

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Elliot S. Pollack, D. P. M.

Petition No. 2012-164

REINSTATEMENT CONSENT ORDER

WHEREAS, Elliot S. Pollack of Ottawa, Ontario (hereinafter "respondent") has been issued license number 000144 to practice as a podiatrist by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 375 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent's license expired on February 28, 2011, and respondent has now applied to have said license reinstated by the Department pursuant to Chapter 368a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. During 2001-2007, respondent provided podiatric care and treatment to patient N. M.
2. On or about May 23, 2007, respondent performed a bunionectomy on N. M.'s right foot.
3. During N.M.'s follow-up office visit in July 2007, respondent:
 - a. failed to appreciate or identify significant retrograding of the screw; and/or
 - b. noted that the osteotomy site was not completely closed and failed to order restriction of activities.
4. That the conduct described above constitutes grounds for denial of respondent's application for reinstatement pursuant to §19a-14(a)(6) of the General Statutes of Connecticut.

WHEREAS, respondent, in consideration of this Reinstatement Consent Order, has chosen not to contest the above allegation at a hearing. Respondent does not admit to having violated any statute or regulation, including but not limited to §20-59 of the General Statutes of Connecticut.

Respondent further agrees that this Reinstatement Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-59 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-59 of the General Statutes of Connecticut, as amended, respondent hereby stipulates and agrees as follows:

1. He waives his right to a hearing on the merits of this matter.
2. Respondent's license to practice as a podiatrist shall be reinstated when he satisfies the requirements for reinstatement of his license, as set forth in §§ 19a-14-1 through 19a-14-5, inclusive, of the Regulations of Connecticut State Agencies, and this Reinstatement Consent Order is executed by all parties.
3. Immediately upon issuance, respondent's license shall be reprimanded.
4. Respondent shall comply with all federal and state statutes and regulations applicable to his license.
5. Respondent shall notify the Department of any change(s) in his employment within fifteen (15) days of such change.
6. Respondent shall notify the Department of any change in his home and/or business address within fifteen (15) days of such change.

7. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
8. The Department's allegations as contained in this Reinstatement Consent Order shall be deemed true in any subsequent proceeding before the Connecticut Board of Examiners in Podiatry in which (1) his compliance with this Reinstatement Consent Order is at issue, or (2) his compliance with §20-59 of the General Statutes of Connecticut, as amended, is at issue.
9. Further, respondent understands that any discipline imposed by this Reinstatement Consent Order shall be reported to the National Practitioner Data Bank.
10. This Reinstatement Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Reinstatement Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Reinstatement Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the Connecticut General Statutes provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
11. This Reinstatement 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.

12. This Reinstatement Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
13. Respondent has the right to consult with an attorney prior to signing this document.
14. This Reinstatement Consent Order is a matter of public record.
15. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Reinstatement Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
16. This Reinstatement Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this Reinstatement Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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I, Elliot S. Pollack, have read the above Reinstatement Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Reinstatement Consent Order to be my free act and deed.

Elliot S. Pollack
Elliot S. Pollack

Subscribed and sworn to before me this 1 day of June 2012.

MICHAEL J. KEATING
NOTARY PUBLIC
COMMISSION EXPIRES SEP. 30, 2012

Michael Keating
Notary Public or person authorized
by law to administer an oath or
affirmation

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21st day of June 2012, it hereby ordered and accepted.

Jennifer L. Filippone
Jennifer L. Filippone, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch