

AGENDA
CONNECTICUT MEDICAL EXAMINING BOARD
Tuesday, November 15, 2022 at 1:30 PM

Department of Public Health
410 Capitol Avenue, Hartford Connecticut

CALL TO ORDER

I. APPROVAL OF MINUTES

August 16, and September 20, 2022

II. OPEN FORUM

III. UPDATES

- A. Chair Updates
 - Board Issues
- B. DPH Updates

IV. NEW BUSINESS

V. OFFICE OF LEGAL COMPLIANCE

- A. Daniel Chen, Resident Physician – Petition No. 2022-196
Presentation of Consent Order – Linda Fazzina, Staff Attorney, DPH
- B. Philip A. Mongelluzzo, Jr, M.D. – Petition No. 2020-547
Presentation of Consent Order – Linda Fazzina, Staff Attorney, DPH

ADJOURN

Connecticut Medical Examining Board - Monthly Meeting via Microsoft Teams

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 271 630 246 225

Passcode: j4XdVb

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 860-840-2075](#) - Phone Conference ID: 347 121 063#

The following minutes are draft minutes which are subject to revision, and which have not yet been adopted by the Board.

**CONNECTICUT MEDICAL EXAMINING BOARD MINUTES
of August 16, 2022**

The Connecticut Medical Examining Board held a meeting on Tuesday, August 16, 2022 via Microsoft TEAMS

BOARD MEMBERS PRESENT: Kathryn Emmett, Esq., Chairperson
Raymond Andrews, Jr., Esq.
Allyson Duffy, MD
Marie C. Eugene, DO
Robert Green, MD
Michele Jacklin
Joseph Kaliko, Esq.
Marilyn Katz, MD
William C. Kohlhepp, DHSc, PA-C
Shawn London, MD
Edward McAnaney, Esq.
Daniel Rissi, MD
Harold Sauer, MD
David Schwindt, MD
C. Steven Wolf, MD
Peter Zeman, MD

BOARD MEMBERS ABSENT: Andrew Yuan, DO

Ms. Emmett called the meeting to order at 1:32 p.m.

I. MINUTES

The draft minutes of the June 21, 2022 meeting were reviewed and approved on a motion by Dr. Rissi, seconded by Dr. Wolf. The motion passed with all in favor except, Dr. Duffy, Dr. Eugene, Dr. Green and Dr. Zeman who abstained.

II. OPEN FORUM

None

III. UPDATES

A. Chair Updates

Chair Emmett reported that Jean Rexford has moved out of state and has resigned from the Board. The Board expressed its thanks to Jean for her dedicated service to the Board and the citizens of Connecticut.

Board members indicated that the addition of investigation reports with Consent Orders that are to be reviewed is extremely helpful.

B. DPH Updates

None

IV. NEW BUSINESS

Proposed Memorandum Of Decision - Nimrod Lavi, MD - Petition No. 2016-619

Dr. Wolf made a motion, seconded by Ms. Jacklin, to approve the Memorandum of Decision which dismisses the charges in this matter in that the allegations were not proven by a preponderance of evidence. The motion to approved passed with all in favor except Dr. Sauer who abstained.

V. OFFICE OF LEGAL COMPLAINT

A. Farhaad R. Riyaz, M.D. Petition No. 2022-206

Staff Attorney Craig Sullivan, Department of Public Health withdrew motion for Summary Suspension in this matter in that respondent and the DPH have entered into an Interim Consent Order by which respondent has agreed to refrain from practice.

B. Paul Aiello, M.D. Petition No. 2020-383

Staff Attorney Aden Baume, Department of Public Health, presented a Consent Order in this matter. Attorney Kevin Budge was present on behalf of respondent.

Mr. Kaliko made a motion, seconded by Dr. Rissi, to approve the Consent Order which imposes a reprimand and a \$5,000.00 civil penalty. The motion to approve passed with all in favor except dr. Green and Ms. Jackling who were opposed and Mr. McAnaney who abstained.

