

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. \_\_\_\_\_

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

WHEREAS, Gary Caserta, N.H.A.

Petition No. 931007-36-007

CONSENT ORDER

WHEREAS, Gary Caserta, N.H.A. of Stratford, Connecticut (hereinafter "respondent") has been issued license number 000524 to practice as a nursing home administrator by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 368v of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. Since October 1990, respondent has been the licensed nursing home administrator for the Barnett Multi-Health Care Facility, Bridgeport, Connecticut.
2. During June 1993, an elderly female resident at the facility was struck in the face by Mark Shangold, D.P.M.
3. Respondent knew about the physical abuse of the resident, and failed to properly report the abuse within five days as required pursuant to Connecticut General Statutes §17a-412.
4. The conduct described in paragraph 3 fails to conform to the accepted standard for nursing home administrators in violation of Connecticut General Statutes §19a-517(b)(3).

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WHEREAS, respondent, in consideration of this Consent Order, while admitting no guilt or wrongdoing, agrees for the sole purpose of proceedings before the Department, that this Consent Order shall have the same effect as if ordered after a full hearing held pursuant to §19a-19, 19a-10, and 19a-517 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §19a-517 of the General Statutes of Connecticut, Gary Caserta, N.E.A. hereby stipulates and agrees to the following:

1. That he hereby waives his right to a hearing on the merits of this matter.
2. That he is hereby reprimanded.
3. That he is hereby assessed a civil penalty of \$500.00 payable by a certified check to "Treasurer, State of Connecticut" which shall accompany this document upon execution by respondent.
4. That he shall fully comply with all state and federal statutes and regulations applicable to his license.
5. Respondent agrees that the allegations set forth above shall be deemed true for the purposes of this Consent Order and in any future proceeding in which his compliance with the terms of this Consent Order and/or his compliance with Connecticut General Statutes §19a-517, is at issue.
6. That this Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent 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 other rights that he may have under the laws of the State of Connecticut or of the United States.

- 7. That 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.
- 8. That respondent has consulted with an attorney prior to signing this document.
- 9. That respondent understands that this Consent Order is a matter of public record.

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I, Gary Caserta, N.H.A., have read the above Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
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Gary Caserta, N.H.A.

Subscribed and sworn to before me this 5<sup>th</sup> day of September 1994.

  
\_\_\_\_\_  
~~Notary Public~~ or person authorized  
by law to administer an oath or  
affirmation (Commissioner of the  
Superior Court)

The above Consent Agreement having been presented to the duly appointed agent of the Commissioner of Public Health and Addiction Services on the 7<sup>th</sup> day of September 1994, it is hereby ordered and accepted.

  
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Stanley K. Peck, Director  
Division Medical Quality Assurance

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