

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTH CARE SYSTEMS**

In re: Calvin Moffie, N.H.A.

Petition No. 2002-0910-036-006

REINSTATEMENT CONSENT ORDER

WHEREAS, Calvin Moffie of Wallingford, Connecticut (hereinafter "respondent") was issued license number 000738 to practice as a nursing home administrator by the Department of Public Health (hereinafter "the DPH") pursuant to Chapter 368v of the General Statutes of Connecticut, as amended; and,

WHEREAS respondent and DPH admit and agree that:

1. On or about March 6, 1998, respondent executed an affidavit that he submitted to the Department of Social Services (hereinafter "DSS") in order to claim reimbursement on behalf of Alzheimer's Resource Center of Connecticut for certain costs attributable to his activities during the period of late 1989 to August 6, 1991.
2. In its audit of respondent's cost reports for Alzheimer's Resource Center of Connecticut for the period of October 27, 1992 through September 30, 1994, DSS disallowed numerous related party transactions that allegedly violated applicable Connecticut and federal statutes and regulations.
3. Based upon the affidavit, DSS and respondent entered into Consent Order on May 19, 1998 in which respondent agreed to refrain from, for a period of four (4) years, acquiring any ownership interest in, or sharing in profits of, any entity that applies

for reimbursement for items or services from the Medicaid program; applying for reimbursement for items or services from the Medicaid program; being employed by any entity that applies for reimbursement from the Medicaid program for items that he provides or services that he performs; and being employed by any entity when a Medicaid-enrolled provider intends to seek reimbursement from Medicaid for items provided or services performed by that entity that were provided or performed by respondent.

4. Based upon the DSS allegations, DPH brought a Statement of Charges against respondent's nursing home administrator license in June of 2002 and on January 11, 2002, after a hearing in Petition No. 990208-036-001, the Department issued a memorandum of decision that revoked respondent's nursing home administrator license. In the memorandum of decision, DPH found that the affidavit submitted by respondent was inconsistent and false. DPH also found that the submission of this affidavit constituted intentional misconduct and that respondent acted incompetently in the course of his practice as a Nursing Home Administrator.
6. Respondent has appealed the revocation to the Connecticut Superior Court.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, and 19a-517 of the General Statutes of Connecticut, DPH reinstates respondent's license, subject to the following terms and conditions:

1. Respondent withdraws his appeal and waives any right to a hearing or other proceeding on the merits of this matter. Respondent's license number 000738 to practice as a nursing home administrator shall be reinstated on January 13, 2003, provided he reapplies, and his application is complete, by December 20, 2002. Respondent shall not receive a license from the Department prior to January 13, 2003. DPH agrees that respondent satisfies the

requirements for reinstatement of his license, as set forth in §§ 19a-14-1 through 19a-14-5, inclusive, of the Regulations of Connecticut State Agencies.

2. Immediately upon reinstatement, respondent's license to practice as a nursing home administrator in the State of Connecticut will be placed on probation for a period of three (3) years subject to the following terms and conditions:
 - a. Within the first year of the probationary period, respondent shall attend and successfully complete a total of sixty (60) hours of continuing education in a course or courses pre-approved by DPH in (a) professional ethics and (b) federal and state laws applicable to the administration of nursing homes. Within fifteen (15) days of the completion of such coursework, respondent shall provide DPH with proof, to DPH's satisfaction, of the successful completion of such course(s).
 - b. Respondent shall have a supervisor, who must be pre-approved by DPH, for the entire period of his probation. Such supervisor shall not be a member of respondent's family. The supervisor shall meet with respondent not less than monthly and review respondent's professional services. Said supervisor shall provide monthly reports to DPH for the first six months of probation and quarterly reports for the remainder of probation. Said reports shall describe respondent's services as a nursing home administrator and shall state that respondent has complied with all legal and ethical standards applicable to the administration of a nursing home.

3. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. All reports required by the terms of this Reinstatement Consent Order shall be due according to a schedule to be established by DPH.
5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
6. Respondent shall pay all costs necessary to comply with this Reinstatement Consent Order.
7. Any alleged violation of any provision of this Reinstatement Consent Order may result in the following procedures at the discretion of DPH:
 - a. DPH shall notify respondent in writing by first-class mail that the term(s) of this Reinstatement Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) that violate the term(s) of this Reinstatement Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7.a. above to demonstrate to the satisfaction of DPH that he has complied with the terms of this Reinstatement Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of DPH, he shall be entitled to a hearing before DPH which shall make a final determination of the disciplinary action to be taken.

- e. Evidence presented to DPH by either DPH or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Reinstatement Consent Order.
8. In the event respondent violates any term of this Reinstatement Consent Order, respondent agrees immediately to refrain from practicing as a nursing home administrator, upon request by DPH, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with DPH in its investigation of the violation. Respondent further agrees that failure to cooperate with DPH in its investigation during said 45 day period shall constitute grounds for DPH to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with DPH's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
9. In the event respondent violates any term of this Reinstatement Consent Order, said violation may also constitute grounds for DPH to seek a summary suspension of his license.
10. Respondent shall inform DPH of his commencement of employment, and any change of employment, not less than thirty days in advance of such employment. Respondent shall give a copy of this Reinstatement Consent Order to each employer prior to the commencement of his employment with said employer. Respondent shall not be employed as a nursing home administrator, or in any capacity that requires him to have a nursing home administrator license, at more than one facility at a time.
11. In the event respondent is not employed as a nursing home administrator for periods of thirty (30) consecutive days or longer, or is employed as a nursing home administrator less

than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify DPH in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Reinstatement Consent Order.

12. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of DPH. Respondent shall, within seven (7) days of the effective date of this Reinstatement Consent Order, provide to the Licensure and Registration Section of the Division of Health Systems Regulation of DPH with his most recent home address and telephone number. Respondent shall notify DPH within (7) days if he changes his address or phone number at any time during the period of this Reinstatement Consent Order.
13. This Reinstatement Consent Order is effective immediately upon its execution by the last necessary signatory, however, respondent's nursing home administrator license shall not be valid until January 13, 2003.
14. Respondent and DPH agree that this Reinstatement Consent Order shall be deemed a public document, and DPH's allegations as contained in this Reinstatement Consent Order shall be deemed true in any subsequent proceeding before DPH in which his compliance with this Reinstatement Consent Order or with §19a-517 of the General Statutes of Connecticut, as amended, is at issue.
15. Any extension of time or grace period for reporting granted by DPH shall not be a waiver or preclude DPH from taking action at a later time. DPH shall not be required to grant future extensions of time or grace periods.
16. This Reinstatement 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.

17. This Reinstatement Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by DPH at any time prior to its being executed by the last signatory.
18. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
19. Respondent has consulted with an attorney prior to signing this document.

I, Calvin Moffie, have read the above Reinstatement Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Reinstatement Consent Order to be my free act and deed.

Calvin Moffie
Calvin Moffie

Subscribed and sworn to before me this 20th day of December, 2002.

Maryl S. Shipman
Notary Public or person authorized
by law to administer an oath or affirmation
MARIL S. SHIPMAN, Notary Public, Sup. Ct.

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 3rd day of January, 2003, ~~December, 2002,~~ it
is hereby accepted.

Stanley K. Peck
Stanley K. Peck, Director
Legal Office

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