

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION

vs.

MADELINE PACHECO

A.H. FILE NO. (HSR) 2005-22

ADMINISTRATIVE DECISION

This matter came on for hearing on October 27, 2005 upon allegations that the Respondent engaged in unprofessional conduct with respect to the provision of home health care to an elderly patient. The Respondent is charged with being verbally abusive to the patient and being negligent in her care of the patient. The State urges that the evidence supports a finding of unprofessional conduct and establishes grounds to discipline Respondent's certification as a nursing assistant pursuant to § 23-17.9-8(1)(2) and (5) of the General Laws.

The Respondent appeared at the hearing and represented herself pro se.

The State produced an investigative report for the record of hearing. The witness statements contained in the report established that the Respondent had been assigned by a home care agency to provide sanitary care and nursing aid to an elderly woman who was living with her daughter. On or about November 10, 2004, while the Respondent was providing nursing assistance to the patient, the patient's daughter overheard the Respondent verbally abusing her mother. When the daughter then questioned the Respondent about the tone Respondent had taken with her elderly patient, the Respondent became verbally abusive with the daughter, swearing at her several times. The daughter

indicated that the Respondent also acted out physically by throwing the patient's stuffed animals to the floor. The daughter asked the Respondent to leave the premises, and after she did, the daughter made an initial complaint to the local police department, but subsequently did not follow-up with it. The daughter further complained that the Respondent was negligent in the care she was providing to the patient. It was the responsibility of the Respondent to bathe, dress and toilet the patient. The witness statements indicated that the nurse's aide whose shift followed that of the Respondent continually found the patient to be in an unsanitary condition upon her arrival. That aide stated that upon arriving to care for the patient, the aide routinely found the patient with urine soaked briefs, a dirty face, greasy hair and food particles in her bedding. Given the opportunity to testify, the Respondent did not dispute the contents of the report, other than to state that she changed the patient's briefs just before her departure at 2:00pm on the days she worked. She testified that if the patient's underwear were dirty upon the arrival of the next aide at 2:00pm, then the patient had soiled herself again. The Respondent stated that while she was fired from the patient's home, she is still gainfully employed as a nurse's aide with the same home health agency.

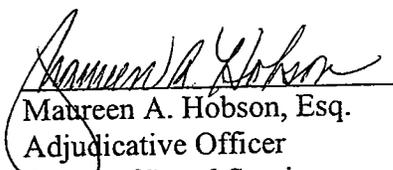
It is clear from the evidence presented that the Respondent did not provide proper sanitary care to the patient and that she spoke to the patient and her daughter in an unprofessional manner. Further, when the Respondent became embroiled in an argument with the patient's daughter, the Respondent knocked the patient's stuffed animals to the floor and stormed out of the house. That conduct on behalf of the Respondent constitutes unprofessional conduct as same is set forth in § 23-17.9-8, in particular, subsection (5) thereof.

ORDER

Based upon the foregoing, the Respondent is hereby issued a **REPRIMAND**.

The Reprimand shall be identified on Respondent's certification and shall be maintained in the Respondent's file at the Department of Health and upon the Department's licensing website.

Entered this 1st day of November, 2005.



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If you are aggrieved by this final agency order, you may appeal this final order to the Rhode Island Superior Court within thirty (30) days from the date of mailing of this notice of final decision pursuant to the provisions for judicial review established by the Rhode Island Administrative Procedures Act, specifically, R.I. Gen. Laws § 42-35-15.

CERTIFICATION

I hereby certify that I have mailed a copy of the within Administrative Decision, postage prepaid, to Madeline Pacheco, 450 Hartford Avenue, Providence, RI 02909 on this 1st day of November, 2005.

