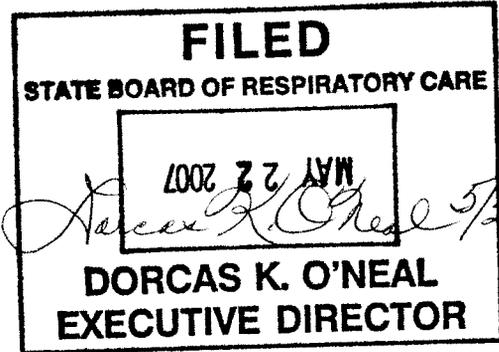


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER: )  
)  
)  
**JOSEPH HEFFERNAN** )  
**LICENSE NO.** )  
**43ZA00196199** )  
)  
LICENSED 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 information from Palisades Medical Center that Joseph Heffernan (Respondent) violated Palisades Medical Center's substance abuse policy by ingesting alcohol and a controlled substance while on duty on or about March 4, 2006, and had participated in a rehabilitative program since that time. As a result of testimony before the Board and a review of documents submitted to the Board, the Board has found that Mr. Heffernan has the ability to continue to safely practice respiratory care, based on certain conditions which are set forth

herein with which Mr. Heffernan has indicated that he is willing to comply.

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 *16<sup>th</sup>* DAY OF *May*, 2007,

HEREBY ORDERED THAT:

1. Respondent shall maintain absolute abstinence from all psychoactive substances and alcohol unless prescribed by a treating physician for a documented medical condition and in the usual course of the treating physician's medical practice with notification to the Medical Director of the Professional Assistance Program of New Jersey (PAP);
2. Respondent shall continue to submit to random urine monitoring under the auspices of the PAP at a frequency of once per week for the first six months from the filing date of this order. Subsequent reductions in screens will be at the discretion of the Executive Medical Director of the PAP with notification to the Board;
3. Respondent shall demonstrate regular documented attendance at the support group of Alcoholics Anonymous at a minimum of three meetings each week;
4. Respondent shall comply with monthly face-to-face

visits with a representative of the PAP for the first six months from the filing date of this order with reductions at the discretion of the Executive Medical Director of the PAP with notice to the Board;

5. Respondent shall be responsible to ensure that the PAP supplies quarterly reports to the Board regarding his progress. An immediate (within 24 hours of awareness) report both orally and in writing, shall be made by the PAP to the Board of any information that Respondent engaged in any violation of any laws regarding controlled dangerous substances or alcohol or any positive urine screen or failure to appear for urine monitoring. Further, Respondent expressly waives any claim to privilege or confidentiality that he may have concerning the above outlined reports and disclosures by the PAP to the Board;

6. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Mr. Heffernan.

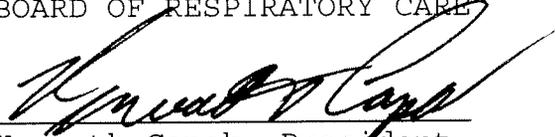
7. Mr. Heffernan hereby consents to the entry of an order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Mr. Heffernan has failed to comply with any of the conditions set forth above, any other provision of this Order, or any report of a confirmed positive urine, or a prima

facie showing of a relapse or recurrence of abuse of alcohol or abuse of controlled substances.

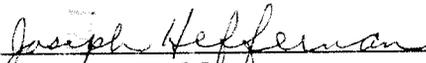
8. Mr. Heffernan shall have the right to apply for removal of the automatic suspension on five (5) days' notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive in the case of urine testing, or that other information submitted was false.

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

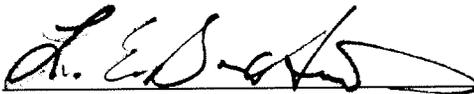
STATE BOARD OF RESPIRATORY CARE

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.

  
Joseph Heffernan

I have read and understand the within Order and agree to comply with the terms which relate to the Professional Assistance Program (PAP).

  
Louis E.,. Baxter, Sr., M.D., FASAM  
Executive Medical Director  
Professional Assistance Program