STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

In re: Hilary Kawecki Petition No. 2003-1216-026-002

CEASE AND DESIST CONSENT ORDER

WHEREAS, the Department of Public Health (hereinafter "the Department") is a state agency charged with the regulation of the professional practice of medicine and respiratory care practitioners;

WHEREAS, Hilary Kawecki of Torrington, Connecticut (hereinafter "respondent") was issued license number 026-000653 to practice respiratory care by the Department pursuant to Chapter 20-162o of the General Statutes of Connecticut;

WHEREAS, the General Statutes of Connecticut, §20-162n(b) defines the scope of practice for a respiratory care practitioner issued a license by the Department;

WHEREAS, while employed by licensed physicians, respondent admits that, on or about December 6, 2003, he engaged in conduct not authorized under General Statutes of Connecticut §20-162n(b) in that he administered flu vaccinations;

WHEREAS, the Department is authorized by the General Statutes of Connecticut §§19a-11 and 19a-17 to issue an appropriate order to any person found to be violating an applicable statute; and,

WHEREAS, respondent agrees that the above allegations shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-9 and 19a-10 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19-10 and 19a-11 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. He waives his right to a hearing on the merits of this matter.
2. He agrees to cease and desist in the practice of administering flu vaccinations or in any other practice that requires licensure in the State of Connecticut without first obtaining an appropriate license.
3. This Cease and Desist 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 Consent 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 other rights that he may have under the laws of the State of Connecticut or of the United States.
4. This Cease and Desist Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

5. This Cease and Desist Consent Order is effective after the last signatory is affixed to this document.

6. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems of the Department to present this Cease and Desist Consent Order and the factual basis for said Cease and Desist Consent Order to the Department. Respondent understands that said Department has complete and final discretion as to whether or not an executed Cease and Desist Consent Order is approved or granted.

7. Respondent understands that he has the right to consult with an attorney prior to signing this document.

8. This Cease and Desist Consent Order is a matter of public record.

9. Respondent understands that this Cease and Desist Consent Order may be considered evidence of the above admitted violations in any subsequent proceeding in which (1) his compliance with this Cease and Desist Consent Order is at issue, or (2) his compliance with the provisions of Title 20 of the Connecticut General Statutes is at issue.

10. 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, Hilary Kawecki, have read the above Cease and Desist Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Cease and Desist Consent Order to be my free act and deed.

Hilary Kawecki

Hilary Kawecki

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

SANDRA B. LAONE
Notary Public
My Commission Expires Jun. 30, 2008

Sandra B Laone
Notary Public or person authorized
By law to administer an oath or affirmation

The above Cease and Desist Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 20th day of September, 2004, it is hereby accepted.

Marianne Horn

Marianne Horn, Director
Division of Health Systems Regulation
Bureau of Healthcare Systems