

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

In re: Frank F. Marcucio III

Petition No. 2001-0731-072-008

CONSENT ORDER

WHEREAS, Frank F. Marcucio, III of Seymour (hereinafter "respondent") has been issued license number 000669 to practice paramedicine by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384d of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. At all relevant times, respondent was providing emergency medical services as a member of Seymour Ambulance Association.
2. Seymour Ambulance Association is certified by the Department to provide emergency medical services for the Town of Seymour at the MIC-Intermediate level.
3. Respondent was not functioning as a member of a service certified at the MIC paramedic level on December 23, 2000 at 2007 hours when he responded to a call in Seymour.
4. On or about December 23, 2000, while on duty with Seymour Ambulance Association, respondent performed an advanced life support skill in that he intubated patient L.H. at the request of the dispatched licensed paramedic provider who had not been able to successfully intubate this patient.

5. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-206nn, including but not limited to:
- a. §20-206nn(1);
 - b. §20-206nn(4); and/or,
 - c. §20-206nn(5).

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 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-180 and 20-206nn of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-180 and 20-206nn 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 number 000669 to practice as a paramedic in the State of Connecticut is hereby reprimanded.
3. Respondent's license shall be placed on probation for a period of six months under the following terms and conditions:
 - a. He shall provide to the Department each month a list (hereinafter referred to as "reports") of the dates, times and location of all calls to which he responded with the Seymour ambulance during the previous month. In addition, respondent shall keep on file at Seymour Ambulance copies of all calls listed in said reports.
 - b. Respondent agrees that the Department has the right to randomly choose any of those calls listed in paragraph 3(a) above for records review and to monitor

respondent's practice by any other reasonable means that it deems appropriate.

4. Respondent shall cease and desist practicing or performing paramedic level of care while functioning in a service that is not certified at the MIC-P level.
5. Respondent shall not wear the "paramedic" rocker panel or otherwise identify himself as a paramedic in any while responding to calls with Seymour Ambulance Association or with any other service that is not certified at the MIC-P level.

6. 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

7. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
8. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
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 10a 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.
10. Respondent agrees to cooperate with the Department in its investigation of any alleged violations.
 11. 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.
 12. In the event respondent is not employed as an emergency medical services provider for periods of thirty (30) consecutive days or longer 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.
 13. 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.
 14. 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.

15. 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 §20-206nn of the General Statutes of Connecticut, as amended, is at issue.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. Respondent has the right to consult with an attorney prior to signing this document.

*

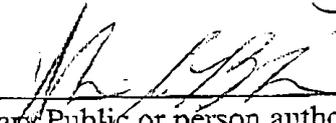
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I, Frank F. Marcucio, III, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



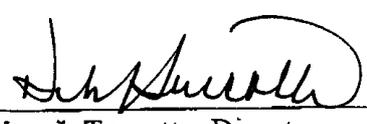
Frank F. Marcucio, III., paramedic

Subscribed and sworn to before me this 26th day of February 2002.



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 5th day of March 2002, it is hereby accepted.



Debra J. Turcotte, Director
Division of Health Systems Regulation

S: mill/marcucio/legal/co. 2/02



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 29, 2002

Frank F. Marcucio, III, Paramedic
16 Kathy Drive
Seymour, CT 06483-2022

re: Consent Order
Petition No. 2001-0731-072-008
License No. 000669

Completion of Probation

Dear Mr. Marcucio:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 10/01/2002.

Notice will be sent to the Department's Office of Practitioner Licensing and Certification to remove all restrictions from your license, related to the above-referenced Consent Order.

Please be certain to retain this letter as documentation that you have completed the license probation.

Thank you for your demonstrated cooperation during the probationary process.

Sincerely,

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

Richard Goldman
Paralegal Specialist II
Division of Health Systems Regulation

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



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