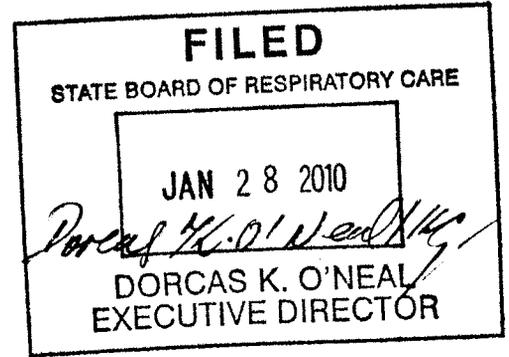


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER OF THE REINSTATEMENT :  
OF THE LICENSE OF :  
:  
Mark F. Mankey :  
License No. ZA00256200 :  
:  
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 that on or about April 7, 2009, Mark Mankey (Respondent), reported to work at Ocean Medical Center, Brick, New Jersey, and tested positive for alcohol. Respondent appeared before the Board on June 2, 2009, to discuss his impairment and ongoing treatment. Respondent's admission of his reporting to work impaired and unable to fulfill his job responsibilities constitutes professional misconduct in violation of

N.J.S.A. 45:1-21(e) and thus provide grounds for disciplinary action against Respondent's license.

Based upon Respondent's testimony on June 2, 2009, and the Board having reviewed certain documents, including an evaluation from the Professional Assistance Program of New Jersey (PAP), documents from the Intensive Outpatient Program at CPC Behavioral Healthcare 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                      DAY OF                      , 2010,

HEREBY ORDERED THAT:

1. Mr. Mankey is hereby REPRIMANDED by the Board for engaging in conduct that relates adversely to the practice of respiratory care.

2. Mr. Mankey may continue to practice respiratory care on probation subject to the following conditions:

A) Mr. Mankey shall refrain from using any mood altering substances including but not limited to alcohol and all controlled substances or potentially addictive substances except as duly prescribed by a treating health care practitioner. Mr. Mankey shall advise all of his treating health care practitioners, who prescribe medications, of his history of alcohol use. Mr. Mankey shall report any use of controlled substances 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. Mankey shall undergo random directly witnessed urine monitoring/testing for alcohol and controlled substances with the PAP, a minimum of once a week for one year (retroactive to the date Mr. Mankey began his monitoring with the PAP on June 17, 2009) and then reduced at the discretion of the PAP to a frequency to be determined by the Executive Medical Director of the PAP which is commensurate with Mr. Mankey's duration of recovery. If Mr. Mankey tests positive for any controlled substances or alcohol, the PAP shall immediately advise the Board. 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 assure the accuracy and reliability of the testing.

D) Mr. Mankey'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. Mankey 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. Mankey 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. Mankey that is insurmountable or that makes his appearance for the urine test so infeasible that a reasonable person would waive Mr. Mankey's requirement to give the urine sample that day.

E) Mr. Mankey 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. Mankey 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. Mankey 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. Mankey 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.

I). Mr. Mankey 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. Mankey 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.

K) Mr. Mankey 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.

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

4. Mr. Mankey 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. Mankey 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 for controlled substances.

5. Mr. Mankey 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.

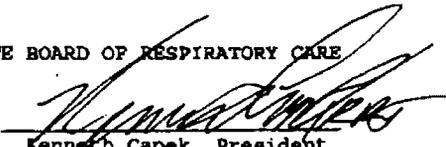
*Mark Mankey*  
\_\_\_\_\_  
Mark Mankey

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

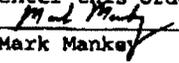
*L. E. Baxter*  
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Louis E. Baxter, M.D., FASAM  
on behalf of the Professional Assistance Program of NJ

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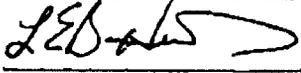
STATE BOARD OF RESPIRATORY CARE

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.

  
Mark Mankey

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