

STATE OF RHODE ISLAND :
AND PROVIDENCE PLANTATIONS :

DEPARTMENT OF HEALTH :
DIVISION OF PROFESSIONAL :
REGULATION :
:
vs. :
:
Nicholia Clemetson :

CONSENT ORDER

Pursuant to 23-17.9-8 of the General Laws of the State of Rhode Island, as Amended, the Department of Health has information wherein it is alleged that Nicholia Clemetson (hereinafter referred to as "Respondent") has engaged in conduct which constitutes grounds for disciplinary action.

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 registered Nursing Assistant and is registered to engage in the practice of nursing assisting in the state of Rhode Island.

2. That all pertinent times herein Respondent was employed as a Nursing Assistant by A Caring Experience, Providence RI.

3. That on or about 8 December 1996 the Respondent did act in a manner inconsistent with the health of the clients by reporting for client care after having used an illegal substance, marijuana, on the way to the client's home

Memorial Hospital.

That the consent described in paragraph three (c) constitutes grounds for disciplinary actions set forth in 23-17.9-8 (b) (e).

The parties agree as follows:

1. Respondent is a registered Nursing Assistant and doing business under and by virtue of the laws of the State of Rhode Island. Respondent's mailing address is 318 Swan Street, Providence RI 02905.

2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.

3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final approval of the Department. This Consent Order is not binding on Respondent until execution by the Department.

4) 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 her 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 the Consent Order.

5. This Consent Order shall become part of the public records of this proceeding once it is accepted by all parties. Prior to initiating final administrative action, it was agreed by and between the parties as follows:

6. That respondent shall serve at least a one (1) year period of probation.

7. That the period of probation shall commence on 23 May 1997 and shall continue for the period of at least twelve (12) months during which time respondent must be employed as a Nursing Assistant. The probationary period will abate for the duration of any period in which respondent ceases to be employed as a Nursing Assistant.

8. That respondent shall enter into and continue to adhere to conditions of a contract with the Peer Assistance Program or other health care professional counseling and/or treatment program.

9. That during the period of probation respondent shall continue counseling and/or treatment programs as her counselor deems appropriate. Respondent waives confidentiality of her treatment and counseling and will direct her health care professional rendering her treatment to release any reports to the Board, including but not limited to, monthly counseling reports, monthly urine and drug screening programs. Respondent will provide counselor with a copy of this Order.

10. That during the period of probation should respondent change employments, she shall notify the Department forthwith of said change including the name and address of the new employer(s), date she commences said employment, and the reason for the change in employment.

11. That should respondent comply with the laws and regulations governing the practice of nursing assisting during the one (1) year period of probation and comply with the requirements of this Consent Order, she may apply to the Department for an unrestricted registration to practice as a Nursing Assistant.

12. That should respondent fail to comply with the laws and regulations governing the practice of nursing assisting and/or fail to comply with the terms of this Order, her registration as a Nursing Assistant shall be subject to further disciplinary action.

13. That the terms of this Consent Order shall obviate the necessity for the initiation of a formal administrative hearing before the Adjudication Officer of the Rhode Island Department of Health with respect to the matters contained in the complaint (7-0497) filed against the respondent.

N. Clemetson

Nicholia Clemetson

Date 5.11.97

Russell Spaight

Russell Spaight

Date 16 MAY 1997