

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH :
DIVISION OF PROFESSIONAL REGULATION :
vs. :
JOHN C. MOSBY :

CONSENT AGREEMENT

This matter is before the Department of Health, Division of Professional Regulation (hereinafter "Department"), upon matters contained in an application for Registration as a Nursing Assistant filed by John C. Mosby (hereinafter "Respondent").

After due consideration, the parties agree as follows:

1. The Respondent admits to a felony conviction. Specifically, on 23 August 1995 Respondent plead guilty to conspiracy to Possess With Intent to Distribute Marijuana in the United States District Court, District of Maine, and was sentenced to five (5) years probation to the requirement that he serve the last six (6) months of said probation in home confinement.

2. That Respondent had previous criminal offenses involving possession of marijuana and cocaine paraphernalia in March 1982, September 1985 and August 1988.

3. That the conduct described in paragraphs one (1) and two (2) constitutes grounds to deny your application for registration as a Nursing Assistant pursuant to the provisions of section 23-17.9-8(a)(c).

4. That Respondent shall submit to the Department evidence that he has been evaluated by a health care professional specializing in substance abuse and adhere to any treatment plan

recommended by that professional. Respondent shall also present evidence to the Department that he has been found by said health care professional specialist in substance abuse to be capable of engaging in the practice of nursing assisting without jeopardizing the health, safety or welfare of patients/clients under his care.

5. That upon receipt of statement from a health care professional specializing in substance abuse, attesting to the fact that Respondent can engage in the practice of nursing assisting without jeopardizing the health and safety of patients, the Department shall grant his application for registration as Nursing Assistant upon the terms and conditions set forth in this Consent Agreement.

6. That Respondent shall serve at least a five (5) year period of probation subject to the terms and conditions set forth in this Consent Agreement.

7. That said probationary period shall commence upon Respondent's employment as a Nursing Assistant and will abate for the duration of any period in which Respondent ceases to be employed as a Nursing Assistant.

8. Respondent shall continue counseling and/or treatment for drug and/or alcohol abuse with his health care professional and continue such other counseling and/or treatment programs as his counselor deems appropriate.

9. Respondent waives confidentiality of his treatment and counseling and will direct the other health care professional rendering him treatment and/or counseling to release any reports to the Department including, but not limited to, monthly counseling

reports, monthly urine and drug screening reports.

10. That during the period of probation Respondent shall submit to the Department evaluations from his employer at the end of six (6) months and twelve (12) months from the commencement of the probationary period; that at the expiration of one (1) year period of probation, Respondent's employer shall submit to the Department reports relating to Respondent's conduct and performance. That it shall be the responsibility of Respondent to have his employer(s) submit said reports.

11. That during the period of probation should Respondent change employments, he shall notify the Department forthwith of said change including the name and address of the new employer(s), date he commences said employment, and the reason for the change in employment.

12. That during the period of probation Respondent shall notify the Department forthwith in the event that he is charged with any crime by any law enforcement agency in any jurisdiction.

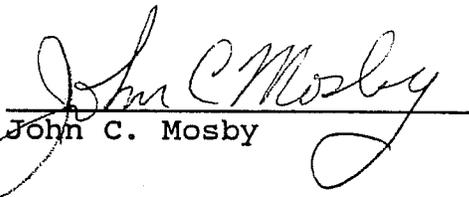
13. That during the period of probation should Respondent be charged with any crime in any jurisdiction by any law enforcement agency or fail to comply with the laws, rules and regulations relating to the practice of nursing assisting or any of the terms of this Consent Agreement, the Department shall initiate appropriate action with respect to Respondent's licensure status.

14. That should Respondent comply with the laws and regulations governing the practice of nursing assisting during the period of probation, and not be charged with any crime in any jurisdiction by any law enforcement authority, he may apply to the

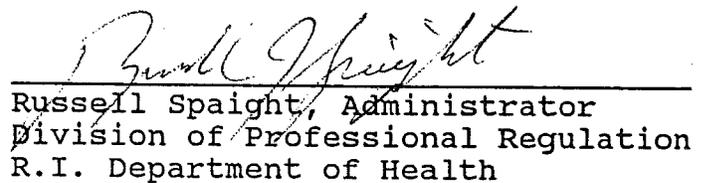
Department for an unrestricted registration to practice as a Nursing Assistant.

15. That the terms of this Consent Agreement shall obviate the necessity for the initiation of a formal administrative hearing before the Adjudication Officer of the Rhode Island Department of Health with respect to the matters contained in the application filed by the Respondent.

16. That this Consent Agreement shall become part of the public record of this matter once it has been signed by all the parties.



John C. Mosby



Russell Spaight, Administrator
Division of Professional Regulation
R.I. Department of Health

Dated: 5 APRIL 1996