C. Patrick F. Albergo, M.D. Petition No. 2021-1011

Staff Attorney Linda Fazzina, Department of Public Health, presented a Consent Order in this matter. Respondent was not present and was not represented.

Dr. Green made a motion, seconded by Mr. McAnaney, to approve the Consent Order which imposes a reprimand and a \$15,000.00 civil penalty. The motion passed unanimously,

D. Gary Blick, M.D. - Petition No. 2018-256

Staff Attorney Joelle Newton, Department of Public Health, presented a Consent Order in this matter. Attorney Phyllis Pari was present on behalf of respondent.

Dr. Rissi made a motion, seconded by Ms. Jacqueline, to approve the Consent Order which imposes a reprimand, a \$10,000.00 civil penalty, and orders respondent to cease and desist from delegating to unlicensed persons. The motion passed unanimously,

E. Desiree A. Clarke, M.D. - Petition No. 2020-292

Staff Attorney Aden Baume, Department of Public Health, presented a Consent Order for a reprimand, a \$2,500.00 civil penalty, and probation for one year. Respondent was not present and was not represented.

Mr. McAnaney made a motion, seconded by Dr. Green, to approve the Consent Order. Following discussion, the motion failed. Dr. Duffy, Dr. Green, MS. Jacklin, Mr. Kaliko, Mr. Kohlhepp, Dr. London, Mr. McAnaney, Dr. Rissi, Dr. Wolf, and Dr. Zeman were opposed to approval. Mr. Andrews, Dr. Eugene, Dr. Katz, Dr. Sauer, Dr, Schwindt and Ms. Emmet were in favor of approval

F. Andrew Gewirtz, M.D. - Petition No. 2020-805

Staff Attorney Joelle Newton, Department of Public Health, presented a Consent Order in this matter. Respondent was not present and was not represented.

Dr. Zeman made a motion, seconded by Mr. McAnaney, to approve the Consent Order which imposes a reprimand, a \$5,000.00 civil penalty. The motion passed unanimously,

G. Usman Ramzan, MD – Partition No. 2022-318

Staff Attorney Aden Baume, Department of Public Health, presented a Consent Order in this matter. Respondent was present but was not represented.

Dr. Rissi made a motion, seconded by Dr. Green, to approve the Consent Order which modifies the terms of probation set forth in a previous Consent Order . The motion passed unanimously,

VI. ADJOURNMENT

As there was no further business, the meeting was adjourned at 2:3s p.m. on motion by Dr. Green, seconded by Dr. Wolf.

Respectfully submitted,
Kathryn Emmett, Esq., Chairperson

The following minutes are draft minutes which are subject to revision, and which have not yet been adopted by the Board.

**CONNECTICUT MEDICAL EXAMINING BOARD MINUTES
of September 20, 2022**

The Connecticut Medical Examining Board held a meeting on Tuesday, September 20, 2022 via Microsoft TEAMS

BOARD MEMBERS PRESENT: Kathryn Emmett, Esq., Chairperson
Raymond Andrews, Jr., Esq.
Allyson Duffy, MD
Marie C. Eugene, DO
Robert Green, MD
Marilyn Katz, MD
William C. Kohlhepp, DHSc, PA-C
Shawn London, MD
Edward McAnaney, Esq.
Daniel Rissi, MD
Harold Sauer, MD
David Schwindt, MD
C. Steven Wolf, MD
Andrew Yuan, DO
Peter Zeman, MD

BOARD MEMBERS ABSENT: Michele Jacklin
Joseph Kaliko, Esq.

Ms. Emmett called the meeting to order at 1:30 p.m.

I. OPEN FORUM

Manisha Juthani, MD, Commissioner, Department of Public Health addressed the Board and thanked Board members for their service.

II. UPDATES

C. Chair Updates

Chair Emmett reported that the Freedom Information Commission has issued a proposed decision regarding a recent FOI complaint against the Board. The decision is favorable to the Board.

