STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Julio A. Ruiz

Petition Nos. 2000-1121-000-142
2000-1121-000-143

PRELICENSURE CONSENT ORDER

WHEREAS, Julio A. Ruiz of Hartford, CT, (hereinafter "respondent") has applied for certification to practice as an asbestos abatement supervisor and a lead abatement worker by the Department of Public Health (hereinafter "the Department") pursuant to Chapters 400a and 400c, respectively, of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent agrees that:

1. The Department has at no time issued respondent certificates to practice the occupations of either supervision of asbestos abatement or lead abatement under the General Statutes of Connecticut, Chapters 400a and 400c.
2. That on October 20, 1999 respondent was convicted of the sale of narcotics and/or controlled substances.
3. Respondent has abused or excessively used drugs.
4. The conduct described above constitutes grounds for the denial of respondent's application for certification pursuant to Subsection (a) of Section 20-478-2 of the Regulations of Connecticut State Agencies and Section 19a-14 of the General Statutes of Connecticut.

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

1) Respondent waives the right to a hearing on the merits of his application for certification.

2) After satisfying the requirements for certification as an asbestos abatement supervisor and/or as a lead abatement worker as set forth in Chapters 400a and 400c of the General Statutes of Connecticut, respondent's certificates to practice will be issued.

3) Respondent's certificates to practice as an asbestos abatement supervisor and a lead abatement worker in the State of Connecticut shall, immediately upon issuance, be placed on probation for two years under the following terms and conditions:

   a) Respondent shall refrain from the ingestion of alcohol in any form and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drug unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. In the event a medical condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

      i) During the probationary period, respondent shall submit to monthly random observed urine screens for alcohol, controlled substances, and legend drugs; by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.

      ii) Respondent shall cause to have the facility provide monthly reports to the Department on the urine screens for alcohol, controlled substances and legend drugs. All such screens shall be negative for alcohol, controlled substances, and legend drugs, except for medications prescribed by respondent's physician. If respondent has a positive urine screen, the facility shall immediately notify the Department. All positive

random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.

iii) Respondent understands and agrees that if he fails to submit a urine sample when requested by his monitor, such missed screen shall be deemed a positive screen.

iv) Respondent shall notify each of his health care professionals of all medications prescribe for him by any and all other health care professionals.

v) Respondent is hereby advised that the ingestion of poppy seeds and mouthwash has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, and mouthwash during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol, respondent agrees that the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such a screen.

b) Respondent shall provide his employer and/or designated supervisor at each place where respondent practices as an asbestos abatement supervisor or as a lead abatement worker 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 at a new facility.

4) Respondent shall comply with all state and federal statutes and regulations applicable to his certificates.

5) Respondent shall notify the Department of any change(s) in his employment within fifteen (15) days of such change.

6) Respondent shall notify the Department of any change(s) in his home and/or business address within fifteen (15) days of such change.

7) Any deviation from the term(s) of this Prelicensure Consent Order without prior written approval of the Department shall constitute a violation. A violation of any term(s) of this Prelicensure Consent Order shall result in the right of the Department in its discretion to immediately deem respondent's asbestos abatement supervisor and lead abatement worker certificates rescinded. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Notice of the recision of the certificates shall be sent by the Department to respondent's address of record. Respondent waives any right to a hearing on the issue of violation of the terms of this Prelicensure Consent Order.

8) That correspondence and reports required by the terms of this Prelicensure Consent Order are to be addressed to:

Richard Goldman, Paralegal Specialist II
Department of Public Health
Division of Health Systems Regulation
Capitol Avenue, MS #12HSR
Box 340308
Hartford, Connecticut 06134-0308

9) 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.

10) Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations in any proceeding before a hearing officer appointed by the Commissioner of the Department of Public Health in which (1) his compliance with this Prelicensure Consent Order is at issue, or (2) his compliance with §20-481 of the Connecticut General Statutes, as amended, is at issue.

11) This Prelicensure 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 Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.

12) This Prelicensure 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.

13) This Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.

14) Respondent understands this Prelicensure Consent Order is a matter of public record.

15) Respondent understands he has the right to consult with an attorney prior to signing this Prelicensure Consent Order.

I, Julio A. Ruiz, have read the above Prelicensure Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.

Julio A. Ruiz

Subscribed and sworn to before me this 8th day of Dec. 2000.

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

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 8th day of December 2000, it is hereby ordered and accepted.

Kathleen Zarrella, Director
Division of Health Systems Regulation

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