

State of Rhode Island  
and Providence Plantations

Department of Health  
Office of Health Professions Regulation

vs.

A.H. File No. (HSR)2004-13  
Case # C03-329; C03-879  
and/or RI0306, R100001198

Edward DiGregorio

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 two complaints charging Edward DiGregorio, NA (hereinafter "Respondent") with a violation of Chapter 23-17.9-8 of the General Laws of the State of Rhode Island, 1987 as amended.

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

1. Respondent is a licensed Nursing Assistant in the State of Rhode Island.
2. That at all pertinent times, Respondent was employed by Elmhurst Extended Care, Providence, Rhode Island and Morgan Health Center, Johnston, Rhode Island.
3. That no violation of Rhode Island General Laws or the Rules and Regulations occurred in Complaint # RI0306 (incident date 4/27/03 ); That in Complaint # R100001198 (incident date 11/23/03), Respondent acted unprofessionally in violation of the above referenced Statute and/or Rules and Regulations.

The Parties agree as follows:

1. Respondent is a Nursing Assistant and is able to conduct business under and by the virtue of the laws of the State of Rhode Island. Respondent's mailing address is 3301 Post Road, Apt 7, Warwick, RI, 02886.
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 contents thereof are not binding on Respondent until final approval by the Department. If the Department fails to approve this proposed Consent Order, Respondent will have a right to a full hearing with reasonable notice of said hearing provided to Respondent and Counsel for Respondent. Presently, a hearing is scheduled for June 3, 2004 at 9:30am. It is anticipated by the parties that this Consent Order will be final prior to said hearing date. If this proposed Consent Order is not approved by June 3, 2004 and it becomes necessary to conduct a hearing, said Hearing will occur no earlier than June 17, 2004 with notice to Respondent and Counsel.

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 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.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by both parties.

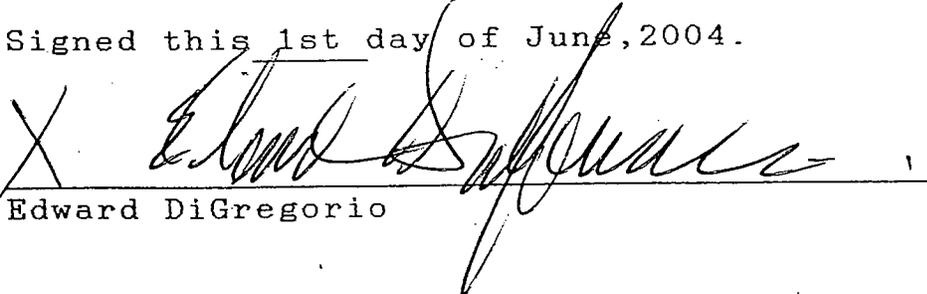
6. Acceptance by Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein by the Respondent.

7. Nursing Assistant license issued to the Respondent is suspended for a period of two years commencing June 1, 2004.

8. Respondent may seek reinstatement of his Nursing Assistant license on June 2, 2006 or thereafter so long as Respondent meets all education, training and examination requirements for licensure in effect at the time Respondent applies for licensure. Respondent's reinstatement will not be prejudiced by this order or any and all previous orders. This order and any and all previous orders will not bar Respondent's reinstatement. Additionally, Respondent may begin the reinstatement process prior to June 2, 2006, in an effort to obtain a Nursing Assistant license which would be effective June 2, 2006.

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Signed this 1st day of June, 2004.

X   
Edward DiGregorio

Approved on this 2 day of June, 2004

  
Charles Alexandre, MSN, RN, Acting Chief  
Health Services Regulation