

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Kyung S. Um

Petition No. 2008-0229-000-009

PRELICENSURE CONSENT ORDER

WHEREAS, Kyung S. Um of Flushing, New York (hereinafter "respondent") has applied for licensure to practice as a massage therapist 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. The Department has at no time issued respondent a license to practice the occupation of massage therapy under the General Statutes of Connecticut, Chapter 384a.
2. During September 2008, respondent worked without a license as a massage therapist at Spa World, Incorporated in Orange.
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 massage therapist as set forth in Chapter 384a of the General Statutes of Connecticut, respondent's license to practice as a massage therapist will be issued.
3. Immediately upon issuance, respondent's license shall be reprimanded.

4. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) 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 Consent Order to the Department.
5. 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.
6. 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regarding the subject matter of this Prelicensure Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.
7. Respondent shall comply with all state and federal statutes and regulations applicable to her license.
8. Respondent shall notify the Department of any change(s) in her employment within fifteen (15) days of such change.
9. Respondent shall notify the Department of any change(s) in her home and/or business address within fifteen (15) days of such change.
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 a Hearing Officer in which (1) her compliance with this Prelicensure Consent Order is at issue, or (2) her compliance with §20-206c of the Connecticut General Statutes, as amended, is at issue.
12. Respondent understands that any return to the practice of massage therapy without pre-approval from the Department shall constitute a violation of this Prelicensure Consent Order and may subject the respondent to further disciplinary action.
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 [s/he] 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, Kyung S. Um 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.

Kyung Sook Seem.
Kyung S. Um

Subscribed and sworn to before me this 8th day of May 2009.

Jenine Cordes
Notary Public or person authorized
by law to administer an oath or affirmation
My Comm. Expires April 30, 2013

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21st day of May 2009, it is hereby ordered and accepted.

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