

STATE OF RHODE ISLAND

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

**IN THE MATTER OF: VICTOR DEREFAKA
LICENSEE NO.: RN48810
COMPLAINT ID #: C20-1674**

CONSENT ORDER FOR REPRIMAND

Pursuant to § 5-34-25 of the Rhode Island General Laws and §§ 40-05-3.14 and 10-05-4 of volume 216 of the Rhode Island Code of Regulations, a complaint (the "Complaint") was filed with the Board of Nurse Registration and Nursing Education (the "Board"), charging Victor Derefaka (the "Respondent"), a licensed registered nurse (license RN48810), with a violation of Chapter 5-34 of the General Laws of the State of Rhode Island.

After review and consideration by the Board 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 registered nurse licensed to practice in the State of Rhode Island under License Number RN48810.
2. That on or about November 12, 2020, the Respondent was employed as a registered nurse at a medical facility in Rhode Island.
3. That on or about November 24, 2020, the Rhode Island Department of Health (RIDOH) received a complaint alleging patient abuse by the Respondent while working on November 12, 2020. According to the complaint the nurse allegedly used excessive and unnecessary force in attempting to restrain a patient.
4. That on February 13, 2023, the IC found the Respondent to have violated American Nurses Association (ANA) Code of Ethics and the standards of nursing by using excessive and unnecessary force in attempting to restrain a patient.
5. That the conduct described in paragraphs three (3) and (4) herein constitutes unprofessional conduct as defined in Rhode Island Gen. Laws § 5-34-24(6) (v). Additionally, the Respondent violated the American Nurses Association (ANA) Code of Ethics Provision 4.2 and 4.3 where the nurse has authority, accountability, and responsibility for nursing practice; makes decisions; and takes action consistent with the obligation to promote health and to provide optimal care.

AGREEMENT:

The Board and Respondent (together, the "Parties") hereby agree as follows:

1. That Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
2. That Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to final ratification by the Board. This Consent Order and the contents herein are not binding on Respondent until final ratification by the Board.
3. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel before the Board;
 - 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 the Board;
 - 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 the Board for consideration and review;
 - h) Any objection to the fact that it will be necessary for the Board 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 the Board 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 the Board.
4. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board.
5. Respondent's acceptance of this Consent Order constitutes an admission by Respondent that the Board'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 registered nurse.
7. That should Respondent fail to comply with the laws and regulations governing the practice of nursing and/or fail to comply with the terms of the Consent Order, their license as a registered nurse 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.

Victor Derefaka
VICTOR DEREFKA
LICENSEE NO.: RN48810

Date Signed: 10/11/2023

Tracey Girault
Tracey Girault
President, Board of Nursing

Date Signed: 16 Oct 2023

Ratified as an order of the Board of Nurse Registration and Nursing Education at a meeting held on this 16th day of October 2023.