STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Alex Hechavarria, Hairdresser Petition No. 2006-0503-020-014

REINSTATEMENT CONSENT ORDER

WHEREAS, Alex Hechavarria of Hartford (hereinafter "respondent") has been issued license number 052657 to practice as a hairdresser by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 387 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent's license expired on April 30, 2006, and respondent has now applied to have said license reinstated by the Department pursuant to Chapter 368a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. In 1999 he was convicted of three felony counts as a result of an incident that took place when he was thirteen years old.
2. In 2003 he submitted an application for licensure as a hairdresser.
3. When asked in said application whether he had "ever been convicted as a result of a felony," respondent answered "no."
4. That the conduct described above constitutes grounds for denial of respondent's application for reinstatement pursuant to §19a-14(a)(6) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-252 of the General Statutes of Connecticut, as amended, respondent hereby stipulates and agrees as follows:

1. He waives his right to a hearing on the merits of this matter.

2. Respondent's license to practice hairdressing shall be reinstated when he satisfies the requirements for reinstatement of his license, as set forth in §§ 19a-14-1 through 19a-14-5, inclusive, of the Regulations of Connecticut State Agencies, and this Reinstatement Consent Order is executed by all parties.

WHEREAS, respondent, in consideration of this Reinstatement 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 & Cosmeticians (hereinafter "the Board"), this Reinstatement Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and19a-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. Immediately upon issuance, respondent's license shall be placed on probation for a period of two (2) years under the following terms and conditions:
    a. Respondent shall participate in regularly scheduled therapy at his own expense with a licensed or certified therapist pre-approved by the Department (hereinafter "therapist").
        (1) Respondent shall provide a copy of this Reinstatement Consent Order to his therapist.
        (2) Respondent's therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Reinstatement Consent Order within fifteen (15) days of the effective date of this Reinstatement Consent Order.
        (3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.

(4) The therapist shall submit reports quarterly for the duration of the probation which shall address, but not necessarily be limited to, respondent's ability to practice hairdressing safely and competently. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has terminated.

(5) The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public, or if respondent discontinues therapy and/or terminates his or her services.

b. Respondent shall provide his employer throughout the probationary period with a copy of this Reinstatement Consent Order within fifteen (15) days of its effective date or within fifteen (15) days of commencement at a new place of employment at a new salon. Respondent agrees to provide quarterly reports from such employer for the entire probationary period stating that he is practicing with reasonable skill and safety.

c. During the period of probation respondent shall only practice as a hairdresser in a salon that includes other hairdressers.

3. 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

4. All reports required by the terms of this Reinstatement 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 Reinstatement Consent Order.

7. Any alleged violation of any provision of this Reinstatement 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 Reinstatement 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 Reinstatement Consent Order.

c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8 a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Reinstatement 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 within the fifteen (15) days specified 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 Reinstatement Consent Order.

8. In the event respondent violates any term of this Reinstatement 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, 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 Reinstatement 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 hairdresser for periods of thirty (30) consecutive days or longer, 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 Reinstatement Consent Order.

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

12. This Reinstatement Consent Order is effective on the first day of the month immediately following the date this Reinstatement Consent Order is accepted and ordered by the Board.

13. Respondent understands this Reinstatement Consent Order is a public document and evidence of the above admitted violations in any proceeding before the Board in which his compliance with this Reinstatement Consent Order or with §20-263 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 Reinstatement 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 Reinstatement 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 Healthcare Systems Branch to present this Reinstatement Consent Order and the factual basis for this Reinstatement Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Reinstatement Consent Order is approved or accepted.

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

19. 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, Alex Hechavarria, 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.

Alex Hechavarria,

Subscribed and sworn to before me this 16 day of February 2007.

Colleen S. Mercier, my comm. exp. 1/31/2011
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 23rd day of March 2007, it is hereby accepted.

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