STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Kareem McDaniel

Petition No. 2013-120, 2013-121

PRELICENSURE CONSENT ORDER

WHEREAS, Kareem McDaniel of Middletown, Connecticut (hereinafter "respondent") has applied for a license to practice hairdressing and barbering by the Department of Public Health (hereinafter "the Department") pursuant to Connecticut General Statutes, Chapter 386 and 387, as amended.

WHEREAS, respondent admits:

1. The Department has at no time issued respondent a license to practice hairdressing and barbering under the General Statutes of Connecticut, Chapter 386 and 387, as amended.

2. During the course of 1997 through 2003, respondent committed burglary, assaulted an individual, sold and possessed controlled substances, interfered with an arresting officer and/or resisted arrest, violated probation, committed criminal trespass and operated a motor vehicle while under suspension. Respondent was thereafter sentenced to multiple felonies.

3. The conduct described above constitutes grounds for the denial of respondent's application for licensure pursuant to Connecticut General Statutes §19a-14.

NOW THEREFORE, pursuant to Connecticut General Statutes §19a-14 stipulates and agrees to the following:

1. Respondent waives the right to a hearing on the merits of his application for licensure.
   After satisfying the requirements for licensure as a hairdresser and barber set forth in Connecticut General Statutes, Chapter 386 and 387, respondent's licenses to practice hairdressing and barbering will be issued.
2. Respondent waives the right to a hearing on the merits of his application for licensure.
3. After satisfying the requirements for licensure as a hairdresser and barber set forth in Connecticut General Statutes, Chapter 386 and 387, respondent's license to practice as a hairdresser and barber will be issued.
4. Respondent's license to practice as hairdresser and barber in the State of Connecticut shall, immediately upon issuance, be placed on probation for one (1) year under the following terms and conditions:
   a. Respondent shall provide his employer, partner and/or associate at any office, salon, shop and/or facility at which he is employed as a hairdresser or barber with a copy of this Prelicensure Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide reports from such employer monthly for the first three months of probation and then quarterly for the remainder of probation stating he is practicing with reasonable skill and safety and in an alcohol and substance free state.
   b. Respondent shall provide his parole officer with a copy of this Prelicensure Consent Order within

fifteen (15) days of its effective date. Respondent agrees to provide reports from such probation officer quarterly stating he is complying with the terms of his parole.

c. During probation, respondent shall report any arrest to the Department within fifteen days.

d. During probation respondent shall only practice hairdressing and barbering in a setting that includes other hairdressers or barbers.

e. Respondent shall refrain from the ingestion of alcohol in any form and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drug unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. Respondent shall inform said licensed health care professional of respondent's substance abuse history. In the event a medical condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

(1) Respondent at his own expense, shall submit to weekly random observed urine screens for alcohol, controlled substances, and legend drugs; in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ('Attachment A: Department Requirements for Drug and Alcohol Screens'). Respondent shall submit to such screens on a more frequent basis if requested to do so by the Department. Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.

(2) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department by the testing laboratory. All such screens shall be negative for alcohol, controlled substances, and legend drugs, except for medications prescribed by respondent's physician. If respondent has a positive urine screen, the facility shall immediately notify the Department. All positive random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.

(3) Respondent understands and agrees that if he fails to submit a urine sample when requested by his monitor, such missed screen shall be deemed a positive screen.

(4) Respondent shall notify each of his health care professionals of all medications prescribed for him by any and all other health care professionals.

(5) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.

e. All correspondence and reports required by this Prelicensure Consent Order shall be addressed to:

Ms. Olive Tronchin
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, Connecticut 06134-0308

5. All reports required by the terms of this Prelicensure Consent Order shall be due according to a schedule to be established by the Department of Public Health.
6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
7. Respondent shall pay all costs necessary to comply with this Prelicensure Consent Order.
8. Any alleged violation of any provision of this Prelicensure 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 Prelicensure Consent Order have been violated, provided 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 this Prelicensure Consent Order.
   c. Respondent shall be allowed fifteen (15) days from the date of the mailing to demonstrate compliance to the satisfaction of the Department or, in the alternative, that he cured the violation.
   d. If respondent does not demonstrate compliance or cure the violation within fifteen (15) days to the Department's satisfaction, he shall be entitled to a hearing for a final determination of the disciplinary action.
   e. Evidence presented in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Prelicensure Consent Order.
9. If respondent is not employed as a hairdresser or barber for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in

reducing the probationary period covered by this Prelicensure Consent Order and such terms shall be held in abeyance. During such time, respondent shall not be responsible for complying with the terms of probation of this Prelicensure Consent Order. If respondent resumes the practice of hairdressing or barbering, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of hairdressing or barbering without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice.

10. If, during the period of probation, respondent practices hairdressing or barbering outside Connecticut, he shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Prelicensure Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Prelicensure Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of hairdressing or barbering in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.

11. In the event respondent violates any term of this Prelicensure Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license.

12. 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 Quality and Safety Branch.

13. This Prelicensure Consent Order is effective when ordered and accepted by a duly appointed agent of the Department.

14. Respondent understands this Prelicensure Consent Order is a public document and evidence of the above admitted violations shall be deemed true in any proceeding in which his compliance with this Prelicensure Consent Order or with Connecticut General Statutes §§20-238 or 20-263, as amended, is at issue.

15. If respondent violates a term of this Prelicensure Consent Order, respondent agrees immediately to refrain from practicing hairdressing and barbering upon request by the Department for a period not to exceed forty-five (45) days. During that time, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, and/or random urine screens if requested to do so by the Department. 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 forty-five (45) day period shall constitute grounds for a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered, as a matter of law, a clear and immediate danger as required by Connecticut General Statutes §§4-182(c) and 19a-17(c).

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 Prelicensure Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Prelicensure Consent Order shall not be subject to modification as a result of any claim by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Order is not subject to appeal or review under the provisions of Connecticut General Statutes, Chapters 54 or 368a provided that this stipulation shall not deprive respondent of any rights he may have under the laws of the State of Connecticut or of the United States.

18. This Prelicensure 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.

19. Respondent permits a representative of the Office of Licensure Regulation and Compliance to present this Prelicensure Consent Order and its factual basis to the Department. Respondent understands that the Department has complete and final discretion whether this Prelicensure Consent Order is approved and accepted.

20. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Prelicensure Consent Order during vacations and other periods when he is away from his residence.

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

22. 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. This Prelicensure Consent Order does not affect any civil or criminal liability or defense.

23. This Prelicensure Consent Order embodies the entire agreement of the parties regarding this case. All previous communications or agreements regarding the subject matter of this Prelicensure Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Kareem McDaniel, have read the above Prelicensure Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.

Kareem McDaniel

Subscribed and sworn to before me this 25th day of April 2013.

Notary Public/Commissioner Superior Court

Commission expires 4/30/2016

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 9th day of May 2013, it is hereby ordered and accepted and ordered.

Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch