

State of Rhode Island  
and Providence Plantations

Department of Health  
Office of Health Professions Regulation

vs.

Olugbenga J. Thomas (C11-875)

### **CONSENT ORDER**

Pursuant to R.I.G.L. (2001 Reenactment) Section 23-17.9-8 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 Olugbenga J. Thomas NA29545 (hereinafter "Respondent") with a violation of Section 23-17.9-8 of the General Laws.

After consideration by the Department, the following constitutes the Findings of Fact with the 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 all pertinent times, Respondent was employed by Greenville Skilled Nursing and Rehabilitation Center, Greenville, RI.
3. That is, on or about October 13, 2011, Respondent was witnessed being rough with a resident while providing care. Respondent was arrested and charged by Smithfield Police for Simple Assault.
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.

The parties agree as follows:

- (a) Respondent is a nursing assistant licensed and doing business under and by virtue of the Laws of the State of Rhode Island, nursing assistant license number, NA29545.
- (b) Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department;

(c) Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final approval of the Department. This Consent Order is not binding on Respondent until signed by the Department.

(d) Respondent hereby acknowledges and waives:

(1) The right to appear personally or by counsel or both before the Department;

(2) The right to produce witnesses and evidence on Respondent's behalf at a hearing;

(3) The right to cross-examine witnesses;

(4) The right to have subpoenas issued by the Department;

(5) The right to further procedural steps except for those specifically contained herein;

(6) Any and all rights of appeal of this Consent Order;

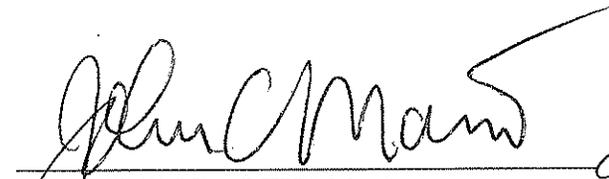
(7) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;

(8) 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 review adequately this Consent Order;

(9) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order. The signing of this Consent Order is for settlement purposes only.

Based on the foregoing, the Rhode Island Department of Health hereby enter the following:

1. Nursing Assistant license issued to the Respondent is hereby suspended for a period of one (1) year commencing on May 22, 2012.
2. At the time Respondent seeks reinstatement of the Nursing Assistant license, Respondent shall submit documentation to the Board evidencing that Respondent is capable and competent to engage in the practice of Nursing Assistant. In addition, Respondent must meet all education requirements for licensure in effect at the time Respondent applies for licensure.
3. That if the Respondent fail to comply with the terms of this Order, Respondent shall be subject to further disciplinary sanctions. Respondent further agrees that he is responsible for timely notifying the Department of any change of address.
4. That this Order shall become part of the public record of this proceeding.
5. That this Order shall remain in full force and effect pending further Order by the Rhode Island Department of Health.

  
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OLUJBENGA J THOMAS  
NA29545  
Date: 8/28/12

  
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Edward D'Arezzo  
Interim Associate Director of Health  
Environmental and Health Services Regulation  
Date: 8/22/12