

STATE OF RHODE ISLAND

**DEPARTMENT OF HEALTH
DIVISION OF HEALTHCARE QUALITY AND SAFETY
CENTER FOR PROFESSIONAL BOARDS AND LICENSING
BOARD OF NURSING HOME ADMINISTRATORS**

**IN THE MATTER OF: BENJAMIN LESCAULT
LICENSEE NO.: NHA01192
COMPLAINT ID #: C23-1172**

CONSENT ORDER FOR REPRIMAND

Pursuant to § 5-45-12 of the Rhode Island General Laws and §§ 40-05-32.4 and 10-05-4 of volume 216 of the Rhode Island Code of Regulations, a complaint (the “Complaint”) was filed with the Rhode Island Department of Health (“RIDOH”) and the Board of Examiners of Nursing Home Administrators (the “Board”), accusing Benjamin Lescault (the “Respondent”), a licensed nursing home administrator (license NHA01192), with a violation of Chapter 5-45 of the General Laws of the State of Rhode Island.

After review and consideration by the Board and 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 home administrator licensed to practice in the State of Rhode Island under License Number NHA01192.
2. That on or about November 27, 2023, Rhode Island Department of Health (RIDOH) received a complaint alleging that the Respondent was serving as the administrator of a long-term care facility that had nine (9) nursing assistants working within the facility without a valid license.
3. That on January 29, 2024, the Board reviewed the allegation and relevant evidence, including your response to the complaint. RIDOH, after review, and in conjunction with a recommendation by the Board, determined that the Respondent failed to conform to minimal standards of acceptable and prevailing practice of nursing home administration by their actions.
4. That the conduct described in paragraph two (2) herein constitutes unprofessional conduct as defined in Rhode Island Gen. Laws § 5-45-12(a)(5).

AGREEMENT:

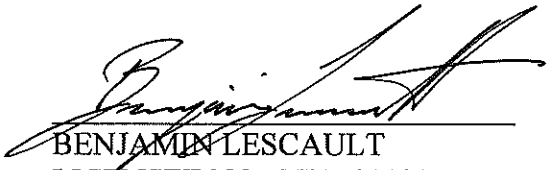
RIDOH and Respondent (together, the “Parties”) hereby agree as follows:

1. That Respondent admits to the jurisdiction of RIDOH and hereby agrees to remain under the jurisdiction of RIDOH.
2. That Respondent has read this Consent Order and understands that it is a proposal of RIDOH and is subject to final ratification by RIDOH. This Consent Order and the contents herein are not binding on Respondent until final ratification by RIDOH.
3. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel before RIDOH;
 - b) The right to produce witnesses and evidence on their behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by RIDOH;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all right of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to RIDOH for consideration and review;
 - h) Any objection to the fact that it will be necessary for RIDOH 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 RIDOH 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 RIDOH.
4. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by RIDOH.
5. Respondent's acceptance of this Consent Order constitutes an admission by Respondent that RIDOH's factual findings and legal conclusions, as contained herein, are accurate and correct.
6. Respondent voluntarily agrees to accept the sanction of a Reprimand against their license as a nursing home administrator.
7. That should Respondent fail to comply with the laws and regulations governing the practice of nursing home administrators and/or fail to comply with the terms of the Consent Order, their license as a nursing home administrator may be subject to other appropriate disciplinary action.

DISPOSITION OF THE COMPLAINT:

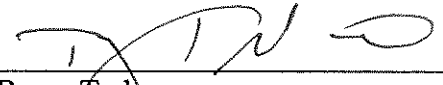
Accordingly, and based on the foregoing, the Parties hereby agree to the following disposition of the Complaint:

1. That Respondent is hereby issued the sanction of a Reprimand.
2. That this Consent Order shall become part of a public record of this proceeding.



BENJAMIN LESCAULT
LICENSEE NO.: NHA01192

Date Signed: 6/17/24



Bruce Todasco
Chief of Center for Professional Boards and
Licensing

Date Signed: 6/27/2024