

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Linda Billings, RN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 200643048RN) **Reference No. 16-00830**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Linda Billings (Licensee) was issued a Registered Nurse license by the Board on November 13, 2006.

This matter was considered by the Board at its meeting on January 13, 2016.

On December 17, 2015, a Notice stating that the Board intended to suspend the Registered Nurse license of Licensee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Linda Billings failed to cooperate with the Board during the course of an investigation.

The Notice granted Licensee an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Licensee was issued a Registered Nurse license in the state of Oregon on November 13, 2006.
2. On or about November 13, 2015, Licensee was reported to the Board for allegedly coming into work exhibiting signs of intoxication and smelling of alcohol. The Board opened an investigation into the matter.
3. On November 13, 2015, Board staff called the Licensee's phone numbers of record but

was unable to reach Licensee but left a voicemail requesting a response. That same day, Board staff sent a request to be contacted to Licensee's email address of record. No response was forthcoming.

4. On November 16, 2015, a letter was sent to Licensee at her address of record by Board staff, requesting that she schedule an interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
5. On December 01, 2015, a second letter was sent to Licensee's address of record requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
6. On December 8, 2015, Board staff called the Licensee's phone numbers of record but was unable to reach Licensee or leave a message.
7. On December 17, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
8. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Linda Billings, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(7)(a)(c).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Registered Nurse license of Linda Billings is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Linda Billings has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse license of Linda Billings, she would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

TO: LINDA BILLINGS:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Jermaine Brooks, RN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 201504095RN) **Reference No. 16-00335**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jermaine Brooks (Licensee) was issued a Registered Nurse License by the Board on July 1, 2015.

This matter was considered by the Board at its meeting on January 13, 2016.

On October 30, 2015, a notice stating that the Board intended to suspend the Registered Nurse License of Licensee was sent to him via certified and first-class mail to his address of record. The Notice alleged that Jermaine Brooks failed to cooperate with the Board during the course of an investigation.

The Notice granted Licensee an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Licensee was issued a Registered Nurse License in the state of Oregon on July 1, 2015.
2. On or about August 20, 2015, Licensee was reported to the Board for sleeping while on duty. The Board opened an investigation into the matter.
3. On August 24, 2015, Board staff mailed a letter to Licensee's address of record requesting that he schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current

work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. On September 9, 2015, a second letter was sent to Licensee's address of record requesting that he contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
5. On September 24, 2015, a third letter was sent to Licensee's address of record requesting that he contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
6. On October 30, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
7. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and he is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Jermaine Brooks, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(7)(a)(c).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being

fully advised in the premises, it is hereby:

ORDERED that the Registered Nurse License of Jermaine Brooks is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Jermaine Brooks has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse License of Jermaine Brooks, he would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostecky MS, MPA, RN
Board President

TO: JERMAINE BROOKS:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Sydney Brulja, RN) **VOLUNTARY SURRENDER**
)
License No. 201043143RN) **Reference No. 16-00219**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sydney Brulja (Licensee) was issued a Registered Nurse License by the Board on October 19, 2010.

On or about October 16, 2013, the Board accepted a Stipulated Order for Probation of Licensee's Registered Nurse License from October 16, 2013 through October 15, 2016.

On or about July 30, 2015, the Board received information that medications were missing at the facility where Licensee was employed and that Licensee tested positive for oxycodone in a for-cause drug screen at work. Licensee denied diversion and informed Board staff that she had taken one of DY's (a family member) oxycodone pills.

On December 16, 2015, Licensee provided Board staff with three views of a prescription bottle filled by QFC Pharmacy on April 2, 2015 on behalf of DY for oxycodone with RX# 6100524. Board staff confirmed with QFC Pharmacy that RX# 6100524 was filled on April 2, 2015 on behalf of DY, but it was for a medication other than oxycodone.

On December 16, 2015, Licensee admitted to Board staff that she tampered with DY's prescription bottle to make it appear as though the prescribed medication was oxycodone.

Licensee is in violation of the Board's Stipulated Order for Probation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), OAR 851-045-0070(2)(f)(i)(j), (3)(d) and (7)(b)(d).

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined. Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted

standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(2) Conduct related to other federal or state statute/rule violations:

(f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

(i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(j) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of nurses or other health care providers.

(3) Conduct related to communication:

(d) Altering a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, changing words/letters/numbers from the original document to mislead the reader of the record, adding to the record after the original time/date without indicating a late entry.

(7) Conduct related to the licensee's relationship with the Board:

(b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

(d) Violating the terms and conditions of a Board order.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Sydney Brulja be accepted. If, after a minimum of three years, Ms. Brulja wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Sydney Brulja, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Kelsey Campbell, RN Applicant) **PROBATION**
)
) **Reference No. 16-00689**

Kelsey Campbell (Applicant) submitted an application for a RN license by the Oregon State Board of Nursing (Board) on April 20, 2015.

A review of Campbell's application for licensure revealed evidence of a chronic medical condition which could affect Campbell's ability to safely perform the duties of a Registered Nurse in select settings.

Based upon the above information, Campbell (Applicant), is subject to monitored practice via the Board pursuant to ORS 678.111 (1) (i), which reads as follows:

678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

Applicant acknowledges the medical condition as stated above may impact her ability to practice as a Registered Nurse in certain settings. Applicant wishes to cooperate with the Board in resolving the present matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

Licensee shall be placed on probation effective the date the Board approves Applicant for licensure and accepts this Stipulated Order for Probation. Applicant's compliance with this Order will be monitored by the Oregon State Board of Nursing. Applicant must complete a twenty-four (24) month period of probation to begin upon licensure and the start of practice, monitored as outlined below.

