

State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

vs.

Larry Ahern (CO4-811)

CONSENT ORDER

Pursuant to R.I.G.L. (2001 Reenactment) Section 23-17.4-et.al and the Rules and Regulations promulgated thereunder, the Rhode Island Department of Health (hereinafter "Department"), after review and consultation with the Assisted Living Residence Administrator Certification Board, has investigated a complaint charging Larry Ahern (hereinafter "Respondent") with a violation of Section 23-17.4-et. al of the General Laws.

1. Respondent is an Assisted Living Residence Administrator in the State of Rhode Island.
2. That, Respondent has been employed as an administrator at Golden Years Assisted Living Residence, Westerly, Rhode Island.
3. That on or about 18 March 2004 Respondent failed to appropriately assist patient A in an emergency situation when this patient had a signed Advanced Directive indicating her wish to have CPR and be resuscitated; that on or about 31 March 2004 patient B fell at the facility and was found lying on the floor; that patient B was brought to the emergency department by his family on 13 April 2004 and diagnosed with an anterior shoulder dislocation; that this incident was not reported to the Department; and that on or about 5 April 2004 the facility failed to call 911 when patient C presented with slurred speech and twitching in her left shoulder; that family members were called and took this patient to the emergency department where she was diagnosed with a TIA.

The parties agree as follows:

1. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
2. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.
3. 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 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.
4. This Consent Order shall become part of the public record of this proceeding once it is accepted by both parties. Respondent's license shall reflect the status "Active Probation".
 5. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein by the Respondent.
 6. Respondent will be subject to a one (1) year period of probation commencing upon the date the Consent Order is signed by both parties.
 7. That the probationary period will be in effect upon employment of the Respondent as an Assisted Living Residence Administrator, and will abate for any period when the Respondent is not employed as an Assisted Living Residence Administrator.
 8. Respondent will notify the Department of any lapse in employment and the probation will be extended until one (1) years of employment as an Assisted Living Residence Administrator is completed.
 9. That during the period of probation, should Respondent change employment, Respondent shall notify the Board forthwith of said changes including the name and address of the new employer(s), date Respondent commences said employment and the reason for the change in employment.
 10. That should Respondent comply with the laws and regulations governing the practice of Assisted Living Residence Administrators and comply with the requirements of this Consent Order, Respondent may apply to the Department for relief from probation.
 11. That should Respondent fail to comply with the terms of this Consent Order, Respondent's licensure as an Assisted Living Residence Administrator will be subject to suspension or other appropriate disciplinary action.
 12. This Consent Order constitutes a final order of the Department of Health pursuant to RI General Laws § 42-35-12. Pursuant to RI General Laws § 42-35-14, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms. By signing this Consent Order, Respondent has waived the appellate rights herein.

Signed this 16th day of JUNE 2005


Larry Ahern

Approved on this 21st day of JUNE 2005


Charles Alexandre, Chief, Health Professions Regulation