

CERTIFIED 1 L - RETURN RECEIPT REQUESTED N \_\_\_\_\_

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Stephen Chabak, M.T.

Petition No. 950724-29-001

CONSENT ORDER

WHEREAS, Stephen Chabak of Riverside, Connecticut (hereinafter "respondent") has been issued license number 000541 to practice as a massage therapist by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384a of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. respondent breached professional boundaries with certain massage therapy clients; and,
2. the foregoing conduct constitutes grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-206c.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department the above allegations in this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-206c of the General Statutes of Connecticut.

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

1. That he hereby waives his right to a hearing in this matter.
2. That he shall not operate his massage therapy practice from his home and/or residence, or perform massage therapy in his home and/or residence, without prior written authorization from the Department.
3. That in the event he is an instructor of massage therapy, he shall not provide massage therapy services to any person who is at that time also his student.
4. That he shall pay a civil penalty in the amount of five hundred dollars (\$500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." Said civil penalty shall be payable at the time respondent submits the executed Consent Order to the Department.
5. That he shall comply with all state and federal statutes and regulations applicable to his licensure.
6. That he understands that this Consent Order is a matter of public record.
7. That 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) 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 7(a) above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he 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, he shall be entitled to a hearing for a final determination of any disciplinary action to be taken.

(e) Evidence presented either by the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

8. That, in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a 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, 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 his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c).
9. That, 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 his license.
10. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.

11. That this Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Department.
12. That the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-206c of the General Statutes of Connecticut, as amended, is at issue.
13. That 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.
14. That 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, that 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 he may have under the laws of the State of Connecticut or of the United States.
15. That this Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the the Department at any time prior to its being executed by the last signatory.
16. That respondent permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this Consent Order and the factual basis for this Consent Order to the Hearing Officer. Respondent understands that the Department has complete and final discretion as to whether an executed Consent Order is approved or accepted.
17. That respondent has the right to consult with an attorney prior to signing this document.

I, Stephen Chabak, 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.

Stephen Chabak  
Stephen Chabak, Massage Therapist

Subscribed and sworn to before me this 30<sup>th</sup> day of October 1995.

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

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 30<sup>th</sup> day of October 1995, it is hereby accepted.

[Signature]  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

The above Consent Order having been presented, on the 30<sup>th</sup> day of October 1995, to the Hearing Officer, duly appointed by the Commissioner of the Department of Public Health, it is hereby ordered and accepted.

Catherine Hess  
Catherine Hess, Hearing Officer

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