

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Cohen's Fashion Optical

Petition No.: 2011-1029

CONSENT ORDER

WHEREAS, Cohen's Fashion Optical in Farmington, Connecticut (hereinafter "respondent") has been issued license optical shop number 001472 to operate as an optical shop by the Department of Public Health (hereinafter "the Department") pursuant to Connecticut General Statutes, Chapter 381, as amended.

WHEREAS, respondent admits that:

1. From approximately September 2011 through October 2011, respondent operated as an optical shop without an optician of record.
2. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-154.

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 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 Connecticut General Statutes §§19a-10, 19a-14 and 20-154.

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

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) 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
3. Respondent shall comply with all state and federal statutes and regulations.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. 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.
6. Respondent understands this Consent Order is a public document and evidence of the above admitted violations shall be deemed true in any proceeding before the Board in which its compliance with this Consent Order or with Connecticut General Statutes §20-20-151 and/or or Connecticut State Agencies

Regulation §§20-141-12, 20-141-18 and/or 20-141-20. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank.

7. 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 Connecticut General Statutes, Chapters 54 or 368a, 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.
8. 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.
9. Respondent permits a representative of the Legal Office of the Healthcare Quality and Safety Branch 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.
10. Respondent has consulted with an attorney prior to signing this document.
11. 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 State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. 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.
12. 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, Kathleen Oliveri, on behalf of Cohen's Fashion Optical Shop, 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.

Kathleen Oliveri, CFO
on behalf of Cohen's Fashion Optical Shop

Subscribed and sworn to before me this 17 day of August 2012.

YAMILET M. ROMAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RO6244114
Qualified in Bronx County
My Commission Expires June 27, 2015

Yamilet M. Roman
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 28th day of August 2012, it is hereby accepted.

Wendy H. Furniss
Wendy H. Furniss
~~Jennifer Filippone, Section Chief~~
~~Practitioner Licensing and Investigations~~
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Opticians on the 12th day of September 2012, it is hereby ordered and accepted.

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Connecticut Board of Examiners for Opticians