D. DPH Updates

Christian Andresen, Section Chief, Department of Public Health, Practitioner Licensing and Investigations reported that working on implementing the physician licensure compact which becomes effective on October 1, 2022.

III. NEW BUSINESS

Discussion regarding Civil Penalties

Deputy Associate Attorney General Daniel Shapiro provided advice regarding the imposition of civil penalties in license disciplinary matters. Also discussed were consent order negotiations and the implementation of license probationary terms.

IV. NEW BUSINESS

Proposed Memorandum Of Decision – Ryan Smith, MD - Petition No. 2016-619

Dr. Zeman made a motion, seconded by Mr. McAnaney to approve the Memorandum of Decision which imposes probation for a period of two (2) years. The motion to approved passed with all in favor except Dr. Wolf who recused himself from voting.

V. OFFICE OF LEGAL COMPLAINT

A. Sushil Gupta, MD – Partition No. 2022-337

Staff Attorney Craig Sullivan, Department of Public Health a motion for Summary Suspension in this matter. Respondent was not present and was not represented.

Attorney Sullivan provided information in support of the Motion for Summary Suspension Mr. Kohlhepp made a motion, seconded by Mr. Andrews, to grant the motion for Summary Suspension in that respondent's continued practice of medicine represents a clear and immediate danger to public health and safety.

The motion to grant the Summary Suspension passed unanimously.

A hearing in this matter will be held on September 30, 2022. The hearing panelists in this matter will be Mr. Andrews, Dr. Green, and Dr. Sauer.

B. Jeffrey Stern, MD – Partition No. 2022-384

Staff Attorney Joelle Newton, Department of Public Health, presented a motion to withdraw the Statement of Charges in this matter. Respondent was represented by Attorney Darius Marzec.

Mr. McAnaney made a motion, seconded by Dr. Rissi, to grant the Department of Public Health's motion to withdraw the Statement of Charges in that in that respondent has surrendered his license to practice in Connecticut. The motion passed with all in favor except Dr. Wolf who recused himself from voting.

C. Duane F. Austin, M.D. - Petition No. 2021-1012

Staff Attorney Linda Fazzina, Department of Public Health, presented a Consent Order in this matter. Respondent was not present and was not represented.

Dr. Green made a motion, seconded by Dr. Zeman, to approve the Consent Order which imposes a reprimand, and a \$40,000.00 civil penalty. The motion passed with all in favor except Dr. Wolf who recused himself from voting.

VI. 120 DAY EXTENSIONS

- Michael Smith, MD- Petition No. 2021-101
Fact-finding completed, Decision being drafted
- Wayne Franco, MD- Petition No. 2018-1345
Fact-finding completed, Decision being drafted
- Paul Willette, MD - Petition No. 2016-1305
Hearing continued to December 6, 2022.
- Michael Kessler, MD - Petition No. 2021-681
Hearing to be held November 2022.
- Sheikh Ahmed, MD - Petition Nos. 2017-184; 2018-133
Hearing to be held November 2022.
- Prabhakar Reddy, MD - Petition No. 2019-384
Hearing to be held November 2022.
- Anatoly Braylovsky, MD - Petition No. 2021-239
Hearing to be held November 7, 2022.

Dr. Zeman made a motion, seconded by Mr. McAnaney to grant extensions in these matters. The motion passed with all in favor except Dr. Wolf who recused himself from voting.

VII. ADJOURNMENT

As there was no further business, the meeting was adjourned at 2:273 p.m. on motion by Mr. McAnaney.

Respectfully submitted,
Kathryn Emmett, Esq., Chairperson

**CONNECTICUT MEDICAL EXAMINING BOARD
CONSENT ORDER COVER SHEET**

Respondent: Daniel Chen, Resident Physician

Petition No. 2022-196

BIOGRAPHICAL INFORMATION:

Medical School: University of Pittsburgh School of Medicine

Year of Graduation: 2016

License: 060698-RES

Issued: 6/28/2018

Past History with DPH: None.