Licensee (Applicant) must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee (Applicant) must practice in a setting where Licensee (Applicant) can exercise the full extent of Licensee's (Applicant's) scope of practice, in order to demonstrate Licensee's (Applicant's) competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which Licensee

(Applicant) does not practice in the state of Oregon will not count toward the probationary period.

Licensee (Applicant) shall comply with the following terms and conditions of probation:

1. Licensee (Applicant) shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee (Applicant) shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee (Applicant) shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee (Applicant) shall maintain an active license.
5. Licensee (Applicant) shall inform Board staff in advance of any move from Oregon to another licensing jurisdiction. If Licensee (Applicant) leaves the state and is unable to practice in the state of Oregon, Licensee's (Applicant's) probationary status will be re-evaluated.
6. Licensee (Applicant) shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee (Applicant) shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee (Applicant) will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee (Applicant) shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's (Applicant's) license, the reasons for probation, and terms and conditions of probation. If Licensee's (Applicant's) employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee (Applicant) shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's (Applicant's) practice and provide assistance. Licensee (Applicant) shall be employed in a setting where Licensee's (Applicant's) nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be

received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's (Applicant's) employer shall inform Board staff of any instance of Licensee's (Applicant's) non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's (Applicant's) work-related conduct or personal behavior that may affect Licensee's (Applicant's) ability to perform the duties of a nurse.
12. Licensee (Applicant) shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee (Applicant) shall have access to narcotics, carry the keys to narcotics storage, and administer narcotics at any time, unless otherwise restricted by Board staff.
14. Licensee (Applicant) shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee (Applicant) shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing recommended treatment, Licensee (Applicant) shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee (Applicant) shall sign any release of information necessary to allow Board staff to communicate with Licensee's (Applicant's) medical or mental health treatment provider and release Licensee's (Applicant's) records to the Board.
16. Licensee (Applicant) shall provide status updates from any treating provider within 5 business days of an appointment or receiving treatment.
17. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
18. Licensee shall cease practicing as a nurse upon the occurrence of an incident related to patient safety, or at the request of Board staff if a report is received regarding Licensee's (Applicant's) ability to safely perform nursing duties with reasonable skill and safety. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
19. Licensee (Applicant) shall notify any and all healthcare providers of the nature of

Licensee's (Applicant's) physical condition to ensure that Licensee's (Applicant's) health history is complete. Licensee (Applicant) shall provide a copy of this Order to Licensee's healthcare providers. Licensee (Applicant) shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's (Applicant's) healthcare providers and release Licensee's (Applicant's) medical and treatment records to the Board. Licensee (Applicant) is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.

20. Licensee (Applicant) shall cooperate fully with Board staff in the supervision and investigation of Licensee's (Applicant's) compliance with the terms and conditions of this Order.

Licensee (Applicant) understands that in the event Licensee (Applicant) engages any future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's (Applicant's) license, up to and including revocation of Licensee's (Applicant's) license to practice as a RN.

Licensee (Applicant) understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee (Applicant) understands that by signing this Stipulated Order, Licensee (Applicant) waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee (Applicant) acknowledges that no promises, representations, duress or coercion have been used to induce Licensee (Applicant) to sign this Order.

Licensee (Applicant) understands that this Order is a document of public record.

Licensee (Applicant) has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Kelsey Campbell, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Anne Counihan, RN) **VOLUNTARY SURRENDER**
) **OF REGISTERED NURSE LICENSE**
License No. 200941601RN) **Reference No. 15-00908**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Anne Counihan (Licensee) was issued a Registered Nurse License by the Board on July 9, 2009.

In December 2014, the Board received information that Licensee had been terminated from a nursing position for concerns related to her documentation, administration of medication and treatment procedures. Licensee acknowledged a need to improve her nursing practice through monitoring, but let her license lapse. Licensee subsequently elected to voluntarily surrender her license in lieu of monitored practice.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(1)(c), (2)(o), (3)(a) & (4)(b), which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(c) Failing to develop, implement and/or follow through with the plan of care.

(2) Conduct related to other federal or state statute/rule violations:

(o) Failing to dispense or administer medications, including Methadone, in a manner consistent with state and federal law.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(4) Conduct related to achieving and maintaining clinical competency:

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Anne Counihan be accepted. If, after a minimum of three years, Ms. Counihan wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Anne Counihan, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Mavis Dahl, RN**

)
) **FINAL ORDER OF REVOCATION**
) **BY DEFAULT**
)
)

License No. 200841635RN

) **Reference No. 16-00741**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Mavis Dahl (Licensee) was issued a Registered Nurse License by the Board on July 14, 2008.

This matter was considered by the Board at its meeting on January 13, 2016.

On November 19, 2015, a Notice stating that the Board intended to revoke the Registered Nurse License of Mavis Dahl was sent to her via certified and first-class mail to her address of record. The Notice alleged that Licensee violated a Board Order.

The Notice granted Licensee an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. On or about December 1, 2014, Licensee was reported to the Board for allegedly exhibiting signs of impairment at work, refusing for-cause testing, having nursing documentation errors, and possible diversion of medication. The Board opened an investigation into the matter.
2. On February 18, 2015, the Board accepted a signed Stipulated Order by Licensee, placing her license on probation for a twelve month (12) period. Licensee agreed to complete courses, present herself to Board on a monthly basis, and participate in the Board's random urine drug testing program.
3. Licensee failed to maintain monthly contact with the Probation Monitor.

