

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION**

vs.

MATHIAS RAMOS, NA

CONSENT ORDER

Pursuant to section 23-17.9-8 of the Rhode Island General Laws, 2001 Reenactment, and the Rules and Regulations promulgated thereunder, the Rhode Island Department of Health (hereinafter "Department"), after review and consultation with the Nursing Assistant Advisory Board, has investigated a complaint charging Mathias Ramos (hereinafter "Respondent") with a violation of section 23-17.9-8 of the Rhode Island General Laws, 2001 Reenactment.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of Respondent:

1. Respondent is a licensed nursing assistant and able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. That at all pertinent times, Respondent was employed at Eleanor Slater Hospital, Cranston, Rhode Island.
3. That on or about 14 October 2003 Respondent was alleged to have been physically abusive to a patient.
4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct pursuant to section 23.17.9-8 and the Rules and Regulations promulgated thereunder.
5. Respondent has read this Consent Order and understands that it is a proposal of the Department.

6. 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;
 - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
7. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties. Respondent's license shall reflect that the status "Active Probation."
8. That Respondent neither admits nor denies that allegations that form the basis of this Consent Order.

9. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
10. Respondent agrees to a two (2) year suspension of his nursing assistant license, however said suspension shall be stayed and Respondent shall serve a period of probation according to the terms of this Consent Order.
11. Respondent agrees to a two- (2) year period of probation to commence upon the date the Consent Order is signed by both parties and will abate for the duration of any period in which Respondent ceases to be employed as a nursing assistant.
12. That, during the period of probation, Respondent shall not work in a home care setting or for a nursing pool/staffing agency. That Respondent will work under the supervision of a nurse at all times. This stipulation will be documented and reported to the Department by a supervising registered nurse.
13. That, during the period of probation, Respondent's employer(s) shall submit to the Department reports every three (3) months relating to Respondent's conduct and performance. That it shall be the responsibility of Respondent to request that the employer(s) submit said reports.
14. That during the period of probation Respondent shall notify the Department forthwith of any changes in employment, including the name and address of the new employer(s) and the reason for said change.
15. That during the period of probation Respondent must attend twelve (12) hours of in-service programs to include the topic of patient rights. It shall be the responsibility of the Respondent to have the employer(s) submit quarterly reports of the number of hours of in-service attend for the quarter until such time that the twelve (12) hours are completed.

16. That should Respondent comply with the laws and regulations governing the practice of nursing assistant and comply with the terms of this Order during the period of probation Respondent may apply to the Department for an unrestricted license.
17. That should Respondent fail to comply with the laws and regulations governing the practice of nursing assistant and/or fail to comply with the terms of this Order, the license as a nursing assistant shall be subject to suspension or other appropriate disciplinary action.
18. That this Consent Order shall remain in full force and effect pending further order of the Rhode Island Department of Health.

5/28/04
Date

Mathias H. Ramos Jr
Mathias Ramos

Approved on this 3rd day of June 2004

Charles Alexandre
Charles Alexandre, Acting Chief
Health Professions Regulations