



ADMINISTRATION

Department of Administration

Division of Human Resources

Office of Agency Operations & Liaison Group

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July 14, 2020

SENT REGULAR MAIL

Lisa Camuso

6 Forge Hill Road

Franklin, MA 02038

Dear Ms. Camuso,

This letter serves as notice of disciplinary proceedings related to your alleged misconduct. It is alleged that in your capacity as a Community Program Liaison Worker, assigned within the Rhode Island Department of Health (RIDOH), you have acted against the best interests of the State, with respect to allegations of:

- 1) Misuse of state resources, specifically engaging in the use of the state email access and accounts during work hours for purposes unrelated to your duties in violation of the Technology Acceptable Use Policy in the State of Rhode Island's Enterprise Policy; and
- 2) Misuse of time, specifically for failing to perform your assigned duties and responsibilities during working hours, in violation of the State of Rhode Island Executive Order No. 15-01 on Ethics and Integrity in Government; and
- 3) Breach of confidentiality, specifically extracting and disseminating RIDOH nursing home e-complaints that are confidential and protected against disclosure to the general public.

On Monday, June 1, 2020, it was reported to Human Resources that you notified a member of management that you conducted a video interview with Mike Stenhouse, founder and CEO of the Rhode Island Center for Freedom and Prosperity. During the 52-minute video interview with Mr. Stenhouse, you discussed certain RIDOH nursing home e-complaints regarding claims and allegations of negligence and patient care during the COVID-19 pandemic that RIDOH was handling, such as:

- 1) Backlog of complaints from nursing homes that were never investigated or processed;
- 2) Claim that nursing home residents testing positive for COVID-19 were roomed with non-positive residents;
- 3) Assertion that COVID-19 patients could die because they were not being treated for bedsores, dehydration, and malnutrition; and

- 4) Claim that family members were suspicious of neglect but locked out from visiting or denied evidentiary photos or other information from facility staff.

The e-complaints to which you referred noted above continue to be under surveillance pending full investigation, thus the information should not have been shared with the general public.

It is alleged you provided excerpts of emails from RIDOH's e-complaint email account to Mr. Stenhouse to help him create a PowerPoint presentation that included the RIDOH emblem. As you are aware, the e-complaint email is a general mailbox used to route complaints to appropriate departments for investigation and processing. It is also alleged that the emails that you shared with Mr. Stenhouse, and on-air, contained the names of health care facilities; RIDOH and its boards and commissions do not publicly acknowledge that a licensee stands accused of unprofessional conduct unless and until such conduct has been proven through administrative proceedings—otherwise, licensees could have behavior ascribed to them, adversely affecting their businesses and prospects, before being provided a chance to show that the allegations cannot be proven. Please be advised that such actions are in direct violation of the State of Rhode Island Executive Order No. 15-01 entitled, "Ethics and Integrity in Government," the Confidentiality Agreement you signed on October 14, 2010 with the State of Rhode Island, and the State's Technology Acceptable Use Policy; moreover, they raise troubling questions regarding property rights and due process.

It was further discovered and reported that on June 15, 2020, you extracted and disseminated the below emails to Mr. Stenhouse, which prompted a second video entitled, "In the Dugout" with the RIDOH whistleblower. In this video with Mr. Stenhouse, he stated, "you provided actual email screenshots of complaints from RIDOH":

- 1) Complaint to RIDOH on April 4, 2020 re. incident at Oak Hill and Holiday nursing homes from the child of a senior resident: *"My dad was in Oak Hill and now in the Holiday. The swap floor water goes from one room to the next. The diapers are thrown down on the cleaned floor, dirty laundry on the floor. The patients never have their hands washed before eating...."*
- 2) Complaint to RIDOH on May 7, 2020 incident at Oak Hill nursing home re. COVID-19 stepdown patients: *"We want to report a serious incident at Oak Hill Nursing home that involved 2 patients in the step down covid unit. On Saturday May 2 at or about 22:00 Oak Hill Nursing called the Pawtucket Fire department and requested EMS services for an out of control patient. Upon Arrival the crew found the male patient that was having a cocaine overdose related medical emergency..."*

