

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS**

In re: Clifford Evans, D.M.D., D.A.C.S.

Petition Nos. 2003-0506-002-030
2003-0506-022-002

CONSENT ORDER

WHEREAS, Clifford Evans of Stamford, Connecticut (hereinafter "respondent") has been issued license number 004690 to practice dentistry and permit number 004690 to administer conscious sedation by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 379 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about April through May 2003, respondent reused one liter bags of Ringers Lactate on multiple patients and failed to discard all extension tubing after each patient's use. Respondent also allowed unlicensed staff members to administer intravenous medication to patients.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-114, including, but not limited to §20-114(2).

WHEREAS, respondent, in consideration of this Consent Order, agrees that for purposes of this or any future proceedings before the Connecticut State Dental Commission (hereinafter "the Commission"), this Consent Order shall have the same effect as if proven and ordered after a full

ORIGINAL

hearing held pursuant to §§19a-10, 19a-14 and 20-114 of the General Statutes of Connecticut;
and

WHEREAS, respondent stipulates that it has become established policy within his office to discard any and all syringes, extension tubing and intravenous fluid containers after each patient's use; and

WHEREAS, respondent further stipulates it has become established policy within his office to permit only properly licensed staff members to administer medication to patients;

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-114 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 004690 to practice as a dentist and permit number 004690 to administer conscious sedation in the State of Connecticut are 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 shall cease and desist the reuse of any and all intravenous administration set-ups, intravenous extension tubing and/or syringes. Respondent shall also cease and desist the practice of permitting unlicensed staff members to administer medication to patients.
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 Commission, which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Commission 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, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Commission.

9. 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.
10. 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 Commission.
11. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in Paragraph 1 of the first "Whereas" clause of this Consent Order shall be deemed true in any subsequent proceeding before the Commission in which his compliance with this Consent Order or with §20-114 of the General Statutes of Connecticut, as amended, is at issue.

Further, respondent understands this document is a reportable event to the National Practitioner Data Bank.
12. 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.
13. 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.
14. 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.

15. 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 Commission. Respondent understands that the Commission has complete and final discretion as to whether this executed Consent Order is approved or accepted.
16. Respondent has the right to consult with an attorney prior to signing this document.
17. 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, Clifford Evans, 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.

Clifford Evans DMD
Clifford Evans, D.M.D.

Subscribed and sworn to before me this 20th day of May 2004.

CATHERINE M. MAZZEO
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2009

Catherine M. Mazzeo
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 26th day of May, 2004, it is hereby accepted.

Marianne Horn
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 Connecticut State Dental Commission on the 7th day of June 2004, it is hereby ordered and accepted.

Raymond Duro
Connecticut State Dental Commission