

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

In re:

Agnes L. McCormick, N.H.A.

Petition No. 850903-36-004

CONSENT ORDER

WHEREAS, Agnes L. McCormick of Lower Rocks Lane, Norwalk, Connecticut has been issued license number 477 to practice as a Nursing Home Administrator by the Department of Health Services pursuant to Chapter 368v of the General Statutes of Connecticut, as amended; and

WHEREAS, Agnes L. McCormick hereby admits and acknowledges that:

1. At all times herein complained of she was the Administrator at Lea Manor Health Care Center, Inc., 73 Strawberry Hill Avenue, Norwalk, Connecticut.
2. On April 12, 1985 an administrative hearing was held to determine whether Lea Manor Health Care Center, Inc. had violated §19a-533 of the Connecticut General Statutes by discriminating against patients on the basis of source of payment.
3. In his Memorandum of Decision the Hearing Officer on May 30, 1985 found that Lea Manor Health Care Center, Inc. had discriminated against indigent patients in violation of Connecticut General Statutes §19a-533. The findings of fact, in part, were as follows:
 - a. In October 1984 the head of Admissions at Lea Manor Health Care Center, Inc. on two separate occasions discriminated against seven indigent applicants by refusing to take their names, refusing to place their

- names on a waiting list, and refusing to issue them application receipts because they were Title 19 (Medicaid) patients. Said conduct violated Connecticut General Statutes §19a-533(b)(1);
- b. In October 1984 Lea Manor Health Care Center, Inc. failed to maintain a daily log violating Connecticut General Statutes §19a-533(b)(4); and
 - c. In October 1984 no receipts were issued to applicants to the facility violating Connecticut General Statutes §19a-533(b)(1).
4. Pursuant to Connecticut Public Health Code §19-13-D8t(f)(3) as Administrator of Lea Manor Health Care Center, Inc. she was responsible for the overall management of the facility including but not limited to the enforcement of any applicable local, state and federal regulations.
5. By virtue of the conduct and/or omissions set forth above in paragraph 1 through 4, she violated §19a-517 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §19a-517 of the Connecticut General Statutes, Agnes L. McCormick hereby stipulates and agrees to the following:

1. That she waives the right to a hearing on the merits of this matter.
2. That she understands that notice of this Consent Order is a matter of public record.
3. That she is hereby censured.

4. That she is hereby assessed a civil penalty of \$500.00. Said fine is to be paid to:

Treasurer, State of Connecticut
Department of Health Services
Public Health Hearing Office
150 Washington Street
Hartford, Connecticut 06106

The civil penalty is to be paid in two installments by certified check. The first installment of \$250.00 shall be paid within 30 days of receipt of notice that this Consent Order has been approved and accepted by the Commissioner of the Department of Health Services or his duly appointed agent. The second installment of \$250.00 shall be paid within 60 days of receipt of notice that this Consent Order has been approved and accepted by the Commissioner of the Department of Health Services or his duly appointed agent.

5. From this point in time and at times in the future, she as a Nursing Home Administrator shall cease and desist from discriminating against indigent patients/applicants based on source of payment. She as a Nursing Home Administrator shall insure that the facility which she administers complies with the requirements of §19a-533 of the Connecticut General Statutes and the regulations promulgated thereunder.
6. Nothing in this Consent Order shall be construed as limiting the powers of the Department of Health Services pursuant to §4-182c of the Connecticut General Statutes.
7. That she understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Commissioner of the Department of Health Services arising out of a subsequent series of facts (1) in which her compliance with

this same order is at issue, or (2) in which her compliance with §19a-517 of the General Statutes of Connecticut, as amended, is at issue.

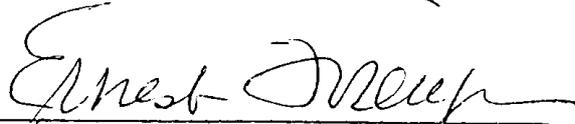
- 8. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive her of any rights that she may have under the laws of the State of Connecticut or of the United States.
- 9. That this Consent Order is effective on the date said Consent Order is ordered and accepted by the Department of Health Services.
- 10. That she understands that he has the right to consult with an attorney prior to signing this document.

I, Agnes L. McCormick, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



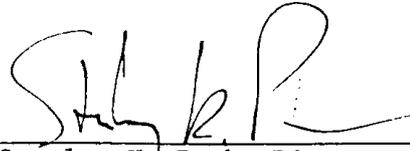
 Agnes L. McCormick

Subscribed and sworn to before me this 10 day of October 1986.



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

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Health Services on the 4th day of November 1986, it is hereby ordered and accepted.



Stanley K. Peck, Director
Division of Medical Quality Assurance

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