- 3) Details of complaint to RIDOH on May 11, 2020 re. complainant's resident parents: *"Details: Complainant's resident parents following complaint was submitted by telephone to L. Camuso complainant is the daughter of both residents. Resident has several underlying health issues. She is a stroke victim, and type II diabetic. In mid-April, the resident tested positive for COVID19. Husband was allowed to stay in the same room..."*
- 4) Details of complaint to RIDOH on April 24, 2020 from resident's daughter: *Details: The following complaint was submitted via telephone to L. Camuso Complainant reports patient (a resident of Orchard View Manor) had tested positive for COVID19 on 4/10/20. Patient became severely hydrated. He was transported and admitted to Miriam Hospital. It is reported hospital staff took patient off all the antibiotics he was on, refused to give him fluids and instead, is medicating patients with morphine (a respiratory depressant). Patient was not in an end of life situation..."*
- 5) Email complaint to RIDOH on May 6, 2020 from resident's child: *"I am forwarding this email, which was sent to Coventry Healthcare Genesis, last evening. My mother has been a resident for about a year and a half at the Coventry Healthcare Center in Rhode Island During her stay, we have encountered many issues with neglect in her care. In the email some are listed, and some are not. I am concerned with her latest issue, a bedsore for some time now and concerned as I requested a picture and was denied. I seem to be getting different stories with each person I talked with and different times..."*
- 6) DOH E-complaint email on June 3, 2020: *"The following complaint was submitted via telephone to L. Camuso Complainant is a staff member of Warwick Dialysis. Resident is a client and confides in compliant. Resident told complaint that the staff at Bannister... files several complaints with the Department of Health regarding this resident and states she never hears back. She fears for the resident's safety."*

On Friday, June 26, 2020, you were interviewed by a member of Human Resources regarding this matter in the presence of your union representatives and personal attorney. It is further alleged that you provided Mr. Stenhouse examples of content from the actual RIDOH reports to include audio and video files.

Additionally, it is alleged that you provided emails, specifically naming Oak Hill and Holiday nursing homes as nursing homes with poor sanitation conditions, increasing the spread of COVID-19 to patients, and referenced a sexual assault case at Eleanor Slater Hospital. You stated, in relevant part:

"I am a whistleblower, there was a backlog of complaints. There was little to no oversight for nursing homes. Nursing homes were given complaints, negative and positive. I felt it was a result of the little to no oversight from the state. Putting the elderly in RI in jeopardy. Dr. Scott has not listened to me."

You acknowledged during the HR interview that you provided Mr. Stenhouse with confidential information in the form of email excerpts, that you claim allowed him to create the PowerPoint presentation. During the interview with Human Resources, you were also asked if you had communicated any of the complaints or concerns that you shared with Stenhouse to your supervisor or another member of management. You responded, in relevant part:

“I did not share it with my immediate supervisor because she was teleworking from home.”

When asked if you requested assistance regarding the complaints, you answered, in relevant part:

“No. People told me I was too passionate about my job.”

In addition, you were specifically asked why the information shared with Mr. Stenhouse contained the RIDOH emblem, as it implies the documents were provided by the agency. Whilst you failed to provide a response, the union asserted that the emblem was extracted by Mr. Stenhouse.

Lastly, when asked to explain your understanding of the State's Technology Acceptable Use Policy, which applies to all executive agencies, you replied, in relevant part:

“I would not share information, if I were not protected under the whistleblower act.”

You claim that your actions in this instance of going to the media are protected, as you allege you are a “whistleblower.” Please be advised that it is RIDOH’s position that, for R.I. Gen. Laws § 28-50-3 of the Rhode Island Whistleblowers’ Protection Act (RIWPA) to apply in this case, you had to have reported these new COVID-19 related complaints to your employer, your supervisor, or to a public body. The purpose of these reporting requirements is to confirm that the potential whistleblower has attempted to meaningfully engage the employer-entity regarding the legal infractions that the whistleblower contends are occurring and has been unsuccessful in doing so. None of the facts or circumstances reflected by your responses in the Human Resources’ interview support the premise that you made any of these necessary reports.

It is alleged, additionally, that your conduct has failed to adhere to the standards of ethics and integrity required of all State employees, further detailed in the State of Rhode Island Executive Order No. 15-01 entitled, “Ethics and Integrity in Government,” which provides, in relevant part:

WHEREAS, the citizens of Rhode Island deserve a government which maintains the highest standards of integrity and ethical conduct; and

WHEREAS, it is imperative that the citizens of Rhode Island believe in and trust their state government; and

WHEREAS, ethics and integrity in government are necessary and essential for the effective delivery of government services to the citizens of Rhode Island; and

[...]

1. All persons subject to this order shall comply with the mandates of the Rhode Island Code of Ethics, as stated in Title 36, Chapter 14 of the Rhode Island General Laws and its related rules and regulations, and shall abide by the decisions of the Rhode Island Ethics Commission affecting such officers and employees.

2. All persons subject to this Order shall likewise comply with other laws pertaining to ethics and integrity in state service.

[...]

8. All persons covered by this Order are encouraged to act only in the most ethical manner consistent with law and to bring to the attention of their supervisors and the Public Ethics Officers their concerns with respect to the application of the Code of Ethics.

[...]

10. All persons covered by this Order are to demonstrate the highest standards of probity, virtue, accountability and integrity in delivering this administration's executive leadership to the citizens of Rhode Island.

