STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

In re: Nhan D. Nguyen, HC

Petition No. 2003-0310-020-004

CONSENT ORDER

WHEREAS, Nhan D. Nguyen of Windsor (hereinafter "respondent") has been issued license number 051019 to practice hairdressing and cosmetology 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 that:

1. Respondent is the manager and owner of Pretty Nails in Windsor, CT.
2. During February 2003, respondent performed a pedicure on a female customer.
3. During this pedicure, respondent used a razor blade to shave a callus.
4. During February 2003, a second customer developed a bacterial infection after a hot wax depilation.
5. Respondent failed to adhere to the accepted standards for hot waxing procedures and safety precautions.
6. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-263, including, but not limited to:
    a. §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 Connecticut Examining Board for Barbers, Hairdressers, and Cosmeticians (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 20-263 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, and 20-263 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 051019 to practice as a hairdresser and cosmetician in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand dollars ($1,000) 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 placed on probation for a period of one year under the following terms and conditions: within the first six months of the probationary period, respondent shall attend and successfully complete a course of at least eight (8) hours of coursework on infection control, which coursework may be satisfied by coursework in infection control as it relates to hairdressing and cosmetology, pre-approved by the Department. Within thirty days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).

Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

6. 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.

7. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.

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

9. 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 9a 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.

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

11. 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.

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

13. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.

14. 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.

15. 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 §20-263 of the General Statutes of Connecticut, as amended, is at issue.

16. 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.

17. 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.

18. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-263 of the General Statutes of Connecticut, as amended, is at issue

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 Bureau of Healthcare Systems 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 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.

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, Nhan D. Nguyen, 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.

Nhan D. Nguyen

Subscribed and sworn to before me this 5th day of October 2004.

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

J. MARK SICHAVY
Commissioner
Superior Court.

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 12th day of October, 2004, it is hereby accepted.

Marianne Horn, Director
Division of Health Systems Regulation
Bureau of Healthcare Systems

The above Consent Order having been presented to the duly appointed agent of the _____ on the 25th day of October 2004, it is hereby ordered and accepted.

Connecticut Examining Board for Barbers, Hairdressers, and Cosmeticians

ES/jsg

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 1, 2005

Nhan D. Nguyen, HC
52 Derek Lane
Windsor, CT 06095

Re: Consent Order
Petition No. 2003-0310-020-004
License No. 051019

Dear Mr. Nguyen:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective November 1, 2005.

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, HPA
Division of Health Systems Regulation

c: J. Fillippone

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