

4. Letter of Wendy Cain, RN, DNS
5. Summary of Investigation of the Department of Health by Richard Tammaro, Investigator.
6. Summary of the Incident from Kim Dizon, NA

### **Finding of Facts and Conclusions of Law**

1. That the Respondent was a Certified Nursing Assistant at the Villa House where the incident occurred.
2. That the Respondent was given adequate notice of the Statement of the Charges, and the Time, Date and Place of the hearing.
3. That the Respondent sign a Return Receipt Requested card that indicates he received the Hearing Notice.
4. That Keith Massey failed to appear to defend the charges.
5. That Kim Dizon, NA called to the attention of Keith Massey that his patient had fallen on the floor.
6. That Keith Massey failed to care for his patient appropriately by assisting the patient back to bed.
7. That Keith Massey responded, "he can stay on the floor" when his patient's whereabouts was called to his attention.
8. That a failure to Respond and appear for an administrative hearing is the functional equivalent of an admission.
9. That the burden of proof is preponderance of the evidence.
10. That the state has met its burden of proof that the Respondent is guilty of being unfit or incompetent by reason of negligence, habits, or other causes and conduct detrimental to the health welfare and safety of patients/residents in his care in accordance with § 23-17.9-8(1) and (5).

**ORDER**

Respondent is hereby Suspended until further Order of the Board.

Bruce W. McIntyre  
Bruce W. McIntyre, Esq.  
Hearing Officer

November 24, 2003  
Date

**Certification**

I hereby certify that on January 14, 2002 a copy of this order was sent to the following individuals postage prepaid:

Gregory Madoian, Esq.  
Department of Health  
3 Capitol Hill, Rm. 404  
Providence, R.I. 02908

Keith Massey, NA  
171 Ruggles Ave.  
Newport, RI 02840

Ann M. Rapone