4. Licensee failed to participate in the Board's random urine drug testing program.
5. To date, Licensee has failed to provide proof of completion of coursework.
6. On November 19, 2015, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Mavis Dahl, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111 (1) (f) and OAR 851-045-0070 (7) (d).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Registered Nurse License of Mavis Dahl is Revoked.

DATED this _____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: MAVIS DAHL:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

INCLUDE ONLY IF FOR REVOCATION: If, after a minimum of three (3) years, you wish to reinstate your Registered Nurse License, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Shirley Denlinger, LPN Applicant) **WITHDRAWAL OF PRACTICAL**
) **NURSE APPLICATION**
) **Reference No. 16-00681**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses (LPNs). Shirley Denlinger (Applicant) submitted an application for Practical Nurse licensure by examination to the Board on or about August 7, 2015.

On that application, Applicant disclosed to the Board that she was arrested in Washington state in 1989 for Driving Under the Influence of Alcohol (DUII) and that her Health Care Assistant Certification issued by the Washington Department of Health was indefinitely suspended in December 2009, and that she had been diagnosed with an alcohol or drug related condition in June 2014. The Board opened an investigation.

On or about November 20, 2015, information was obtained by the Board which indicated Applicant had been assigned an active diagnoses of Substance Use Disorder, severe, and that Applicant was not fit to practice as a nurse.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(e) and OAR 851-045-0070(5)(d), which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(e) Impairment as defined in ORS 676.303.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined.

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(5) Conduct related to impaired function:

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Applicant wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

That Shirley Denlinger's application for Practical Nurse licensure by examination be withdrawn.

Applicant understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Applicant understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Stipulated Order.

Applicant understands that this Stipulated Order is a document of public record.

Applicant has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Withdrawal of Practical Nurse Application.

IT IS SO AGREED:

Shirley Denlinger

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Charity Dixon, CNA Reinstatement) **PROBATION**
Applicant)
Certificate No. 200211821CNA) **Reference No. 16-00266**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nursing Assistants.

On July 17, 2002, CNA was issued a Nursing Assistant certificate by the Board with knowledge that she was convicted in August 1999 of felony Forgery in the First Degree.

On June 18, 2004, CNA's Nursing Assistant certificate expired.

In or around August 2004, CNA applied for renewal of her Nursing Assistant certificate but failed to disclose she was arrested in July 2003 for misdemeanor Initiating a False Report and felony Theft III. In October 2004, CNA pled No Contest to both charges. The Board issued a Notice of Denial of CNA's renewal application, CNA did not request a hearing and a default Final Order of Denial was signed by the Board on June 20, 2005.

On March 23, 2015, CNA successfully completed Caregiver Training Institute's Nursing Assistant program.

In or around July 2015, CNA applied for reactivation of her Nursing Assistant certificate and disclosed her 1999 and 2003 arrests, but failed to disclose she was cited in lieu of arrest on August 3, 2007 for misdemeanor Assault IV and that she was arrested on June 26, 2014 for felony Hindering Prosecution and misdemeanor Resisting Arrest. All charges were dismissed from the 2007 and 2014 charges.

CNA satisfied all court requirements on all convictions, provided evidence that she has not been convicted of a crime for 11 years, has sustained gainful employment since 2008 and requests reinstatement of her CNA certificate.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(a) and OAR 851-063-0080(1)(6), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

(a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

OAR 851-063-0080 Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate. Under the contested case procedure in ORS 183.310 to 183.550 the Board may impose a range of disciplinary sanctions including, but not limited to deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (1) Conviction of the nursing assistant of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant;
- (6) Conduct unbecoming a nursing assistant.

CNA admits that the above allegations occurred and constitute violations of the Nurse Practice Act. CNA wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

CNA's Nursing Assistant certificate shall be reinstated and placed on probation effective the date the Board approves this Stipulated Order for Probation. CNA's compliance with this Order will be monitored by the Oregon State Board of Nursing. CNA must complete a twenty-four (24) month period of probation to begin upon CNA's return to work, monitored as outlined below. CNA must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. CNA must work in a setting where CNA can exercise the full extent of CNA's scope of duties, in order to demonstrate CNA's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which CNA does not work in the state of Oregon will not count toward the probationary period.

CNA shall comply with the following terms and conditions of probation:

1. CNA shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. CNA shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. CNA shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. CNA shall maintain active certification.
5. CNA shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If CNA leaves the state and is unable to work in the state of Oregon, CNA's probationary status will be re-evaluated.

6. CNA shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. CNA shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. CNA will not look for, accept, or begin a new nursing assistant position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. CNA shall inform current and prospective employers, including any Nurse Executive, of the probationary status of CNA's certification, the reasons for probation, and terms and conditions of probation. If CNA's employer has a Nurse Executive, CNA shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. CNA shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe CNA's work and provide assistance. CNA shall be employed in a setting where CNA's nursing assistant supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, CNA may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by CNA's employer shall inform Board staff of any instance of CNA's non-compliance with the terms and conditions of this Order or of any other concern regarding CNA's work-related conduct or personal behavior that may affect CNA's ability to perform the duties of a nursing assistant.
12. CNA shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. CNA shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. CNA shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
15. Upon request of Board staff, CNA shall obtain a chemical dependency and/or mental

health evaluation by a Board approved third-party evaluator. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's evaluator and to release CNA's evaluation records to the Board. CNA understands that CNA is financially responsible for any and all costs related to the evaluation.

16. CNA shall participate in and comply with any treatment recommendations set forth by a third-party evaluator. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's treatment provider and release CNA's treatment records to the Board.
17. CNA shall cease performing the duties of a nursing assistant if there are concerns about her ability to safely perform duties or at the request of Board staff. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with CNA's employer.
18. CNA shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
19. CNA shall cooperate fully with Board staff in the supervision and investigation of CNA's compliance with the terms and conditions of this Order.

CNA understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

CNA understands that in the event CNA engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against CNA's certificate, up to and including revocation of CNA's certification to perform the duties of a nursing assistant.

CNA understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

CNA understands that by signing this Stipulated Order, CNA waives the right to an administrative hearing under ORS 183.310 to 183.540. CNA acknowledges that no promises, representations, duress or coercion have been used to induce CNA to sign this Order.

CNA understands that this Order is a document of public record.

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CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Charity Dixon, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF**
Zelia Doolittle, CNA) **REVOCATION OF NURSING**
) **ASSISTANT CERTIFICATE**
) **BY DEFAULT**
Certificate No. 201391532CNA) **Reference No. 15-01877**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Zelia Doolittle (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on August 09, 2013.

This matter was considered by the Board at its meeting on January 13, 2016.

On November 20, 2015, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Zelia Doolittle was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder engaged in conduct unbecoming a nursing assistant.

The Notice granted Certificate Holder an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on August 09, 2013.
2. On or about December 9, 2014, the Board received information alleging that Certificate Holder had been arrested. The Board opened an investigation into the matter.
3. On or about December 9, 2014, Certificate Holder was arrested on Possession of Methamphetamine (Class C Felony), Endangering the Welfare of a Minor x3 (Class B Felony), and Causing Another Person to Ingest a Controlled Substance x3 (Class B Felony) charges.
4. Certificate Holder failed to report her felony arrest to the Board within 10 days of her arrest as required by the Nurse Practice Act.
5. On or about June 11, 2015, Certificate Holder was convicted of Possession of Methamphetamine and Endangering the Welfare of a Minor x3, the Causing Another Person to Ingest a Controlled Substance x3 charges were dismissed.

6. Certificate Holder failed to report her felony conviction to the Board within 10 days of the conviction as required by the Nurse Practice Act.
7. Certificate Holder failed to answer truthfully on her renewal application submitted on or about August 12, 2014.
8. Certificate Holder failed to cooperate with the Board's investigation.
9. On November 20, 2015, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Zelia Doolittle, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442 (2)(a),(c), and (f), and OAR 851-063-0080 (1),(3),and (6) and OAR 851-063-0090 (1)(a) and (b) and (7)(c) and (8)(d), (e), (n), (o) and (9) and (10)(a) and (c).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nursing Assistant Certificate of Zelia Doolittle is revoked.

DATED this _____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: ZELIA DOOLITTLE:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

If, after a minimum of three (3) years, you wish to reinstate your Certified Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Ritah Giesbers, LPN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 201130461LPN) **Reference No. 16-00721**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Ritah Giesbers (Licensee) was issued a Licensed Practical Nurse License by the Board on September 19, 2011.

This matter was considered by the Board at its meeting on January 13, 2016.

On December 7, 2015, a notice stating that the Board intended to suspend the Licensed Practical Nurse License/Certificate of Licensee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Ritah Giesbers failed to cooperate with the Board during the course of an investigation.

The Notice granted Licensee an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Licensee was issued a Licensed Practical Nurse License in the state of Oregon on September 19, 2011.
2. On or about October 27, 2015, Licensee was reported to the Board for alleged issues related to patient safety, neglect and documentation. The Board opened an investigation into the matter.

3. On November 9, 2015, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
4. On November 24, 2015, a second letter was sent to Licensee's address of record requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
5. On December 7, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Ritah Giesbers, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(10)(a) and (c).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Practical Nurse License of Ritah Giesbers is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Ritah Giesbers has fully cooperated with the Board's investigation. Should the Board reinstate the Practical Nurse License of Ritah Giesbers, she would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: RITAH GIESBERS:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Joseph Gonsalves, RN**

**) STIPULATED ORDER FOR
) PROBATION OF REGISTERED
) NURSE LICENESE
) Reference No. 14-01614**

License No. 200942327RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Joseph Gonsalves (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on August 14, 2009.

On or about April 24, 2014, the Board received information alleging Licensee exhibited signs of impairment in the workplace and may be using prescription medication in a way that affects his ability to safely practice nursing. The Board opened an investigation into the matter. During the Board's investigation, Licensee denied impairment in the workplace.

On January 14, 2015, the Board voted to issue Licensee a Notice of Proposed Revocation of his Registered Nurse license.

In or around February, 2015, concerns were raised alleging Licensee showed cognitive and physical signs of impairment in the workplace. Co-workers and a medical provider raised concerns about Licensee's demeanor, presentation and deterioration of his nursing practice. Additionally, concerns were raised about the discovery of non-formulary narcotics that were found on a desk, under his coat, where Licensee was working. This discovery led to Licensee improperly wasting the pills into a sharps container. During the employment investigation, Licensee denied that the non-formulary narcotics were his and that he was impaired during the incident. Licensee was terminated from employment at Bay Area Hospital.

