

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
PUBLIC HEALTH HEARING OFFICE**

In re: Lizabeth Jean Caspler

Petition No. 2004-1206-049-001
November 6, 2006

MEMORANDUM OF DECISION

Procedural History

On June 19, 2006, the Department of Public Health ("the Department") filed a Statement of Charges ("the Charges") against Lizabeth Jean Caspler ("respondent") notifying her that the Department was seeking an order to revoke or take other disciplinary action against her occupational therapy license. Rec. Exh. 1.

On July 7, 2006, the Department issued a Notice of Hearing ("the Notice") scheduling a hearing for September 8, 2006. In the Notice the Commissioner of the Department appointed this Hearing Officer to rule on all motions, determine findings of fact and conclusions of law, and issue an order. Rec. Exh. 2.

On September 8, 2006, the Department filed a Motion to Deem Allegations Admitted for failure to file an Answer, which the undersigned granted on September 8, 2006. Tr. p. 7.

On September 8, 2006, an administrative hearing was held to adjudicate the Charges. The hearing was conducted in accordance with Chapter 54 of the Connecticut General Statutes and §§19a-9-1, *et seq.* of the Regulations of Connecticut State Agencies ("the Regulations"). Respondent neither appeared at the hearing, nor requested that it be continued. Tr. p. 2. The Department appeared at the hearing represented by Attorney Leslie Scoville.

This Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's findings of fact, conclusions of law, and order. To the extent that the findings of fact actually represent conclusions of law, they should be so considered, and

vice versa. *SAS Inst., Inc. v. S & H. Computer Systems, Inc.*, 605 F. Supp. 816 (M.D. Tenn. 1985).

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Lizabeth Jean Caspler of Larchmont, New York, has been, at all times referenced, the holder of Connecticut occupational therapy license number 000763.
2. In paragraph 2 of the Charges, the Department alleges that from about July 2004 through September 2004, while employed as an occupational therapist at Tender Loving Care in Stamford, Connecticut, respondent:
 - a. failed to conduct scheduled therapy sessions with patients;
 - b. represented that she provided treatment to patients she had not actually treated;
 - c. submitted paperwork to her employer that did not accurately reflect dates of treatment and/or the signatures of patients; and/or,
 - d. conducted therapy sessions with patients after she was no longer employed by the facility.
3. In paragraph 3 of the Charges, the Department alleges that the above-described conduct constitutes grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-74g.

Findings of Fact

1. Respondent received the Notice of the Hearing on July 14, 2006. Rec. Exh. 2.
2. Respondent did not file an Answer to the allegations contained in the Charges.
3. Pursuant to the undersigned's Ruling of September 8, 2006, granting the Department's Motion to Deem the Allegations Admitted of September 8, 2006, all of the above allegations are deemed admitted and true. Tr. p. 7; *see also*, §19a-9-20 of the Regulations.

Discussion and Conclusions of Law

Pursuant to §§19a-11, 19a-17, and 20-74g of the General Statutes, the Department has the authority to revoke or order other disciplinary action against respondent's license to practice occupational therapy.

In establishing the underlying violations to support such discipline, the Department bears the burden of proof by a preponderance of the evidence. *Swiller v. Comm'r. of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, reh'g den., 451 U.S. 933 (1981); *Bender v. Clark*, 744 F. 2d 1424 (10th Cir. 1984); *Sea Island Broadcasting Corp. v. F.C.C.*, 627 F. 2d 240, 243 (D.C. Cir. 1980); all as cited in *Bridgeport Ambulance Service, Inc., v. Connecticut Dept. of Health Services*, No. CV 88-0349673-S (Sup. Court, J.D. Hartford/New Britain at Hartford, July 6, 1989); *Swiller v. Commissioner of Public Health*, No. CV 95-0705601 (Sup. Court, J.D. Hartford/New Britain at Hartford, October 10, 1995).

In view of the granting of the Department's Motion to Deem Allegations Admitted, the Department has established the violations noted above by a preponderance of the evidence.

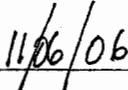
The Department has requested that respondent's license to practice occupational therapy be revoked. This remedy is fully supported by the record.

Proposed Order

Pursuant to the authority vested in it by §§19a-11, and 20-74g of the General Statutes, the license of Lizabeth Jean Caspler to practice occupational therapy, license number 000763, is hereby revoked.



Olinda Morales, Esq.
Hearing Officer



Date

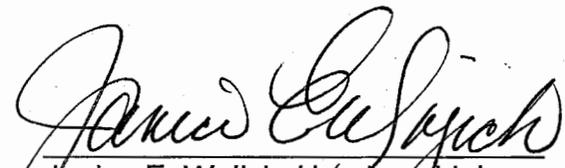
CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 24th day of November, 2006, by certified mail, return receipt requested, and first class mail to:

Lizbeth Jean Caspler
21 North Chatsworth Avenue #1J
Larchmont NY 10538

and by interdepartmental mail to:

Leslie Scoville, Staff Attorney
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410 Capitol Avenue – MS#12LEG
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Janice E. Wojick, Hearings Liaison
Public Health Hearing Office