

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: ~~Frank P. Podrasky, D.D.S.~~

Petition No. 940718-02-092

CONSENT ORDER

WHEREAS, Frank P. Podrasky, D.D.S. of Hamden, Connecticut (hereinafter "respondent") has been issued license number 006522 to practice dentistry by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 370 of the Connecticut General Statutes, as amended; and,

WHEREAS, respondent admits that he has abused and/or used to excess controlled substances, including cocaine, crack cocaine, marijuana and/ or codeine.

WHEREAS, the above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-114(a), including but not limited to Section 20-114(a)(10).

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 the Connecticut State Dental Commission (hereinafter "the Commission"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-103a(b) of the General Statutes of Connecticut.

WHEREAS, on June 14, 1993, the Commission approved and ordered a Consent Order in settlement of Petition No. 911010-02-076 (hereinafter "the 1993 Consent Order", attached hereto marked Attachment "A").

WHEREAS, pursuant to the terms of the 1993 Consent Order, respondent's license was suspended for one year, effective July 1, 1993 and, thereafter, immediately placed on probation for a period of three years commencing on the date respondent resumed the practice of dentistry, provided that respondent satisfied certain terms and conditions.

NOW THEREFORE, pursuant to §19a-17, §20-114 and/or §20-103a(b) of the Connecticut General Statutes, as amended, respondent hereby stipulates and agrees to the following:

1. The 1993 Consent Order shall be superseded by this Consent Order.
2. Respondent waives his right to a hearing on the merits of this matter.
3. His license to practice dentistry in Connecticut shall be placed on ~~probation~~ for five (5) years subject to the following terms and conditions:
 - (a) He shall participate in regularly scheduled therapy at his own expense with Jeffrey D. Callender, C.A.C., or other licensed therapist approved by the Department (hereinafter "therapist"), for the entire probationary period.
 - (b) He shall provide a copy of this Consent Order to his therapist.
 - (c) His therapist shall furnish written confirmation to the Department of his engagement in that capacity and of his receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.

- (d) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions and/or respondent's transfer to another therapist. However, if therapy is terminated with approval of the Department, respondent's therapist shall continue to monitor his controlled substance and alcohol free status by monitoring and reviewing the observed random urine screens for controlled substances and alcohol as described in paragraph 3(h) below, and by providing the reports described in paragraph 3(i) below.
- (e) The therapist shall immediately notify the Department in writing if respondent discontinues therapy and/or terminates his or her services.
- (f) The therapist shall submit quarterly reports for the period of probation which shall address, but not necessarily be limited to, respondent's ability to practice dentistry in an alcohol and substance free state. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has expired.
- (g) Respondent shall refrain from the ingestion or use of alcohol and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drugs except as prescribed by his treating physician; in the event a medical condition arises requiring treatment utilizing controlled substances or legend drugs, respondent shall notify the Department and, upon request, provide such written documentation of the treatment by the treater, as is deemed necessary by the Department.

- (h) During the first two years of the period of probation, respondent shall submit to two weekly random observed urine screens for alcohol and for controlled substances and legend drugs; during the third year, he shall submit to one such screen on a weekly basis; and, during the fourth and fifth years, he shall submit to such screens twice each month. Respondent shall submit to such screens on a more frequent basis if requested to do so by the therapist. Said screens shall be administered by a facility approved by the Department.
- (i) Respondent shall cause to have the facility referenced in paragraph 3(h) above provide monthly reports to the therapist and 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.
- (j) Respondent is hereby advised that the ingestion of poppy seeds has from time to time, been raised as a defense to positive screen result for morphine and/or opiates. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances during the term of this

Consent Order. In the event respondent has a positive screen for morphine and/or opiates, respondent agrees that the ingestion of poppy seeds shall not constitute a defense to such a screen.

- (k) Respondent shall notify each of his physicians of all medications prescribed for him by any and all other health care professionals.
- (l) Respondent shall attend "anonymous" or support group meetings on an average of eight (8) times per month, and he will provide monthly reports to the Department concerning his record of attendance.
- (m) During the period of probation, respondent shall not engage in the solo practice of dentistry.
- (n) Respondent shall provide a copy of this Consent Order to his current employer, Dr. William Markantonakis, within fifteen (15) days of the effective date of this Consent Order, and respondent shall obtain written approval from the Department prior to any change in employment.
- (o) In the event that respondent is no longer employed by Dr. Markantonakis, respondent shall provide his new employer, partners and/or associates at any hospital, clinic, partnership and/or association at which he is employed or with which he is affiliated, with a copy of this Consent Order within fifteen (15) days of respondent's commencing employment, and respondent shall cause to have such employer, partners and/or associates provide reports on a quarterly basis for the duration of the probationary period, stating that respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state.
- (p) Respondent's practice shall be supervised at all times by Dr. Markantonakis or other dentist licensed to practice in Connecticut and approved by the Department (hereinafter "supervisor"), for the first

