

07-001507

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

In re: Jolly M. Cyriac, RCP

Petition No. 2006-1208-000-059

PRELICENSURE CONSENT ORDER

WHEREAS, Jolly M. Cyriac of Mohawk, Connecticut (hereinafter "respondent") has applied for licensure to practice as a respiratory care practitioner by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 381a of the General Statutes of Connecticut, as amended; and,

WHEREAS, on or about January 24, 2006 respondent entered into an Order in the State of California (hereinafter "the Order") revoking respondent's license to practice as a respiratory care practitioner. Said revocation was stayed for seven years. Said Order further placed respondent's license on probation for seven years and, as part of her probation, suspended her license for 90 days from the effective day of the Order (a true and complete copy of which is attached hereto marked as Attachment "A" and incorporated herein by this reference.)

WHEREAS, respondent hereby stipulates and agrees as follows:

1. The Department has at no time issued respondent a license to practice as a Respiratory Care Practitioner under the General Statutes of Connecticut, Chapter 381a.
2. Respondent admits the facts set forth in Attachment "A."
3. 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.

WHEREAS, respondent successfully completed and received a passing grade in an advanced level exam that included clinical simulation from the National Board for Respiratory Care pre-approved by the Department.

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 her application for licensure.

2. After satisfying the requirements for licensure as a respiratory care practitioner as set forth in Chapter 381a of the General Statutes of Connecticut, respondent's license to practice as a respiratory care practitioner will be issued.
3. Respondent's license to practice as a respiratory care practitioner in the State of Connecticut shall, immediately upon issuance, be placed on probation concurrently with the probationary time period of the Order. During the entire period of probation, respondent's Connecticut license shall also be subject to the following terms and conditions:
 - a. Respondent shall only practice as a respiratory care practitioner in an office and practice setting that includes other respiratory care practitioners.
 - b. Respondent may not be employed or function as a member of a respiratory care management or supervisory staff or in a leadership position. She shall further be prohibited from working in a home care setting.
 - c. Respondent shall provide her employer, partner and/or associate at any hospital, clinic, partnership, office and/or association at which she is employed as a respiratory care practitioner 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 quarterly for entire probationary period stating that respondent is practicing with reasonable skill and safety.
 - d. During any period of time in which respondent practices as a respiratory care practitioner in California, she shall provide the Department with quarterly reports from the California license probation monitor stating that respondent is compliance with the Order.
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.
5. Respondent shall comply with all state and federal statutes and regulations applicable to her license.
6. Respondent shall notify the Department of any change(s) in her employment within fifteen (15) days of such change.
7. Respondent shall notify the Department of any change(s) in her home and/or business address within fifteen (15) days of such change.

8. Any deviation from the term(s) of this Prelicensure Consent Order without prior written approval of the Department shall constitute a violation. A violation of any term(s) of this Prelicensure Consent Order shall result in the right of the Department in its discretion to immediately deem respondent's respiratory care practitioner license rescinded. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Notice of the rescission of the license shall be sent by the Department to respondent's address of record. Respondent waives any right to a hearing on the issue of violation of the terms of this Prelicensure Consent Order.
9. All 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

10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations of the Healthcare Systems Branch of the Department.
11. Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Department of Public Health in which (1) her compliance with this Prelicensure Consent Order is at issue, or (2) her compliance with §20-162p of the Connecticut General Statutes, as amended, is at issue.
12. If respondent is not practicing as a respiratory care practitioner for periods of thirty (30) consecutive days or longer in Connecticut or is employed as a respiratory care practitioner outside of Connecticut, respondent shall notify the Department in writing within seven days of the occurrence of said event. With the exception of practicing as a respiratory care practitioner in California, such periods of time shall not be counted in reducing the probationary period covered by this Prelicensure Consent Order and the terms of the instant Prelicensure Consent Order shall be held in abeyance. If respondent intends

to return to practice as a respiratory care practitioner in Connecticut, respondent shall immediately notify the Department in writing.

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. 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 she 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 she has the right to consult with an attorney prior to signing this Prelicensure Consent Order.

I, Jolly M. Cyriac 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.

Jolly M. Cyriac
Jolly M. Cyriac

Subscribed and sworn to before me this 9th day of Feb 2007.

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

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 23rd day of February 2007, it is hereby ordered and accepted.

Jennifer Filippone
Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch