



State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

vs.

Brian Steven Smith (C09-743)

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"), has investigated a complaint charging Brian Steven Smith (NA27017) (hereinafter "Respondent") with a violation of Section 23-17.9-8 of the General Laws.

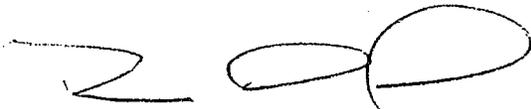
After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a Nursing Assistant licensed to practice in the State of Rhode Island.
2. That all pertinent times, Respondent was employed by Eleanor Slater Hospital, Cranston, RI.
3. That is, on or about November 24, 2009, Respondent was involved in an incident with a patient and another nursing assistant. At this time a struggle occurred, which caused the patient to fall and sustain a fracture to his arm.
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:

1. Respondent is a nursing assistant and able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. 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.
4. 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 in his behalf 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.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
6. Acceptance by the Respondent and approval by the Department of this Consent Order does not constitute an admission of the facts contained herein.
7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
8. Respondent agrees to voluntarily surrender his nursing assistant license for an indefinite period of time.
9. At the time Respondent seeks reinstatement of Nursing Assistant license, Respondent shall submit documentation evidencing that Respondent is capable and competent to engage in the practice of a Nursing Assistant. In addition, Respondent must meet all educational requirements for licensure in effect at the time Respondent applies for licensure.
10. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.
11. That the surrender of Respondent's license to practice as a nursing assistant shall remain in full force and effect pending further order of the Department.



Brian Steven Smith

Date 4/18/11



Charles Alexandre, PhD., RN
Chief, Health Professions Regulation

Date 5/2/11