eighteen (18) months of the probationary period. During the first six (6) months of the eighteen (18) month period, the supervisor shall examine each patient immediately after respondent has performed any procedure on such patient and shall check respondent's documentation and billing of any such procedures to see that such documentation and billing corresponds to the procedures performed and that the procedures are appropriate. During the remaining twelve (12) months of the eighteen (18) month period, the supervisor shall, on a random basis, examine 10 percent of the patients seen by respondent each month, or 15 patients per month, whichever number is greater. The supervisor shall, with respect to such patients, check respondent's documentation and billing of any procedure performed by respondent to see that such documentation and billing corresponds to the procedures performed and that the procedures are appropriate.

- (q) Respondent shall fully cooperate with the supervisor in providing the above-described monitoring. Respondent shall be responsible for providing written supervisor reports directly to the Department on a monthly basis for the first six (6) months of the eighteen (18) month period and on a quarterly basis for the remaining twelve (12) months of the eighteen (18) month period. Such supervisor's reports shall include documentation of the monitoring techniques utilized, and a statement that respondent is practicing with reasonable skill and safety and complying with accepted billing practices. The supervisor shall notify the Department immediately if any problem is identified.
- (r) Respondent shall not provide dental services for fee(s) to any patient who would bill such service(s) to either Medicare or Medicaid.
- (s) Respondent shall provide three hundred (300) hours of free dental services on a regular basis to a community or charitable facility or agency, which

community service shall be pre-approved by the Department and concluded within the period of probation. The community service shall be supervised by a monitor pre-approved by the Department. Respondent shall be responsible for providing the Department with quarterly written reports from the supervisor which shall include documentation of the number of hours of community service provided and a general statement of respondent's performance.

(t) All correspondence and reports are to be addressed to:

 Bonnie Pinkerton, Nurse Consultant
 Public Health Hearing Office
 Department of Public Health and Addiction Services
 150 Washington Street
 Hartford, CT 06106

(u) All reports required by the terms of this Consent Order shall be due according to the following schedule:

1. Monthly reports shall be due on the tenth business day of each month beginning with the report due on July 14, 1995.
2. Quarterly reports shall be due the tenth business day of every third month beginning with the report due in September 14, 1995.
3. That he shall assume all costs incurred to comply with this Consent Order.
4. That he shall comply with all state and federal statutes and regulations applicable to his licensure.
5. That he understands that this Consent Order is a matter of public record.
6. That 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) 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 5(a) 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 Commission which shall make a final determination of the disciplinary action to be taken.
- (e) Evidence presented to the Commission 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. That, in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a dentist, upon request by the Department, with notice to the Commission, 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 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 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 Connecticut General Statutes, sections 4-182(c) and 19a-17(c).

9. That, 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 Commission.
10. That 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 Medical Quality Assurance of the Department.
11. That this Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Commission.
12. That respondent understands this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Commission in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-114(a) of the General Statutes of Connecticut, as amended, is at issue.
13. That 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. That 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, that 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. That this Consent Order is a revocable offer of settlement which may be

modified by mutual agreement or withdrawn by the the Department at any time prior to its being executed by the last signatory.

16. That respondent permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this Consent Order and the factual basis for this Consent Order to the Commission. Respondent understands that the Commission has complete and final discretion as to whether an executed Consent Order is approved or accepted.
17. That 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. That respondent has the right to consult with an attorney prior to signing this document.

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I, Frank P. Podrasky, 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 P. Podrasky, D.D.S.
Frank P. Podrasky, D.D.S.

Subscribed and sworn to before me this 22nd day of June 1995.

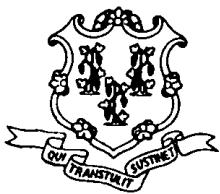
Janis M. Laliberte
Notary Public or person authorized
by law to administer an oath
affirmation Janis M. Laliberte
Commissioner of the Superior Court
For Fairfield County

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health and Addiction Services on the 23rd day of June 1995, it is hereby accepted.

Stanley K. Peck
Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut State Dental Commission on the 26th day of June 1995, it is hereby ordered and accepted.

Leonard P. Long
Connecticut State Dental Commission



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

July 19, 2000

Frank Podrasky, DDS
31 Branhaven Drive
East Haven, Connecticut 06513

Re: Consent Order
Petition No. 940718-002-092
License No. 006522


Dear Dr. Podrasky:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 7/1/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Thank you for your cooperation during this process.

Very truly yours,



Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone



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