



Based upon Respondent's testimony on January 8, 2008, and the Board having reviewed certain documents, including an evaluation from the Professional Assistance Program of New Jersey (PAP) and 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 29th DAY OF July, 2008,

HEREBY ORDERED THAT:

1. Mr. Menon is hereby REPRIMANDED by the Board for engaging in conduct that relates adversely to the practice of respiratory care.
2. Mr. Menon may continue to practice respiratory care on probation subject to the following conditions:
  - A) Mr. Menon 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. Menon shall advise all of his treating health care practitioners, who prescribe medications, of his history of cocaine use. Mr. Menon 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.
  - B) Mr. Menon shall undergo random directly witnessed urine monitoring testing for controlled substances (including cocaine) and alcohol with the PAP, a minimum of twice a week for one year (retroactive to the date Mr. Menon began his monitoring with the PAP on

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January 29, 2008). Thereafter, Mr. Menon shall undergo random directly witnessed urine monitoring testing for controlled substances (including cocaine) and alcohol, a minimum of once a week for the next year and then reduced at the discretion of the PAP to a frequency to be determined by the Executive Medical Director of the PAP. If Mr. Menon tests positive for any controlled substances or alcohol, the Board shall modify and extend the monitoring requirements of this Order in its discretion and shall take such other action as permitted by law.

C) The Board reserves the right to require a modification of the manner of the random witnessed urine testing by the PAP in the event technical developments or individual requirements indicate that a different methodology or approach is required to guarantee the accuracy and reliability of the testing.

D) Mr. Menon's failure to submit to or provide a urine sample when requested shall be deemed to be the equivalent of a confirmed positive urine test and shall be deemed a violation of this order unless he is unable to appear for a scheduled urine test due to illness or other impossibility. Mr. Menon must advise the Board in writing within two (2) days, and cause the PAP to so advise the Board in writing within (2) days, of a claimed illness or impossibility. If Mr. Menon fails to appear for a scheduled urine test due to illness, he shall provide to the Board, written substantiation of the illness in the form of a physician's report, within two (2) days. "Impossibility" means an obstacle beyond the control of Mr. Menon that is insurmountable or that makes his appearance for the urine test so infeasible that a

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reasonable person would waive Mr. Menon's requirement to give the urine sample that day.

E) Mr. Menon shall be responsible to ensure that the PAP 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.

F) Mr. Menon shall obtain the agreement of the PAP 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 PAP rehabilitation program whether initiated by him or by the PAP.

G) Any urine test result showing creatinine levels below 20 mg/dl and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test, and shall be followed by a confirming test. The method of the confirming test shall be determined by the PAP.

H) Mr. Menon 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. Mr. Menon 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.

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I) Mr. Menon shall attend face-to-face meetings with a clinical representative of the PAP at a frequency consistent with his recovery at the direction of the Executive Medical Director of the PAP.

J) Mr. Menon shall continue to participate in and successfully complete the "Rehab After Work" program until he is discharged from the program. Mr. Menon shall submit documentation to the Board from the "Rehab After Work" program within ten (10) of his successful completion of the program confirming he has been discharged.

K) Mr. Menon shall attend the support group meetings of AA/NA at a minimum of three meetings per week and submit documented proof of attendance monthly to the Board.

L) Mr. Menon 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 any license proceedings, including reports and disclosures by the urine monitoring program, or the PAP, or any other person or entity involved in the rehabilitation program.

2. All costs associated with the PAP program outlined above shall be the responsibility of, and paid directly by Mr. Menon.

3. Mr. Menon 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. Menon has failed to comply with any of the conditions set forth

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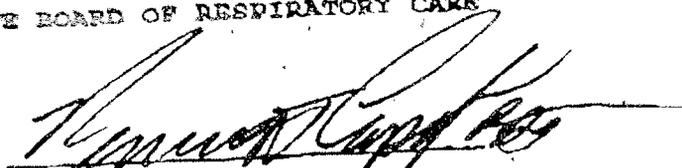
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above, any other provision of this Order, or any report of a confirmed positive urine for controlled substances.

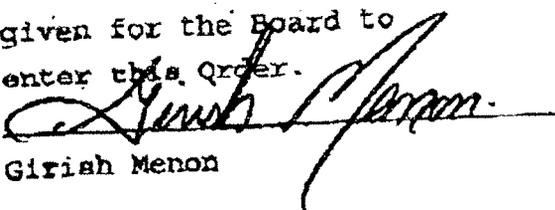
4. Mr. Menon shall have the right to apply for removal of the automatic suspension on five (5) days' notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive in the case of urine testing, or that other information submitted was false.

STATE BOARD OF RESPIRATORY CARE

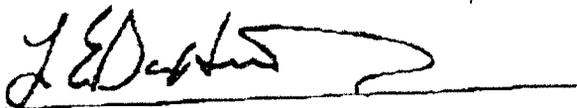
By:

  
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.

  
Girish Menon

I have read and understand the within Order, am authorized to, and agree to comply with the terms which relate to the PAP.

  
Louis E. Baxter, M.D., FASAM  
on behalf of the Professional Assistance Program of NJ