State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

vs.

Lubella Fontaine (CO5-199)

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 Lubella 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 at all pertinent times, Respondent was employed by Heatherwood Nursing & Subacute Center, Newport, Rhode Island.

3. That on or about 19 February 2005, Respondent was verbally abusive to a resident, causing the resident to cry.

4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct pursuant to Section 23-17.9-8 (3) 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 put on probation for a period of one (1) year commencing upon 3 June 2005.

2. That the probationary period will be in effect upon employment of the Respondent as a Nursing Assistant in a licensed health care facility, and will abate for any period when the Respondent is not employed as a Nursing Assistant.

3. Respondent will notify the Department of any lapse in employment and the probation will be extended until one (1) year of employment as a Nursing Assistant is

completed.

4. Respondent will require supervision. This stipulation will be documented and reported to the Department by a supervising Registered Nurse.

5. That, during, the period of probation, the Respondent's employer shall submit quarterly reports to the Board relating to the Respondent's conduct and performance; that it shall be the responsibility of Respondent to have the employer(s) submit said reports.

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

7. That during the period of probation, Respondent will be prohibited from working in a community based setting (i.e. an assisted living facility, a home nursing care provider agency or any setting in which Respondent will be providing care without supervision).

8. That should Respondent comply with the laws and regulations governing the practice of Nursing Assistant and comply with the requirements of this Order, Respondent may apply to the Department for relief from probation.

9. That should Respondent fail to comply with the terms of this Order, Respondent's Registration as a Nursing Assistant will be subject to suspension or other appropriate disciplinary action.

10. That should Respondent fail to comply with the terms of this Order, Respondent shall be subject to further disciplinary sanctions.

11. That this Order shall remain in full force and effect pending further Order by the Rhode Island Department of Health.

Ordered this May 23 day of May 2005

Charles Alexandre

Charles Alexandre, Chief
Health Professions Regulation