

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH :
HEALTH SERVICES REGULATION :

vs. :

A.H. FILE NO. (HSR) 2005-24

JESSICA DUTRA, N.A. :

ADMINISTRATIVE DECISION

This matter came on for hearing on September 8, 2005 upon an allegation that the Respondent, a certified nursing assistant, had stolen approximately \$360.00 from two (2) home care clients while the Respondent was working at Homefront Health Care in Providence, RI. The Department alleges that such conduct, if proven, subjects the Respondent to discipline, including revocation of her certification as a certified nursing assistant pursuant to §§ 23-17.9-8 (1) (2) and (5) of the General Laws.

FINDINGS OF FACT

The Respondent is alleged to have taken \$160.00 from one home care client and \$200.00 from another home care client. Both incidents were alleged to have occurred in December 2004. The investigation conducted by the employer, Homefront Health Care, and the follow-up investigation by the Department revealed that, upon being interrogated, the Respondent changed her story a number of times and finally admitted to having taken the money from at least one of the clients.

The Respondent was charged with larceny under \$500.00 by the Gloucester Police Department. She was convicted of the charge on March 31, 2005.

Thereafter, the Department notified the Respondent of its intention to revoke or suspend her certification. The Respondent requested a hearing. By Administrative Hearing Notice (State's 1), the Department advised the Respondent that her case would be heard on August 11, 2005. On the date of hearing, or shortly before, the Respondent contacted the Department to request a continuance. By letter dated August 12, 2005, the Department notified the Respondent by registered mail that her case had been continued to September 8, 2005 and that there would be no further continuances from that date. The Respondent signed for the certified mail on August 24, 2005. The Respondent did not thereafter contact anyone within the Department, nor did she appear for hearing. The Department expressed a desire to go forward with the proceeding. This Hearing Officer waited approximately twenty-five (25) minutes before commencing the hearing.

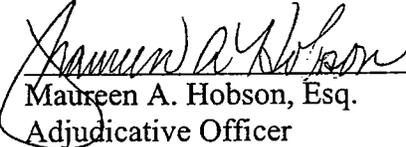
CONCLUSION

The Respondent stole money from two (2) of her home care clients. Taking money from clients is one of the most egregious acts attributable to any health care worker and constitutes unprofessional conduct at the highest level.

ORDER

Based upon the foregoing, pursuant to the provisions of §§ 23-17.9-8 (1) (2) and (5), the Respondent's certification as a certified nursing assistant is hereby revoked, effective immediately.

Entered this 8th day of September, 2005.


Maureen A. Hobson, Esq.
Adjudicative Officer
Office of Legal Services
R.I. Department of Health
Cannon Building, Room 404
Three Capitol Hill
Providence, RI 02908-5097
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IF YOU ARE AGGRIEVED BY THIS FINAL AGENCY ORDER, YOU MAY APPEAL THIS FINAL ORDER TO THE RHODE ISLAND SUPERIOR COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF MAILING OF THIS NOTICE OF FINAL DECISION PURSUANT TO THE PROVISUONS FOR JUDICIAL REVIEW ESTABLISHED BY THE RHODE ISLAND ADMINISTRATIVE PROCEDURES ACT, SPECIFICALLY, R.I. GEN. LAWS § 42-35-15.

CERTIFICATION

I do hereby certify that I have mailed a copy of the within ADMINISTRATIVE DECISION to Jessica Dutra, 123B Centennial Street, Pascoag, RI 02859 on this 8th day of September 2005.

