

State of Rhode Island  
and Providence Plantations

Department of Health  
Division of Professional Regulations

vs.

Festus Osei NA22869

**CONSENT ORDER**

Pursuant to Section 23-17.9-8 of the General Laws of the State of Rhode Island, 1987, as amended, 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 Festus Osei, NA, with a violation of Chapter 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 at South County Nursing Home, North Kingstown, Rhode Island.
3. That on or about 1/3/02 he abused a resident of South County Nursing Home in that he struck a resident on the arm.
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 and able to conduct business under and by virtue of the laws of the State of Rhode Island. Respondent's mailing address is 19 North

Broadway, Rumford R.I. 02916.

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 nursing assistant is not employed as a nursing assistant.
9. Respondent will notify the Department of Health of any lapse in employment and the probation will be extended until two (2) years of employment as a nursing assistant is completed.
10. Respondent will document eight (8) hours of remedial training, as part of the required twelve (12) hours/year of inservice, in the areas of residents' rights and resident abuse. This inservice will be documented and reported to the Department of Health by a supervising Registered Nurse and will be accompanied by a performance evaluation. The performance evaluation from each health facility employer must recommend continued employment and satisfactory performance.
11. That should Respondent comply with the laws and regulations governing the practice of nursing assistance and comply with the requirements of this Consent Order he may apply to the Department for an unrestricted license to practice as a nursing assistant.
12. That should Respondent fail to comply with the terms of this Agreement, his Registration as a Nursing Assistant will be subject to suspension or other appropriate disciplinary action.

Signed this 03 26 day of MARCH - 02

Festus Osei  
Festus Osei, NA

Approved on this 28th day of 2002 March

Nikki Deary  
Nikki Deary, Chief, Health Professions