

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

In re: Dawn Kolenda, N.H.A.

Petition No. 2000-0707-036-001

CONSENT ORDER

WHEREAS, Dawn Kolenda of Harwinton, Connecticut (hereinafter "respondent") has been issued license number 036-001467 to practice as a Nursing Home Administrator by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 368v of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In October 1999 respondent, who was responsible for the overall management of the Cheshire Convalescent Center, Cheshire, Connecticut, allowed substandard conditions to exist in such facility and provided substandard care to the residents of such facility.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §19a-511 taken in conjunction with §19-13-D8t of the Regulations of Connecticut State Agencies.

WHEREAS, respondent, while denying the allegations, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing or violation of law, agrees that for purposes of this or any future proceedings before the Department (hereinafter "the Department"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-180/19a-14 and §19a-511 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 19a-180 and 19a-17 and §19a-511 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of two thousand dollars (\$2000.00) 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.
3. Respondent's license shall be placed on probation for a period of two years under the following terms and conditions:
 - a. Respondent shall obtain at her own expense, the services of an independent consultant, pre-approved by the Department (hereinafter "supervisor"), to conduct a monthly random review of records pertinent to her administrative activities, including, but not limited to overall management of the facility where she is employed as a nursing home administrator or assistant administrator. If respondent is employed as an assistant administrator, the Administrator of the facility shall be acceptable as the supervisor.
 - (1) Respondent's supervisor shall meet with her not less than once every month for the first six months of her probationary period and quarterly for the remainder of the probationary 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 six months of the probationary period and quarterly for the remainder of the probationary period. Such

supervisor's reports shall include documentation of dates and duration of meetings with respondent, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.

- b. Within the probationary period, respondent shall attend and successfully complete thirty (30) hours in coursework in Connecticut or Federal Statutes and regulations pertaining to Long Term Care, or other educational programs relating to quality of care or operation of a long term facility pre-approved by the Department. Within thirty (30) days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).
4. 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
 5. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
 6. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
 7. Respondent shall pay all costs necessary to comply with this Consent Order.
 8. Any alleged violation of any provision 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 8(a) above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she 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, she shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department 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.
9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a Nursing Home Administrator, upon request by the Department, with notice to the Department, for a period not to exceed 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 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 her failure to cooperate with the Department's investigation shall constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

10. 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 her license before the Department.
11. In the event respondent is not employed as a nursing home administrator or assistant 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 the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this 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 the Department.
13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
14. 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 her compliance with this Consent Order or with §19a-511 of the General Statutes of Connecticut, as amended, is at issue.
15. 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.
16. 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 she may have under the laws of the State of Connecticut or of the United States.

17. 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.
18. 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.
19. Respondent understands and agrees that she is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which she is away from her residence.
20. Respondent has the right to consult with an attorney prior to signing this document.

I, Dawn Kolenda, 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.

Dawn Kolenda
Dawn Kolenda

Subscribed and sworn to before me this 2 day of December 2001.

Robert Simpson
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 3rd day of January 2002 it is hereby accepted.

Debra J. Turcotte
Debra J. Turcotte, Director
Division of Health Systems Regulation