

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

In re: John Caswell, Hearing Instrument Specialist

Petition No. 2004-0928-037-002

CONSENT ORDER

WHEREAS, John Caswell of Manchester (hereinafter "respondent") has been issued license number 000320 to practice as a hearing instrument specialist by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 398 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. At all relevant times, respondent practiced as a hearing instrument specialist at the Miracle Ear offices in Enfield and at Sears in Manchester, and approximately once a week at the Miracle Ear office in Middletown.
2. During approximately September 2004, respondent permitted a temporary permittee to practice as a hearing instrument specialist in the Middletown Miracle Ear office without the presence of licensed supervisor, in violation of §20-406-13 of the Public Health Code.
3. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-404 including, but not limited to §20-404(8).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and 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 of Public Health (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, 19a-14 and 20-404 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-404 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. 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.
3. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.
6. 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.
7. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with §20-404 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 Healthcare Systems 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.
12. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

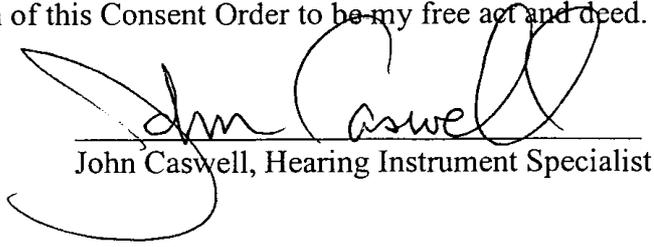
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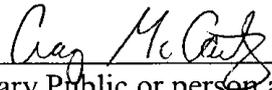
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I, John Caswell, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

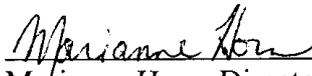

John Caswell, Hearing Instrument Specialist

Subscribed and sworn to before me this 30th day of March 2005.

My Commission Expires
4/30/2008


Notary Public or person authorized Gray McCarthy
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 15th day of April 2005, it is hereby accepted.


Marianne Horn, Director
Division of Health Systems Regulation
Bureau of Healthcare Systems