State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

vs.

Mabel Tapia

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 complaint charging Mabel Tapia, 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. It has come to the Department's attention that on or about 1998, 2002 and 2003, Respondent was arrested and plead nolo contendere to one (1) count Conspiracy to Violate Control Substances Act on 7 October 1998; and two (2) counts of driving without/expired license, for which you plead nolo contendere on 17 May 2002 and 3 December 2003; and one (1) count of Misdemeanor Shoplifting for which you plead nolo contendere on 28 May 2002.

3. 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 probation for a period of two (2) years commencing upon 13 September 2004.

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 two (2) years of employment as a Nursing Assistant is completed.

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

6. 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.

7. 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.

8. 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).

9. 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.

10. 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.

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

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

Ordered this 31st day of August 2004

Charles Alexandre

Charles Alexandre, MSN, RN, Chief
Health Professions Regulation