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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Maricsabel Sirica, H.C. Petition No. 2005-0722-020-013

CONSENT ORDER

WHEREAS, Maricsabel Sirica, H.C. of Bristol, Connecticut (hereinafter "respondent") has been issued license number 042464 to practice by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 387 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges and respondent admits that:

1. On or about October 1, 2004, client #1 retained the services of respondent, a hairdresser at Parisian Hair Salon and Day Spa in Cromwell, Connecticut, to highlight her hair.
2. On said date, respondent applied a chemical to client #1's hair and scalp, wrapped her hair in sections of aluminum foil, and then placed her under a hot dryer.
3. Within approximately five (5) minutes, client #1 felt her scalp burning and leaped out from under the hot dryer.
4. Respondent then washed client #1's hair and scalp in cold water.
5. As a result of respondent's application of the chemical, client #1 received severe burns and hair loss requiring medical and surgical intervention.
6. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-263(5).

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

(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 19a-14 and 20-263 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 20-263 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 number 042464 to practice as a hairdresser in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand dollars ($1,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent's license shall be suspended for a period of 3 months with said suspension immediately stayed.
5. Concurrent with said suspension, respondent's license shall be placed on probation for a period of two (2) years under the following terms and conditions:
    a. Within the first three (3) months of the probationary period, respondent shall attend and successfully complete a course in the use of chemicals for hair treatment, pre-approved by the Department. Within fifteen days (15) completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.
    b. Respondent shall provide her employer at each place where respondent practices as a hairdresser throughout the probationary period, with a copy of this consent order within fifteen (15) days of its effective date, or within fifteen (15) days of

commencement of employment at a new facility. Respondent agrees to provide reports from such employer quarterly for the duration of the probation, stating that respondent is practicing with reasonable skill and safety.

c. During the period of probation respondent shall not work as a manager at any haircutting facility.

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

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

7. 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.

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

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

10. 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 10a 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 within the fifteen (15) days specified 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.

11. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a hairdresser, 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 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).

12. 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.

13. In the event respondent is not employed as a hairdresser for periods of thirty (30) consecutive days or longer, or is employed as a hairdresser 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.

14. Legal notice shall be sufficient if sent to respondent's last known address of record reported toPractitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.

15. 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.

16. 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 her compliance with this Consent Order or with §20-263 of the General Statutes of Connecticut, as amended, is at issue.

17. 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.

18. 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.

19. 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.

20. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch 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.

21. Respondent understands and agrees that she is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which she is away from her residence.

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

23. 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.

I, Maricsabel Sirica, 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.

Maricsabel Sirica

Maricsabel Sirica

Subscribed and sworn to before me this 21 day of Nov. 2006.

Notary Public or person authorized
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 1st day of December 2006, it is hereby accepted.

Jennifer Filippone

Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the _____ on the 5th day of February 2006, it is hereby ordered and accepted.

Connecticut Examining Board for Barbers,
Hairdressers and Cosmeticians

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

October 15, 2009

Maricsabel Sirica, H.C
58 Debra Lane
Bristol, CT 06010

Re: Consent Order
Petition No. 2005-0722-020-013
License Number: 042464

Dear Ms. Sirica:

Please accept this letter as notice that you have satisfied the terms of your license probation effective October 15, 2009.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your Hairdresser / Cosmetician 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.

Thank you,

Olive Tronchin, HPA
Practitioner Licensing and Investigations Section

c: 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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