

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

In re: Adam Lyke

Petition No. 2012-1144

PRELICENSURE CONSENT ORDER

WHEREAS, Adam Lyke of Middletown, Connecticut (hereinafter "respondent") has applied for licensure to practice as a barber by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 386 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. During the course of approximately August 2004 through September 2011, respondent was convicted of multiple criminal offenses including first degree robbery and possession of narcotics.
2. The conduct described above constitutes grounds for the denial of respondent's application for licensure pursuant to §19a-14 of the General Statutes of Connecticut.

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

1. Respondent waives the right to a hearing on the merits of his application for licensure.
2. After satisfying the requirements for licensure as an barber as set forth in Chapter 386 of the General Statutes of Connecticut, respondent's license to practice as a barber will be issued.
3. Respondent's license to practice as a barber in the State of Connecticut shall, immediately upon issuance, be placed on probation for two years under the following terms and conditions:

- a. During the period of probation, respondent shall report to the Department any conviction within the United States of America. Such report shall occur within fifteen (15) days of such event.
- b. Respondent shall provide his employer, partner and/or associate at any salon, business, or partnership at which he is employed or with which he has a professional association, and at each place where respondent practices as a barber throughout the probationary period, with a copy of this Prelicensure Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of the employment/association. Respondent agrees to provide quarterly reports from such employer/business for the probation, stating that respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state.
- c. During the period of probation, respondent shall only practice as a barber in a setting that physically includes another licensed barber on-site while respondent is practicing at said setting.
- d. 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 Prelicensure 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 Prelicensure Consent Order within fifteen (15) days of the effective date of this 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 monthly for the first year of probation; and quarterly for the remainder of the probation, which shall address, but not necessarily be limited to, respondent's ability to practice barbering in an alcohol and substance free state 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.

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. 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) During the first year of the probationary period, 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'); during the second year, he shall submit to such screens on a twice per month basis. Respondent shall submit to such screens on a more frequent basis if requested to do so by the therapist or 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 Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians (hereinafter "the Board") and 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 an 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 Prelicensure 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.

4. 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. The purpose of this Prelicensure Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
5. In the event respondent violates a term of this Prelicensure Consent Order, respondent agrees immediately to refrain from practicing as barber, 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 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 be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General

Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

6. This Prelicensure Consent Order embodies the entire agreement of the parties with respect to 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.
7. Respondent shall comply with all state and federal statutes and regulations applicable to his license.
8. Respondent shall notify the Department of any change(s) in his employment within fifteen (15) days of such change.
9. Respondent shall notify the Department of any change(s) in his home and/or business address within fifteen (15) days of such change.
10. That correspondence and reports required by the terms of this Prelicensure Consent Order are to be addressed to:

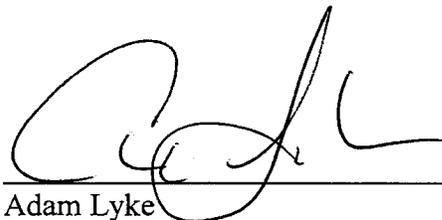
Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Practitioner Licensing and Investigations
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, Connecticut 06134-0308

11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations of the Healthcare Quality and Safety Branch of the Department.
12. Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations shall be deemed true in any proceeding before the Board in which (1) his compliance with this Prelicensure Consent Order is at issue, or

(2) his compliance with §20-238 of the Connecticut General Statutes, as amended, is at issue.

13. 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 that the terms contained herein may result in action 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 Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
14. 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.
15. This Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
16. Respondent understands this Prelicensure Consent Order is a matter of public record
17. Respondent understands he has the right to consult with an attorney prior to signing this Prelicensure Consent Order.

I, Adam Lyke, 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.


Adam Lyke

Subscribed and sworn to before me this 24 day of May 2013.


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

LINDA MICHELLE FIELD
NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 31, 2017

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 13th day of June _____ 2013, it is hereby ordered and accepted.


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

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