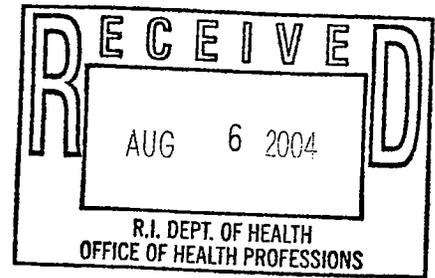


**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
HEALTH PROFESSIONS REGULATIONS**



vs.

FRANCIS KOWALIK (NHA00025)

CONSENT ORDER

Pursuant to Section 5-45-12 of the General Laws of the State of Rhode Island, 2000 Reenactment, 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 (hereinafter "Respondent") with a violation of Section 5-45-12 of the General Laws of the State of Rhode Island, 2000 Reenactment.

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 has been employed at Avalon Nursing Home, Warwick, Rhode Island.
3. That on or about 5 December 2003, 12 January 2004 and 5 February 2004 surveys were conducted by the Office of Facilities Regulation wherein ongoing deficiencies were identified regarding the temperature of hot water in the facility and that Respondent did not address said deficiency in a timely manner.

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

The parties agree as follows:

1. Respondent is a Nursing Home Administrator 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 Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification 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 in his behalf 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 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 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 all parties.
- 6. Acceptance by the Respondent of this Consent Order constitutes an admission of the facts contained herein.
- 7. Respondent voluntarily agrees to accept the sanction of a Reprimand.

8-5-04
Date

Francis W. Kowalik
Francis Kowalik

Approved on this 10th day of August 2004

Charles Alexandre
Charles Alexandre
Chief, Health Professions Regulations