

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

IN RE:           Brookside Residential Care Home, LLC of Wethersfield, CT  
                  d/b/a Brookside Residential Care Home, LLC  
                  134 Franklin St. Ext.  
                  Danbury, CT 06810

**CONSENT ORDER**

WHEREAS, Brookside Residential Care Home, LLC of Wethersfield, CT d/b/a Brookside Residential Care Home, LLC (“Licensee”) has been issued License No. 1896 to operate a residential care home known as Brookside Residential Care Home, LLC (“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 received information from the Licensee on or about September 30, 2022, which raised concerns regarding the ability of the Licensee to provide proper care and protect their rights as residents in accordance with the statutes and regulations related to residential care homes in Connecticut;

WHEREAS, the Licensee agrees to the conditions set forth herein.

NOW THEREFORE, the Department and the Licensee acting herein and through its Manager and Person in Charge hereby stipulate and agree as follows:

1.       Upon the execution of this Consent Order, the Licensee agrees to the appointment of Timothy Coburn as a Temporary Manager for a period of three (3) months beginning on Friday, October 7, 2022 at 9 am. Mr. Coburn is authorized to engage an Assistant Manager to support Mr. Coburn’s work as Temporary Manager.
2.       The Temporary Manager shall:

- a. Conduct a full financial audit and/or accounting for the period of January 1, 2020 to the present;
  - b. File any missing cost reports to the Connecticut Department of Social Services for the years 2020 and 2021;
  - c. Review and report regarding regulatory compliance, including, but not limited to, resident's rights, discharge notices and planning, medication administration and food service;
  - d. Report immediately to the Department any issue which presents an immediate threat to the health and/or safety of the residents;
  - e. Review and report regarding staffing;
  - f. Review and report regarding building, fire, and life safety codes;
  - g. Provide all required reports simultaneously to the Department and the Licensee. The Licensee shall be permitted to file a written response and submit such response to the Department and the Temporary Manager; and,
  - h. Meet with the Department and/or the Department of Social Services at least once per week by video conference call and provide a written report with his preliminary assessment within three (3) weeks of the effective date of this Consent Order.
3. The Licensee agrees to cooperate with the Temporary Manager in all ways including, but not limited to, access to any computer or paper files, access to all resident records and all billing records, all accounts payable and receivable, access to all construction project plans, contacts, billing records and other materials relevant to any improvement project and access to all physical space.
  4. The Temporary Manager shall have the authority to hire and terminate staff as he deems appropriate to protect the safety and rights of the residents and in the best interests in the effective management of the residential care home. The Manager/Person in Charge shall not be paid any salary during the period of the Temporary Manager.
  5. Any records maintained in accordance with any state or federal law or regulation or as required by this Consent Order shall be made available to the Temporary Manager and the Department, upon request.

6. The Department, in its sole and absolute discretion, shall retain the authority to extend the period the Temporary Manager.
7. The Temporary Manager shall be responsible for managing the Licensee's income and payroll. The Temporary Manager shall have access to all bank accounts and shall have the authority to pay all expenses necessary to maintain the residential care home and to meet the Licensee's obligations. The Licensee agrees to provide the Temporary Manager with access to all bank accounts relevant to the residential care home, and to give the Temporary Manager complete authority over such bank accounts during the period of this Consent Order.
8. If the Licensee decides to close its business or sell its business or sell its property, the Licensee shall provide forty-five (45) days' notice to the Department and the Temporary Manager, and the Licensee shall comply with all statutes and regulations related to such activity, including all appropriate discharge planning. No sale or closure shall take place during the period of the Consent Order without the written notice to the Department. If the Temporary Manager is aware of any party who may be interested in purchasing the land or purchasing the business, he may bring such party to the attention of the Licensee and the Department.
9. 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.
10. 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.

11. 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.
12. The execution of this Consent Order has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Department of Criminal Justice's Statewide Prosecution Bureau.
13. 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.
14. The Licensee has consulted 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.

[Signature]

Armand Ntchana  
Manager and Person in Charge  
Brookside Residential Care Home, LLC,

On this 4<sup>th</sup> day of October, 2022 before me, personally appeared Armand Ntchana, who acknowledged himself to be the Manager and Person in Charge of Brookside Residential Care Home, LLC, and that he, as such Manager and Person in Charge, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Licensee by himself as Manager and Person in Charge.

My Commission Expires: Jan-31-2025 [Signature]

(If Notary Public)



Notary Public Minnesota [ ]  
Commissioner of the Superior Court [ ] Hennepin

STATE OF CONNECTICUT,  
DEPARTMENT OF PUBLIC HEALTH

By: [Signature]  
Manisha Juthani, MD

Commissioner

October 5<sup>th</sup>, 2022

