

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5TH Floor
124 Halsey Street
P. O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Respiratory Care

By: Tobey Palan
Deputy Attorney General
Tel. (973) 648-2436

FILED
STATE BOARD OF RESPIRATORY CARE
APR 27 2010
Dorcias K. O'Neal (BA)
DORCAS K. O'NEAL
EXECUTIVE DIRECTOR

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

IN THE MATTER OF THE :
SUSPENSION OR REVOCATION : Administrative Action
OF THE LICENSE OF :
ALBERT MUSTILLO, RT :
License No. 43ZA00274800 : CONSENT ORDER OF
SUSPENSION
TO PRACTICE RESPIRATORY CARE : OF LICENSURE
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Respiratory Care (Board) upon receipt of information that on or about December 26, 2009, Respondent, Albert Mustillo, failed to follow standard practice of a respiratory therapist, by failing to set the external PEEP (positive and expiratory pressure) valve after changing the ventilator circuit and failed to perform a final ventilator ~~setting~~ review for an approximately one year old patient who expired after going into respiratory distress. Thereafter, Children's Specialized Hospital, in New Brunswick, New Jersey, terminated Respondent's employment based

on Respondent's conduct in the incident.

The Board finding Respondent engaged in repeated acts of negligence by failing to set the external PEEP valve after changing the ventilator circuit and failed to perform a final ventilator setting review for his patient pursuant to N.J.S.A. 45:1-21(d) thus providing grounds for disciplinary action; and the parties having agreed and consented to the resolution of this matter without the necessity of the Board instituting formal proceedings, and the Board finding that the within Order is adequately protective of the public, health and safety, exists for its entry;

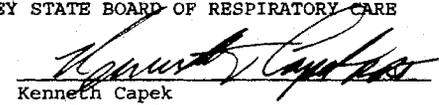
IT IS, therefore, on this 26th day of April, 2010, ORDERED

THAT:

1. Respondent, Albert Mustillo's license to practice respiratory care in the State of New Jersey is suspended for a minimum of five (5) years and he shall cease and desist from the practice of respiratory care effective upon his receipt of a filed copy of this Order.
 2. Respondent shall return his original New Jersey license to the New Jersey State Board of Respiratory Care, 124 Halsey Street, 6th floor, Newark, New Jersey 07101, upon his receipt of a filed copy of this Order.
 3. Respondent is hereby reprimanded for the conduct detailed above.
 4. Prior to any application for reinstatement of his respiratory care license, Respondent shall appear before the Board or a
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committee thereof, no sooner than five (5) years from the entry of this Order, to discuss his fitness to reenter the practice of respiratory care, and provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare.

NEW JERSEY STATE BOARD OF RESPIRATORY CARE

By: Kenneth Capek
Board President

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


Albert Mustillo, RT