State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

vs.

Paulina Fonseca (C12-043)

CONSENT ORDER

Pursuant to R.I.G.L. (2001 Reenactment) Section 23-17.9-8 and the Rules and Regulations promulgated thereunder, the Rhode Island Department of Health (hereinafter "Department"), after review and consultation with the Advisory Board for Nursing Assistants, has investigated a complaint charging Paulina Fonseca NA42082 and MAD01371 (hereinafter "Respondent") with a violation of Section 23-17.9-8 of the General Laws.

After consideration by the Department, the following constitutes the Findings of Fact with the respect to the professional performance of the Respondent:

1. Respondent is a Nursing Assistant and Medication Aide licensed to practice in the State of Rhode Island.

2. That all pertinent times, Respondent was employed by Autumn Villa, Cumberland, RI.

3. That is, on or about November 28, 2011, Respondent misappropriated a resident's monthly allowance of $80 to $100 for a twelve month period. In addition, Respondent withdrew approximately $3,000 from resident's bank account via ATM card withdrawals, without authorization and confirmed by bank films. On January 9, 2012, Respondent was arrested by Cumberland Police and charged with a felony for Fraudulent Use of Credit Cards and Access to Computer for Fraud.

4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct pursuant to Section 23-17.9-8 and the Rules and Regulations promulgated thereunder.

The parties agree as follows:

(a) Respondent is a Nursing Assistant and Medication Aide licensed and doing business under and by virtue of the Laws of the State of Rhode Island, Nursing Assistant license number, NA42082 and Medication Aide license number, MAD01371.

(b) Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department;

(c) Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final approval of the Department. This Consent Order is not binding on Respondent until signed by the Department.

(d) Respondent hereby acknowledges and waives:

(1) The right to appear personally or by counsel or both before the Department;

(2) The right to produce witnesses and evidence on Respondent's behalf at a hearing;

(3) The right to cross-examine witnesses;

(4) The right to have subpoenas issued by the Department;

(5) The right to further procedural steps except for those specifically contained herein;

(6) Any and all rights of appeal of this Consent Order;

(7) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;

(8) 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 review adequately this Consent Order;

(9) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order. The signing of this Consent Order is for settlement purposes only.

Based on the foregoing, the Rhode Island Department of Health hereby enter the following:

1. Nursing Assistant and Medication Aide licenses issued to the Respondent are hereby revoked for a period of five (5) years commencing upon the date signed by the Department.
2. At the time Respondent seeks reinstatement of the Nursing Assistant and Medication Aide licenses, Respondent shall submit documentation to the Board evidencing that Respondent is capable and competent to engage in the practice of Nursing Assistant and Medication Aide. In addition, Respondent must meet all education requirements for licensure in effect at the time Respondent applies for licensure.
3. That the Respondent fail to comply with the terms of this Order, Respondent shall be subject to further disciplinary sanctions.
4. That this Order shall remain in full force and effect pending further Order by the Rhode Island Department of Health.

Paulina Fonseca

PAULINA FONSECA
NA42082

Date: 3/28/07

Ed D'Arezzo
Interim Associate Director of Health
Environmental and Health Services Regulation

Date: 4/2/12