

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

*Rec'd*  
*4/5/94*  
*JB*

In re: Guy Callahan, D.P.M.  
139 Simsbury Road  
Avon, CT 06001

Petition No. 901102-19-017

*04 by JNB*  
*4-6-94*

CONSENT ORDER

Guy Callahan, D.P.M., of Avon, Connecticut (hereinafter "respondent"), has been issued license number 000236 to practice podiatric medicine by the Connecticut Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 375 of the General Statutes of Connecticut, as amended.

The Department has conducted an investigation of a complaint received from Connie Sue Harris, a former patient of respondent's. On the basis of such investigation, the Department makes the following allegations against respondent:

1. Respondent provided podiatric care and treatment for Connie Sue Harris between November of 1989 and approximately April of 1990.
2. In the course of such care and treatment, respondent took and charted diagnostic x-rays, conducted clinical examinations, and performed osteotomies on the proximal phalanx of the hallux on Ms. Harris' right and left foot.

3. There was insufficient radiographic indication for the osteotomy performed on the proximal phalanx of the hallux, right foot and for the osteotomy of the proximal phalanx of the hallus, left foot.
4. The aforementioned surgeries were performed by respondent on Ms. Harris without sufficient medical justification.
5. Respondent performed the surgeries on each of Ms. Harris' feet serially, utilizing two separate surgical procedures on separate dates for the osteotomy done on each foot.
6. There was insufficient medical or therapeutic justification for serializing the surgeries performed.
7. By his conduct as described above, respondent violated the provisions of Connecticut General Statutes §20-59(3) and/or (4), in that such conduct constituted deviations from appropriate standards of conduct and care for his profession.
8. Respondent is presently practicing podiatric medicine in Connecticut.

Respondent hereby admits the allegations contained in paragraphs 1, 2, 5 and 8 above. Respondent denies the allegations contained in paragraphs 3, 4, 6 and 7 above, but wishes to resolve this case without the need for a formal contested hearing.

NOW THEREFORE, pursuant to §19a-17 and §20-59 of the General Statutes of Connecticut, Guy Callahan, D.P.M. hereby stipulates and agrees as follows:

1. Respondent waives his right to a hearing on the merits of this matter.

2. While not admitting the truth of the Department's allegations against him, respondent stipulates and agrees that:
  - A) He will not contest the Department's allegations for the purposes of this proceeding;
  - B) The Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Connecticut Board of Examiners in Podiatry (hereinafter "the Board") in which (1) respondent's compliance with the terms of this Consent Order, or (2) his compliance with §20-59 of the General Statutes of Connecticut, is at issue;
3. Respondent's license to practice podiatric medicine is suspended for two (2) years. Such suspension is stayed immediately.
4. Respondent shall fully comply with all laws, regulations, and standards of conduct and care applicable to his profession;
5. Respondent's license is hereby placed on probation for two (2) years under the following terms and conditions:
  - A) Respondent shall at his own expense obtain the services of a podiatrist licensed in Connecticut and approved by the Department to supervise his practice during the probationary period;
  - B) The Department shall not unreasonably withhold approval of such supervising podiatrist.
  - C) Such supervising podiatrist shall confirm his or her engagement in such capacity with the Department in writing within thirty (30) days of the date this Consent Order becomes effective;

- E) In the event respondent wishes to engage another supervising podiatrist, he must obtain prior written approval from the Department, which shall not be granted until it receives written confirmation of the new supervisor's engagement in such capacity;
- F) During the first year of probation, respondent's supervising podiatrist shall conduct not less than monthly clinical observations of respondent's practice, random records reviews of not less than ten (10) patients, and follow-up observations of patients whose records are reviewed;
- G) During the second year of probation, respondent's supervising podiatrist shall perform the activities described in paragraph 5F above not less than once every two months;
- H) Respondent's supervising podiatrist shall submit written reports concerning his or her supervisory activities with respect to respondent's practice. Such reports shall be submitted to the Department at the address specified below on the first business day of each month commencing on November 1, 1993 and continuing until a total of twelve (12) such reports have been submitted;
- I) Thereafter, respondent's supervising podiatrist shall submit such reports on the first business day of every other month beginning on November 1, 1994 and continuing until a total of six (6) such reports have been submitted;
- J) All reports from respondent's supervising podiatrist shall include dates of clinical observations, the number and a general description

