

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

DIVISION OF MEDICAL : BOARD OF EXAMINERS  
QUALITY ASSURANCE : IN PODIATRY  
VS. :  
MARC BAER, D.P.M. : PETITION NO. 881027-19-012

CONSENT ORDER

WHEREAS, Marc Baer, D.P.M., of South Windsor, Connecticut, has been issued license number 326, to practice podiatry by the Department of Health Services pursuant to Chapter 375 of the General Statutes of Connecticut, as amended; and

WHEREAS, The Department of Health Services alleges that he has:

1. billed two patients for two treatments not performed,
2. Falsely documented those two treatments allegedly not performed, and
3. misrepresented to one of those patients the cost of treatment,

WHEREAS, Marc Baer in consideration of the Consent Order, has chosen not to contest the above allegations of

wrongdoing and denies that they have occurred. Marc Baer while admitting no guilt or wrongdoing, agrees that for purposes of proceedings before the Board of Examiners of Podiatry, in which his license as a podiatrist is at issue, the above allegations and this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to Sections 19a-9, 19a-10, and 20-59 of the General Statutes of Connecticut; and

NOW THEREFORE, PURSUANT TO §19a-17 and §20-59 of the General Statutes of Connecticut, Marc Baer hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter;

2. That he shall be supervised and monitored for eighteen months.

3. During this period his patient records will be reviewed by a podiatrist approved by the Board of Examiners in Podiatry as follows:

(a) for the first three months all records of work performed will be reviewed on a weekly basis,

(b) for the remaining fifteen months, records will be reviewed on a random basis, but no less than monthly and a minimum of 30 records shall be reviewed.

4. The monitoring podiatrist will review the records for the following:

- (a) the amount of anesthesia used and that the concentration of anesthesia is properly noted,
- (b) the x-rays to determine that they are,
  - (1) appropriate for the patient's complaint and history, and
  - (ii) appropriate in quality and number,
- (c) the insurance bills are consistent with the patient's record,
- (d) that documentation in the file includes:
  - (1) a written approximation of the bill which is signed by the patient or a responsible party prior to the procedure being performed on any visit which has a fee of fifty (\$50.00) or more, and
  - (2) a patient questionnaire, completed by the patient, indicating a detailed reason for seeking treatment.

5. The podiatrist referred to in 3 above shall submit to the Department of Health Services reports as follows: For the first three months, weekly. For the remaining fifteen months, monthly. Said reports shall address the ability of the Respondent to practice podiatry with

reasonable skill and safety, particularly the areas noted in 4 above. They shall be submitted to: Lynne A. Hurley, Investigator, Division of Medical Quality Assurance, Public Health Hearing Office, 150 Washington Street, Hartford, Connecticut.

6. That he shall comply with the x-ray requirement in the Memorandum of Decision issued March 8, 1990, as interpreted by the Connecticut Board of Examiners in Podiatry at its meeting(s) held May 16, 1990 and thereafter.

7. That he is responsible for all expenses incurred under this Consent Order.

8. That he understands that this Consent Order may be considered as evidence of the above violations in any proceeding before the Board of Examiners in Podiatry (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-59 of the General Statutes of Connecticut, as amended, is at issue.

9. That this Consent Order and terms set forth herein are not subject to reconsiderations, collateral attack or judicial review under any form or in any forum. Further, that said 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 him of any rights that he may have under the laws of the State of Connecticut or of the United States.

10. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.

11. That this Consent Order is effective on or before January 1, 1991. All monitoring shall be in place and commence at that time.

12. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Board of Examiners in Podiatry. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted. He further agrees that the pre-hearing review form signed by him is incorporated by reference into this Consent Order.

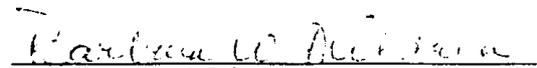
13. That he has consulted with an attorney prior to signing this document.

I, Marc Baer, D.P.M., have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Marc Baer, D.P.M.

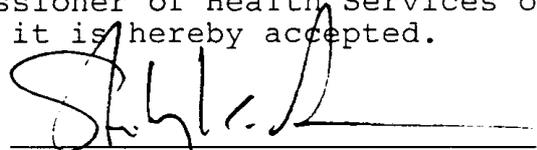
Subscribed and sworn to before me this <sup>4<sup>th</sup></sup> day of ~~November~~, 1990.



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

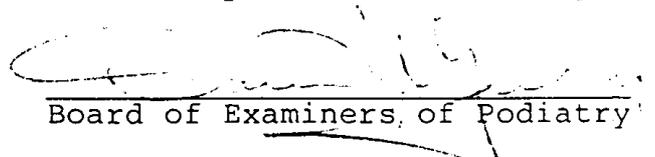
My Commission Expires 3-1-92

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the <sup>4<sup>th</sup></sup> day of ~~November~~, 1990, it is hereby accepted.



Stanley K. Peck, Director  
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Board of Examiners in Podiatry on the <sup>5<sup>th</sup></sup> day of ~~November~~, 1990, it is hereby ordered and accepted.



Board of Examiners, of Podiatry