

State of Rhode Island
and Providence Plantations

MAR 9 7 2002

Department of Health
Division of Health Professions

vs.

NICOLE DAUPHINAIS NA26003

CONSENT ORDER

Pursuant to Section 23-17.9-8 of the General Laws of the State of Rhode Island, 1987, as amended, 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 a complaint charging Nicole Dauphinais, NA, with a violation of Chapter 23-17.9-8 of the General Laws.

After consideration by the Board, 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. That at all pertinent times, Respondent was employed at West View Health Center, Warwick, Rhode Island.
3. That on or about 1/17/2002 she abused a resident of West View Health Center in that she did administer a medical treatment, an enema, without the patient's consent.
4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct as that term is defined in Section 23-17.9-8 and the Rules and Regulations promulgated thereunder.

The parties agree as follows:

1. Respondent is a Nursing Assistant and able to conduct business under and by virtue of

the laws of the State of Rhode Island. Respondent's mailing address is 27 Sherman Avenue, Lincoln, R. I. 02865.

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 by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval 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 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 potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
1. This Consent Order shall become part of the public record of this proceeding once it is

- accepted by both parties. Respondent's license shall reflect the status "Active Probation".
2. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
 3. Respondent will be subject to a six (6) month period of probation commencing upon the date the Consent Order is signed by both parties.
 4. 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 nursing assistant is not employed as a nursing assistant.
 5. Respondent will notify the Department of Health of any lapse in employment and the probation will be extended until six (6) months of employment as a nursing assistant is completed.
 6. Respondent will document four (4) hours of remedial training, as part of the required twelve (12) hours/year of inservice, in the areas of residents' rights and basic nursing care by nursing assistants. This inservice will be documented and reported to the Department of Health by a supervising Registered Nurse and will be accompanied by a performance evaluation. The performance evaluation from each health facility employer must recommend continued employment and satisfactory performance.
 7. That should Respondent comply with the laws and regulations governing the practice of nursing assistance and comply with the requirements of this Consent Order she may apply to the Department for relief from probation.
 8. That should Respondent fail to comply with the terms of this Agreement, her Registration as a Nursing Assistant will be subject to suspension or other appropriate disciplinary action.

Signed this 25th day of March 2007

Nicole Dauphinais
Nicole Dauphinais NA

Approved on this 28th day of March 2007

Nikki Deary
Nikki Deary, Chief, Health Professions Regulation