STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF NURSE REGISTRATION
AND NURSING EDUCATION

vs.

CAROL GIARDINA, RN (RN40536)

CONSENT ORDER

Pursuant to Section 5-34-24 and 5-34.2-4 of the General Laws of the State of Rhode Island, 2004, as Amended, and the Rules and Regulations promulgated thereunder, the Rhode Island Board of Nurse Registration and Nursing Education (hereinafter "Board"), has investigated a complaint charging Carol Giardina, RN, Respondent, with a violation of Chapter 5-34 and 5-34.2 of the General Laws of the State of Rhode Island (2004), as Amended.

After consideration by the Investigating Committee of the Board, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a Registered Nurse licensed to practice nursing in the State of Rhode Island.
2. That at all pertinent times Respondent was employed at Community Care Nurses Inc., North Kingston, Rhode Island.
3. That on or about April 4, 2005 Respondent failed to appropriately assess patient. In addition, that Respondent was smoking while providing care in the patient's home.
4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct as defined in Section 5-34-24 and the Rules and Regulations promulgated thereunder.

The parties agree as follows:

1. Respondent is a registered nurse and able to conduct business under and by virtue of the laws of the State of Rhode Island.

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

3. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final ratification by the Board. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Board.

4. Respondent hereby acknowledges and waives:

   a) The right to appear personally or by counsel or both before the Board;

   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 Board;

   e) The right to further procedural steps except for 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 Board for consideration and review;

   h) Any objection to the fact that it will be necessary for the board 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 the Board reviewing this Consent Order may be the same as the Hearing Committee presiding over this matter should it later be brought to an administrative proceeding;

j) 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 Board.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board and Respondent's license shall reflect that the status is probationary. No other documents shall be deemed public with respect to this proceeding.

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

7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.

8. Respondent agrees to a three- (3) year period of probation to commence upon ratification of this Order by the Board and will abate for the duration of any period in which Respondent ceases to be employed as a nurse.

9. That, during the period of probation, Respondent's employer(s) shall submit to the Board reports every three (3) months relating to Respondent's conduct and performance. That it shall be the responsibility of Respondent to request that the employer(s) submit said reports.

10. That during the period of probation Respondent shall notify the Board forthwith of any changes in employment, including the name and address of the new employer(s) and the reason for said change.

11. That should Respondent comply with the laws and regulations governing the practice of nursing and comply with the terms of this Order during the three (3) year period of probation she may apply to the Board for an unrestricted license.

12. That should Respondent fail to comply with the laws and regulations governing the practice of nursing and/or fail to comply with the terms of this Order, ~~his~~ her license as a registered nurse shall be subject to suspension or other appropriate disciplinary action.

Signed this March day of _____, 2006

Carol Giardina, RN

Ratified as an order of the Board of Nurse Registration and Nursing Education at a meeting held on this 13th day of March 2006

President, Board of Nurse Registration
and Nursing Education