STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Barbara Avery Petition No. 2008-0911-029-007

PRELICENSURE CONSENT ORDER

WHEREAS, Barbara Avery of Stafford Springs, Connecticut (hereinafter "respondent") has applied for licensure 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:

1. The Department has at no time issued respondent a license to practice massage therapy under the General Statutes of Connecticut, Chapter 384a.
2. From 2001 to the present, she engaged in the practice of massage therapy without a license.
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.

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 hairdresser as set forth in Chapter 384a of the General Statutes of Connecticut, respondent's license to practice massage therapy will be issued.

3. Immediately upon issuance, respondent's license to practice massage therapy in the State of Connecticut is hereby reprimanded.

4. Respondent shall pay a civil penalty of two thousand dollars ($2,000.00) 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 Prelicensure Consent Order to the Department.

5. 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Consent Order shall result in the right of the Department in its discretion to immediately deem respondent's license rescinded.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

6. 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.

7. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.

8. Respondent shall notify the Department of any change in her home or business address within fifteen (15) days of such change.

9. 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. The purpose of this Prelicensure Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.

10. Respondent shall comply with all state and federal statutes and regulations applicable to her license.

11. Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians in which (1) her compliance with this Prelicensure Consent Order is at issue, or (2) her compliance with §20-206b of the Connecticut General Statutes, as amended, is at issue.

12. 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.

13. 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.

14. This Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.

15. Respondent understands this Prelicensure Consent Order is a public record.

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

17. This Prelicensure Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this Prelicensure Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Barbara Avery, 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.

Barbara Avery

Subscribed and sworn to before me this 5th day of December 2008.

DOREEN D. MOULTON
NOTARY PUBLIC – CONNECTICUT
My Comm. Expires Mar. 31, 2010

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 22nd day of December 2008, it is hereby accepted and ordered.

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