

STATE OF RHODE ISLAND

**DEPARTMENT OF HEALTH
DIVISION OF CUSTOMER SERVICES
CENTER FOR PROFESSIONAL BOARDS AND LICENSING NURSING ASSISTANT
ADVISORY BOARD**

**IN THE MATTER OF: DAWN MARIE DAROCHA
LICENSEE NO.: NA33636
COMPLAINT ID #: C21-0705**

CONSENT ORDER

Pursuant to R.I. Gen Laws §23-17.9-1 *et seq.* and the Rules and Regulations promulgated thereunder, 216-RICR-40-05-22, the Rhode Island Department of Health and the Nursing Assistant Advisory Board (collectively, "RIDOH") have investigated Complaint No. C20-0705 (the "Complaint") charging Dawn Maria DaRocha, Nursing Assistant license number NA33636, ("Respondent") with a violation of R.I. Gen Laws § 23-17.9-8(6) and 216 RICR 40-05-22.6A2.

After review and consideration by RIDOH with respect to the allegations of unprofessional conduct of Respondent, the following are and shall constitute

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is a Nursing Assistant licensed to practice in the State of Rhode Island under Nursing Assistant License Number NA33636. Respondent's license was issued on January 12, 2005 and no prior disciplinary actions have been taken against her license.
2. At all times relevant hereto, Respondent was employed at Linn Health Care and Rehabilitation Center, 30 Alexander Avenue, East Providence, RI 02914.
3. On the afternoon of May 5th or 6th, 2021, an incident occurred with a patient whereby the Respondent yelled out for immediate assistance from other staff and later raised her voice at the patient for not complying with her instructions when being transferred from a wheelchair to a shower chair. Exhibit 1B p. 2/46 – 5/18/2021 written report of Tina Correia, RN DNS); Exhibit 2 – written statement of Corporal Thomas Aguiar, East Providence Police – 5/17/2021.
4. The observations of those present during the abovementioned incident are as follows:
 - a. Jean Dorvai CMT: "I don't remember exactly what happened but we were all trying to help him – finally we got him up." Exhibit 1B p.22/46 – written statement dated 5/12/2021.
 - b. Toni-Ellen Bland CNA: "Dawn told him it was his fault because he moved his legs." Exhibit 1B pp.17-18/46 – written statement dated 5/14/2021.
 - c. Allyson Oakley RN: "Dawn yelled at [REDACTED] that this was all your fault." Exhibit 1A p.23/46 – written statement dated 5/12/2021.

d. Luisa Martinez RN: Dawn screamed for help and screamed at the patient "this is all your fault – you should not have locked your knees." Exhibit 1B p.20/46 – written statement dated May 12, 2021.

5. Respondent admits to a violation of the Rhode Island Department of Health Rules and Regulations and agrees that a Hearing Officer could find that her behavior was unprofessional and departing from the standards of acceptable and prevailing practice pursuant 216 RICR 40-05-22.6A2.

6. That Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by Respondent and RIDOH.

7. That Respondent understands the purpose of this Consent Order is solely to resolve the Complaint.

8. That Respondent hereby acknowledges and waives:

- a. The right to have an administrative hearing on this matter;
- b. The right to represent oneself or be represented by an attorney of Respondent's own choosing at said hearing;
- c. The right to present testimony, evidence and witnesses on Respondent's behalf;
- d. The right to cross-examine witnesses presented by RIDOH;
- e. The right to further procedural steps except for those specifically contained herein;
- f. The right to take an appeal from the terms of this Consent Order; and
- g. Any objection that this Consent Order will be reported to the National Practitioner Data Bank as well as posted on RIDOH's public website.


ACCORDINGLY, AND BASED ON THE FOREGOING


RIDOH and Respondent hereby agree to the following disposition of this Complaint:

9. Respondent is hereby issued the sanction of a Reprimand, starting the day this Consent Order is last executed.

10. Respondent acknowledges that this Consent Order is an agreement between Respondent and RIDOH.

11. This Consent Order shall become a permanent part of Respondent's record maintained by RIDOH and a part of a public record of this proceeding.


