

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

In re: Frank DiLeo, M.B.

Petition No. 901005-25-002

CONSENT ORDER

WHEREAS, Frank DiLeo, of Naugatuck, Connecticut, has been issued license number 623, to practice barbering by the Department of Health Services pursuant to Chapter 386 of the General Statutes of Connecticut, as amended; and

WHEREAS, Frank DiLeo, hereinafter referred to as the Respondent, hereby admits as follows:

1. That on June 7, 1985, a Memorandum of Decision was finalized by the Board of Examiners for Barbers, Hairdressers and Cosmeticians, in which his license was suspended for six months, which suspension was stayed immediately.
2. That he was placed on probation for a period of three years, commencing on July 15, 1985.
3. The probation was subject to the following conditions:

The Respondent must provide the Board and the Medical Quality Assurance Section of the Department of Health with supportive documentation that he has remained drug and alcohol free during the period of probation, and is physically and psychologically fit to continue to practice barbering. This documentation must include, as a minimum, reports of bi-annual physical examinations by a physician, monthly laboratory screening for chemicals, and monthly consultations with a licensed therapist.

4. The Respondent failed to fully comply with the terms outlined in 3. above.
5. That by this failure, he has violated the provisions of §20-238 of Connecticut General Statutes by failing to conform to the accepted standards of the barbering profession.

NOW THEREFORE, pursuant to §19a-17 and §20-238 of the General Statutes of Connecticut, Frank DiLeo hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter;
2. That his license to practice barbering in Connecticut is hereby suspended for one year;
3. That said suspension is stayed immediately, and he is to be on probation for one (1) year under the following terms and conditions:
 - (a) All present and future employers shall be informed of this Consent Order.
 - (b) He shall permit all present and future employers to review the following documents: the Memorandum of Decision, dated June 7, 1985 and all reports and correspondence from Howard Spaner or any subsequent treating therapist.
 - (c) During the one (1) year probationary period, he shall at his own expense consult a physician on a semi-annual basis (or more frequently at the discretion of said physician) for purposes of assessing the Respondent's physical health. Said physician shall be licensed by the State of Connecticut, shall practice medicine in Connecticut, and shall be approved by the Department of Health Services.
 - (d) The physician referred to in 3.(c) above shall submit to the Department of Health Services semi-annual reports, due on the last day of each six month period for the duration of the probationary period. Said reports shall address the ability of the Respondent to

practice barbering with reasonable skill and safety, and shall be submitted to:

Lynne A. Hurley, Investigator
Division of Medical Quality Assurance
Public Health Hearing Office
150 Washington Street
Hartford, Connecticut

- (e) During the one (1) year probationary period, he shall at his own expense consult a therapist on a monthly basis (or more frequently in the discretion of said therapist) for purposes of treating and assessing the Respondent's mental health and drug-free status. Said therapist shall be approved by the Department of Health Services.
- (f) The therapist discussed in 3.(e) above shall submit to the Department of Health Services monthly reports, due on the last day of each month for the duration of the probationary period. Said reports shall address the ability of the Respondent to practice barbering with reasonable skill and safety, and shall be submitted to:

Lynne A. Hurley, Investigator
Department of Health Services
Division of Medical Quality Assurance
150 Washington Street
Hartford, Connecticut

- (g) In the event that the Respondent wishes to terminate treatment with the physician specified in 3.(c) above or the therapist specified in 3.(e) above, he shall first notify the Department of Health Services. The Respondent shall not terminate said treatment unless he has engaged the services of other physicians or therapists licensed in the State of Connecticut and approved by the Department of Health Services, in order to fulfill the requirements of 3(a) -(f) above.
- (h) The Respondent hereby assumes full responsibility for the timely filing of the reports referred to in 3.(d), and 3.(f) above.

- (i) That said one (1) year probationary period shall become effective the first day of the next month after this document is ordered and accepted.
4. That any deviation by the Respondent from the terms of probation specified in paragraphs 3.(a) through 3.(i) above shall constitute a violation of probation and will result in the following procedure:
- a. That he will be notified in writing that the term(s) of probation have been violated provided no prior written consent for deviation from the term(s) had been granted by the Department of Health Services.
 - b. That said notification shall include the act(s) or omission(s) which violate the probation.
 - c. That he will be allowed fifteen (15) days to demonstrate to the Department of Health Services that he was in compliance with the terms of probation, or to cure the violation of the terms of probation.
 - d. That if he 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 of Health Services, his license shall be suspended for a period of one (1) year or he shall be entitled to a hearing, at the Respondent's option.
 - e. He must initiate said hearing through a written request by certified mail to the Department of Health Services within fifteen (15) days from notification of violation of probation.
 - f. He shall be entitled to a hearing before the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians.

- g. Evidence presented to said Board by either the Department of Health Services or Respondent shall be limited to the alleged violation(s) of the term(s) of probation.
5. Any report filed under 3.d. or 3.f. above that indicates, directly or indirectly, that the Respondent is unable to practice barbering with reasonable skill and safety or within the accepted standards of the barbering profession shall constitute a deviation from the terms of probation and shall result in the procedures listed in 4. above.
 6. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-238 of the General Statutes of Connecticut, as amended, is at issue.
 7. That 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, that said 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 him of any rights that he may have under the laws of the State of Connecticut or of the United States.
 8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.
 9. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.

10. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted. He further agrees that the pre-hearing review form signed by him is incorporated by reference into this Consent Order.

11. That he has consulted with an attorney prior to signing this document.

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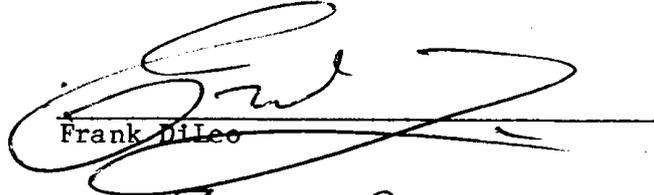
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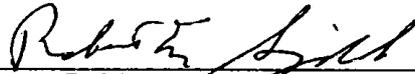
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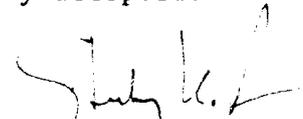
I, Frank DiLeo, M.B., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Frank DiLeo

Subscribed and sworn to before me this 27th day of June 1991.


~~Notary Public or person authorized by law to administer an oath or affirmation~~ ROBERT M. SILZ
Commissioner of the Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 17th day of July 1991, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians on the 30 day of Sep 1991, it is hereby ordered and accepted.


for the Board of Examiners for Barbers, Hairdresser and Cosmeticians



STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

filed
2/9/93

1 February 1993

(164)

Frank Dileo
184 Meadow Street
Naugatuck, CT 06770

Bark

623

Re: Petition No. 901005-25-002

Dear Mr. Dileo:

I am writing to inform you that this office received the final report of your required physicals on December 23, 1992. The receipt of this report marks the completion of your probationary requirements.

This letter serves to inform you that you have completed all the stipulations of your Consent Order, dated September 30, 1991 and that the **terms of your probation have been completed**. Notice will be provided to our licensure and renewal section to remove any restrictions from your license.

Very truly yours,

Lynne A. Hurley

Lynne A. Hurley
Investigator
Public Health Hearing Office

LAH:cja
77570/18
1/93

cc: David J. Pavis, Chief, PHHO
John Boccaccio, Chief, L&R
Joseph Gillen, Chief, APEX