

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

In re: Kevin H. Burwell, E.M.T.

Petition No. 980720-070-007

CONSENT ORDER

WHEREAS, Kevin H. Burwell of East Haven, Connecticut (hereinafter "respondent") has been issued certificate number 92-1896 to practice as an emergency medical technician by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 368d of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. At all times relevant to this Consent Order he was a volunteer firefighter with the East Haven Fire Department.
2. On or about September 19, 1996, while attending an emergency medical technician recertification course at the East Haven Fire Department, he misappropriated an emergency medical technician recertification course written examination.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §19a-180(b) in conjunction with the Regulations of Connecticut State Agencies, §19a-179-15(a).

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 a hearing officer

designated by the Commissioner (hereinafter “the Department”), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-180 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-180 and 19a-17 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’s certificate number 92-1896 to practice as an emergency medical technician in the State of Connecticut is hereby reprimanded.
3. Respondent’s certificate shall be placed on probation for a period of one year under the following terms and conditions:
 - a. Respondent shall provide his employer at each place where respondent practices as an emergency medical technician throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment. Respondent agrees to provide reports from such employer quarterly for the entire probationary period, stating that respondent is practicing with reasonable skill and safety.
 - b. Respondent shall pay a civil penalty of two hundred and fifty dollars (\$250) 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 before the end of the probationary period.

4. 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

5. All reports required by the terms of this Consent Order shall be due the tenth business day of every third month.
6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
7. 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 7a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he 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, he shall be entitled to a hearing before the

Department which shall make a final determination of the disciplinary action to be taken.

- e. Evidence presented to the Department 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.
8. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as an emergency medical technician, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric and/or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's certificate. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
9. 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 his certificate before the Department.

10. 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.
11. 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.
12. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with §19a-180 of the General Statutes of Connecticut, as amended, is at issue.
13. 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.
14. 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 he may have under the laws of the State of Connecticut or of the United States.
15. 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.
16. 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

Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

17. Respondent has the right to consult with an attorney prior to signing this document.

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I, Kevin H. Burwell, E.M.T., 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.



Kevin H. Burwell

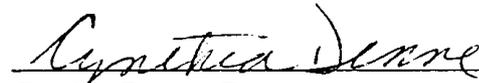
Subscribed and sworn to before me this 7th day of December 1998.



Notary Public or person authorized by law to administer an oath or affirmation

My Commission Expires October 31, 2002

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 4th day of December 1998, it is hereby accepted.



Cynthia Denne, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the Hearing Officer on this _____ day of 12/16/98 1998, it is hereby accepted.



Donna Buntaine Brewer
Hearing Officer

The above Consent Order having been presented to the Commissioner on this 18th day
of December 1998, it is hereby ordered and accepted.


Stephen A. Harriman, Commissioner
Department of Public Health

S: milt/burwell/legal/co. 12/16/98



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

April 6, 2000

Kevin H. Burwell, EMT
1739 Foxon Road
North Branford, CT 06471

Re: Consent Order
Petition No. 980720-070-007
Certificate No. 921896

Completion of Probation

Dear Mr. Burwell:

Please be advised that the probationary terms of the above-referenced Consent Order have been satisfied, effective 04/01/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from Certificate No. 921896, related to the above-referenced Consent Order.

Sincerely,

A handwritten signature in cursive script that reads "Richard Goldman".

Richard Goldman
Paralegal Specialist II
Division of Health Systems Regulation

cc: K. Burwell, 97 C-1 Hemingway Ave., East Haven, CT
Debra Tomassone, PHSM
Bonnie Pinkerton, RNC



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