

**IN THE MATTER OF:
SHEILA DEARBORNE, NA**

A.H. FILE NO. (HSR) 2003-27

FINDINGS OF FACT AND ORDER

This matter came to be heard before the Rhode Island Department of Health pursuant to an Administrative Notice dated June 30, 2003 which charged the Respondent, Sheila Dearborne, N.A., with being verbally abusive to two patients at the Charlesgate Nursing Center. The Administrative Hearing Notice stated that pursuant to R.I.G.L. § 23-17.9-8(1) and (5) alleged that this conduct constituted unprofessional conduct and is grounds for discipline.

The Department of Health was represented by Gregory Madoian, Esq.

Respondent was represented by Michael Farley, Esq.

Exhibit 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.

One witness, Sandra Bagwell, N.A., testified for the state. The defense presented no witnesses and the Respondent did not testify.

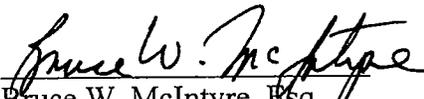
Finding of Facts and Conclusions of Law

1. That the Respondent was a licensed Nursing Assistant at the Charlesgate Nursing Center on or about April 2002 when the allegations of verbal abuse were alleged to have occurred.
2. That Sandra Bagwell, N.A. was a "trainee" on duty when the incidents occurred.
3. That Sandra Bagwell, N.A. accompanied the Respondent into a disabled patient's room (Patient A) with the intention of cleaning feces from the patient. The patient indicated that he did not wish to be cleaned.

4. That the Respondent replied to the patient that he was "full of shit".
5. That such language constitutes verbal abuse when a licensed professional is addressing a patient.
6. That while the Respondent visited Patient B there was an odor of cigarette smell in the bathroom. When the Respondent asked whether the patient had been smoking, Respondent stated "open your mouth and give me a kiss".
7. That this manner of addressing the patient constitutes verbal abuse when taken in the context of a professional inquiry of a patient.
8. That the testimony of eye witness Sandra Bagwell, N.A. is unimpeached due, in part, to the fact that the Respondent did not testify.
9. That the burden of proof is preponderance of the evidence.
10. That the state has met its burden of proof that the Respondent is guilty of being verbally abusive and rough with two (2) patients under her care.
11. That such conduct is grounds for discipline in accordance with § 23-17.9-8(1) and (5).

ORDER

Respondent is hereby ordered to attend a course approved in advance in writing by the Department of Health in Ethics and Professionalism that must be completed by January 1, 2004. Respondent is hereby issued a Reprimand.


Bruce W. McIntyre, Esq.
Hearing Officer

8/21/03
Date

Certification

I hereby certify that on January 14, 2002 a copy of this order was sent to the following individuals postage prepaid:

Gregory Madoian, Esq.
Department of Health
3 Capitol Hill, Rm. 404
Providence, R.I. 02908

Michael J. Farley, Esq.
670 Willett Ave.
East Providence, RI 02915

