

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

In re: David H. Spalding, L.C.S.W.

Petition No. 2010-5506

CONSENT ORDER

WHEREAS, David H. Spalding of Middletown, Connecticut (hereinafter "respondent") has been issued license number 002431 to practice as a licensed social worker by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 383b of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. Patient A attended individual therapy with respondent during July - August 2010. During the initial interview, patient A expressed concern about her need for confidentiality. In September 2010, patient A informed respondent that she did not want to continue treatment with him.
2. Subsequent to learning that patient A did not want to continue to see him for treatment, respondent violated the standard of care when he:
 - a. inappropriately wrote to patient A at her place of employment referring, in that correspondence, to topics that had been discussed in therapy. This correspondence could have breached the patient's confidentiality had it been opened by the petitioner's co-workers or employer; and/or.
 - b. sent correspondence to Patient A that can be construed as an inappropriate attempt to reengage the patient A.

3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-195p.

WHEREAS, respondent successfully completed continuing education courses entitled "HIPAA Awareness for Healthcare Providers" and "Legal and Ethical Issues for Clinical Social Workers in Private Practice Settings" during the pendency of this petition.

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 Department, 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 20-195p of the General Statutes of Connecticut.

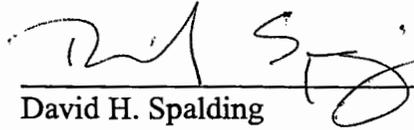
NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-195p of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his 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 submits the executed Consent Order to the Department.
3. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
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 Department.

6. Respondent understands this Consent Order shall be deemed as a public document and evidence of the above admitted violations shall be deemed true in any proceeding before the Department in which his compliance with this Consent Order or with §20-195p of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank.
6. 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 Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
7. 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.
8. 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 Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
10. Respondent has the right to consult with an attorney prior to signing this document.

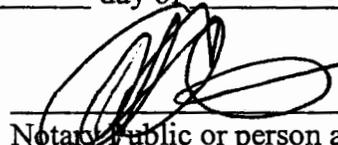
11. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The 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, David H. Spalding, 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.



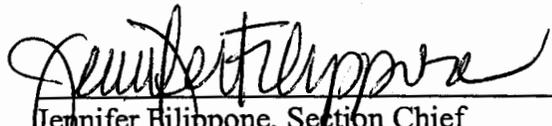
David H. Spalding

Subscribed and sworn to before me this 14th day of November 2012.



Notary Public or person authorized
by law to administer an oath or affirmation
George A. Law
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 28th day of
November 2012, it is hereby accepted.



Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch

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