Cover Sheet for Example Documentation

Please complete the following form and submit along with your documentation. If you have any questions, please email us at accreditation@astho.org.

The following documentation has been submitted to ASTHO for the Accreditation Library as a potential example of Health Department documentation that might meet the **PHAB Domain 6 Standard 3 Measure 3**.

This document is not intended to be a template, but is a reference as state health agencies develop and select accreditation documentation specific to the health department's activities.

Please note that the inclusion of documentation in this library does not indicate official approval or acceptance by PHAB.

<table>
<thead>
<tr>
<th><strong>Document Title:</strong></th>
<th>Boston Lead Co. Compliance Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Document Date:</strong></td>
<td>2014</td>
</tr>
<tr>
<td><strong>Version of Standards and Measures Used:</strong></td>
<td>1.5</td>
</tr>
<tr>
<td><strong>Related PHAB Standard and Measure Number</strong></td>
<td>Domain: 6</td>
</tr>
<tr>
<td><strong>Short description of how this document meets the Standard and Measure’s requirements:</strong></td>
<td>This example is documentation of correspondence with a licensed lead abatement company regarding a complaint of violations of the lead abatement regulations, including copies of a Consent Order and compliance plan.</td>
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<tr>
<td><strong>Submitting Agency:</strong></td>
<td>Connecticut Department of Public Health</td>
</tr>
<tr>
<td><strong>Staff Contact Name:</strong></td>
<td>Melissa Touma</td>
</tr>
<tr>
<td><strong>Staff Contact Position:</strong></td>
<td>Accreditation Coordinator</td>
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<tr>
<td><strong>Staff Contact Email:</strong></td>
<td><a href="mailto:Melissa.touma@ct.gov">Melissa.touma@ct.gov</a></td>
</tr>
<tr>
<td><strong>Staff Contact Phone:</strong></td>
<td>860 509 7179</td>
</tr>
</tbody>
</table>
In re: Boston Lead Company, LLC

CONSENT ORDER

WHEREAS, Boston Lead Company, LLC of Middletown, Connecticut has been issued license number 002105 to practice as a lead consultant contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400c of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about July 2014, respondent performed a post abatement lead inspection and collected clearance dust wipe samples, through one of its employees certified as a lead inspector pursuant to §20-476 of the Connecticut General Statutes, at 38 Adelaide Street, Hartford, Connecticut. **In connection with said lead inspection, respondent failed to ensure that the clearance dust wipe samples were collected in the manner prescribed by §19a-111-3(h)(2) of the Regulations of Connecticut State Agencies and/or failed to ensure that the surface(s) sampled were measured prior to sampling and/or that the measurements were recorded on the laboratory chain of custody form.**

2. The above described facts constitute grounds for disciplinary action pursuant to, without limitation, the General Statutes of Connecticut, §20-481 and/or §20-478-2(a)(1)(F) of the Regulations of Connecticut State Agencies.
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 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-14 and 20-481 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 and 20-481 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.

2. Respondent’s license number 002105 to practice as a lead consultant contractor in the State of Connecticut is hereby reprimanded.

3. Respondent shall pay a civil penalty of one thousand and two hundred and fifty dollars ($1,250.00) 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.

4. Respondent’s license shall be placed on probation for a period of six (6) months under the following terms and conditions:

   a. Respondent shall furnish the Department (to the attention of Francesca Provenzano, Lead and Healthy Homes Program), on a weekly basis, by no later than 12:00 p.m. on each Friday, a work schedule for the following week. The work schedule may be sent electronically via e-mail (francesca.provenzano@ct.gov) or by facsimile (860-509-7295) and shall contain the following information:

   i) the address of each residential job and/or each residential lead abatement project where respondent will be providing lead consultant services, including inspection services, during the upcoming week;
ii) the date(s) and time(s) respondent will be performing such duties, as well as the
specific inspector assigned; and

iii) the name, business address, and telephone number of the lead abatement contractor
who has or will be performing lead abatement at each job and/or each lead
abatement project.

b. Respondent shall notify the Department (to the attention of Francesca Provenzano,
Lead and Healthy Homes Program), by facsimile (860-509-7295) on a daily basis, by
no later than 10:00 a.m. each day, of any known changes to its work schedule for that
particular day.

c. Respondent shall furnish the Department, within forty-eight (48) hours of completing
lead consultant services, including inspection services, with documentation associated
with any post abatement clearance dust wipe sampling.

d. For the purposes of this Consent Order, “abatement” shall have the meaning given in
§20-474 (1) of the General Statutes of Connecticut, “inspection” shall have the meaning
given in §20-474 (10) of the General Statutes of Connecticut, “inspector” shall have the
meaning given in §20-474 (11) of the General Statutes of Connecticut, and “lead
consultant” shall have the meaning given in §20-474 (15) of the General Statutes of
Connecticut.

5. All correspondence and reports are to be addressed to:

Francesca Provenzano, Epidemiologist 4
Department of Public Health
410 Capitol Avenue, MS #51LED
P.O. Box 340308
Hartford, CT 06134-0308

6. 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.
7. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.

8. Respondent shall pay all costs necessary to comply with this Consent Order.

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 9a above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it has cured the violation in question.
   d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, it 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. 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 its license before the Department.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigation Section of the Healthcare Quality and Safety Branch of the Department.

12. This Consent Order is effective on the date this Consent Order is accepted by the Department.

13. 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 its compliance with this Consent Order or with Chapters 368a or 400c of the General Statutes of Connecticut, as amended, is at issue.

14. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a lead consultant contractor, 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 failure to cooperate with the Department's investigation shall be considered by the Commissioner of the Department or her designee and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Commissioner of the Department or her designee has complete and final discretion as to whether a summary suspension is ordered.
15. 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.

16. 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 it may have under the laws of the State of Connecticut or of the United States.

17. 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.

18. Respondent permits a representative of the Department 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.

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

20. 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.

21. 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, Penelope Lincoln Craig, Member of Boston Lead Company, LLC have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company. I hereby stipulate and agree to bind Boston Lead Company, LLC to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Subscribed and sworn to before me this 5th day of August 2015.

[Signature]

Penelope Lincoln Craig, Member

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 7th day of August 2015, it is hereby accepted.

[Signed]

Suzanne Blancaflor, M.S., M.P.H., Section Chief
Environmental Health Section
Regulatory Services Branch
September 2, 2015

Boston Lead Company, LLC
License # 52.002105
62 Washington Street
Middletown, CT 06457-2828

Re: Lead Consultant Notification Form per Consent Order, Petition No. 2014-24

Dear Ms. Craig:

The Lead, Radon, & Healthy Homes (LR&HHP) recently received a signed copy of a Consent Order signed by you on August 5, 2015. In accordance with conditions in the Consent Order, Boston Lead Company, LLC (license # 52-002105) license shall be placed on probation for a period of six (6) months beginning on August 5, 2015 and ending on January 5, 2016. The reporting requirements shall contain the following information:

Per paragraph 4.a: the respondent shall furnish the Department a work schedule of lead consultant services for the following week no later than 12:00 p.m. on each Friday during the six (6) probationary period. The work schedule may be sent via facsimile (860 509-7295) or electronically by email to (Francesca.provenzano@ct.gov) and shall contain the following information:

i) the address of each residential job and/or each residential lead abatement project where respondent will be providing lead consultant services, including inspection services;

ii) the date(s) and time(s) respondent will be performing such duties, as well as the specific inspector assigned; and

iii) the name, business address, and telephone number of the lead abatement contractor who has or will be performing lead abatement at each job and/or each lead abatement project.
Per paragraph 4.b: the respondent shall notify the Department of any known changes to its work schedule for that particular day no later than 10:00 a.m.

Per paragraph 4.c: the respondent shall furnish the Department with documentation associated with any post abatement clearance dust wipe sampling. That documentation shall be provided within forty-eight (48) hours of completing lead consultant or lead inspection services.

Attached is a template Lead Abatement and Consultant Notification Form which may be used to submit the required information.

If you have any questions, please contact me at (860) 509-7299. My fax number is (860) 509-7295.

Sincerely,

Francesca Provenzano, MPH, CHES, RS/REHS
Supervising Epidemiologist
Lead, Radon, and Healthy Homes Programs
Connecticut Department of Public Health
Penelope,

Francesca asked me to send you a copy of a fillable Consent Order Notification Form and remind you to send us the all of information required per the Consent Order, specifically be sure to include the dates and times the consulting work will be done.

Sincerely,

Lisa Bushnell

Lisa Bushnell, RS, BS  
Environmental Sanitarian II  
Lead & Healthy Homes Program  
Connecticut Department of Public Health  
MS# 11LED, 410 Capitol Ave  
PO Box 340308  
Hartford, CT 06134-0308  
Lisa.bushnell@ct.gov  
(860) 509-7299 phone  
(860) 509-7295 fax

Hi Lisa,

Please follow-up with Penelope on details for the latest 203 projects listed below. She hasn’t received the form yet.

Sincerely,

Francesca Provenzano, MPH, CHES, RS  
Epidemiologist 4  
Lead-Radon-Healthy Homes Programs  
Connecticut Department of Public Health  
Tel: (860) 509-7299  
Fax: (860) 509-7295
Guess I have to get used to doing this sorry...

1. 48 Rockwell winsted - clearance - homeowner was the contractor - local health will be there too. Penelope Craig lira.002104

We also are scheduling a clearance for a Lisa Lowe rehab project 1 penny lane New Fairfield CT HUD abatement small cities Villwell Builders contractor....I will update with time etc. when scheduled.

Sent from myMail app for Android

Hi Penelope,

I have a form that can be used for reporting purposes. I will send it out shortly via email to you. I think that would be the quickest way for you to get us the information. Thank you for the email!!

Sincerely,

Francesca Provenzano, MPH, CHES, RS
Epidemiologist 4
Lead-Radon-Healthy Homes Programs
Connecticut Department of Public Health
Tel: (860) 509-7299
I understand that our consent order is under way. I did not see the document until this morning - it came in last week but I was not in my office that whole time. We will start tomorrow with reporting a schedule to you. So far, the only thing that I have on schedule for next week is an EBL case in Danbury. It is 6 Harmony Street Apt 1 in Danbury for the City of Danbury - Penelope Craig 002104 LI/RA will be doing the inspection - the tenant has agreed to anytime after 10:30 - I will be there around 11 I hope - I have not confirmed though. So far this is the only way I will be reporting as I am slammed with that multifamily inspection in Waterbury (so far no lead). I have to finish them by tomorrow afternoon. Over the weekend I will make a calendar or something so it is easy for you to see. As I was late in starting this I will continue through - the last report (as long as all is well) will be 6 months or January 29, 2016.

Penelope

Boston Lead Company, LLC
dba Environmental Training and Assessment
62 Washington Street
Middletown, CT 06457
Phone 860-347-7277
Fax 860-347-8288
www.blcenvironmental.com
Screen shot of Petition # 2014-24 closed in August 2015. Accompanying files document final consent order, fines paid, correspondence with regulated entities, and compliance.