

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Dawn Posta

Petition No. 970407-015-001

CONSENT ORDER

WHEREAS, Dawn Posta of Fairfield, Connecticut (hereinafter "respondent") has been issued license number 000314 to practice hypertrichology by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 388 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. On and before June 14, 1997, she did not use the proper sterilization techniques for cleaning her tools;
2. On and before June 14, 1997, she was unaware:
 - (a) of how to properly prepare tools before putting them into a dry or moist heat sterilizer;
 - (b) that chemical indicators should be used to show that packages/containers have been exposed to a sterilization process;
 - (c) that biological monitoring (spore testing) should be used at least once a month to ensure that sterilization has been accomplished;
 - (d) that unused tools should be reprocessed after 24 hours; and,
 - (e) that sterilized items should be kept in a dry holding container.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-271.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Board of Examiners of Hypertrichologists (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 20-271 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 20-271 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions:
 - a. Respondent shall obtain at her own expense, the services of a hypertrichologist or a physician, pre-approved by the Department (hereinafter "supervisor"), to conduct monitoring of respondent's practice and setting for infection control procedures.
 - (1) Respondent's supervisor shall meet with her not less than once every quarter for the entire probationary period.
 - (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (3) Respondent shall be responsible for providing written supervisor reports directly to the Department every quarter for the duration of the probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with respondent, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.

b. Within the first six months of the probationary period, respondent shall attend and successfully complete education/training in sterilization procedures and infection control practices in hypertrichology, approved by the Department. Within ten days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.

3. All correspondence and reports are to be addressed to:

Department of Public Health ✓
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. All reports required by the terms of this Consent Order shall be due on the tenth business day of every third month.

5. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.

6. Respondent shall pay all costs necessary to comply with this Consent Order.

7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.

b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.

- c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, she shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a hypertrichologist, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that her failure to cooperate with the Department's investigation shall constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of her license before the Board.

10. In the event respondent is not employed as a hypertrichologist for periods of thirty (30) consecutive days or longer, or is employed as a hypertrichologist less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
13. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which her compliance with this Consent Order or with §20-271 of the General Statutes of Connecticut, as amended, is at issue.
14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.

16. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
18. Respondent has the right to consult with an attorney prior to signing this document.

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I, Dawn Posta, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

[Signature]
Dawn Posta

Subscribed and sworn to before me this 9th day of February 1998.

[Signature]
Notary Public or person authorized Timothy M. Plath
by law to administer an oath or affirmation.

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 11th day of February 1998, it is hereby accepted.

[Signature] for Cynthia Denne -
Cynthia Denne, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the BOARD OF HYPERTRICHOLOGY on the 11TH day of FEBRUARY 1998, it is hereby ordered and accepted.

[Signature]
Beard of Examiners for Hypertrichology

S: sm. Posta/legal/co. 2/98



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

May 10, 1999

Dawn L. Posta
220 Huntington Rd
Stratford, CT 06614-4009

Re: Consent Order
Petition No. 970407-015-001
License No. 000314



Completion of Probation

Dear Ms. Posta:

Please be advised that the probationary terms of the above-referenced Consent Order have been satisfied, effective March 1, 1999.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from License No. 000314, related to the above-referenced Consent Order.

Sincerely,

Richard Goldman
Paralegal Specialist II
Division of Health Systems Regulation

cc: Debra Tomassone, PHSM



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
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