

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
OFFICE OF HEALTH PROFESSIONS REGULATION**

vs.

LATOIA DUARTE

CONSENT 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 a complaint charging Latoia Duarte, 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 at all pertinent times Respondent was employed by Park View Nursing Home, Providence, Rhode Island.
3. That on or about 15 September 2002, Respondent was verbally abusive to a patient in that you did exchange verbal obscenities with the resident.
4. The conduct described in paragraph three (3) herein constitutes unprofessional conduct in Section 23-17.9-8, and Rules and Regulations promulgated thereunder.

The parties agree as follows:

1. Respondent is a Nursing Assistant and is able to conduct business under and by the virtue of the laws of the State of Rhode Island. Respondent's mailing address is 133 Penn Street, Providence, Rhode Island.
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 and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by 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 his 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;
5. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
6. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
7. Respondent shall voluntarily accept the sanction of a reprimand.

Singed this Latoia Duarte day of March 1st 2004

Latoia Duarte, NA

Approved on this 3rd day of March 2004

Charles Alexander
Charles Alexander, Acting Chief
Health Professions Regulation