

State of Rhode Island  
and Providence Plantations

Department of Health  
Office of Health Professions

vs.

**Danita Thistlewaite NA 23398**

**CONSENT ORDER**

Pursuant to R.I.G.L. (Reenactment), 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 Danita Thistlewaite, NA (hereinafter "Respondent"), with a violation of Section 23-17.9-8 of the General Laws.

After consideration by the Board, 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 at all pertinent times, Respondent was employed by Laurel Health Care Center, Coventry, RI
3. That prior to 14 February 2002, you physically abused a patient in your care by opening a window to force the patient out of bed to eat, and by blocking access to the patient's room to force the patient to participate in activities
4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct in Section 23-17.9-8 and the Rules and Regulations promulgated thereunder.

The parties agree as follows:

1. Respondent is a Nursing Assistant able to conduct business under and by virtue of the laws of the State of Rhode Island. Respondent's mailing address is 1101 Main Street, Apt.6, Coventry, RI 02816.
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 her 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 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 both parties. Respondent's license shall reflect the status "Active Probation.
6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein by the Respondent.
7. Respondent will be subject to a two (2) year period of probation commencing upon the date the Consent Order is signed by both parties.
8. That the probationary period will be in effect upon employment of the Respondent as a Nursing Assistant in a licensed health care facility, and will abate for any period when the Respondent is not employed as a Nursing Assistant.
9. Respondent will notify the Department of any lapse in employment and the probation will be extended until two (2) years of employment as a Nursing Assistant is completed.
10. That, during the period of probation, Respondent must attend 12 hours of in-service programs on patient's rights and professionalism. It shall be the responsibility of the Respondent to have the employer(s) submit quarterly reports of the number of hours of in-service Respondent has attended for that previous quarter, until such time that the entire 12 hours of in-service training has been completed.
11. Respondent will require supervision. This stipulation will be documented and reported to the Department by a supervising Registered Nurse.
12. That, during the period of probation, that the Respondent's employer shall submit quarterly reports to the Board relating to the Respondent's conduct and

performance; that it shall be the responsibility of Respondent to have the employer(s) submit said reports.

13. That during the period of probation, should Respondent change employment, Respondent shall notify the Board forthwith of said changes including the name and address of the new employer(s), date Respondent commences said employment and the reason for the change in employment.

14. That should Respondent comply with the laws and regulations governing the practice of Nursing Assistant and comply with the requirements of this Consent Order Respondent may apply to the Department for an unrestricted license to practice as a Nursing Assistant.

15. That should Respondent fail to comply with the terms of this Agreement, Respondent Registration as a Nursing Assistant will be subject to suspension or other appropriate disciplinary action.

Signed this 15<sup>th</sup> day of January 2003

✓ Danita R Thistlewaite  
Danita Thistlewaite, NA

Approved on this 17<sup>th</sup> day of January 2003

Donald C. Williams  
Donald C. Williams  
Associate Director, Health Services Regulation