Investigation Commenced: 2/24/2022

THIS CONSENT ORDER DISCIPLINE:

- Reprimand

DEPARTMENT SUMMARY OF THE CASE:

The Department's Practitioner Licensing and Investigations Section opened this petition after receiving a mandatory report from UConn School of Medicine ("UConn").

In approximately December 2021, respondent engaged in illegal, unethical or unprofessional conduct when he falsified a COVID-19 vaccine card and presented the falsified card to UConn.

WILL THIS RESULT IN A REPORT TO THE N.P.D.B. BANK? Yes

Respondent signed a Consent Order Review Agreement permitting the Connecticut Medical Examining Board to review the Investigative Report.

CONFIDENTIALITY NOTICE: *The documents attached may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition.*

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Daniel Chen
Resident Physician License Number: 060698-RES

Petition No. 2022-196

CONSENT ORDER

WHEREAS, Daniel Chen of Hartford, Connecticut ("respondent") was issued license number 060698-RES to practice as a resident physician by the Department of Public Health ("the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In approximately December 2021, respondent engaged in illegal, unethical or unprofessional conduct when he falsified a COVID-19 vaccine card and presented the falsified card to UCONN School of Medicine.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-17 and/or 20-13c, including, but not limited to §20-13c(4).

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 Connecticut Medical Examining Board ("the Board"), this Consent Order shall have the same effect as if proven and ordered after a full

hearing held pursuant to §§19a-10, 19a-14, 19a-14a and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-14a, 19a-17 and 20-13c 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 Connecticut license number 060698-RES to practice as a resident is hereby reprimanded.
3. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Board.
4. Respondent understands and agrees that this Consent Order is a public record.
5. Respondent understands and agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which respondent's compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services and that all disciplinary actions will appear on respondent's physician profile pursuant to Connecticut General Statutes §20-13j.
6. 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 agrees 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 and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of

the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent 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 respondent may have under the laws of the State of Connecticut or of the United States.

7. 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.
8. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
9. Respondent has consulted with his attorney prior to signing this Consent Order.
10. 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.

11. 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.

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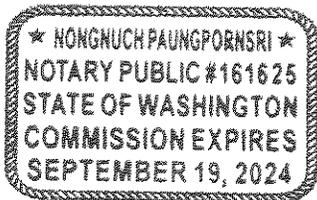
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*

I, Daniel Chen, 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.

[Signature]
Daniel Chen

Subscribed and sworn to before me this 30th day of September 2022.



[Signature]
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 25th day of October 2022, it is hereby accepted.

[Signature]
Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the Connecticut Medical Examining Board on the _____ day of _____ 2022, it is hereby ordered and accepted.

Kathryn Emmett, Esq., Chairperson
Connecticut Medical Examining Board

**CONNECTICUT MEDICAL EXAMINING BOARD
CONSENT ORDER COVER SHEET**

Respondent: Philip A. Mongelluzzo Jr., M.D.

Petition No. 2020-547

BIOGRAPHICAL INFORMATION:

Medical School: Creighton University School of Medicine

Year of Graduation: 1998

07/01/1998-06/30/1999	Internal Medicine	<i>Intern</i>	Atlanta Medical Center, Atlanta, GA
07/01/1999-06/30/2000	Internal Medicine	<i>Resident</i>	Atlanta Medical Center, Atlanta, GA
07/01/2000-6/30/2001	Internal Medicine	<i>Resident</i>	Yale University School of Medicine

Current employment: Care Beyond Medicine

License: 038887

Issued: 7/25/2000

Type of Practice: Internal Medicine

Board Certification: American Board of Internal Medicine

Malpractice History: 2014 (Average) and 2017 (Average).

