

**DEPARTMENT OF HEALTH
DIVISION OF HEALTH PROFESSIONS REGULATION**

**IN THE MATTER OF:
MEREDITH ROONEY, NA**

A.H. FILE NO. (HSR) 2006-20

ADMINISTRATIVE DECISION

This matter came to be heard before the Rhode Island Department of Health pursuant to an Administrative Notice dated May 22, 2006 which charged the Respondent, Meredith Rooney, N.A., with being verbally abusive and physically abusive to a patient at the Water View Villa, East Providence, RI in October of 2005. The Administrative Hearing Notice stated that pursuant to R.I.G.L. § 23-17.9-8 alleged that this conduct constituted unprofessional conduct and is grounds for discipline.

Gregory Madoian, Esq, represented the Department of Health.
James McCormick, Esq, represented Respondent.

Exhibits considered:

1. Administrative Hearing Notice with a statement of the charges and Notice of the Opportunity to be heard with the time, place and date of the hearing.
2. Water View Villa Patient Face Sheet
3. Statement of Witness Lisa Regnault, CNA
4. East Providence Police Witness Statement of Lisa Regnault

SUMMARY OF THE TESTIMONY

Testifying for the state was Lisa Regnault, a certified nursing assistant,, who is employed at Water View Villa and the Woman and Infants hospital. She had been a licensed nursing assistant for 4 years. Regnault worked the 3-11 shift at the water View Villa on October 9, 2005. She was assigned to the 4th floor of the Villa with approximately 44 patients. She

testified that she did not know Rooney. Regnault testified that on the evening of October 9, 2005 she heard screaming coming out of room 418.

Room 418 housed Patient A, a frail 84 year- old woman who suffered from senile dementia, hypertension, anemia and chronic renal failure. She was transferred to the Villa from another nursing home. Regnault testified that Patient A would cry and needed some extra attention because she was experiencing some adjustment difficulties to her new surroundings. She said she knew the patient and Rooney did not know her because she didn't work on the 4th floor. She testified that she explained the patient's situation to Rooney when she first arrived on the floor.

Regnault followed the screaming into Patient A's room. She testified that she knocked on the door and entered. She witnessed Rooney pick the patient up out of her wheel chair while the Patient continued to scream. Rooney put the patient on the bed lying across the bed. She then put her hand over Patient A's mouth forcing her head back into the mattress and said, "If you don't stop screaming you will end up on the floor with me on top of you." Regnault demonstrated how Rooney covered the patient's mouth. Eventually, Regnault assisted Rooney in repositioning Patient A on the bed. Regnault said she was "upset" by what she observed. She then left the room and told two other nursing assistants about the incident. Towards the end of her shift she reported the incident to Kathy Souza, the staff supervisor.

Under cross examination, Regnault said that the patient could be "unruly" and "combative" at times. "All 90 pounds of her," she observed. She agreed that the patient demonstrated agitation and screaming when care was being provided. She said that she doesn't scream as much now. "She was new to the facility and I think she was just scared."

She allowed that the patient was slouching down with her feet up while Rooney was trying to get her out of the wheelchair. She said the events happened in about 15 seconds. Regnault refused to adopt the defense theory that Rooney put her hand over the patient's mouth as part of the process of stumbling and falling on the bed on top of the patient. She said that Rooney didn't need to brace herself by putting her hand over the patient mouth. She said that Rooney braced herself so that she didn't fall completely on the patient but that her full weight was on the patient. She said that she didn't see any bruising but that it was over a year ago. "Any time you put your hand over an 80 something year-old patient's mouth, they're [sic] going to harm them," she testified.

Regnault testified that she wrote out a written statement of the events in longhand that night. She then went to give a statement to the East Providence Police Department. Both statements are part of this administrative record.

A review of both statements and the testimony of Regnault reveals a consistent recitation of the events of October 9, 2005. The oral interview that was signed by Regnault states that the Rooney had her hand over Patient A's mouth for about 20 seconds while her testimony has the entire incident lasting about 15 seconds. While there is some difference in the time line in the testimony of the eye-witness, the underlying facts are consistent throughout her testimony and written statements. Therefore, the significance of the timeline difference in her testimony given one year after the incident is so minimal that it is insignificant as it applies to the charges.

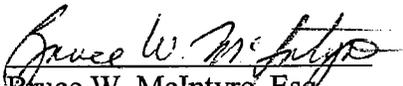
Finding of Facts and Conclusions of Law

1. Eye-witness Lisa Regnault witnessed what she considered to be "patient abuse" as is understood by licensed health care professionals.

2. Regnault acted appropriately and within the standards of her professional responsibilities by reporting the incident to supervisors and colleagues at the facility. Additionally, she recorded the events appropriately in written forms and followed-up by cooperating with an investigation conducted by the East Providence Police Department. This investigation lead ultimately to criminal charges being filed and a report was sent to the Department of Health.
3. The testimony of Lisa Regnault was credible and specific as to the underlying facts. Moreover, the Defendant did not testify in the matter and therefore there is no conflicting testimony as to the events that lead to these charges. No inference is drawn by the agency resulting from the lack of testimony by the Defendant.
4. The Department of Health has sustained its burden of a preponderance of the credible evidence required to find Meredith Rooney guilty of being verbally and physically abusive to a resident in a long-term health care facility.
5. Respondent Meredith Rooney is hereby guilty of violating the provisions of R.I.G.L. § 23-17.9-8 .

ORDER

The license as a Nursing Assistant issued to Meredith Rooney is hereby suspended for two years commencing on this date.


Bruce W. McIntyre, Esq.
Hearing Officer

10-7-06
Date

Certification

I hereby certify that on October 4, 2006 a copy of this order was sent to the following individuals postage prepaid:

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