

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Henry Lemoi, N.H.A.

Petition No. 951215-036-012

CONSENT ORDER

WHEREAS, Henry Lemoi of Bristol, Connecticut (hereinafter "respondent") has been issued license number 000642 to practice nursing home administration by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. Respondent failed to ensure the implementation and/or enforcement of facility policies assuring acceptable patient care. Such areas of deficiency encompassed the failure to implement and/or enforce policies or programs affecting resident care, including, *inter alia*, the following:
 - a. adequate training and/or monitoring to ensure that residents received the necessary care and services to maintain good nutrition, personal hygiene and grooming;
 - b. necessary care services and assessments to prevent development of pressure sores and monitoring of sores;
 - c. necessary care services and assessments to ensure appropriate treatment to increase and/or maintain the range of motion for one patient;
 - d. ensuring that one resident who display mental or psychosocial adjustment difficulty, received appropriate treatment and services to correct the assessed problem;
 - e. ensuring that all staff nurse aides meet competency evaluation requirements by performing a register verification;
 - f. ensuring that all nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs; and,

- g. ensuring notification of physicians in timely and prompt manner of residents' physical and/or mental changes.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §19a-517, taken in conjunction with §19-13-D8t(f)(3) of the Regulations of Connecticut State Agencies (hereinafter "the Regulations").

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 19a-517 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 19a-517 of the General Statutes of Connecticut, taken in conjunction with Regulations §19-13-D8t(f)(3), 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 number 000642 to practice as a nursing home administrator in the State of Connecticut is hereby reprimanded.
3. 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.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.

5. Respondent understands that this Consent Order is a matter of public record.
6. This Consent Order is effective immediately following the date this Consent Order is accepted and ordered by the Department.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which his compliance with §19-517 of the General Statutes of Connecticut, as amended, is at issue.
8. 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.
9. 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.
10. 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.
11. Respondent has the right to consult with an attorney prior to signing this document.

I, Henry Lemoi, 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.

Henry Lemoi
Henry Lemoi, N.H.A.

Subscribed and sworn to before me this 16 day of July 1997.

Christine W. Wood
Notary Public or person authorized
by law to administer an oath or affirmation
My Commission Exp. Dec. 31, 2000

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 24th day of July 1997, it is hereby accepted.

Cynthia Denne
Cynthia Denne, Director
Division of Health Systems Regulation