

State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

vs.

Herbert Holmes

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 complaint charging Herbert Holmes, NA (hereinafter "Respondent") with a violation of Section 23-17.9-8 of the General Laws.

After consideration by the Department, 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 all pertinent times, Respondent was employed as a Nursing Assistant.
3. On or about 4 October 2001, Respondent entered into a Consent Order with the Department wherein Respondent's nursing assistant license was placed on a one (1) year period of probation with stipulations for unprofessional conduct. In that, during 2001 the Respondent was convicted of drug-related crimes and sentenced to a suspended sentence/probation. That on or about 24 August 2004, Respondent was found not to be in compliance with said Consent Order in that the required performance evaluations, counseling and/or treatment program reports have not been submitted, and place of employment has not been supplied.
4. It has also come to the Department's attention that Respondent, in 2002, was arrested on a warrant and failed to appear for a summons, in 2003 had three (3) counts of failing to appear for a summons, and one (1) count of manufacturing/possession/delivery of >1 kilo of cocaine for which he plead nolo contendere.
5. That is, during 2001, Respondent was convicted of drug-related crimes and sentences to a suspended sentence/probation.
6. That the conduct described herein constitutes unprofessional conduct pursuant to Section 23-17.9-8 (3) and the Rules and Regulations promulgated thereunder.

Based on the foregoing, the Rhode Island Department of Health hereby enters the following:

1. Nursing Assistant license issued to the Respondent is hereby suspended for a period of not less than five (5) years commencing upon the 13 September 2004.
2. At the time Respondent seeks reinstatement of the Nursing Assistant license, Respondent shall submit documentation to the Board evidencing that Respondent is capable and competent to engage in the practice of Nursing Assistant. In addition, Respondent must meet all education requirements for licensure in effect at the time Respondent applies for licensure.
3. That should Respondent fail to comply with the terms of this Order, Respondent shall be subject to further disciplinary sanctions.
4. That this Order shall remain in full force and effect pending further Order by the Rhode Island Department of Health.

Ordered this 31st day of August 2004

Charles Alexandre
Charles Alexandre, MSN, RN, Chief
Health Professions Regulation