

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

CONSENT ORDER

In re: Robert C. Johnson, N.H.A.

Petition No. 930125-036-002

WHEREAS, Robert C. Johnson of Chicago, Illinois (hereinafter "respondent") has been issued license number 001127 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 makes the allegations set forth in the Second Amended Statement of Charges in Petition No.: 930125-036-002, dated October 5, 1995 (a true and complete copy of which is attached hereto marked as Attachment "A"), and incorporated herein by reference as if set forth in full.

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 the above allegations in this Consent Order shall have the same effect as if ordered after a full hearing held pursuant to §19a-9, §19a-14, and §19a-517 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §19a-517 of the Connecticut General Statutes, as amended, 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 to practice as a nursing home administrator in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand five hundred dollars (\$2,500.00) 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. Said civil penalty shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Upon resuming practice as a nursing home administrator in Connecticut, respondent's license shall be placed on probation for a period of two years under the following terms and conditions:
 - a. At least forty-five (45) days before respondent begins practice in the State of Connecticut, respondent shall notify the Department of his intention of resuming such practice.
 - b. Respondent shall comply with all federal and state statutes and regulations applicable to his profession.
 - c. Within the first year of the probationary period, respondent shall complete a minimum of eight (8) hours of continuing education, that shall cover, but not be limited to, the following topics: quality assurance, patient management and the long-term care facility, patient's rights, mandatory reporting of abuse and neglect, and responsibilities and duties of nursing home administrators. Such coursework shall be pre-approved by the Department and, within sixty days of completion of such coursework, respondent shall

provide proof to the satisfaction of the Department that he has successfully completed such coursework.

- d. Respondent shall obtain at his own expense, the services of a practitioner pre-approved by the Department (hereinafter "supervisor"), to conduct a random review of twenty percent of respondent's patient records.
 - (1) Respondent's supervisor shall meet with him not less than once every month for the first three (3) months of his probationary period and quarterly for the remainder of the probation period.
 - (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (3) Respondent shall be responsible for providing written supervisor reports directly to the Department monthly for the first three (3) months of the probationary period and quarterly for the remainder of the probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with respondent, number and a general description of the records and issues reviewed relative to the authority, duties and responsibilities of an administrator, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.

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

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

6. All reports required by the terms of this Consent Order shall be due according to the following schedule:
- a. Monthly reports shall be due on the tenth business day of each month.
 - b. Quarterly reports shall be due the tenth business day of every third month.
7. In the event respondent is not employed as a nursing home administrator in the State of Connecticut for a period of thirty (30) consecutive days or longer, or is employed as a nursing home administrator less than twenty (20) hours per week, respondent shall so notify the Department in writing. Such periods shall not be counted in satisfying the terms of this Consent Order.
8. In connection with this Consent Order, respondent agrees to immediately terminate and dismiss the action entitled *Robert C. Johnson, N.H.A. v. State of Connecticut Department of Public Health, Commissioner of Health, Linda J. Mead*, Superior Court No. CV -- 95-0470100 -- S; AC 16394. Respondent shall further cause the immediate filing of the relevant paperwork to withdraw any and all judicial proceedings against the Department and/or any and all of its agents upon the Department's execution of the Consent Order. Proof of same shall be submitted to the Department and the Attorney General's Office within forty five days (45) of the Department's execution of the Consent Order in Petition No. 930125-036-002. Respondent further agrees to hold harmless for all times the Department, the State of Connecticut Department on Aging, and the State of Connecticut Attorney

General's Office, and all applicable agents, successors and assigns of said entities, for their role in the investigation, prosecution and/or defense of all matters related to Petition No. 930125-036-002.

9. Respondent understands that this Consent Order is a matter of public record.
10. Any alleged violation of this Consent Order, may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this 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) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 10(a) above to demonstrate to the satisfaction of the Department that he has complied with the terms of this 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 the Department, he shall be entitled to a hearing before a Hearing Officer who shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Hearing Officer by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
11. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a nursing home administrator in Connecticut, upon

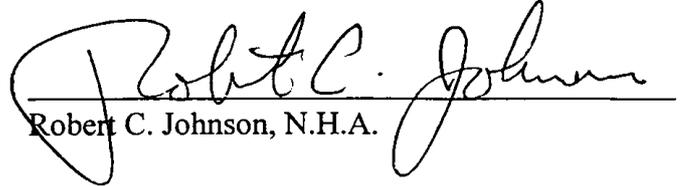
request by the Department, with notice to the Department, for a period not to exceed forty five (45) days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said forty five (45) day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c).

12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before a Hearing Officer pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c).
13. 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 the Department.
14. This Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Commissioner or his agent.
15. The allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §19a-517 of the General Statutes of Connecticut, as amended, is at issue.

16. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
17. 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 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.
18. 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.
19. Respondent permits a representative of the Legal Office of the Department to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Commissioner has complete and final discretion as to whether an executed Consent Order is approved or accepted.
20. Respondent has the right to consult with an attorney prior to signing this document.

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I, Robert C. Johnson, 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.

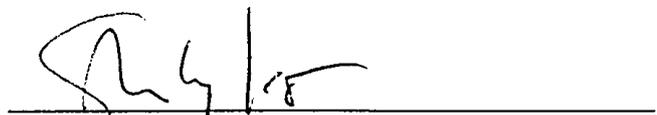

Robert C. Johnson, N.H.A.

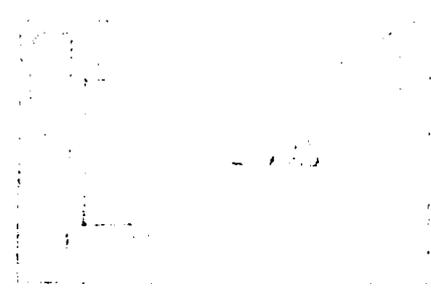
Subscribed and sworn to before me this 22nd day of December, 1998.

JANICE J. CASADONTE
NOTARY PUBLIC - MUSKEGON COUNTY, MI
ACTING IN
MY COMMISSION EXP. 11/05/2000

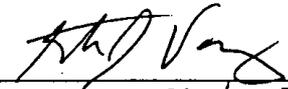

Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 30th day of Dec 1998, it is hereby accepted.


Stanley K. Peck, Director
Legal Office

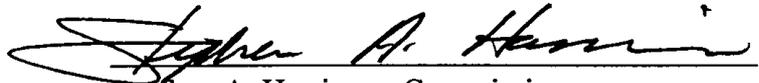


The above Consent Order having been presented to the Hearing Officer on the 4th day of January, 1999, it is hereby accepted.



Hearing Officer Stephen J. Varg

The above Consent Order having been presented to the Commissioner on the 6th day of January, 1999, it is hereby ordered and accepted.



Stephen A. Harriman, Commissioner
Department of Public Health