Past History with DPH: Consent Order in Petition No. 2004-1119-001-266 (\$1,000 Civil Penalty for referring a patient for an MRA despite knowing the patient had an implanted pacemaker.)

Investigation Commenced: 6/4/2020

THIS CONSENT ORDER DISCIPLINE:

- Reprimand
- \$10,000 Civil Penalty
- Two-year probationary period with a practice monitor to conduct a quarterly written review of respondent's patient records

DEPARTMENT SUMMARY OF THE CASE:

The Department's Practitioner Licensing and Investigations Section opened this petition after receiving a referral from the Department of Consumer Protection, Drug Control Division.

During the course of approximately January 2014 until March 17, 2018, respondent provided treatment to patient #1 that failed to meet the standard of care in that respondent, without limitation: failed to appropriately assess, manage, and/or treat patient #1's chronic pain; failed to review patient #1's records in the electronic prescription drug monitoring program; inappropriately prescribed and/or continued to prescribe one or more controlled substances and/or failed to adequately document a medical or therapeutic justification for prescribing and/or continuing to prescribe one or more controlled substances; inappropriately prescribed high doses of narcotics and/or failed to adequately document a medical or therapeutic justification for said doses; and/or inappropriately prescribed phenobarbital in that he, without limitation, prescribed phenobarbital without an adequate medical purpose and/or in combination with other sedating medications.

Respondent has completed coursework in prescribing practices.

WILL THIS RESULT IN A REPORT TO THE N.P.D.B. BANK? Yes

Respondent signed a Consent Order Review Agreement permitting the Connecticut Medical Examining Board to review the Investigative Report.

CONFIDENTIALITY NOTICE: *The documents attached may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition.*

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Philip A. Mongelluzzo Jr., M.D.

Petition No. 2020-547

CONSENT ORDER

WHEREAS, Philip A. Mongelluzzo Jr., M.D. of Waterbury, Connecticut ("respondent") has been issued license number 038887 to practice as a physician and surgeon by the Department of Public Health ("the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. During the course of approximately January 2014 until March 17, 2018, respondent provided treatment to patient #1 that failed to meet the standard of care in one or more of the following ways, in that respondent:
 - a. failed to appropriately assess, manage, and/or treat patient #1's chronic pain;
 - b. failed to review patient #1's records in the electronic prescription drug monitoring program in violation of Connecticut General Statutes §21a-254(j)(9),
 - c. failed to adequately assess and/or document assessment of the risks and/or benefits of prescribing and/or continuing to prescribe one or more controlled substances for patient #1;
 - d. failed to adequately establish and/or document a treatment plan for prescribing and/or continuing to prescribe one or more controlled substances for patient #1;
 - e. failed to discuss, and/or document his discussion, with patient #1 of the potential complications and/or risks of the use and/or continued use of one or more controlled substances, treatment goals, drug interactions, side effects and/or alternative treatment therapies;
 - f. failed to adequately address and/or document that he addressed one or more requests by patient #1 for an early refill of controlled substance(s);

- g. inappropriately prescribed and/or continued to prescribe one or more controlled substances and/or failed to adequately document a medical or therapeutic justification for prescribing and/or continuing to prescribe one or more controlled substances;
 - h. inappropriately prescribed high doses of narcotics and/or failed to adequately document a medical or therapeutic justification for said doses;
 - i. inappropriately prescribed phenobarbital in that he, without limitation, prescribed phenobarbital without an adequate medical purpose and/or in combination with other sedating medications;
 - j. failed to appropriately explore alternative pain management therapies, and/or attempt tapering of doses for controlled substances;
 - k. on one or more occasions, inappropriately prescribed an antibiotic and/or failed to document an assessment and/or medical justification for such prescription(s);
 - l. on one or more occasions, inappropriately administered an injection of Medrol and/or lidocaine and/or failed to document an assessment and/or medical justification for such injection(s); and/or
 - m. failed to maintain adequate medical records.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c, including, but not limited to §20-13c(4).

