



**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: NAPOLEAO VIEIRA  
LICENSEE NO.: NA 42743  
COMPLAINT ID #: C20-0992

**CONSENT ORDER**

Napoleao Vieira (Respondent) was licensed as a nursing assistant in Rhode Island. The Director of the Rhode Island Department of Health (RIDOH) summarily suspended his license on July 16, 2020. Respondent voluntarily surrendered his nursing assistant license on October 15, 2020. Respondent has requested reinstatement of his nursing assistant license. After review and consideration by RIDOH with respect to reinstatement of Respondent's nursing assistant license, the following are and shall constitute

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Respondent was a Nursing Assistant licensed to practice in the State of Rhode Island under Nursing Assistant License Number NA 42743.
2. Respondent's nursing assistant license was summarily suspended on July 16, 2020 because he engaged in a sexual relationship with a patient in his care.
3. The summary suspension of Respondent's nursing assistant license was upheld on September 16, 2020 following an administrative hearing.
4. Respondent voluntarily surrendered his nursing assistant license on October 15, 2020. Under the terms of the voluntary surrender Consent Order, Respondent agreed that if, in the future, he sought to re-apply for a nursing assistant license, he would be required to provide proof of a psychiatric evaluation to determine his understanding of boundary issues and to show whether the psychiatrist made any recommendations and whether Respondent followed any such recommendations.

5. Respondent submitted a letter from Angell Street Psychiatry dated January 5, 2022 to RIDOH in support of his request for reinstatement. The letter stated that there was no evidence of mental illness, no medications were prescribed, that Respondent understood his past faults, how respect patient boundaries, and seemed to exhibit remorse. The letter also stated, “[m]y recommendations were that if he was granted a CNA license in the future, a chaperone should be considered for all patient encounters.”
6. Respondent admits to the jurisdiction of RIDOH and hereby agrees to remain under the jurisdiction of RIDOH.
7. Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by Respondent and RIDOH.
8. Respondent understands the purpose of this Consent Order is solely for the purpose of the reinstatement of his nursing assistant license.
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 as follows:

Respondent’s nursing assistant license is reinstated under the following conditions:

- a) Respondent’s Nursing Assistant license, NA 42743, will be subject to a period of probation and Respondent’s license shall reflect the status “Active Probation.”
- b) The probationary period shall consist of 1,040 working hours.
- c) During the probationary period Respondent agrees to hire, at his own expense, a Rhode Island licensed nursing assistant who must be present with Respondent as a chaperone whenever Respondent is providing patient care for the purpose of ensuring that Respondent does not engage in any form of unprofessional conduct.

- d) Respondent must provide RIDOH with the name, license number, address, and telephone number of the nursing assistant that he intends to hire as chaperone for approval by RIDOH.
- e) Respondent may not work as a nursing assistant until RIDOH approves the nursing assistant as his chaperone. The nursing assistant chaperone cannot be related to the Respondent by blood or marriage.
- f) The nursing assistant chaperone shall maintain a log of all hours worked by Respondent and shall submit quarterly performance reports to RIDOH.
- g) Respondent must provide the nursing assistant chaperone with a copy of this Consent Order and the quarterly performance report form provided to him by RIDOH.
- h) Respondent must be employed at a hospital or nursing facility. Respondent may not be employed in a private home.
- i) Respondent must provide RIDOH with the name and address of his employer within 30 days of hire. If he changes jobs, he must provide RIDOH with the name and address of his new employer and the reason for the change within 30 days of hire.
- j) Respondent must provide his employer(s) with a copy of this Consent Order and the quarterly performance report form provided to him by RIDOH.
- k) When Respondent complies with the laws and regulations governing the practice of Nursing Assistants and Medication Aides during the period of probation and with the requirements of this Consent Order, Respondent may apply to RIDOH for unrestricted licenses to practice as a Nursing Assistant and Medication Aide.
- l) If 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.

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 may subject Respondent to further disciplinary action at the discretion of RIDOH, including but not limited to Suspension or Revocation.

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.

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NAPOLEAO VIEIRA  
LICENSEE NO.: NA 42743

Date Signed:

3/23/22 Napoleao Vieira

Ellen R. Balasco 4/4/22  
Ellen R. Balasco, Esq., Chief  
Center for Professional Boards and Licensing

Date Signed:

3/23/22 Napoleao Vieira