State of Rhode Island
and Providence Plantations

Department of Health
Office of Health Professions Regulation

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DEC 1 4 2004
BOARD OF NURSE REGISTRATION

vs.

Franics Kowalik

CONSENT ORDER

Pursuant to R.I.G.L. (2001 Reenactment) Section 5-45-12 and the Rules and Regulations promulgated thereunder, the Rhode Island Department of Health (hereinafter "Department"), after review and consultation with the Board of Examiners for Nursing Home Administrators, has investigated a complaint charging Francis Kowalik, NHA (herein Respondent) with a violation of Section 5-45-12 of the General Laws.

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 nursing home administrator licensed to practice in the State of Rhode Island.

2. That at all pertinent times Respondent was employed by Avalon Nursing Home, Warwick, Rhode Island.

3. That on or about 4 and 6 October 2004, Mr. Kowlick hired a maintenance man who had a felony conviction for child molestation.

4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct as defined in Section 5-45-12 (5), and Rules and Regulations thereunder.

The parties agree as follows:

1. Respondent is a Nursing Home Administrator and is able to conduct business under and by the virtue of the laws of the State of Rhode Island. Respondent's mailing address is 141 Hemlock Avenue, Warwick, Rhode Island 02886.

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 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.

5. 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".

6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein by the Respondent.

7. Respondent will be subject to a one (1) year period of probation commencing upon the date the Consent Order is signed by both parties.

8. That the probationary period will be in effect upon employment of the Respondent as an Nursing Home Administrator, and will abate for any period when the Respondent is not employed as a Nursing Home Administrator.

9. Respondent will notify the Department of any lapse in employment and the probation will be extended until one (1) year of employment as a Nursing Home Administrator is completed.

10. That during the period of probation, should Respondent change employment, Respondent shall notify the Board forthwith of said changes including the name and address of the new employer(s), date Respondent 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 Home Administrators and comply with the requirements of this Consent Order, Respondent may apply to the Department for relief from probation.

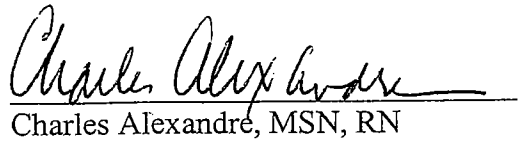
12. That should Respondent fail to comply with the terms of this Consent Order, Respondent's licensure as a Nursing Home Administrator will be subject to suspension or other appropriate disciplinary action.

Signed this 12 day of Dec. 2004

Francis H. Kowalik

Francis Kowalik

Approved on this 16 day of DECEMBER 2004



Charles Alexandre, MSN, RN
Chief
Health Professions Regulation