

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

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

vs.

John P. Famolaro, RN

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 John Famolaro, 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 on or about 28 March 2005 Respondent answered "No" to question number 3 on the Rhode Island Board of Nurse Registration and Nursing Education application for licensure: "Have you ever had any disciplinary action(s) taken, or is any pending against your license to practice nursing, or any other licenses, registrations or certifications that you hold: or are any complaints pending in any state." That on or about August 2002 Respondent submitted a registration form to the State of New York's Office of Professional Regulations in which he indicated that he had not been disciplined since he last registered, when in fact, in or about 1995 and 1996 respectively, Respondent's

licenses to practice as a physician's assistance in Wyoming and Pennsylvania were revoked.

3. 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 his 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.
 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 two- (2) 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 quarterly reports relating to Respondent's conduct and performance. That it shall be the responsibility of Respondent to request that his employer(s) submit said reports.
 10. That during the period of probation Respondent shall notify the Board forthwith of any changes in his employment, including the name and address of the new employer(s) and the reason for said change.

11. That Respondent shall, on or before 30 September 2005, present evidence of enrollment and satisfactory completion, that is grade C or above, in no less than ten (10) hours of academic classroom or clinical study in Professional Accountability and Legal Liability in Nursing course and The Ethics of Nursing Practice at an approved school of nursing or a duly approved continuing education course. Said course must be approved by the Board prior to Respondent registering and enrolling in same.
12. That should Respondent comply with the laws and regulations governing the practice of nursing and comply with the terms of this Order during the two (2) year period of probation he may apply to the Board for an unrestricted license.
13. 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 license as a registered nurse shall be subject to suspension or other appropriate disciplinary action.
14. This Consent Order constitutes a final order of the Department of Health pursuant to the RI General Laws 42-35-12. Pursuant to RI General laws 42-35-15, a final order may be appealed to the Superior Court sitting in and for the County Of Providence within thirty (30) days of the mailing of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The Filing of the complaint does not itself stay enforcement of this order. The agency may grant, or reviewing court may order, a stay upon the appropriate terms. By signing this Consent Order, Respondent has waived the appellate rights stated herein.

Signed this 25th day of July 2005

[Signature]
Witness

3 363 6

[Signature]
John Famolaro, RN

Ratified as an order of the Board of Nurse Registration and Nursing Education at a meeting held

on this 11 day of July 2005


President, Board of Nurse Registration
and Nursing Education