

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONS
REGULATION
BOARD OF ASSISTED LIVING
RESIDENCE ADMINSTRATORS**

vs.

BARBARA CWIKLINSKA, ALRA NO. 00014

CONSENT ORDER

Pursuant to Section 23-17.4 of the General Laws of the State of Rhode Island and the Rules and Regulations promulgated thereunder, the Rhode Island Department of Health (hereinafter "Department"), has investigated a complaint charging Barbara Cwiklinska, Respondent with a violation of Section 23-17.-4 of the General Laws of the State of Rhode Island. After review and consultation with the Assisted Living Residence Administrator Certification Board, it was agreed by and between the parties:

1. Respondent is an Assisted Living Residence Administrator and able to conduct business under and by virtue of the laws of the State of Rhode Island
2. That Respondent has been employed as an Administrator of Evergreen Assisted Living, Woonsocket, RI.

3. That on or about January through June 2010, Respondent's failed to implement and oversee minimal standards of acceptable and prevailing practice in assisted living residence administration.
4. That Respondent failed to appropriately oversee the responsibilities of an employee, with a known criminal history, whom allegedly embezzled over \$60,000 from the residents.
5. That Respondent failed to act in a manner consistent with the safety of the residents of the residence.
6. That Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Department;
 - b) The right to produce witnesses and evidence at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by the Department;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all rights of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
 - h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
 - i) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

7. That said Consent Order shall become part of the public record of this proceeding once it is accepted by both parties.
8. That Respondent's license shall reflect that the status "Active Probation."
9. That acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein by the Respondent.
10. That failure to comply with said Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
11. That Respondent's Assisted Living Residence Administrator license will be subject to a one (1) year period of probation commencing upon the date the Consent Order is signed by both parties and subject to the terms and conditions set forth in this Order.
12. That the probationary period shall commence upon the date of the execution of said Consent Order by both parties and will abate for the duration of any period in which Respondent ceases to be employed as an Assisted Living Residence Administrator.
13. That Respondent will notify the Department of any lapse in employment and the probation will be extended until one (1) year of employment as an Assisted Living Residence Administrator is completed.
14. That during the period of probation Respondent shall submit to the Department a copy of the assisted living facility's annual licensure and complaint investigation findings relating to Respondent's conduct and performance as an Administrator and it shall be the responsibility of Respondent to submit said survey report.
15. That during the period of probation Respondent shall notify the Department forthwith of any changes in employment, including the name and address of the new employer(s) and the reason for said change.

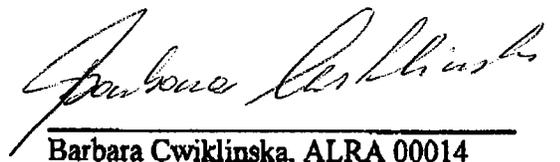
- 16. That during the period of probation Respondent shall not work in more than one assisted living facility at the same time.
- 17. That during the period of probation Respondent shall submit to the Department evidence of certificates of completion for three (3) contact hours of continuing education in "resident's rights;" three (3) contact hours of continuing education in "ethics;" and, four (4) contact hours of continuing education in "finance."
- 18. That should Respondent comply with the laws and regulations governing the practice of Assisted Living Residence Administrators during the period of probation and comply with the requirements of this Consent Order, Respondent may apply to the Department for an unrestricted license to practice as an Assisted Living Residence Administrator.
- 19. That should Respondent fail to comply with the laws and regulations governing the practice of Assisted Living Residence Administrator and/or fail to comply with the terms of this Order, the license as an Assisted Living Residence Administrator shall be subject to suspension or other appropriate disciplinary action.

5.16.2011

Date

May 19, 2011

Date



Barbara Cwiklinska, ALRA 00014



Charles Alexandre, PhD, RN
Chief, Health Professionals Regulation