

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

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

vs.

SUSAN DILIBERO, RN15414

CONSENT ORDER

Pursuant to Section 5-34-24 of the General Laws of the State of Rhode Island, 2008 Reenactment, and the Rules and Regulations promulgated thereunder, the Rhode Island Board of Nurse Registration and Nursing Education (hereinafter "Board"), has investigated a complaint charging Susan Delibero, RN, Respondent, with a violation of Chapter 5-34 and 5-34.24 of the General Laws of the State of Rhode Island, 2008 Reenactment.

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 Miriam Hospital, Providence, RI.
3. That on September 19, 2008, Respondent failed to look for the surgical site marking on the patient's knee in the operating room as per hospital policy to ensure correct surgical site verification.

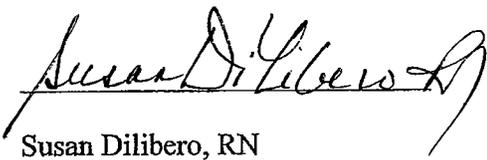
4. That Respondent proceeded to place a tourniquet on and prepare the wrong knee for surgery.
5. That Respondent also failed to verify the correct surgical site during a “time out” procedure conducted immediately prior to the start of the surgery, however documented that that the surgical site was verified and was correct.
6. That the patient had surgery on the wrong knee.
7. That the conduct described in paragraph three (3), four (4) and five (5) herein constitutes unprofessional conduct as defined in Section 5-34-24 and the Rules and Regulations promulgated there under.

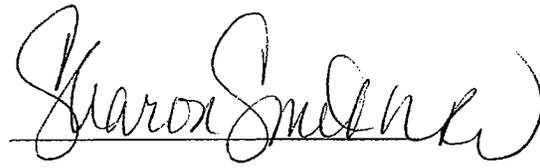
The parties agree as follows:

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.
3. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to 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 hearing.
 - 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.
6. Acceptance by the Respondent and approval by the Board of this Consent Order constitutes an admission of the facts contained herein.

7. Respondent voluntarily agrees to accept the sanction of a Reprimand.
8. That Respondent shall, on or before June 2009, present evidence of participation in patient safety activities on the prevention of wrong sided surgeries, including but not limited to at least one (1) presentation on sharing "lessons learned" with peers through venues such as professional associations.
9. 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, her license as a registered nurse shall be subject to suspension or other appropriate disciplinary action.


Susan Diliberio, RN


President, Board of Nurse
Registration and Nursing Education

Ratified as an order of the Board of Nurse Registration and Nursing Education at
a meeting held on this 9th day of February 2009.