

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

In re: Richard L. Kennedy, Jr., Optician

Petition No. 2009-0513-038-002

CONSENT ORDER

WHEREAS, Richard L. Kennedy, Jr. of New Haven (hereinafter "respondent") has been issued license number 001074 to practice as an optician by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 381 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. During May 2008 respondent was the owner/agent of Kennedy & Perkins, Incorporated optical shop in Branford. On May 20, 2008 said optical shop was open for business without a licensed optician on duty. Respondent was responsible for staffing the optical shop on that date.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including, but not limited to §20-154.

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 Connecticut Board of Examiners for Opticians (hereinafter "the Board"), 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 20-154 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-154 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

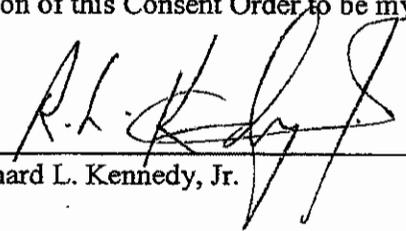
1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 001074 to practice as an optician in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand two hundred and fifty dollars (\$1,250.00) by certified 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 shall pay all costs necessary to comply with this Consent Order.
6. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
7. 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 Board.
8. 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 Board in which his compliance with this Consent Order

or with §20-154 of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order, except where discipline solely consists of a civil penalty, shall be reported to the National Practitioner Data Bank.

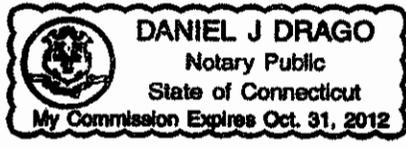
9. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided 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.
10. 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.
11. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
12. Respondent has the right to consult with an attorney prior to signing this document.
13. 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. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.

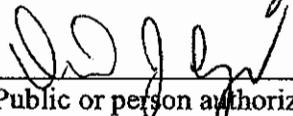
14. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Richard L. Kennedy, Jr., 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.

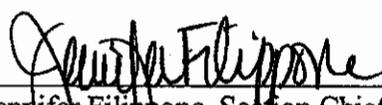

Richard L. Kennedy, Jr.

Subscribed and sworn to before me this 12th day of February 2010.

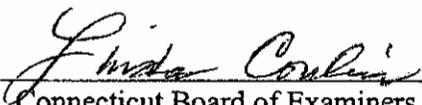



Notary Public or person authorized by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 22nd day of February 2010, it is hereby accepted.


Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Opticians on the 24th day of February 2010, it is hereby ordered and accepted.


Connecticut Board of Examiners for Opticians