STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Thomas H. Walter, D.P.M. Petition No. 2001-0829-019-006

CONSENT ORDER

WHEREAS, Thomas H. Walter of Pawcatuck (hereinafter "respondent") has been issued license number P00337 to practice podiatry by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 375 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. Respondent maintains offices in Pawcatuck, Norwich and New London, Connecticut.

2. On or about September 18, 2001, the following conditions were present at respondent's Pawcatuck office:

   a) there were no sterilized instruments available for treatment of patients;
   b) there was an uncovered lancet in a drawer;
   c) there were instruments partially submerged in cidex solution with visible debris floating in the solution;
   d) surgical instruments were not being sterilized in the autoclave for the proper amount of time;
   d) there were two drawers in a treatment area containing used latex gloves;
   e) there were three unscreened doors open to the outside of the building.

3. On or about September 18, 2001, respondent indicated that he had not conducted spore testing on the autoclave in the Pawcatuck office.

4. On or about September 21, 2001, respondent's Norwich office did not have an autoclave.

5. On or about January 16, 2002, the following conditions were present at respondent's Pawcatuck office:

   a) there were no sterilized surgical instruments available for treatment of patients;
   b) the autoclave had not yet been tested;
   c) disposable surgical blades were submerged in cidex solution for reuse.

6. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-59, including but not limited to:

   a. §20-59(4).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Board of Examiners in Podiatry (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, 19a-14 and 20-59 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-59 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number P00337 to practice as a podiatrist in the State of Connecticut is hereby placed on probation for one year.

   a. Respondent shall obtain at his own expense, the services of a registered nurse or physician, pre-approved by the Department (hereinafter "monitor"), to conduct a monthly random review of respondent's infection control practices.

(1) Respondent's supervisor shall conduct such review and meet with him not less than once every month for the entire probationary period.

(2) The monitor 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 monitor in providing such monitoring.

(3) Respondent shall be responsible for providing written monitor reports directly to the Department once a month for the first three months of the probationary period and once every three months for the remainder of the probationary period. Such monitor's reports shall include documentation of dates and duration of meetings with respondent, a description of the respondent's infection control practices and his implementation of proper instrument sterilization techniques, additional monitoring techniques utilized, and a statement that respondent is practicing with reasonable skill and safety.

b. Within six months of the initiation of probation, respondent shall attend and successfully complete 24 hours of continuing education in infection control and sterilization procedures, pre-approved by the Department. Respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).

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

Bonnie Pinkerton, Nurse Consultant
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 according to a schedule to be established by the Department of Public Health.

5. Respondent shall comply with all state and federal statutes and regulations applicable to his 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 he has complied with the terms of this Consent Order or, in the alternative, that he 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, he 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 podiatrist, 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, and to submit to and complete a medical, psychiatric and/or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. 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 failure to cooperate with the Department's investigation shall constitute an admission that his 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 his license before the Board.

10. In the event respondent is not employed as a podiatrist for periods of thirty (30) consecutive days or longer, or is employed as a podiatrist 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 understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Board in which his compliance with this Consent Order or with §20-59 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 he 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 understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.

19. Respondent has the right to consult with an attorney prior to signing this document.

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I, Thomas H. Walter, 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.

Thomas H. Walter, D.P.M.

Subscribed and sworn to before me this 11 day of April 2002.

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

CAROL A. DIMAGGIO
NOTARY PUBLIC
MY COMMISSION EXPIRES April 30 200

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 23rd day of May 2002, it is hereby accepted.

Debra J. Turcotte, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Podiatry on the 5th day of June. 2002, it is hereby ordered and accepted.

Board of Examiners for Podiatry

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 25, 2003

Thomas H. Walter, DPM
145 Liberty Street
Pawcatuck, CT 06379

Re: Consent Order
Petition No. 2001-0829-019-006
License No. P00337
D.O.B. [redacted]

Dear Mr. Walter:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective November 1, 2003.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Respectfully,

Olive Tronchin
Division of Health Systems Regulation

cc: J. Fillippone

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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