DAWN MARIE DAROCHA
LICENSEE NO.: NA33636


Ellen R. Balasco, Esq., Chief, Center for Professional
Boards and Licensing

Jan 18, 2022
Date Signed:

EXHIBIT 1B P.2/46

**WRITTEN REPORT OF TINA CORREIA, RN 5-18-
2021**

May 18, 2021

Linn Health Care and Rehabilitation Center

30 Alexander Ave.

East Providence, RI 02914

401-438-7210

To Whom It May Concern,

On the afternoon of May 12, 2021, this writer met with three staff nurses, Madison Silva, Luisa Martinez, and Allyson Oakley at their request to discuss some troubles they were having with CNA, Dawn DaRocha. The three nurses brought forward concerns of resident treatment during care on several different residents. These concerns are of alleged verbal abuse which were reported within two hours of this meeting to DOH, The Alliance, and East Providence Police Department, report # 21-1350-OF. Dawn was suspended immediately after learning of the allegations.

The first allegation was related to an incident with resident [REDACTED] [REDACTED] was being transferred using the sit to stand lift. During the transfer, [REDACTED] was unable to hold himself up with his legs and needed physical assist from multiple staff members to keep him from falling or becoming injured. Dawn had yelled out for assistance and staff responded. One staff member present during the alleged incident was CNA, Toni Bland. Toni reports that Dawn told the resident, "this is all his fault this happened". RN, Luisa Martinez, responded to Dawn's cry for help. When Luisa entered the room, she witnessed the resident having trouble with the transfer and were trying to lower him to the floor for safety. Luisa heard Dawn "scream" at [REDACTED] "this is all your fault. You should not have locked your knees in place!" RN, Allyson Oakley, responded to Dawn's cry for help. Allyson noticed the difficulty with transfer and heard Dawn yell at the resident "This is all your fault. You should not have moved your legs. There is shit everywhere!" It was at this time, Luisa, told Dawn to no talk to the resident like that. CMT, Jean Dorval, was in the room but while obtaining his statement, Jean states that he did not remember exactly what happened.

The second allegation was that resident, [REDACTED] was calling out to Dawn by saying "Hey". RN, Luisa Martinez, heard Dawn become upset with [REDACTED] for addressing her as "hey". Dawn was educated by Luisa that [REDACTED] and cannot remember staff names. Madison Silva, RN, was sitting at the nurse's station, which is across from [REDACTED] room. [REDACTED] was calling "hey" to Dawn, as he was trying to get her attention. Dawn allegedly "screamed back, "my name is not hey, I'm Dawn. I have taken care of you for years, don't call me hey!" Madison had spoken to Dawn at the time of the incident and told her that it was not ok to talk to [REDACTED] this way as he becomes confused at night.

The third allegation was with resident [REDACTED] Dawn had provided care for [REDACTED] and was overheard walking out of [REDACTED] room saying, "You're crazy". This was overheard by Marlene Gajewski, RPH, who wrote that the interaction she heard was harsh sounding and impatient. A call was

placed to Marlene prior to obtaining her statement. Marlene had stated she couldn't remember what happened but the tone of the voice too her back. She looked eyes with the CNA (Toni Bland). Marlene stated she did not feel it was abusive but harsh and that she would not speak to someone that way. Toni Bland, CNA, also heard Dawn yell out, "This woman is crazy". Toni was standing with Marlene at the nurse's station. Luisa Martinez, RN head heard the exchange with Dawn and the resident. Luisa states that she was at the nurse's station and heard Dawn "scream" at the resident, "you are crazy! I can't take this!" Luisa states that Dawn's voice was elevated and reflected how angry she was at the resident.

Dawn DaRocha came in May 18, 2021, for an interview with Jamie Sanford, Administrator, Tina Correia, RN, and Deb Pina, payroll, and Luisa DeNovalis from union 1199. Dawn denied having any incidents with the mentioned residents.

