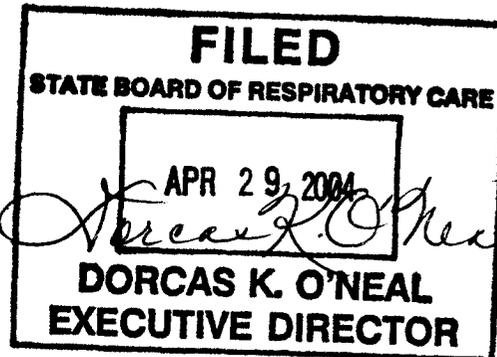


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER OF THE)
APPLICATION OF:)

MICHAEL SETTANI)
LICENSE NO.)
43EA00401400)

FOR REINSTATEMENT OF)
LICENSURE TO PRACTICE)
RESPIRATORY CARE IN THE)
STATE OF NEW JERSEY)

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Respiratory Care (Board) upon receipt of a petition by Mr. Settani for reinstatement of his respiratory care license that had been indefinitely suspended by Final Order of Discipline entered by this Board on August 26, 2003. The Board considered the testimony of Mr. Settani, appearing pro se on April 16, 2004, when he was accompanied by Reverend Edward Reading of the Physicians' Health Program (PHP) who was available via telephone. After discussing all of the reasons why Mr. Settani failed to comply with the terms of the Private Letter Agreement filed on April 10, 2002, or respond

to the subpoena requiring him to appear before the Board on December 3, 2002, or file a response to the Provisional Order of Discipline entered on May 8, 2003, the Board found that respondent has now demonstrated sufficient rehabilitation, fitness and ability to practice respiratory care, that respondent has not engaged in the practice of respiratory care while the license was suspended, that the PHP supports reinstatement based on certain conditions which are set forth herein and respondent represented to the Board he is willing to comply with the conditions set forth in 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 29 DAY OF APRIL, 2004,

HEREBY ORDERED THAT:

1. Mr. Settani will not use psychoactive substances unless authorized by a prescribing doctor or a legitimate medical condition, and a copy of the prescription is forwarded to the PHP.
2. Mr. Settani shall undergo random directly witnessed urine monitoring at a minimum of twice weekly during the first six months of his return to practice, then at a minimum of weekly for the rest of the first year of his return to practice. Screens would then be reduced to twice monthly for six months and then monthly for six months. At the conclusion of two years of return to practice, monthly screens will be continued until the Board approves a reduction or discontinuance of screens.
3. Mr. Settani shall attend monthly meetings with staff of the PHP for the first six months of his return to

practice, followed by every two months thereafter, until reduced or discontinued by the Board.

4. Michael Settani shall become familiar with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screenings, be presumed to possess that knowledge, and shall refrain from the use of such substances. Respondent specifically agrees that ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

5. Respondent shall be responsible to ensure that the PHP shall supply reports every ninety (90) days beginning on the "filed" date of this Order to the Board regarding his progress with the monitoring program.

6. Respondent shall obtain the agreement of the PHP via a signature of its representative on this Order to notify the Board within 24 hours of its receipt of information of any slip or relapse of impairment, including but not limited to any positive urine screen or failure to appear for urine monitoring or any scheduled appointment or any discontinuance of the PHP rehabilitation program whether initiated by Michael Settani or by the PHP.

7. Michael Settani expressly waives any claim to privilege or confidentiality that he may have concerning reports and disclosures to the Board, and use by the Board of that information in license proceedings regarding respondent, including reports and disclosures by the urine monitoring program, or the PHP, or any other entity involved in his rehabilitation program.

8. Respondent shall notify a responsible official (approved in advance by the PHP) at his place of employment, at each and every facility at which he plans to practice respiratory care, that he has entered this Order. Such individual shall be in contact with respondent on a daily basis at work and Michael Settani by his signature on this document authorizes each such individual to submit to the PHP quarterly reports and to notify the Board and the PHP immediately (within 24 hours) orally and in writing, at the PHP and at the Board office at 973-504-6409 located at 124 Halsey Street, Newark, New Jersey 07101, of any behavior or conduct suggestive of substance abuse or behavior indicative of violation of the laws regarding controlled substances or

in violation of this Order. Respondent shall provide the Board with the identity, address and qualifications of the individual(s) to whom he has provided the notice required by this paragraph. He shall provide a copy of this Order to that designated member of the staff of his employer.

9. All costs associated with the PHP program of monitoring outlined above shall be the responsibility of, and paid directly by Michael Settani.

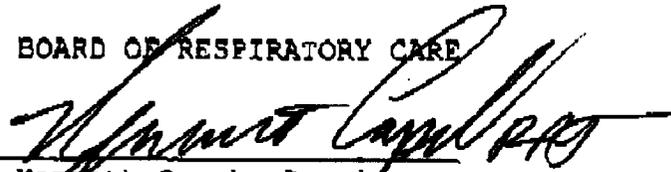
10. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that respondent has failed to comply with any of the conditions set forth above, any other provision of this Order, or any report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of drug abuse.

11. Respondent shall have the right to apply for removal of the automatic suspension on five (5) 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.

12. This Order is effective upon its filing with the Board of Respiratory Care.

STATE BOARD OF RESPIRATORY CARE

By:

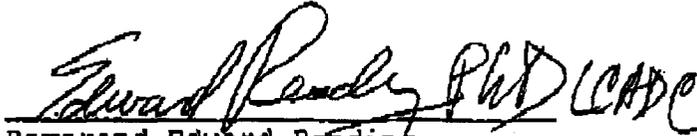

Kenneth Capek, President

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



Michael Settani, R.T.

I have read and understand the within Order and agree to comply with the terms which relate to the Physicians' Health Program (PHP).



Reverend Edward Reading
Physicians' Health Program