

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: LensCrafters, Inc.

Petition No. 990525-057-001

CONSENT ORDER

WHEREAS, LensCrafters, Inc., is a corporation organized under the laws of the State of Ohio (hereinafter "respondent") which is qualified to do business as a foreign corporation in the State of Connecticut; and,

WHEREAS, the Department of Public Health (hereinafter "the Department") has issued to respondent eleven (11) optical shop permits pursuant to Chapter 381 of the General Statutes of Connecticut, as amended, to operate optical shops in the State of Connecticut, including optical shop permit number 1427 at West Farms Mall in Farmington, Connecticut; and,

WHEREAS, the Department alleges that:

1. On November 19, 1997, as pertains to permit number 1427, respondent had on staff at least sixteen (16) apprentice opticians who were not currently registered with the Department of Public Health and/or were not working at the optical shop at which they were registered as required by General Statutes of Connecticut §20-159.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut §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 and 20-154 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§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 optical shop permit number 1427 is hereby reprimanded.
3. Respondent shall pay a civil penalty of three thousand two hundred dollars (\$3200) 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’s optical shop permit number 1427 shall be placed on probation for a period of two (2) years under the following terms and conditions.
 - a. Respondent shall ensure that:
 1. all apprentices have been issued a current registration by the Department;
 2. applications for renewal of apprentice registrations are submitted to the Department on or before August 1st of each year;
 3. applications for registration for new apprentices are filed with and issued by the Department before any person commences employment with respondent as an apprentice;
 4. all apprentices hold valid registrations issued by the Department and are working only at the location for which the registration is issued.

- b. Respondent shall ensure that only licensed opticians or registered apprentices perform work for which a license or registration is required.
 - c. Respondent shall submit quarterly to the Department a report listing all of its employees at optical shop permit number 1427, each employee's job title, a description of the person's duties as an employee in the optical shop, a copy of any license or registration the employee may hold, date of employment if a new employee, and date started at the optical shop or date of transfer if the employee has transferred from another of respondent's optical shops.
5. 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
6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department.
 7. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
 8. Respondent shall pay all costs necessary to comply with this Consent Order.
 9. 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 9a above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it 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, it shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board 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.
10. 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 its optical shop permit number 1427 before the Board.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation 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 Board.
13. Respondent understands this Consent Order may be considered as a public document and evidence of the above referenced violations in any 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.

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 it 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 Regulatory Services 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.
18. Respondent has the right to consult with an attorney prior to signing this document.

I, Frank Bayuham, Exec. Vice Pres. stores and duly authorized officer of LensCrafters, (name) Inc., have read the above Consent Order, and, on behalf of LensCrafters, Inc., and I affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind LensCrafters, Inc., to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Frank Bayuham
(duly authorized corporate officer)

Subscribed and sworn to before me this 7th day of July 1999.

Letta S. West
Notary Public
My Comm. Expires Jan. 19, 2003

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21st day of July 1999, it is hereby accepted.

Kathleen Zarrella, Director
Bureau Chief
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Opticians on the 22nd day of JULY 1999, it is hereby ordered and accepted.

[Signature]
Board of Examiners for Opticians

RAS/C:LensCrafters/10/19/98/2/24/99



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 19, 2001

LensCrafters, Inc., Store #477
61 West Farms Mall
Farmington, CT 06032-2631

re: Consent Order
Petition No. 990525-057-001
Optical Shop Permit No. 001427



Date of First Lic.: 09/17/1990
Completion of Probation

✓
9/10/01

Dear LensCrafters, Inc.:

Please be advised that the probationary terms of the above-referenced Consent Order have been satisfied, effective 08/01/2001.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from Optical Shop Permit No. 001427, related to the above-referenced Consent Order.

Sincerely,

Richard Goldman
Paralegal Specialist II
Division of Health Systems Regulation

c: J. Filippone, PHSM
B. Pinkerton, RNC



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