On August 26, 2015, the Board received a complaint alleging that Licensee arrived at a North Bend daycare facility to pick up his children and pay his mortgage. It was further alleged Licensee appeared to be impaired. The Board began investigating the new allegations.

On or about September 8, 2015, the Board received evidence substantiating that on August 13, 2015; Licensee drove to the daycare location with the intent to pick up his children and was impaired. Licensee had an altered mental state and was experiencing an acute delirious episode. Licensee's physician attributed this episode to interaction of prescribed medications.

Based on the above facts, on September 17, 2015, the Board issued an Emergency Suspension of Licensees' Registered Nurse license.

For purposes of this Stipulated Order, Licensee does not admit to workplace impairment but acknowledges that there is evidence to demonstrate at hearing the allegations contained in the Board's Notice in this matter.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(e) and (f) and OAR 851-045-0070 (5)(c), and (d) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

- (e) Impairment as defined in ORS 676.303.
- (f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (5) Conduct related to impaired function:
 - (c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which Licensee does not practice in the state of Oregon will not count toward the probationary period.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.

6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every month during the probationary period. The monthly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between monthly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

15. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Sections 16 and 17 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
16. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
17. Licensee shall be monitored by a pain specialist, approved by the Board while he is taking prescription medication. Licensee will sign a release with his pain specialist and follow all treatment recommendations. Licensee agrees Board staff may review his Oregon Prescription Drug Monitoring Program records as needed.
18. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, signs of impairment, or at the request of Board staff. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer and/or medical provider.
19. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
20. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
21. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.
22. Licensee shall obtain a third party evaluation with a provider specializing in pain management and chemical dependency. Licensee must obtain Board approval prior to attending his evaluation. Licensee must comply with all recommendations by the third party evaluator.
23. Licensee acknowledges he will not return to nursing practice until he obtains the requested evaluation (#22) and this agreement has been accepted by the Board.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up

to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Joseph Gonsalves, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Denise Hemenway Mantei, LPN) **VOLUNTARY SURRENDER**
)
License No. 200930526LPN) **Reference No. 16-00856**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Denise Hemenway Mantei (Licensee) was issued a Licensed Practical Nurse License/Certificate by the Board on November 05, 2009.

On October 1, 2012, the Board received information that Licensee was placed on probation in Washington State as a result of a serious medication administration error. On November 15, 2012, the Oregon State Board of Nursing placed Licensee on 24 months of probation, allowing 36 months to complete.

Licensee had a brief period of employment beginning in May 2015 through July 2015, when she was terminated for performance issues surrounding scope of practice. She has reached the end of the 36 months without obtaining 24 months of quarterly reports to complete her probation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1), (f), OAR 851-045-0070 (7), (d).

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, for any of the following causes:
- (f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (7) Conduct related to the licensee's relationship with the Board
(d) Violating the terms and conditions of a Board order.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Licensed Practical Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Licensed Practical Nurse license of Denise Hemenway Mantei be accepted. If, after a minimum of three years, Ms. Hemenway Mantei wishes to reinstate her Licensed Practical Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Licensed Practical Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Denise Hemenway Mantei, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN

Date

Board President

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) STIPULATED ORDER FOR
Gary Hickmann, RN) REPRIMAND OF LICENSE
) WITH CONDITIONS
License No. 088003066RN) Reference No. 16-00257

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Gary Hickmann (Licensee) was issued a Registered Nurse License by the Board on August 23, 1989.

On or about August 7, 2015, Licensee self-reported to the Board that Licensee failed to maintain professional boundaries with a client.

By the above action, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(1)(n), which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee.

In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined.

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing.

Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(n) Failing to maintain professional boundaries with a client.

Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Registered Nurse License of Gary Hickmann be reprimanded and that Licensee complete the Professional Boundaries in Nursing course offered by the National Council of State Boards of Nursing.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against his license, up to and including revocation of his license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, he waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand of License with Conditions.

Gary Hickmann, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Danielle Holcombe-Hoag) **VOLUNTARY SURRENDER OF**
) **REGISTERED NURSE LICENSE**
)
License No. 200741954RN) **Reference No. 16-00116**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Danielle Holcombe-Hoag (Licensee) was issued a Registered Nurse license by the Board on July 06, 2007.

In April 2000, Licensee was arrested; however, Licensee failed to answer truthfully and completely when she was asked by the Board about the matter in 2007 and 2015. In 2015, Licensee periodically diverted medications from her workplaces which she abused at home in addition to alcohol. That same year, Licensee took four written prescriptions that were made out for other patients and had them filled by representing herself to pharmacies as the patients for whom they were intended when she signed for the medications.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(c) and (d) and (e) and (f) and (g) and OAR 851-045-0070(2)(f) and (i) and (5)(d) and (6)(e) and (7)(b) which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal thereof.

(d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice.

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing.

Such conduct shall include, but is not limited to, the following:

- (2) Conduct related to other federal or state statute/rule violations:
 - (f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.
 - (i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
- (5) Conduct related to impaired function:
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.
- (6) Conduct related to licensure or certification violations:
 - (e) Resorting to fraud, misrepresentation, or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, while obtaining initial licensure or certification or renewal of licensure or certification.
- (7) Conduct related to the licensee's relationship with the Board:
 - (b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Danielle Holcombe-Hoag be accepted. If, after a minimum of three years, Ms. Holcombe-Hoag wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Stipulated Order.

Licensee understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Stipulated Order.

Licensee understands that this Stipulated Order is a document of public record.

