

State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

vs.

Lubelia Fontaine, NA (CO5-358)

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 Lubelia Fontaine, 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 at Heatherwood Nursing & Subacute Care, Newport, Rhode Island.
3. That is, on or about 19 February 2005, Respondent was verbally and physically abusive to a resident, causing the resident to cry while employed as a nursing assistant; and that pursuant to a Board Order dated 23 May 2005 Respondent's nursing assistant license was placed on probationary status for a period of not less than one (1) year effective 3 June 2005.
4. That on or about 20 May 2005, Respondent was verbally and physically abusive to a resident while providing care.
5. That the conduct described in paragraph four (4) herein constitutes unprofessional conduct pursuant to Section 23-17.9-8 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 two (2) years commencing upon the 19 October 2005.
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 13 day of October 2005

Charles Alexandre
Charles Alexandre, Chief
Health Professions Regulation