

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH :
HEALTH SERVICES REGULATION :**

vs. : A.H. FILE NO. (HSR) 2004-8

HEATHER CARRELL :

CONSENT ORDER

This matter is before the Rhode Island Department of Health, Nursing Assistant Advisory Board (hereinafter "Department") upon matters contained in an Administrative Hearing Notice issued to Heather Carrell (hereinafter "Respondent") on 9 February 2004. Said Administrative Hearing Notice informed "Respondent" that a hearing would be held on the Department's decision to deny her application for a certificate of registration as a Nursing Assistant on 9 February 2004. Specifically, it was alleged that Respondent, while working with a temporary license at Scallop Shell Nursing and Rehabilitation Center, Peace Dale, RI on 9 and 16 October 2003, did use vulgar inappropriate language directed at two patients. Further, on or about 31 March 2002 you were driving a motor vehicle with a suspended license, and you plead nolo contendere to this charge and were fined in the amount of two hundred fifty (\$250.00) and, on the same date, you did operate a motor vehicle recklessly and pled contendere and were fined five hundred dollars (\$500.00).

Pursuant to Section 23-17.9-8 (1) and (5) this conduct constitutes unprofessional conduct in the State of Rhode Island and, as such, is grounds for disciplinary action.

Prior to the date set for hearing, it was agreed as follows:

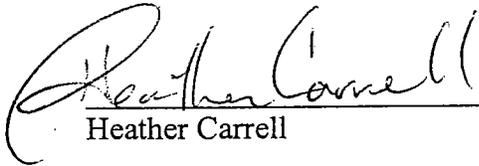
1. Respondent is an applicant for licensure as a Nursing Assistant.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.

3. Respondent has read this Consent Order and understands that it is a proposal of the Department.
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 for 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 the Department reviewing this Consent Order may be the same as the Hearing Committee presiding over this matter should it later be brought to an administrative proceeding;
 - j) 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 all parties. Respondent's license shall reflect that the status "Active Probation."

6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts herein.
7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
8. Respondent agrees to a two (2) year period of probation to commence upon the date the Consent Order is signed by both parties and will abate for the duration of any period in which Respondent ceases to be employed as a nursing assistant.
9. That, during the period of probation, Respondent shall not work in a home care setting or for a nursing pool/staffing agency. That Respondent will work under the supervision of a nurse at all times.
10. That, during the period of probation, Respondent's employer(s) shall submit to the Department reports every three (3) months relating to Respondent's conduct and performance. That it shall be the responsibility of Respondent to request that her employer(s) submit said reports.
11. That during the period of probation Respondent shall notify the Department forthwith of any changes in her employment, including the name and address of the new employer(s) and the reason for said change.
12. That, during, the period of probation, the Respondent's must submit evidence of completion of in-service programs (12 hours per year) covering patient's rights.
13. That should Respondent comply with the laws and regulations governing the practice of nursing and comply with the terms of this Order during the two (2) year period of probation she may apply to the Department for an unrestricted license.

14. That should Respondent fail to comply with the laws and regulations governing the practice of nursing and/or fail to comply with the terms of this Order, her license as a nursing assistant shall be subject to suspension or other appropriate disciplinary action.
15. That this Consent Order shall constitute a final disposition of the matters contained in the Administrative Hearing Notice dated 9 February 2004.

Signed this 20th day of February 2004


Heather Carrell

Approved on this 20th day of February 2004


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