

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

IN RE: WG Darien SH, LLC d/b/a Atria Darien
50 Ledge Road
Darien, CT 06820

SETTLEMENT AGREEMENT

WHEREAS, Atria Darien ("Facility") and the Connecticut Department of Public Health ("Department"), hereinafter "Parties", wish to resolve this matter;

WHEREAS, the Parties agree to the following:

1. The Department issued License No. 158 to the Facility to operate an assisted living services agency under Conn. Gen. Stat. § 19a-490.
2. On September 3, 2021, Governor Ned Lamont issued Executive Order 13F ("EO 13F"), which mandated that all long-term care facilities ("LTCs"), including assisted living services agencies, require covered LTC workers to be vaccinated for COVID-19 by September 28, 2021, and that LTC facilities report compliance with the Order, in a form and manner and at such times as directed by the Department.
3. EO 13F authorized issuance of a civil penalty of up to twenty thousand dollars (\$20,000.00) per day for each day of non-compliance with the Order.
4. The Facility admits, to resolve this administrative matter, that it did not report to the Department its compliance with the Order by September 28, 2021. The foregoing admission is without prejudice to the Respondent's rights, defenses, and claims in any other matter, proceeding, action, hearing, or litigation not involving the Department.
5. All of the Facility's LTC workers were vaccinated prior to the date required in EO 13F.
6. On November 8, 2021, the Department issued the Facility a civil penalty letter for non-compliance with the reporting requirements of EO 13F in the amount of \$125,000.

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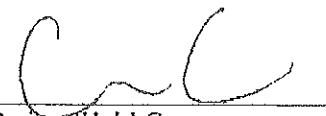


7. On December 1, 2022, the Parties participated in an informal conference conducted in accordance with Conn. Gen. Stat. § 19a-525(b). As a result of the informal conference, the Department sustained the civil penalty.
8. Within ten (10) days of receipt of this fully executed Settlement Agreement, the Plaintiff shall submit a payment in the amount of sixty-seven thousand dollars (\$67,000.00), payable by certified check to the "Treasurer of the State of Connecticut". The certified check shall be mailed to:

Kim Hriceniak, R.N.
Public Health Services Manager
Department of Public Health
410 Capitol Avenue, P.O. Box 340308 MS #12HSR
Hartford, CT 06134
- Subject to agreement by the Parties, the Facility agrees to pay one thousand dollars (\$1,000.00) per day for every day after the three weeks that it has failed to pay the civil penalty. The Facility waives any right it may have to the imposition of a penalty for failure to pay in accordance with the terms of this Settlement Agreement.
9. The Facility agrees that this Settlement Agreement will be reported consistent with federal and state law and regulations and consistent with Department policy. In addition, the Facility agrees that this Settlement Agreement will be posted on the Department's website.
10. The Facility agrees that this Settlement Agreement 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 General Statutes or Regulations that exist at the time this Settlement Agreement is executed or may become available in the future, provided that this stipulation shall not deprive the Facility of any other rights that it may have under the laws of the State of Connecticut or of the United States.
11. The Facility has consulted with its attorney prior to the execution of this Settlement Agreement.
12. This Settlement Agreement is effective upon the signature of the Department.



WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be executed by their respective officers and officials.


WG Darien SH, LLC
by Atria Management Company, LLC its authorized
designee

On this 30th day of January 2023, before me, personally appeared Christopher Cullen who acknowledged himself/herself to be authorized to execute the foregoing instrument for the purposes therein contained.

My Commission Expires: 5/8/2023
(If Notary Public)

Magdalena Mendez
Notary Public
Commissioner of the Superior Court

LARISTELA E. VIEIRA MENDES
Notary Public, State at Large, KY
By commission expires May 8, 2023

STATE OF CONNECTICUT,
DEPARTMENT OF PUBLIC HEALTH

By: Barbara C
Barbara Cass, RN
Acting Branch Chief
Healthcare Quality and Safety Branch

January 31, 2023