

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF NURSE REGISTRATION
AND NURSING EDUCATION**

vs.

**ALBERT V. JACAVONE, RN (RN 41859)
CONSENT ORDER**

Pursuant to Section 5-34-25 the General Laws of the State of Rhode Island, 2008 Reenactment, a complaint was filed with the Board of Nurse Registration and Nursing Education (hereinafter referred to as "Board") charging Albert V. Jacavone, RN, Respondent with a violation of Chapter 5-34 of the General Laws of the State of Rhode Island, 2008 Reenactment.

The following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a registered nurse licensed to practice nursing in the State of Rhode Island.
2. That at all pertinent times Respondent has been in treatment for substance abuse. Respondent's license was reinstated with probation on October 18, 2010. He subsequently relapsed to using alcohol. On October 20, 2010 his treatment provider reported a positive urine ETG toxicology result to the Board.
3. Pursuant to Section 5-34-24, this conduct constitutes unprofessional conduct in the State of Rhode Island and, as such, is grounds to discipline your license.

The parties agree as follows:

1. Respondent is a registered nurse and able to conduct business under and by virtue of the laws of the State of Rhode Island.

2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
3. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final ratification by the Board. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Board.
4. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Board;
 - b) The right to produce witnesses and evidence in his 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 rights 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.

5. 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.
6. Acceptance by the Respondent and approval by the Board of this Consent Order constitutes an admission of the facts contained herein.
7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
8. Respondent agrees to voluntarily surrender of his registered nurse license for an indefinite period of time.
9. At the time Respondent seeks reinstatement of his registered nurse license, he shall submit documentation to the Board evidencing that he is capable and competent to engage in the practice of nursing including documentation from a Board approved health care provider indicating consistent participation in substance abuse counseling and negative toxicology screens.
10. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.
11. That the surrender of Respondent's license to practice nursing shall remain in full force and effect pending further order of the Board.

Albert V. Jacavone
Albert V. Jacavone, RN

Justin B. Kawa MSW, RN
President of the Board of Nurse Registration
and Nursing Education

Date 11/03/2010

Date 11-8-2010