

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

In re: Doreen Bastian, L.M.T.

Petition No. 2000-1218-029-003

CONSENT ORDER

WHEREAS, Doreen Bastian of Branford (hereinafter "respondent") has been issued license number 000270 to practice licensed massage therapy by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. Respondent is, and has been at all times referenced in this Consent Order, the owner of Bastian's Day Spa in Branford.
2. From 1994 to at least December of 2001, respondent had performed permanent hair removal services for customers of Bastian's Day Spa.
3. On or about December 6, 2001, respondent employed Mardi Fletcher, an unlicensed hairdresser, who was providing hairdressing/cosmetology services.
4. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-206c.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before a hearing officer designated by the commissioner (hereinafter "the Department"), this Consent Order shall have

the same effect as if proven and ordered after a full hearing held pursuant to §§19a-14 and 20-206c of the General Statutes of Connecticut.

WHEREAS, respondent has filed civil action number CV980418322S, *Bastian v. Dipaola, et al.*

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-206c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of two hundred dollars (\$200) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions:
 - a. Respondent shall obtain at her own expense, the services of a licensed massage therapist, pre-approved by the Department (hereinafter "supervisor"), to conduct a quarterly random review of the appointment book for Bastian's Day Spa and twenty percent (20%) or twenty (20) of respondent's client records, whichever is the larger number. In the event respondent has twenty (20) or fewer clients, the supervisor shall review all of respondent's client records.
 - (1) Respondent's supervisor shall conduct such review and meet with her not less than once every quarter for the entire probationary period.
 - (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means that he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.

- (3) Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the entire probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the client records, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety and within the scope of practice of licensed massage therapy.
- b. Within the probationary period, respondent shall attend and successfully complete eight (8) hours of coursework in business ethics, pre-approved by the Department. Within ten (10) days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).
4. Respondent shall cease and desist employing any unlicensed person to engage in the practice of hairdressing/cosmetology or in any other practice that requires licensure in the State of Connecticut without that person having first obtained an appropriate license.
5. Respondent shall cease and desist in the practice of hypertrichology or in any other practice that requires licensure in the State of Connecticut without first obtaining an appropriate license.
6. Respondent shall withdraw her civil action number CV980418322S in the matter of *Bastian v. DePaola, et al*, with prejudice.
7. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

8. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
9. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
10. Respondent shall pay all costs necessary to comply with this Consent Order.
11. Any alleged violation of any provision of this 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 Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) that violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 11a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.
 - d. If respondent 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, she shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

12. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a licensed massage therapist, upon request by the Department, 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. 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 constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
13. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of her license before the Department.
14. In the event respondent is not employed as a licensed massage therapist for periods of thirty (30) consecutive days or longer, or is employed as a licensed massage therapist less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.
15. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensure and Certification of the Bureau of Healthcare Systems of the Department.
16. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
17. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in

which her compliance with this Consent Order or with §20-206c of the General Statutes of Connecticut, as amended, is at issue.

18. 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.
19. 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, this 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 rights that she may have under the laws of the State of Connecticut or of the United States.
20. This 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.
21. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
22. Respondent understands and agrees that she is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which she is away from her residence.
23. Respondent has the right to consult with an attorney prior to signing this document.

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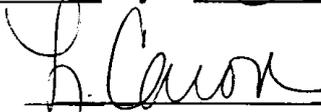
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I, Doreen Bastian, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Doreen Bastian, L.M.T.

Subscribed and sworn to before me this 10th day of October 2002.



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

My Commission Expires Sept. 30, 2006

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 24th day of October 2002, it is hereby accepted.



Stanley K. Peck, Director, Legal Office
Bureau of Healthcare Systems

S: mlte/bastian/legal/co. 10/02



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 25, 2003

Doreen Bastian, L.M.T.
23 Avon Road
Branford, CT 06405

Re: Consent Order
Petition No. 2000-1218-029-003
License No. 000270


Dear Ms. Bastian:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective November 1, 2003.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Respectfully,

A handwritten signature in cursive script that reads "Olive Tronchin".

Olive Tronchin
Division of Health Systems Regulation

cc: J. Fillippone



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
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P.O. Box 340308 Hartford, CT 06134
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