

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
FACILITY LICENSING AND INVESTIGATIONS SECTION**

IN RE: Chesterfields Health Care Center
 d/b/a Chesterfields Health Care Center
 132 Main Street
 Chester, CT 06412

CONSENT ORDER

WHEREAS, Chesterfields Health Care Center (“Licensee”), has been issued License No. 2135C to operate a chronic and convalescent nursing home known as Chesterfields Health Care Center (“Facility”) under Connecticut General Statutes section 19a-490 by the Connecticut Department of Public Health (“Department”); and,

WHEREAS the Facility Licensing and Investigations Section (“FLIS”) of the Department conducted unannounced inspections on various dates between July 12, 2022 and August 15, 2023; and,

WHEREAS, the Department alleges that on or about August 15, 2023, the Facility failed to ensure residents were free from abuse; and,

WHEREAS, on July 17, 2023, the Department determined that Immediate Jeopardy, as such term is defined by the Centers for Medicare & Medicaid Services in the State Operation Manual, existed relative to a failure to protect residents from sexual abuse; and,

WHEREAS, the Department alleges that on or about June 26, 2023, the Facility failed to ensure residents were free from neglect and that the Facility failed to provide sufficient staffing to provide incontinence care and/or reposition residents in accordance with their plan of care; Facility policy, and standards of practice; and,

WHEREAS, the Department alleges that on or about May 3, 2023, the Facility failed to have sufficient staffing that met the minimum requirements of the Connecticut Public Health Code and to meet the needs of a resident relative to providing showers; and,

WHEREAS, the Department alleges that on or about January 9, 2023, the Facility failed to ensure staffing was sufficient to meet the needs of residents on one of two units; and,

WHEREAS, the Department alleges that on or about July 12, 2022, the Facility failed to designate a registered nurse to serve as the director of nursing on a full-time basis; and,

WHEREAS, the Department, during the aforementioned inspections identified violations of the Connecticut General Statutes and/or Regulations of Connecticut State Agencies. Violations were described in letters dated September 20, 2023, July 27, 2023, July 11, 2023, May 24, 2023, February 6, 2023, and October 4, 2022; and,

WHEREAS the Licensee voluntarily decided to halt new admissions on or about June 22, 2023; and,

WHEREAS on or about August 24, 2023 the Licensee filed a petition to close the Facility with the Department of Social Services.

NOW THEREFORE, the FLIS of the Department acting herein and through Jennifer Olsen-Armstrong, its Section Chief, and the Licensee, acting herein and through Bryan J. Foley, its Owner hereby stipulate and agree as follows:

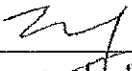
1. At the time of the signing of the Consent Order, the Licensee shall pay a civil penalty in the amount of thirteen thousand dollars (\$13,000.00) payable to "Treasurer, State of Connecticut". Such payment shall be sent with the signed Consent Order to James Augustyn, Health Program Supervisor, at the address printed below:

Department of Public Health
Facility Licensing and Investigations Section
410 Capitol Avenue, P.O. Box 340308 MS #12HSR
Hartford, CT 06134-0308

2. All parties agree that this Consent Order is an Order of the Department with all of the rights and obligations pertaining thereto and attendant thereon. Nothing herein shall be construed as limiting the Department's available legal remedies against the Licensee for violations of the Consent Order or of any other statutory or regulatory requirements, which may be sought in lieu of or in addition to the methods of relief listed above, including all options for the issuance of citations, the imposition of civil penalties calculated and assessed in accordance with Section 19a-524 et seq. of the General Statutes, or any other administrative and judicial relief provided by law. This Consent Order may be admitted by the Department as evidence in any proceeding between the Department and the Licensee in which compliance with its terms is at issue. The Licensee retains all of its rights under applicable law. The allegations and findings contained in the violation letters shall be deemed true in any subsequent proceeding in which the licensee's compliance with the Consent Order is at issue or the licensee's compliance with the Connecticut General Statutes and regulations and/or with federal statutes and regulations is at issue.
3. The Licensee agrees that this Consent Order will be reported consistent with federal and state law and regulations and consistent with Department policy. In addition, the Licensee agrees that this Consent Order will be posted on the Department's website.
4. The Licensee agrees that this Consent Order does not limit any other agency or entity in any manner including but not limited to any actions taken in response to the factual basis of this Consent Order.
5. The Licensee waives its right to a hearing regarding any penalty imposed pursuant to this Consent Order. Upon written notice of the imposition of a penalty under this Consent Order, the Licensee shall pay the penalty to the Department within fifteen days of said notice.
6. The execution of this Consent Order has no bearing on any criminal liability without the written consent of the Director of the MFCU or the Bureau Chief of the Department of Criminal Justice's Statewide Prosecution Bureau.
7. This Consent Order does not affect any action that any other state, federal or municipal agency may take.
8. The terms of this Consent Order shall remain in effect for a period of one (1) year from the effective date of this Consent Order or until the facility closes, whichever is sooner.

9. The Licensee agrees that this Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum including any right to review under the Uniform Administrative Procedure Act, Chapter 368a of the Statutes, Regulations that exists at the time the agreement is executed or may become available in the future, provided that this stipulation shall not deprive the Licensee of any other rights that it may have under the laws of the State of Connecticut or of the United States.
10. The Licensee has had the opportunity to consult with its attorney prior to the execution of this Consent Order.

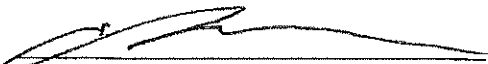
WITNESS WHEREOF, the parties hereto have caused this Consent Order to be executed by their respective officers and officials, which Consent Order is to be effective as of the later of the two dates noted below.



Brian J. Foley, Owner

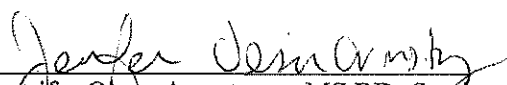
On this 16th day of October 2023 before me, personally appeared Brian J. Foley who acknowledged himself to be the Owner of Chesterfields Health Care Center and that he, as such executed the foregoing instrument for the purposes therein contained, by signing the name of the Licensee by himself as Owner.

My Commission Expires: _____
(If Notary Public)



Notary Public []
Commissioner of the Superior Court [x]

STATE OF CONNECTICUT,
DEPARTMENT OF PUBLIC HEALTH

By: 

Jennifer Olsen Armstrong, MS RD, Section Chief
Facility Licensing and Investigations Section
Healthcare Quality and Safety Branch

October 18, 2023