of the records reviewed, and the dates and observations made for follow-up observations of patients whose records were reviewed. Such reports shall further provide an assessment of respondent's ability to practice with reasonable skill and safety, and in conformity with all laws, regulations and standards of conduct and care applicable to his profession;

- K) Notwithstanding the foregoing, said supervising podiatrist shall immediately notify the Department of any conduct or condition on respondent's part which does or may constitute a violation of any law, regulation, standard of conduct or standard of care for his profession, and of any conduct or condition which does or may indicate that respondent is not able to practice with reasonable skill and safety;
- L) Respondent shall be solely responsible for the timely submission of all reports required by the terms of probation.

6. Respondent shall pay a civil penalty of \$2,500 within 30 days of the effective date of this Consent Order;
7. Respondent shall notify the Department in writing of any change in his home or business address within fifteen (15) days of the same.
8. All reports and other written information required by the terms of this Consent Order shall be addressed to:

Lynn Hurley, Board Liason  
Public Health Hearing Office  
Department of Public Health and Addition Services  
150 Washington Street  
Hartford, Connecticut 06106

9. Any deviation from the terms of this Consent Order without the prior written approval by the Board shall constitute a violation of this Consent Order. Additionally, any report from respondent's supervising podiatrist which indicates that respondent has violated any law or regulation governing his profession, or which indicates that respondent is unable to practice with reasonable skill and safety, shall constitute a violation of this Consent Order. Any extension of time or grace period for reporting granted by the Board shall not constitute a waiver or preclude the Board from taking action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
10. If respondent violates any term or condition of probation or this Consent Order in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the two (2) year suspension which has been stayed, or impose any other penalty it deems appropriate. Respondent has not, and is not, waiving any right of appeal he may have under applicable Connecticut law after the hearing referred to herein. If the Board takes such action, the effective date shall be the first day of the month following the month in which the Board makes a finding that respondent has violated the terms of this Consent Order.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department.

12. This Consent Order shall be effective on the first day of the month following the month in which it is approved and accepted by the Board.
13. Respondent understands that this Consent Order is a matter of public record.
14. 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 Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights which he may have under the laws of the State of Connecticut or of the United States.
15. 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 approval and acceptance by the Board.
16. In the event this Consent Order is not approved and accepted by the Board, it shall be deemed null and void, and no stipulations, admissions or other matters contained herein shall be binding upon, limit or otherwise affect the rights of the parties.
17. Respondent hereby agrees that a representative of the Department may present this Consent Order and the basis for the same to the Board. He understands that the Board has complete and final discretion as to whether or not this Consent Order is approved and accepted.
18. Respondent has consulted with an attorney prior to signing this document.

I, Guy Callahan, D.P.M., have read and understand the foregoing Consent Order. I hereby stipulate and agree to its terms. I further hereby declare that I have executed this Consent Order has my voluntary act and deed for the purposes set forth herein.

Guy Callahan  
Guy Callahan, D.P.M.

Subscribed and sworn to before me this 3rd day of December, 1993.

Elmer S. Burns  
Notary Public ~~or person authorized~~  
~~by law to administer an oath or~~  
~~affirmation~~ 3-31-94

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health and Addiction Services on the 17<sup>th</sup> day of December, 1993, it is hereby accepted.

Stanley K. Peck  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners in Podiatry on the 23 day of MARCH, 1994, it is hereby approved and accepted, and is hereby made the Order of this Board.

By: Matthew R. [Signature]  
Connecticut Board of Examiners in  
Podiatry