11. Without limitation on the foregoing, the following code of conduct is mandated for officers and employees subject to the jurisdiction of the Office of the Governor.

Integrity and Ethical Principles for Public Officials and Employees

- I will perform my duties to the best of my ability without favor or prejudice and in a matter that merits the trust and confidence of the public.
- I will respect and safeguard all confidential information to which I have access in the course of my official duties and will not abuse or misuse any information which I am entrusted.

Additionally, on October 14, 2010, you signed a Confidentiality Agreement between you and the State of Rhode Island, which reads, in relevant part:

1. I will vigorously protect the confidentiality of any Confidential Information that I view, receive or am exposed to during my employment.
2. I will not disclose Confidential Information to any unauthorized person(s), and I agree to consult my immediate supervisor prior to disclose if I have any questions concerning the authority to disclose Confidential Information.
3. In the event that I disclose Confidential Information to one or more authorized person(s), I will notify each person to whom disclosure is made that such disclosure is made in confidence and that the contents of the disclosure must be kept private to the extent permissible by law.
4. I will not remove confidential information from the location in which I found it without prior authorization.
5. At the conclusion of my employment or upon request, I will return all confidential Information in my custody or control to the proper State officials.
6. I will not use Confidential Information for personal purposes or benefit.

As a State employee, you are subject to and must also comply with all state and departmental policies including but not limited to the following:

The State of Rhode Island's Technology Acceptable Use Policy provides, in relevant part:

4.1 Network Resources

"State employees, vendors/business partners/sub-recipients, local governments, and other governmental agencies may be authorized to access state network resources to perform business functions with or on behalf of the State. Users must be acting within the scope of their employment or contractual relationship with the State and must agree to abide by the terms of this agreement as evidenced by his/her signature. All usage may be monitored and there is no right to privacy." [...]

4.1 [...] Users have no right to or expectation of privacy when using State network resources. The use of State network resources is monitored [...]

Prohibited Actions

Using State network resources to support any unlawful activities that violates Federal, state or local laws or that violates code of conduct policies and procedures established by DOA Division of Human Resources or the Agency

[...]

5. Repercussions for Noncompliance

5.1 Any user who willfully violates this policy will be subject to disciplinary action up to and including termination of employment and may face civil or criminal penalties. [...]

As you are aware, this Acceptable Use Policy applies to all individuals who have been provided access rights to the State of Rhode Island networks; State-provided email, and Internet via agency-issued network or system User Ids.

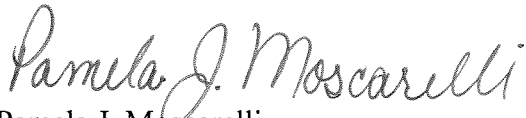
In summary, the facts stated above clearly demonstrate the following:

1. You admitted using and disclosing confidential information (nursing home e-complaints) that you were not authorized to use or disclose, to persons who were similarly unauthorized to use or receive the information; and,
2. You admitted you failed to report this confidential information to any of the persons that the RIWPA requires that you inform; and, therefore;
3. Your claim for "whistleblower" status under the RIWPA, the only safe harbor you identify as permitting the unauthorized disclosure and use of confidential information, cannot be substantiated.
4. You made representations, in a public social media forum, that could be construed as an official RIDOH finding or opinion, which is not within the scope of your authority as a Community Program Liaison Worker, for matters where investigations are ongoing, and which you failed to report to the appropriate RIDOH union or officials for proper handling.

Through your actions, it is believed that you knowingly chose to disclose confidential information. As a RIDOH employee, you are entrusted with access to sensitive and confidential information and documents. During the HR interview, you acknowledged signing the Confidentiality Agreement and noted that the information you shared with Mr. Stenhouse was confidential, as defined in the agreement. Please be advised that accessing and/or disclosing confidential information to any unauthorized party constitutes misconduct and a breach of confidentiality as you used your position and access to inappropriately disclose e-complaints. Your conduct in relation to this matter is also a clear violation of the required standard of ethical conduct expected of all State employees. Your misconduct further puts into question your ability to ethically perform the duties and responsibilities of your position on a regular and consistent basis, which is not acceptable.

Based on the nature of your actions, RIDOH has serious concerns with your continued ability to be entrusted with confidential information. RIDOH is now considering disciplinary action up to and including termination of your employment. A preliminary discipline hearing will be scheduled as soon as possible. You will be notified of the date and time of the hearing under separate cover.

Sincerely,

A handwritten signature in cursive script that reads "Pamela J. Moscarelli".

Pamela J. Moscarelli
Deputy Personnel Administrator

cc: Kyle Adamonis; Dr. Nicole Alexander-Scott; Ana Novais; Peter DiPippo, PSA/NEA;
Anade' Long; Seema Dixit; Jen Olsen; Jacqueline Kelley; Kimberly Henderson;
Andrea Bagnall Degos