

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF NURSE REGISTRATION AND NURSING EDUCATION
THREE CAPITOL HILL
PROVIDENCE, RI 02908**

In the Matter of:

Melissa Ann Cook, LPN 09653,

Respondent.

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A.H. File C12-732

ORDER OF REVOCATION OF LICENSE

The above-entitled matter came before the Board of Nurse Registration and Nursing Education (“Board”) pursuant to Administrative Hearing Notice¹ issued on April 16 and May 15, 2015 by the Board to Melissa Ann Cook (“Respondent”). The Respondent holds a license (“License”) as a licensed practical nurse in the State of Rhode Island pursuant to R.I. Gen. Laws § 5-34-1 *et seq.* A hearing was scheduled for June 8, 2015 at which time the Respondent did not appear. Pursuant to Section 5.6 of the *Rules and Regulations Pertaining to Practices and Procedures Before the Department of Health* (“Hearing Regulation”), service may be made by hand-delivery or first class mail and service is complete upon mailing, even if unclaimed or returned, when sent to the last known address of the party. In this matter, notice was sent to the Respondent’s last known address by first class and certified mail.² Since the Respondent was adequately noticed of hearing, a hearing was held. Additionally, Section 12.9 of the Hearing Regulation provides that a judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Board was represented by counsel who rested on the record.

¹ See Department of Health’s (“Department”) Exhibits One (1) and Two (2) (Administrative Notices of Hearings).

² *Id.*

The Board has jurisdiction over this matter pursuant to R.I. Gen. Laws § 5-34-1 *et seq.*, *Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs*, and the Hearing Regulation.

The issue before the Board was whether the Respondent violated R.I. Gen. Laws § 5-34-24(3) and (6)(ii) and (v).³

Based on the pleadings and exhibits entered at hearing, the facts are undisputed. The Respondent worked as a licensed practical nurse at a nursing home and she failed to administer medication to 13 residents on June 30, 2012 and July 1, 2012. A total of 20 medications were not administered. The Respondent failed to monitor a resident's glucose level on six (6) occasions (June 20, 21, 22, 28, 30, and July 1, 2012). The unit on which the Respondent was working had one (1) blood glucose monitor and it recorded no activity by the Respondent on those six (6) days. On those six (6) days, the Respondent wrote in numbers for the glucometer in the paper records but on those days no activity was recorded by the glucometer. The Respondent was terminated from her job for these incidents. On February 18, 2014, she pled *nolo contendere* to two (2) counts of giving false documents to an agent or public official and as part of her plea bargain, 13 counts of patient neglect were dismissed. See Department's Exhibits One (1) and Two (2) (Administrative Hearing Notices); Three (3) (complaint from nursing home to

³ R.I. Gen. Laws § 5-34-24 states in part as follows

Grounds for discipline of licensees. – The board of nurse registration and nursing education has the power to deny, revoke, or suspend any license to practice nursing; to provide for a non-disciplinary alternative only in situations involving alcohol or drug abuse or to discipline a licensee upon proof that the person is:

(3) Unfit or incompetent by reason of negligence or habits;

(6) Guilty of unprofessional conduct which includes, but is not limited to, all of the above and also:

(ii) Willfully making and filing false reports or records in the practice of nursing;

(v) Willful disregard of standards of nursing practice and failure to maintain standards established by the nursing profession.

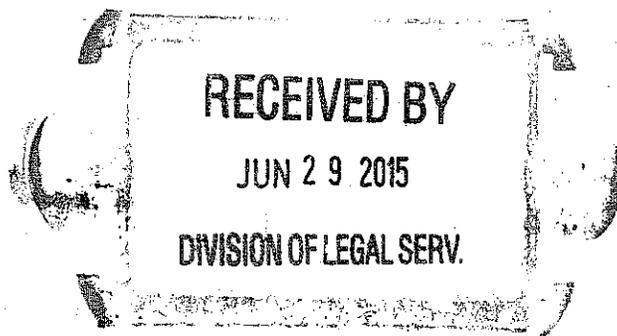
Department regarding Respondent); Four (4) (Department investigation by complaint unit); Six (6) (nursing home's investigation into the incidents with resident medication sheets and glucose monitoring records showing the false written records by Respondent of glucometer); and Seven (7) (Department facility investigation).⁴

Based on the forgoing, the Respondent violated R.I. Gen. Laws § 5-34-24(3) and (6)(ii) and (v) (incompetent as failed to administer medications and monitor glucose level; unprofessional because she failed to perform her duties as a nurse; filed false reports; and failed to maintain standards of the nursing profession).

After hearing and based on the forgoing, the Board unanimously ordered that the Respondent's License be revoked.

By Order of the Board,


Linda Twardowski, RN
Chair



Entered this 23 day of June, 2015.

⁴ Department's Exhibit Seven (7) was entered under seal.

NOTICE OF APPELLATE RIGHTS

PURSUANT TO R.I. GEN. LAWS § 5-34-28, APPEALS OF DECISIONS ARE GOVERNED BY THE ADMINISTRATIVE PROCEDURES ACT, R.I. GEN. LAWS § 42-35-1 *et seq.* THIS DECISION CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF HEALTH PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS DECISION 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.

CERTIFICATION

I hereby certify on this 30th day of June, 2015 that a copy of the within Order and Notice of Appellate Rights was sent by first class mail, postage prepaid and registered mail, return receipt requested to Ms. Melissa Ann Cook, 385 Middle Road, Portsmouth, RI 02871 and by hand-delivery to Jane Morgan, Esquire, Department of Health, Three Capitol Hill, Providence, RI 02908.