██████████ is no longer a resident at Linn Health Care and Rehabilitation Center.

██████████ has been a long-term resident at Linn Health Care and Rehabilitation Center since ██████████ His family and MD are aware of the incident. ██████████ does not remember the incident.

██████████ has been a resident at Linn Health Care and Rehabilitation Center since ██████████ His family and MD are aware of this incident. ██████████ met with Officer Aguilar and he does not remember the alleged incident.

The facility substantiates a pattern of misconduct with Dawn. She remains on suspension and her employment status is uncertain at this time.

If you require any further information, please contact me at 401-438-7210 ext. 158.

Sincerely,



Tina Correia, RN, DNS

EXHIBIT 2

**WRITTEN REPORT OF Corporal Thomas Aguiar,
East Providence Police 5-17-2021**

05/17/2021 11:56AM

East Providence Police Department

No 8944 Page 1

NARRATIVE FOR CORPORAL THOMAS A AGUIAR

Ref: 21-1350-OF

Entered: 05/17/2021 @ 1124	Entry ID:
Modified: 05/17/2021 @ 1212	Modified ID:
Approved: 05/18/2021 @ 1708	Approval ID:

OFFICER WITNESS STATEMENT

On 05/12/2021, at approximately 1616 hours, I received a telephone call from Tina Correia, the Nursing Director at Linn Health Center located at 30 Alexander Avenue. Correia reported that she received information from three individual staff nurses regarding a Nursing Assistant in the facility. The Nursing Assistant was identified as Dawn DaRocha, DOB: [REDACTED]. Correia said that each nurse witnessed respective incidents involving DaRocha's interactions with residents in the facility. These interactions reportedly occurred over the prior three weeks and Correia did not immediately identify the nurses who witnessed the interactions.

In one incident, one of the nurses heard DaRocha raise her voice to a resident, [REDACTED] DOB: [REDACTED], as [REDACTED] exhibited increased difficulty in working with DaRocha to transition him to bed or a chair. Correia advised me that in another incident, a separate nurse heard DaRocha raise her voice to yet another resident, [REDACTED]. Correia informed me that [REDACTED] has memory illness/impairment and has difficulty remembering names. [REDACTED] reportedly called out to DaRocha by saying something to the effect of, "Hey you," as he needed something. DaRocha reportedly admonished [REDACTED] and told him not to refer to her as "Hey." The third incident involved resident [REDACTED] DOB: [REDACTED] who has since died, according to Correia. DaRocha was overheard referring directly to [REDACTED] as "crazy" as [REDACTED] exhibited some erratic behavior due to cognitive impairment. There were no alleged acts of physical abuse or neglect in these incidents and there were no injuries. DaRocha reportedly made no threats or intimidating statements to any of these residents according to the information Correia gathered from the witnesses.

Correia informed me that she had not received any complaints from the residents or their family members regarding any of the three aforementioned incidents. These incidents were not reported to Correia until 05/12/2021, as well. An inquiry of the Rhode Island Department of Health (RIDOH) License Verification web site showed that DaRocha is actively licensed as a Nursing Assistant (NA33836) until 06/30/2021. There were no disciplinary actions regarding DaRocha's licensure indicated on the site, as well. On 05/13/2021, at approximately 1130 hours, I responded to Linn Health Center and met with Correia to obtain additional information. We also met with [REDACTED] who was in his room. [REDACTED] reported to me that he had no recollection of any incident with a staff member. He advised me that he felt safe in the facility and stated that he is receiving proper care. [REDACTED] was not available for me to meet with him. Correia said that her internal investigation will be completed and sent to the RIDOH and the Long Term Care Ombudsman. On behalf of the facility administrator, Correia asked that the matter be documented in a police

Oct. 27. 2021 10:56AM

East Providence Police Department

No. 8044 P. 5a: 2

NARRATIVE FOR CORPORAL THOMAS A AGUIAR

Ref: 21-1350-OF

Entered: 05/17/2021 @ 1124
Modified: 05/17/2021 @ 1212
Approved: 05/18/2021 @ 1708

Entry ID:
Modified ID:
Approval ID:

incident report.

