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FILED
 STATE BOARD OF RESPIRATORY CARE

APR - 8 2008
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By: **Tohey Palan, Deputy Attorney General**
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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 LICENSE OF:	:	
WILLIAM E. FISHER	:	Administrative Action
License No. 43ZA00180300	:	CONSENT ORDER
TO PRACTICE RESPIRATORY CARE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Respiratory Care (Board) on or about February 5, 2008, upon receipt of notice from the Hackettstown Regional Medical Center that William Fisher (Respondent) on or about November 29, 2007, while on duty as a respiratory therapist, tested positive for the use of alcohol. On March 4 2008, by way of a filed Interim Consent Order, Respondent agreed to cease and desist from the practice of respiratory care in New Jersey. Respondent appeared before the Board for an investigative inquiry on March 4, 2008. Respondent testified at the investigative inquiry that he entered an inpatient rehabilitation program at Sunrise House on January 9, 2008 and successfully completed the program on January 21, 2008. Respondent further testified that he has been a client in the Intensive Outpatient Program (IOP) at Hackettstown Regional Medical Center since December 10, 2007.

The Board and Respondent seek to resolve this matter without resort to further proceedings, and as a result of the Board reviewing documents from the IOP program, Respondent's testimony from his March 4, 2008 investigative inquiry, review of random witnessed urine screens and the Board reserving the right to take further action, and finding the within Order is sufficiently protective of the public interest and for good cause shown;

IT IS ON THIS

JH

DAY OF APRIL 2008,

HEREBY ORDERED THAT:

1. Mr. William Fisher may resume the practice of respiratory care in New Jersey on condition that he complies with the provisions of this Order.
2. Mr. William Fisher shall refrain from using any alcohol and all controlled substances or potentially addictive substances except as duly prescribed by a treating health care practitioner. Mr. William Fisher shall advise all of his treating health care practitioners, who prescribe medications, of his alcohol abuse history. Mr. William Fisher shall report any such use to the Board in writing within five (5) days of receiving such a prescription together with the name of the prescribing physician/dentist/advanced practice nurse or other authorized prescriber and the reason for its use.
3. Mr. William Fisher shall continue to be enrolled in and successfully complete the Intensive Outpatient Program at the Counseling & Addiction Center of Hackensack Regional Medical Center, including but not limited to the IOP's requirements regarding "aftercare" meetings, reviewing films, group lectures and random witnessed urine screens.
4. Mr. Fisher shall undergo random urine monitoring, testing for alcohol and controlled drugs, at a minimum of twice per month for a minimum of two months, then a minimum of once per month for an additional one year. The IOP will administer all random witnessed urine monitoring and produce copies of all urine screens to the Board office. At the conclusion of the random urine monitoring, described above, the IOP program will recommend to the Board a reduction or discontinuance of screens and such monthly screens will be continued until the Board approves a reduction or discontinuance of screens.
5. Mr. Fisher shall be responsible to ensure that the IOP shall supply copies of all urine monitoring test reports (testing for alcohol and controlled drugs) every month beginning on the "filed" date of this Order, to the Board and that a representative of IOP shall immediately (within twenty-four hours) notify the Board by telephone and in writing of any positive urine screen result, any indication of a relapse, or any violation of this Order.

6. Mr. William Fisher 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.

7. Mr. William Fisher shall be responsible to ensure that the IOP 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.

8. Mr. William Fisher 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 proceedings regarding his license, including reports and disclosures by the IOP, or any other person or entity involved in his rehabilitation program.

9. Mr. William Fisher must attend a minimum of three Alcohol Anonymous (AA) meetings per week. He must provide to the Board in writing proof of his attendance at these meetings on a quarterly basis.

10. Mr. Fisher shall notify a responsible official or his/her successor (both approved in advance by the Board) at his place of employment, at each and every facility at which he plans to practice respiratory care, that he has entered into this Order. Mr. Fisher shall provide a copy of this Order to that designated member of the staff of his employer. Such individual shall be in contact with Mr. William Fisher on a weekly basis at work and Mr. William Fisher by his signature on this document authorizes each such responsible official to notify the Board immediately (within 24 hours) orally and in writing, at the Board office at 973-504-6485 located at 124 Halsey Street, Newark, New Jersey 07101, of any behavior or conduct suggestive of alcohol or substance abuse or behavior indicative of violation of the laws regarding controlled substances or in violation of this Order. Mr. William Fisher 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. This paragraph shall apply for one year from the date Mr. William Fisher returns to the practice of respiratory care.

11. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by Mr. William Fisher.

12. Mr. William Fisher 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. William Fisher 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.

13. Mr. William Fisher 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.

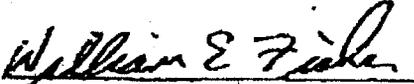
14. This Order is effective upon its filing with the Board of Respiratory Care.

STATE BOARD OF RESPIRATORY CARE

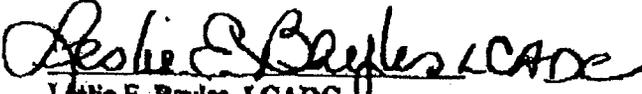
By:


Kenneth Capek
Board President

I have read and I understand the terms of the within Order and agree to be bound by the terms of this Order. I hereby give my consent to the entry of this Order.


William E. Fisher

I have read and understand the within Order and agree to comply with the terms which relate to the Intensive Outpatient Program at the Counseling & Addiction Center of Hackettstown Regional Medical Center (IOP).


Leslie E. Bayles, LCADC
Hackettstown Region Medical Center
Counseling and Addiction Center