

Department of Health  
Office of Health Professions Regulation

Vs.

SEAN MICHAEL CARNEY

Complaint No.: C14-0071  
ALRA No: ALRA00326

**CONSENT ORDER**

Pursuant to Section 23-17.4 of the General Laws of the State of Rhode Island and the Rules and Regulations promulgated there under, the Rhode Island Department of Health (hereinafter the "Department"), and the Assisted Living Residence Administrator Certification Board (hereinafter "Board") has investigated a complaint charging SEAN MICHAEL CARNEY, ALRA00326 (hereinafter the "Respondent") with a violation of Section 23-17.4.

After review and consideration by the Department and the Board with respect to the allegations of unprofessional conduct of the Respondent, the following are and shall constitute

**FINDINGS OF FACT**

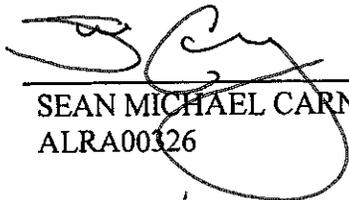
1. Respondent is an Assisted Living Residence Administrator licensed to practice in the State of Rhode Island under Assisted Living Residence Administrator License Number, ALRA00326.
2. At all times relevant hereto, Respondent was employed by South Bay Manor, South Kingstown, RI.
3. That on or about October 23, 2013, resident medication needs were covered by the Director of Nursing during the night shift while the position was actively recruited, without success. Ultimately a current employee was sent for training as a medication technician and she has held the position since. This time period during which the DON was covering night time med

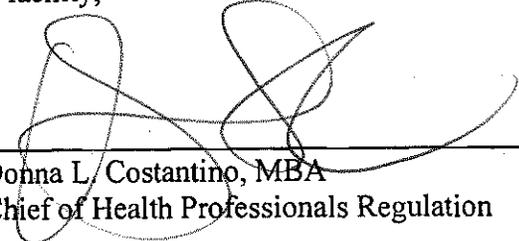
administration was deemed not to be acceptable staffing by the Department. Also during this time frame, Respondent failed to report an allegation of resident mistreatment and failed to provide secure compartments or lockboxes for residents to store medications.

4. That Respondent failed to act in a manner consistent with the safety of the residents of the residence.
5. 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.
6. That said Consent Order shall become part of the public record of this proceeding once it is accepted by both parties.
7. That Respondent's license shall reflect the status "Active Probation."

8. 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.
9. That failure to comply with said Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
10. That Respondent's Assisted Living Residence Administrator license will be subject to a 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 Consent Order. Said probation will last for a period of six (6) months or until the next routine survey of South Bay Manor, South Kingstown, RI, resulting in no enforcement actions, whichever comes first. If Respondent leaves employment with South Bay Manor during the probationary period, the probationary period will be six (6) months subject to the abatement provision below.
11. That the probationary period will abate for the duration of any period in which Respondent ceases to be employed as an Assisted Living Residence Administrator.
12. That prior to the expiration 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.
13. That prior to the expiration of probation, Respondent shall submit to the Department evidence of certificate of completion of a Department-approved Assisted Living Residence Administrator training program.
14. That during the period of probation Respondent shall submit to the Department evidence of certificates of completion for the most recent renewal cycle from approved continuing education programs in assisted-living related areas.

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 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.
17. 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. During the probationary period, if any survey results in an enforcement action against Respondent's facility,

  
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SEAN MICHAEL CARNEY  
ALRA00326  
Date: 7/19/14

  
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Donna L. Costantino, MBA  
Chief of Health Professionals Regulation  
Date: 8/12/14