

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

In re: Kennedy & Perkins, Inc., Optical Shop

Petition No. 2008-0408-057-001

**CONSENT ORDER**

WHEREAS, Kennedy & Perkins, Incorporated Optical Shop of Branford (hereinafter "respondent") has been issued optical shop permit number 001397 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. On May 20, 2008 Kennedy & Perkins, Incorporated optical shop of Branford was open for business without a licensed optician on duty.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, including, but not limited to §20-150(a).

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.

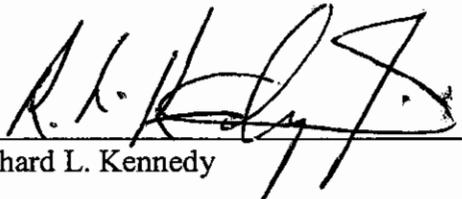
NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-154 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's permit number 001397 to practice as an optical shop in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand 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.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its 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 its 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 for 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 it 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.
12. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
13. Respondent has the right to consult with an attorney prior to signing this document.
14. 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.
15. 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.

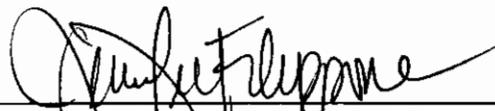
I, Richard L. Kennedy, affirm that I am fully authorized and empowered to bind Kennedy & Perkins, Incorporated. I have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
Richard L. Kennedy

Subscribed and sworn to before me this 10<sup>th</sup> day of June 2009.

  
Notary Public or person authorized  
by law to administer an oath or affirmation  
JUDITH A. DRAPEAU  
NOTARY PUBLIC - My Comm Exp: 1-31-13

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 2<sup>nd</sup> day of July 2009, 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 \_\_\_\_\_ on the 26 day of August 2009, it is hereby ordered and accepted.

  
Connecticut Board of Examiners for Opticians