

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

In re: Marilyn McHose, O.T.

Petition No. 2002-1025-048-002

**CONSENT ORDER**

WHEREAS, Marilyn McHose of Bethel (hereinafter "respondent") has been issued license number 001226 to practice occupational therapy by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 376a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. From about March 2002 through about July 5, 2002 respondent worked as an occupational therapist for Interim Healthcare in Norwich, Connecticut.
2. On or about September 19, 2002 respondent admitted herself to Danbury Hospital for treatment to address a mental health issue. Respondent was treated and left Danbury Hospital without following the ordinary procedures governing the discharge of a patient.
3. On or about October 7, 2002 respondent went unannounced to the home of a former patient of respondent's during respondent's employment at Interim Healthcare. The former patient allowed respondent into her home. Even though respondent was no longer employed by Interim Healthcare, she had a conversation with the former patient regarding future therapy. Respondent also discussed with the former patient her own plans to attend

religious services. Respondent complained to the former patient about nausea and asked for something to eat.

4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-74g.

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 a Hearing Officer designated by the Commissioner (hereinafter "the Hearing Officer"), 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 20-74g of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-74g 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's license shall be placed on probation for a period of two (2) years under the following terms and conditions:
  - a. Respondent shall participate in regularly scheduled therapy at her own expense with a licensed or certified therapist pre-approved by the Department (hereinafter "therapist").
    - (1) Respondent shall provide a copy of this Consent Order to her therapist.

- (2) Respondent's therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
  - (3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.
  - (4) The therapist shall submit reports quarterly for the duration of the probationary period, which shall address, but not necessarily be limited to, respondent's ability to practice occupational therapy safely and competently. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has terminated.
  - (5) The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public, or if respondent discontinues therapy and/or terminates his or her services.
- b. Respondent shall participate in regularly scheduled medication reviews with her prescribing physician and shall be responsible for providing quarterly reports to the Department for the duration of the probationary period. Such reports shall address respondent's compliance with the medication regimen.

- c. Respondent shall provide her employer at each place where respondent practices as an occupational therapist throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide reports from such employer quarterly for the duration of the probationary period, stating that respondent is practicing with reasonable skill and safety.
  - d. During the period of probation, respondent shall only practice occupational therapy in a practice setting that includes other professionals licensed by the Department.
3. 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
4. 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.
5. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. 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 7a 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 a Hearing Officer who shall make a final determination of the disciplinary action to be taken.
  - d. 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.
8. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as an occupational therapist, upon request by 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 and to submit to and complete a medical, psychiatric and/or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. 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 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).

9. 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 Hearing Officer.
10. In the event respondent is not employed as an occupational therapist for periods of thirty (30) consecutive days or longer, or is employed as an occupational therapist less than ten (10) 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.
11. 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.
12. 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.
13. 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 a Hearing Officer in which her compliance with this Consent Order or with §20-74g of the General Statutes of Connecticut, as amended, is at issue.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
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.

I, Marilyn McHose, 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.

Marilyn McHose  
Marilyn McHose, O.T.

Subscribed and sworn to before me this 12<sup>th</sup> day of March 2004.

Mary Alice Leonard  
~~Notary Public or person authorized~~  
by law to administer an oath or affirmation  
COMMISSIONER OF THE SUPERIOR COURT

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 16<sup>th</sup> day of March, 2004, it is hereby accepted.

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