

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: KIMBERLY FRANCISCO
LICENSEE NO.: NA43977
COMPLAINT ID #: C20-0273

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. C20-0273 (the "Complaint") charging Kimberly Francisco, Nursing Assistant license number NA43977, ("Respondent") with violations of R.I. Gen Laws §23-17.9-1 *et seq.*

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. That Respondent is a Nursing Assistant licensed to practice in the State of Rhode Island under Nursing Assistant License Number NA43977.
2. That at all times relevant hereto, Respondent was employed by Health Care Services, 400 Reservoir Avenue, Suite LL-J, Providence, RI 02907 and worked at the home of client M.L.
3. Respondent admits that beginning on or about December 20, 2019, and on subsequent occasions, Respondent purchased items for herself using client M.L.'s credit card.
4. Respondent has made full restitution to the client.

5. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct pursuant to R.I. Gen Laws §23-17.9-1 *et seq.* and the Rules and Regulations promulgated there under.
6. That Respondent admits to the jurisdiction of RIDOH and hereby agrees to remain under the jurisdiction of RIDOH.
7. That Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by Respondent and RIDOH.
8. That Respondent understands the purpose of this Consent Order is solely to resolve the Complaint.
9. 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 Probation, starting the day this Consent Order is last executed (the "Effective Date").
10. Commencing with the Effective Date:
 - a) Respondent's Nursing Assistant license, NA43977, will be subject to a two (2) year period of probation and Respondent's license shall reflect the status "Active Probation."
 - b) Respondent must be employed at a hospital or nursing facility.
 - c) The probationary period will abate for the duration of any period in which Respondent ceases to be employed as a Nursing Assistant.
 - d) Respondent will notify RIDOH of any lapse in employment and the probation period will be extended until the required employment as a Nursing Assistant is completed.

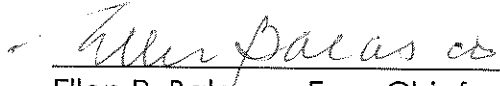
- e) Respondent must provide RIDOH with the name and address of the new employer(s) and the reason for said change.
- f) Respondent's employer shall complete quarterly performance reports. Respondent shall submit evidence to RIDOH via DOH.PRCCompliance@health.ri.gov on a quarterly basis that performance reports have been completed.
- g) When Respondent complies with the laws and regulations governing the practice of Nursing Assistants during the period of probation and with the requirements of this Consent Order, Respondent may apply to RIDOH for an unrestricted license to practice as a Nursing Assistant.

11. Respondent acknowledges that:

- a) this Consent Order is an agreement between Respondent and RIDOH;
- b) RIDOH is relying upon Respondent's compliance with these terms and conditions as an inducement to enter into this Consent Order; and
- c) any violation or failure to adhere to the terms of this Consent Order shall constitute unprofessional conduct and subject Respondent to further disciplinary action at the discretion of RIDOH, including but not limited to Suspension or Revocation.

12. 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.


KIMBERLY FRANCISCO
LICENSEE NO.: NA43977


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

Date Signed:

10/27/20

Date Signed:

11/19/2020