

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

In re: Kevin Foster EMT-P

Petition No. 990126-072-001

CONSENT ORDER

WHEREAS, Kevin Foster of Marlborough (hereinafter "respondent") has been issued license number 000346 to practice as an emergency medical technician, and subsequently has been licensed as an emergency medical technician-paramedic under the same license number by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 368d of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On March 1, 1997, respondent was licensed as an emergency medical technician and worked as such for Roy Pettengill Ambulance Association in Marlborough.
2. On March 1, 1997, Roy Pettengill Ambulance was dispatched to the home of Barbara Gagnon. Respondent drove the ambulance both to and from the patient's house.
3. While en route to the hospital, the ambulance was involved in an accident with a tractor trailer/car carrier at the intersection of Main Street and Route 66 in Marlborough.

4. According to the State Trooper's report, the accident was the result of the ambulance proceeding through the intersection without stopping and waiting to proceed safely.
5. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §19a-180(b), and Regulations of Connecticut State Agencies, §19a-179-9(f).

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 Department of Public Health (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 license shall be placed on probation for a period of six months under the following terms and conditions.
 - a. Respondent shall obtain at his own expense, the services of a direct practice supervisor, pre-approved by the Department (hereinafter "supervisor"), to conduct a monthly random review of ten percent (10%) or 30 of respondent's prehospital care

records (run forms), whichever is the larger number. In the event that respondent prepares fewer than 30 such run forms in a given month, all of respondent's run forms for such month shall be reviewed.

- (1) Respondent's supervisor shall meet with him not less than once every month during his probationary period.
- (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
- (3) Respondent shall be responsible for providing written supervisor reports directly to the Department every three months during the probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of run forms reviewed, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.

3. 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

4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. 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 6a 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.

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- 7. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a paramedic 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. 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 license. 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).

8. 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 license before the Department.

9. In the event respondent is not employed as a paramedic for periods of thirty (30) consecutive days or longer, or is employed as a paramedic less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

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 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 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 understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
18. Respondent has the right to consult with an attorney prior to signing this document.

I, Kevin Foster, 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 A. Foster

Kevin Foster

Subscribed and sworn to before me this 9th day of October 1999.

Heidi M. Sheeboo

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

My Commission Exp. Mar. 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 25th day of October

1999, it is hereby accepted.

Kathleen Zarrella

Kathleen Zarrella, Director
Division of Health Systems Regulation



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

June 1, 2000

Kevin A. Foster, EMT-P
23 Caffyn Drive
Marlborough, CT 06447-1229

re: Consent Order
Petition No. 990126-072-001
License No. 000346

Completion of Probation

Dear Mr. Foster:

Please be advised that the probationary terms of the above-referenced Consent Order have been satisfied, effective 06/01/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from License No. 000346, 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. Foster, 43 Chapman Rd, Marlborough, CT
D. Tomassone, PHSM
B. Pinkerton, RNC



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