

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

In re: Jennifer Osher, H.C.

Petition No. 931130-20-019

CONSENT ORDER

WHEREAS, Jennifer Osher, H.C., of Plantsville, Connecticut, has been issued license number 042720 to practice as a hairdresser and cosmetician by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 387 of the General statutes of Connecticut, as amended; and,

WHEREAS, Jennifer Osher (hereinafter "respondent") hereby stipulates and agrees as follows:

1. She has failed to consistently ensure her equipment was properly sanitized prior to using it on customers.
2. By her conduct as set forth in paragraph 1 above, respondent has violated the provisions of §20-263 of the Connecticut General Statutes by failing to conform to the accepted standards of her profession.

NOW THEREFORE, pursuant to §19a-17 and §20-263 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent hereby waives her right to a hearing on the merits of this matter.
2. She shall submit a \$200 civil penalty. Said payment shall be made by certified check, payable to "Treasurer, State of Connecticut," and shall be due and payable at the time respondent delivers this Consent Order, executed by her, to the Department.
3. Her license to practice as a hairdresser and cosmetician is hereby placed on probation for a period of two (2) years.
4. Respondent's Connecticut probation shall be subject to the following terms and conditions:

- A. Respondent shall submit written notification to the Department of any change in her employment and/or home address.
- B. She shall obtain, at her own expense, the services of a supervising hairdresser licensed in Connecticut, and approved by the Department.
- C. Respondent shall provide the supervising hairdresser referenced in paragraph 4B above and all employers with copies of this Order.
- D. Said supervising hairdresser shall furnish the Department with written confirmation of his or her engagement to act in that capacity, and receipt of the Order referred to in paragraph 4C above, within thirty (30) days of the effective date of this Consent Order.
- F. Said supervising hairdresser shall monitor respondent's hairdressing practices by conducting unannounced inspection of respondent's premises at least once each month.
- G. Respondent's supervising hairdresser shall submit quarterly written reports to the Department addressing respondent's sanitizing practices and her ability to practice hairdressing with reasonable skill and safety.
- H. Notwithstanding the supervising hairdresser's quarterly reporting responsibility, he or she shall immediately report any conduct or activity on respondent's part which is or may be a deviation from the standards of care for respondent's profession or which do or may indicate that respondent is unable to practice hairdressing with reasonable skill and safety.
- I. Within the period of probation, she shall successfully complete a course or tutorial in sterilizing techniques for her profession. Said course or tutorial shall be pre-approved by the Department, and any expenses associated with this course shall be borne by respondent.

5. The period of probation provided for in this Consent Order shall become effective on the first day of the month following execution by the last signatory. - 12/1/94
6. Respondent shall fully comply with all state and federal statutes and regulations applicable to her license.
7. Failure to comply with any term of this Consent Order shall be deemed a violation of this Consent Order.
8. Respondent understands that this Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians in which (1) her compliance with this same order is at issue, or in which (2) her compliance with §20-263 of the General Statutes of Connecticut, as amended, is at issue.
9. The parties hereby stipulate and agree that any violation of the terms of this Consent Order constitutes grounds for the Department to seek a summary suspension of respondent's license. Respondent specifically waives the provisions of Connecticut General Statutes §§4-182(c) and 19a-17(c) which require a finding of an emergency and a clear and immediate danger to the public health and safety, respectively.
10. 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 or 363a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that she may have under the laws of the State of Connecticut or of the United States.
11. 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.

12. Respondent hereby authorizes a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, of the Department to present this Consent Order and the factual basis for said Consent Order to the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians. She understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.
13. All reports required by the terms of this Order, and all correspondence shall be addressed to:

Lynne Hurley, Special Investigator
Department of Public Health and Addiction Services
Public Health Hearing Office
150 Washington Street
Hartford, CT 06106

14. Respondent understands that she has the right to consult with an attorney prior to signing this document.
15. Respondent understands that this Consent Order is a matter of public record.

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I, Jennifer Osher, H.C., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Jennifer R. Osher
Jennifer Osher, H.C.

Subscribed and sworn to before me this 10th day of November 1994.

Linda L. Lynch
LINDA L. LYNCH
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 01, 1995

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

The above Consent Agreement having been presented to the duly appointed agent of the Commissioner of Public Health and Addiction Services on the 10th day of November 1994, it is hereby accepted.

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

The above Consent Order having been presented to the duly appointed agent of the Connecticut Examining Board of Barbers, Hairdressers and Cosmeticians on the 14th day of November 1994, it is hereby ordered and accepted.

Susan Road
Connecticut Examining Board for Barbers,
Hairdressers and Cosmeticians

JPL:dm
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