STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Raymond DuBois, M.T. Petition No. 970829-029-006

CONSENT ORDER

WHEREAS, Raymond DuBois of Greenwich, CT (hereinafter "respondent") has been issued license number 000557 to practice 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. He failed to maintain appropriate boundaries with a female client.
2. 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 the Department of Public Health (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.

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 his right to a hearing on the merits of this matter.

2. Respondent's license shall be placed on probation for a period of two years under the following terms and conditions:

   a. Respondent's practice shall be supervised at all times by a licensed massage therapist approved by the Department (hereinafter "supervisor").

      (1) Respondent's supervisor shall meet with him not less than monthly for the entirety of the probationary period.

      (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which 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 entirety of the probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with respondent, any discussions with staff regarding respondent's adherence to acceptable boundaries of the massage therapy profession , additional monitoring techniques utilized, and a statement that respondent is practicing with reasonable skill and safety.

   b. Within six months of the effective date of this Consent Order, respondent shall successfully complete and provide proof of completion to the satisfaction of the Department, a class pre-approved by the Department in ethics and professional boundaries.

3. 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

4. All reports required by the terms of this Consent Order shall be due the tenth business day of every third month.

5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.

6. Respondent shall pay all costs necessary to comply with this Consent Order.

7. 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) which 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 7a 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 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.

8. 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.

9. 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 before the Department.

10. In the event respondent is not employed as a massage therapist for periods of thirty (30) consecutive days or longer, or is employed as a 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.

11. 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 Health Systems Regulation of the Department.

12. 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.

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

14. 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.

15. 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 he may have under the laws of the State of Connecticut or of the United States.

16. 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.

17. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services 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.

18. Respondent has the right to consult with an attorney prior to signing this document.

I, Raymond DuBois, 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.

Raymond DuBois, M.T.

Subscribed and sworn to before me this 25th day of September 1998.

Pamela L. Bailey
Notary Public or person authorized
by law to administer an oath or affirmation
Commissioner of the Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 5th day of October 1998, it is hereby accepted.

Cynthia Denne
Cynthia Denne, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the _____ on the _____ day of _____ 1998, it is hereby ordered and accepted.

_____
Commissioner or his designee

jpl/
duboisco