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 Connecticut Medical Examining Board ("the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

WHEREAS, respondent has successfully completed coursework in prescribing practices.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.

2. Respondent's license number 038887 to practice as a physician and surgeon in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of ten thousand dollars (\$10,000.00) 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 two (2) years under the following terms and conditions:
 - a. Respondent shall obtain at respondent's own expense, the services of a physician who is board certified in internal medicine, pre-approved by the Department ("practice monitor"), to conduct a quarterly random review of twenty percent (20.0%) or twenty (20) of respondent's patient records, whichever is the larger number. In the event respondent has twenty (20) or fewer patients, the practice monitor shall review all of respondent's patient records.
 - (1) Respondent shall provide a copy of this Consent Order to respondent's practice monitor. Respondent's practice monitor shall furnish written confirmation to the Department of the practice monitor's engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (2) Respondent's practice monitor shall conduct such review and meet with respondent not less than once every quarter for the entire probationary period.
 - (3) The practice monitor shall have the right to monitor respondent's practice by any other reasonable means which the practice monitor deems appropriate. Respondent shall fully cooperate with the practice monitor in providing such monitoring.

- (4) Respondent shall be responsible for providing quarterly written reports directly from his practice monitor to the Department for the entire probationary period. Such practice monitor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and a statement as to whether respondent is practicing with reasonable skill and safety. A practice monitor's report indicating that respondent is not practicing with reasonable skill and safety shall be deemed to be a violation of this Consent Order.
- (5) Respondent further agrees that if the probationary period terminates prior to completion of the two (2) year practice monitoring period, the probationary period shall be extended to ensure that the two (2) year practice monitoring period is fully completed. If the probationary period is extended to comply with this provision, no other terms of probation shall be extended.
5. All correspondence and reports are to be addressed to:

Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
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 respondent's 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 respondent has complied with the terms of this Consent Order or, in the alternative, that respondent 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, respondent shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board 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 does not practice as a physician and surgeon for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of a physician and surgeon, respondent shall provide the Department with thirty (30) days prior written notice.

Respondent shall not return to the practice of a physician and surgeon without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent agrees that any return to the practice of a physician and surgeon without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

11. If, during the period of probation, respondent practices as a physician and surgeon outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of a physician and surgeon in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all probationary terms and conditions required in paragraph 4 above.
12. 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 respondent's license before the Board.
13. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch 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 Board.
15. Respondent understands and agrees that this Consent Order is a public record.

16. Respondent understands and agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which respondent's compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services and that all disciplinary actions will appear on respondent's physician profile pursuant to Connecticut General Statutes §20-13j.

17. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon, upon request by the Department, with notice to the Board, for a period not to exceed forty-five (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 forty-five (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 Board 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 Board has complete and final discretion as to whether a summary suspension is ordered.

18. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from acting at a later time. The Department shall not be required to grant future extensions of time or grace periods.
19. 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 agrees 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 and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent 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 respondent may have under the laws of the State of Connecticut or of the United States.
20. 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.
21. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to

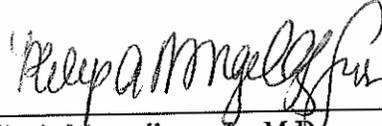
bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.

22. Respondent understands and agrees that respondent is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which respondent is away from respondent's residence.
23. Respondent has consulted with his attorney prior to signing this Consent Order.
24. 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.
25. 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.

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I, Philip A. Mongelluzzo Jr., M.D., 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.



Philip A. Mongelluzzo Jr., M.D.

Subscribed and sworn to before me this 27th day of October 2022.



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

Shelly L. Roberts
NOTARY PUBLIC
State of Connecticut
My Commission Expires 11/30/2024

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 November 2022, it is hereby accepted.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the _____ on the _____ day of _____ 2022, it is hereby ordered and accepted.

Kathryn Emmett, Esq., Chairperson
Connecticut Medical Examining Board