Licensee has read this Stipulated Order, understands this Stipulated Order completely, and

freely signs this Stipulated Order for Voluntary Surrender.

Danielle Holcombe-Hoag

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Diana Lockwood, RN) **VOLUNTARY SURRENDER**
)
License No. 200740540RN) **Reference No. 15-02078**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Diana Lockwood (Licensee) was issued a Registered Nurse License/Certificate by the Board on March 07, 2007.

On June 30, 2015, the Board received a report that Licensee was terminated for allegedly diverting narcotics from the home of a patient.

According to the complainant, on June 26, 2015, Licensee arrived at the patient's home to complete a nursing assessment. It is alleged that while in the home, Licensee asked to see the patient's narcotic medication bottle, took the bottle to another room and counted the pills without being observed.

Immediately after Licensee left the patient's home, the pills were counted and according to the patient, 22 pills were missing. The patient allegedly contacted Licensee and questioned her about the missing pills and Licensee reportedly offered an explanation that the pills must have fallen into her purse.

It was further alleged that Licensee's employer contacted Licensee the same day and reportedly noted that Licensee was slurring her words. Licensee denied diverting the medication and offered to submit a urine drug screen. The test was negative.

Licensee met with Board staff on October 2, 2015. Licensee again denied taking the medication from the patient and submitted confirmation of a narcotic prescription. Board staff requested Licensee to obtain a current chemical dependency evaluation, which she agreed to do.

Licensee failed to follow through with the requested evaluation and ultimately decided to surrender her Registered Nurse license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1) (f) and (g) and OAR 851-045-0070(2)(f), (g), (h) and (i) which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation,

reprimand or censure of licensee.

In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.
 - (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (2) Conduct related to other federal or state statute/rule violations:
 - (f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.
 - (g) Soliciting or borrowing money, materials, or property from clients.
 - (h) Using the nurse client relationship to exploit the client by gaining property or other items of value from the client either for personal gain or sale, beyond the compensation for nursing services.
 - (i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

Licensee does not admit to diverting medications, but acknowledges that the above behavior constitutes a violation of the Nurse Practice Act. Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Diana Lynn Lockwood be accepted. If, after a minimum of three years, Ms. Lockwood wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Stipulated Order.

Licensee understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Stipulated Order.

Licensee understands that this Stipulated Order is a document of public record.

Licensee has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Diana Lockwood, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Denise M. Mann, RN) **VOLUNTARY SURRENDER**
)
License No. 077039575RN) **Reference No. 16-00896**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Denise Mann (Licensee) was originally issued a Registered Nurse License by the Board on October 26, 1977.

On September 21, 2011, the Board accepted the voluntary surrender of Licensee's Registered Nurse license after she failed to enroll and participate in the Health Professionals' Services Program (HPSP).

On April 15, 2015, the Board approved reinstatement of Licensee's Registered Nurse license and accepted a signed Stipulated Order for Probation, placing her license on a twenty-four (24) month period of probation.

Since beginning probation, Licensee has been unable to obtain a nursing position and, because of this, is not able to continue to afford the cost of testing. Licensee has decided not to pursue a nursing position, and instead focus her efforts on finding work that does not require a nursing license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) and OAR 851-045-0070 (7) (d) which read as follows:

678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(7) Conduct related to the licensee's relationship with the Board:

(d) Violating the terms and conditions of a Board order.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Denise Mann be accepted. If, after a minimum of three years, Ms. Mann wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Denise Mann, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Kimmie Melgarejo, CNA Applicant) **WITHDRAWAL OF NURSING**
) **ASSISTANT APPLICATION**
Certificate No. 201010949CNA (Inactive)) **Reference No. 16-00192**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Kimmie Melgarejo (Applicant) was issued a Nursing Assistant certificate by the Board on April 26, 2010.

On November 6, 2011, the Board accepted a Stipulated Order for Probation after Applicant was diagnosed with Alcohol Dependence following two convictions for Driving Under the Influence of Intoxicants.

On April 18, 2012, the Board accepted a Stipulated Order for Voluntary Surrender after Applicant violated the terms and conditions of the Probation Order by becoming intoxicated and participating in a bar fight on March 3, 2012. Applicant was convicted of Assault IV on May 17, 2012.

On about June 24, 2015, Applicant submitted an application for reinstatement of her Nursing Assistant certificate.

During an October 29, 2015 telephone conversation with Board staff, Applicant confirmed she did not have a Clean and Sober date nor did she have evidence of two years' documented sobriety. Applicant said she wanted to withdraw her application.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.442(2)(a)(c) and OAR 851-063-0080(1)(3), which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

(a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(c) Impairment as defined in ORS 676.303.

OAR 851-063-0080 Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate. Under the contested case procedure in ORS 183.310 to 183.550 the Board may impose a range of disciplinary sanctions including, but not limited to deny,

reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (1) Conviction of the nursing assistant of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant;
- (3) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant.

Applicant wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

That Kimmie Melgarejo's application for reinstatement of her Nursing Assistant certificate be withdrawn.

Applicant understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Applicant understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Stipulated Order.

Applicant understands that this Stipulated Order is a document of public record.

Applicant has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Withdrawal of Nursing Assistant Application.

IT IS SO AGREED:

Kimmie Melgarejo, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Peter Olemgbe, CNA**

)
) **FINAL ORDER OF REVOCATION OF**
) **NURSING ASSISTANT CERTIFICATE BY**
) **DEFAULT**
)
) **Reference No. 14-01886**

Certificate No. 200311604CNA

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Peter Olemgbe (CNA) was issued a Nursing Assistant certificate by the Board on May 23, 2003.

