

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF NURSING ASSISTANTS**

vs.

CARLOS VARGAS (NA39637)

A.H. FILE NO. C11-494

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 Carlos Alberto Vargas NA39637 (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 licensed to practice in the State of Rhode Island.
2. That all pertinent times, Respondent was employed by Butler Hospital, Providence, RI.
3. That is, on or about April and May 2011, Respondent contacted prior hospitalized psychiatric patient by telephone on numerous occasions after the patient's discharge. Telephone reports revealed forty seven (47) incoming calls received April 26 through May 6, 2011. Respondent resigned from hospital on May 31, 2011.
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 licensed and doing business under and by virtue of the Laws of the State of Rhode Island, nursing assistant license number, NA39637.

- (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.

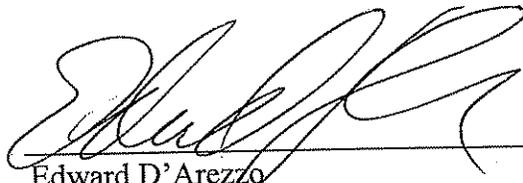
Based on the foregoing, the parties hereby enter the following Consent Order:

1. The Nursing Assistant license issued to the Respondent is hereby suspended for a period of one (1) years, commencing on the date that this Order is ratified by the Board.
2. This suspension is **stayed** under the following conditions:
3. Respondent agrees, on or before September 15, 2012 to present evidence of enrollment and satisfactory completion of duly approved continuing education course titled "Establish and Maintain Health Nurse-Patient Boundaries" which can be found at the NCBSN web site at www.ncsbn.or/1624.htm.
4. If Respondent does not meet the condition contained herein, the Board will provide Notice in writing. The Respondent will have the opportunity to appear within ten (10) days to show cause why the suspension should not be imposed immediately. If the Board is satisfied that he has not shown Cause, the suspension will be imposed without further hearing or appeal, and the Respondent will be notified of the suspension dates in writing.
5. If the Respondent fails to comply with the terms of this Order, or is the subject of a new complaint or complaints, Respondent shall be subject to further disciplinary sanctions.
6. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board.
7. The pending case against the Respondent, C11-827 will be administratively closed.
8. That this Order shall remain in full force and effect pending further Order by the Rhode Island Department of Health.



CARLOS ALBERTO VARGAS
NA39637

Date: 7/2/2012



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

Date: 7/11/12