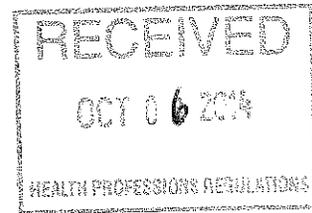


State of Rhode Island and Providence Plantations  
Department of Health  
Office of Health Professional Regulation



vs.

Complaint No.: C14-0599C  
Licensee No.: NA03939

Diane Marie Tobias

### CONSENT ORDER

Pursuant to RIGL 23-17.9-8 and the Rules and Regulations promulgated there under, the Rhode Island Department of Health (hereinafter the "Department"), and the Nursing Assistant Advisory Board (hereinafter the "Board"), has investigated a complaint charging Diane Marie Tobias, NA03939 (hereinafter the "Respondent") with a violation of RIGL 23-17.9-8.

After review and consideration by the Department and the Board with respect to the allegations of unprofessional conduct of the Respondent, the following are and shall constitute

### FINDINGS OF FACT

1. Respondent is a Nursing Assistant licensed to practice in the State of Rhode Island under Nursing Assistant License Number, NA03939.
2. At all times relevant hereto, Respondent was employed by Summer Villa, Coventry, RI.
3. That on or about May 24, 2014, Respondent performed services beyond the scope of practice; Respondent assessed resident and administered medication via a telephonic physician order.
4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct pursuant to RIGL 23-17.9-8 and the Rules and Regulations promulgated there under.
5. That the Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
6. That the Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by the Respondent and the Department and/or Board.

7. That the Respondent understands the purpose of this Consent Order is solely to resolve the complaint of unprofessional conduct alleged against the Respondent.

8. That the Respondent hereby acknowledges and waives:

- a) The right to have an Administrative Hearing on this matter;
- b) The right to represent himself/herself or be represented by an Attorney of Respondent's own choosing at said hearing;
- c) The right to present testimony, evidence and witnesses on Respondent's behalf;
- d) The right to cross-examine witnesses presented by the Department;
- e) The right to further procedural steps except for those specifically contained herein;
- f) The right to take an appeal from the terms of this Consent Order.

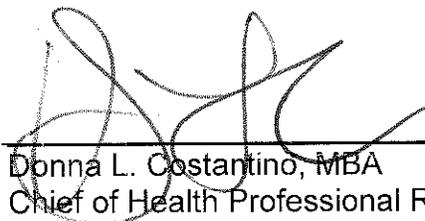
ACCORDINGLY AND BASED ON THE FOREGOING

The Rhode Island Department of Health and the Respondent hereby agree to the following disposition of this complaint:

- 1. That Respondent is hereby issued the sanction of a Reprimand.
- 2. That this Order shall become part of a public record of this proceeding.



Diane Marie Tobias  
NA03939



Donna L. Costantino, MBA  
Chief of Health Professional Regulation

Date:

10/1/14

Date:

10/10/14