This matter was considered by the Board at its meeting on January 13, 2016.

On November 24, 2015, a Notice stating that the Board intended to revoke the Nursing Assistant certificate of Peter Olemgbe was sent to him via certified and first-class mail to his address of record. The Notice alleged that CNA neglected his patients.

The Notice granted CNA an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. CNA was issued a Nursing Assistant certificate in the state of Oregon on May 23, 2003.
2. In March 2014, CNA neglected a male patient at Oregon State Hospital (OSH) by failing to adequately supervise him after giving him a bottle of acetone-based nail polish remover which the patient subsequently ingested. In July 2014, OSH commenced the pre-dismissal process for CNA for the above-mentioned incident and several previous incidents in which multiple OSH staff reported CNA to be sleeping on duty.

3. On November 24, 2015, Board staff mailed a Notice of Proposed Revocation of Nursing Assistant Certificate to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the CNA, Peter Olemgbe, and over the subject matter of this proceeding.
2. That CNA's conduct is in violation of ORS 678.442(2)(d) and (f) and OAR 851-063-0080(4) and (6) and OAR 851-063-0090(2)(e) and (6)(a).
3. That CNA defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nursing Assistant certificate of Peter Olemgbe is revoked.

DATED this ____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: PETER OLEMGBE:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

If, after a minimum of three (3) years, you wish to reinstate your Nursing Assistant certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Jessica Peters, RN**

) **STIPULATED ORDER FOR**
) **PROBATION OF REGISTERED**
) **NURSE LICENSE**
) **Reference No. 16-00854**

RN Applicant

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses (RN). In September 2015, Jessica Peters (Applicant) submitted an application to the Board for Registered Nurse licensure by endorsement.

In her licensure application, Applicant disclosed her substance use history along with her history of discipline with the Maryland and Pennsylvania State Boards of Nursing. Applicant had been issued an RN license by examination by the Maryland State Board of Nursing in 2007. In 2008, Applicant was referred to Maryland's confidential monitoring program after she tested positive for narcotics at work. In 2010, Applicant voluntarily surrendered her Maryland license when she failed to complete their program. In 2012, Maryland reinstated Applicant's RN license with five years' probation. In 2013, Applicant was issued an RN license by endorsement by the Pennsylvania State Board of Nursing with no less than five years' probation.

Applicant entered into a chemical dependency treatment program in February 2011 and successfully completed her recommended treatment in August 2013. Applicant stated she has been clean and sober since February 15, 2011.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(5)(d), which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing.

Such conduct shall include, but is not limited to, the following:

(5) Conduct related to impaired function:

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Applicant admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Applicant wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

Applicant shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Applicant's compliance with this Order will be monitored by the Oregon State Board of Nursing. Applicant must complete a twenty-four (24) month period of probation to begin upon Applicant's return to practice, monitored as outlined below. Applicant must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Applicant must practice in a setting where Applicant can exercise the full extent of Applicant's scope of practice, in order to demonstrate Applicant's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which Applicant does not practice in the state of Oregon will not count toward the probationary period.

Applicant shall comply with the following terms and conditions of probation:

1. Applicant shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Applicant shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Applicant shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Applicant shall maintain an active license.
5. Applicant shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Applicant leaves the state and is unable to practice in the state of Oregon, Applicant's probationary status will be re-evaluated.
6. Applicant shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Applicant shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

8. Applicant will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Applicant shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Applicant's license, the reasons for probation, and terms and conditions of probation. If Applicant's employer has a Nurse Executive, Applicant shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Applicant shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Applicant's practice and provide assistance. Applicant shall be employed in a setting where Applicant's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Applicant may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Applicant's employer shall inform Board staff of any instance of Applicant's non-compliance with the terms and conditions of this Order or of any other concern regarding Applicant's work-related conduct or personal behavior that may affect Applicant's ability to perform the duties of a nurse.
12. Applicant shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Applicant shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. Applicant shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Applicant shall submit to Board staff a copy of Applicant's completion certificate or discharge summary. Applicant shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Applicant shall sign any release of information necessary to allow Board staff to communicate with Applicant's treatment provider and release Applicant's treatment records to the Board.
15. Applicant shall participate in the Board's random urine drug testing program. Failure

to comply with random urine or any other requested drug test shall result in Applicant's immediate removal from nursing practice. Applicant shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Applicant's employer. Applicant shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Applicant shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Applicant understands that Applicant is financially responsible for any and all costs related to testing and evaluating. Applicant's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

16. Applicant shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Applicant shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
17. Applicant may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Applicant shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Applicant shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Applicant's records to the Board. Applicant shall discard any unused prescription medication when no longer needed or when expired.
18. Applicant shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Applicant's employer.
19. Applicant shall notify any and all healthcare providers of the nature of Applicant's chemical dependency to ensure that Applicant's health history is complete before receiving any treatment, including medical and dental. Applicant shall provide a copy of this Order to Applicant's healthcare providers. Applicant shall provide Board staff with the names and contact information of any and all health care providers. Applicant shall sign any release of information necessary to allow Board staff to communicate with Applicant's healthcare providers and release Applicant's medical and treatment records to the Board. Applicant is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
20. Applicant shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
21. Applicant shall cooperate fully with Board staff in the supervision and investigation of Applicant's compliance with the terms and conditions of this Order.

