

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
REGULATORY SERVICES BRANCH

In re: Janet Dorr

Petition No. 2011-1

CONSENT ORDER

WHEREAS, Janet Dorr of Hamden, CT (hereinafter "respondent") has been issued license number 000511 to practice as an asbestos consultant - project monitor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. On or about October 12, 2009, in connection with an asbestos abatement project at a residential building formerly located at 432-434 Newhall Street, Hamden, CT (hereinafter "the property") respondent's performance as an asbestos consultant - project monitor failed to meet the standards of practice of the profession in one or more of the following ways:
 - a. she failed to properly monitor and evaluate contractor compliance with applicable regulations and/or to ensure that the asbestos abatement project was properly conducted and completed, in violation of §20-440-3(b)(4)(a) of the Regulations of Connecticut State Agencies;
 - b. she performed a final visual inspection of the work areas in the residential building formerly located at the property without understanding the scope of asbestos abatement performed by the contractor; and/or
 - c. she issued a report that stated, in part, all surfaces within the abatement areas were found to be free of visual dust, debris or residue; when in fact significant amounts of visible asbestos containing materials remained throughout the residential building, including, without limitation asbestos containing plaster debris and wood lathing contaminated with asbestos containing plaster.
2. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(g), 19a-332a-12, 20-440-1, 20-440-3(a), 20-440-3(b)(4) and/or 20-440-6 of the Regulations of Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before 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 20-440 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-440 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 and 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, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent's license number 000511 to practice as an asbestos consultant – project monitor shall be suspended for a period of sixty (60) days.
4. Following said suspension, respondent's license shall be placed on probation for a period of six (6) months under the following terms and conditions:
 - a. Respondent shall furnish the Department, on a weekly basis, by no later than 12:00 p.m. on each Friday, a work schedule for the following week. Such schedule shall indicate the date and address for each project where respondent will be providing asbestos consultation services as a project monitor during such week, and to the extent known, the time of day respondent will be providing such services. Respondent shall notify the Department, by facsimile, on a daily basis, by no later than 10:00 a.m. each day, of any known changes to her work schedule for that particular day. The Department understands that the nature of respondent's work is such that she may receive very short notice (e.g. 30 minutes) of projects for which she is to perform air monitoring services. Therefore, respondent shall give the Department immediate notice by telephone, to the attention of Ronald Skomro, Supervising Environmental Analyst, (860) 509-7367, of any project for which respondent is expected to provide asbestos consultation services the same day and for which respondent has not previously notified the Department in accordance with the procedures described above.
 - b. Respondent shall furnish the Department, within forty-eight (48) hours of completing asbestos consultation services as a project monitor for an asbestos abatement project, with documentation associated with any post abatement visual inspections and air sampling conducted by respondent in accordance with the criteria specified in Section 19a-332a-12 of the Regulations of Connecticut State Agencies.

- c. Unless otherwise specified above, respondent shall send each schedule required under paragraph 4a and any documentation required under paragraph 4b, to the Department by facsimile (860-509-7378), to the attention of Ronald Skomro, Supervising Environmental Analyst, or electronically via e-mail (ron.skomro@ct.gov).
 - d. For the purpose of this paragraph 4, "asbestos consultation services" shall have the meaning given in Section 20-440-1(10) of the Regulations of Connecticut State Agencies, "project monitor" shall have the meaning given in Section 20-440-1(29) of the Regulations of Connecticut State Agencies, and "asbestos abatement project" shall have the meaning given in Section 19a-332a-1(e) of the Regulations of Connecticut State Agencies.
5. All correspondence is to be addressed to:

Ronald Skomro, Supervising Environmental Analyst
Department of Public Health
410 Capitol Avenue, MS #51AIR
P.O. Box 340308
Hartford, CT 06134-0308

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 8a 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 within the fifteen (15) days specified 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 is not employed as an asbestos consultant – project monitor for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of an asbestos consultant – project monitor, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of an asbestos consultant – project monitor without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent understands that any return to the practice of an asbestos consultant – project monitor without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.
10. If, during the period of probation, respondent practices as an asbestos consultant – project monitor outside Connecticut, she shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of an asbestos consultant – project monitor in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.
11. 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.
12. 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.
13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted by the Department.
14. Respondent understands this Consent Order shall be deemed as a public document and evidence of the above admitted violations in any proceeding before the Department in which her compliance with this Consent Order or with Chapter 400a 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. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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 Healthcare Systems Branch 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 has the right to consult with an attorney prior to signing this document.
20. 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.
21. 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.

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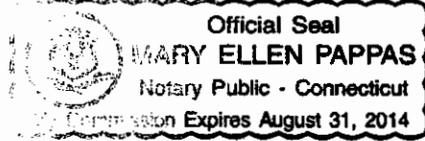
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I, Janet Dorr, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Janet Dorr
Janet Dorr

Subscribed and sworn to before me this 28th day of May 2010.

Mary Ellen Pappas
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 7th day of June 2011, it is hereby accepted.

Suzanne Blancaflor
Suzanne Blancaflor, M.S., M.P.H., Section Chief
Environmental Health Section
Regulatory Services Branch

s:/l/f/Dorr/CO