Based on the information gathered, there does not appear to be evidence of criminal action at this time. It is requested that this matter be closed.

CORPORAL Thomas Aguiar

05/17/2021

EXHIBIT 1B P.22/46

Written Report of Jean Dorvai, CMT 5-12-2021



INVESTIGATION STATEMENT

Your Name: TEAN DORVAL Title: CMT
(Print)

Date of incident: _____ Time of incident: _____

Where incident occurred: in Resident room

Resident(s) involved? No Yes If yes, who?
[Redacted]

Name(s) of staff involved-First and Last name: 2 Nurses Aly and Louisa
CNAs - Tony another CNA - I forget who - and
Diana Darbcha

Your statement regarding this incident:
I don't remember exactly what happened,
but we all trying to help him, finally we
get him up.

Who did you report this incident to? We all were there

Signature: [Signature] Date: 5/12/21

EXHIBIT 1B PP.17-18/46

Written Report of Toni-Ellen Bland, CNA

5-14-2021



INVESTIGATION STATEMENT

Your Name: Toni Ellen Bland Title: CNA

Date of incident: 5/10/21 ^(Print) Time of incident: _____

Where incident occurred: Rm 12

Resident(s) involved? No Yes If yes, who?

Louis [redacted]

Name(s) of staff involved-First and Last name: Dawn DaRocha,
Jean Doval, Luisa Martinez, Allison Carly,
Toni Ellen Bland

Your statement regarding this incident:
Dawn stated she needed help we went to Rm [redacted]
resident was hanging from set to stand we lowered
him to floor and get help. Resident was vocal about
the pain he was in Dawn told him it was his fault
because he moved his leg Luisa told her not to
talk to the resident that way. We get resident
up bed ally made a comment about her back hurting
and Dawn yelled @ her not to talk to him like that
then resident stated to Dawn that she always plan
him for everything

Who did you report this incident to? _____

Toni Ellen Bland

5/12/21

Signature

Date

Clarification Statement

Date: 5/14/21

Name: Joni Ellen Bland

On May 14th Dawn DaRocha stated that she needed help with Resident in [REDACTED] when I arrived to room. Dawn, Jean were there resident was hanging from the sit to stand. Resident was very vocal about the pain he was in and asked us to hurry up. I left room to get Hoya so that we could get Resident up safely. As resident was saying Hurry up. Dawn told him that it was his fault and that he should of listened to her and not moved his legs. Dawn then said why did you move your legs to Resident. As this point Luisa M. the nurse told Dawn thats enough. Don't talk to him that way. Dawn got very quiet when the other nurse Ally said to us hurry up her back was hurting from holding up resident. Dawn turned to her very sarcastic and said. Don't talk to him like that. After Dawn & I got resident in bed she again said to Resident this is your

EXHIBIT 1A P. 23/46

**Written Report of Allyson Oakley, RN 5-12-
2021**



INVESTIGATION STATEMENT

Your Name: Allyson Oakley Title: RN
(Print)

Date of incident: 5/5/21 Time of incident: _____

Where incident occurred: 312A

Resident(s) involved? No Yes If yes, who?

[Redacted]

Name(s) of staff involved-First and Last name: Luisa Martinez, Toni Blain
Jean Daval, Dawn Deracha

Your statement regarding this incident:

Dawn was in the room with [Redacted] using sit to stand machine, started yelling out for help, Luisa, me, Toni and Jean all ran to help her. When in the room resident was hanging from arms w/ knees locked. Dawn then started yelling at the resident saying "This is all your fault, you should've moved your legs, there's shit everywhere", Luisa then told Dawn to not talk to the resident like that

Who did you report this incident to? Tina Correia

Allyson Oakley _____ 5/12/21 _____
Signature Date