Applicant understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Applicant understands that in the event Applicant engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Applicant's license, up to and including revocation of Applicant's license to practice as a RN.

Applicant understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Applicant understands that by signing this Stipulated Order, Applicant waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce Applicant to sign this Order.

Applicant understands that this Order is a document of public record.

Applicant has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Jessica Peters, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Ashley Richmond, CNA

Certificate No. 201111622CNA

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT OF NURSING**

) **ASSISTANT CERTIFICATE**

)

) **Reference No. 16-00337**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Ashley Richmond (CNA) was issued a Nursing Assistant Certificate by the Board on July 5, 2011.

This matter was considered by the Board at its meeting on January 13, 2016.

On November 23, 2015, a Notice stating that the Board intended to revoke the Nursing Assistant certificate of Ashley Richmond was sent to her via certified and first-class mail to her address of record. The Notice alleged that CNA failed to disclose her criminal history and failed to cooperate with the Board during the course of an investigation.

The Notice granted CNA an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. CNA was issued a Nursing Assistant certificate in the state of Oregon on July 5, 2011.
2. On or about August 18, 2015, CNA made application to the Board for renewal of her Nursing Assistant certificate. CNA failed to disclose a criminal history. The Board opened an investigation into the matter.
3. The Board alleges that on or about January 6, 2015, CNA was arrested for the unlawful possession of heroin (felony) and Theft II (misdemeanor). On November 9, 2015, CNA was convicted of both charges.

4. The Board alleges that on or about February 6, 2015, CNA was arrested for the unlawful possession of methamphetamine and the unlawful possession of heroin. On November 9, 2015, CNA was convicted of the unlawful possession of heroin (felony) and the possession of methamphetamine charge was dismissed.
5. The Board alleges that on or about February 17, 2015, CNA was arrested for two separate Theft II charges, both misdemeanors. On May 18, 2015, CNA was convicted of one charge and the second was dismissed.
6. The Board alleges that on or about July 2, 2015, CNA was arrested for Theft II, a misdemeanor. On September 14, 2015, CNA was convicted of Theft II.
7. The Board alleges that on or about September 11, 2015, Board staff mailed a letter to CNA's address of record requesting that CNA schedule an interview to discuss the allegations. CNA was further instructed to send a written statement regarding the allegations and a current work history. CNA failed to schedule an interview and did not provide any documents to the Board. On September 28, 2015, a second letter was sent to CNA's address of record requesting that CNA contact the Board within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to send a written statement regarding the allegations and provide a current work history. CNA failed to schedule an interview and did not provide any documents to the Board.
8. The Board alleges that on or about September 23, 2015, CNA failed to appear in court and a warrant was issued for her arrest. CNA was arrested on or about October 19, 2015 and convicted of felony failure to appear on November 9, 2015.
9. The Board alleges that on or about October 7, 2015, Board staff mailed a Notice of Proposed Suspension of Nursing Assistant Certificate via first-class and certified mail to CNA's address of record. The Notice alleged that CNA failed to cooperate with the Board during the course of an investigation. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing and designated that the agency file would be the record for purposes of default. No such request for hearing was received by the Board. On November 18, 2015, the Board issued a Final Order of Suspension by Default for Failure to Cooperate for a minimum of two weeks and until such time as CNA has fully cooperated with the Board's investigation.
10. On November 23, 2015, Board staff mailed a Notice of Proposed Revocation of Nursing Assistant Certificate to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
11. CNA failed to respond to the Notice of Proposed Revocation within the required twenty days. Consequently, CNA's opportunity to request a hearing has expired and she is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the CNA, Ashley Richmond, and over the subject matter of this proceeding.
2. That CNA's conduct is in violation of ORS 678.442(2)(f), OAR 851-063-0080(6), (7)(c), (8)(n)(o), (9)(a) and OAR 851-063-0090(10)(a)(c).
3. That CNA defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nursing Assistant Certificate of Ashley Richmond is REVOKED.

DATED this _____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: ASHLEY RICHMOND:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

If, after a minimum of three (3) years, you wish to reinstate your Nursing Assistant certificate, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER BY DEFAULT**
Jessica Spears) **OF DENIAL OF CERTIFICATION**
) **AS A NURSING ASSISTANT**
)
Certificate No. 200310748CNA) **Reference No. 15-00859**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Certified Nursing Assistants. Jessica Spears (Applicant) submitted an application to the Board for reactivation of her Certified Nursing Assistant (CNA) certificate in January 2014. Applicant was originally issued a CNA certificate in the state of Oregon on March 7, 2003. On March 7, 2013, Applicant allowed her CNA certificate to expire, and it remains expired.

The Board considered this matter at its meeting on January 13, 2016.

On October 1, 2015, a Notice stating that the Board intended to deny the application for reactivation of Applicant's CNA certificate was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant engaged in demonstrated incidents of dishonesty and was convicted of a crime that bears a demonstrable relationship to the duties of a nursing assistant.

The Notice granted Applicant an opportunity for hearing if requested within sixty (60) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. On or about October 23, 2009, Applicant was indicted and charged with Assault in the Third Degree (a Class C felony) and Failure to Perform Duties of a Driver to Injured Persons (a Class felony) for an incident that occurred on or about June 1, 2009.

Applicant had been previously disciplined by the Board for that conviction. During the police investigation of that incident, Applicant made false statements to police, initially telling police she had not been the driver involved in the accident under investigation.

2. On or about July 25, 2012, police received a report of a staff parking permit that was thought to have been stolen on a university campus. The permit was later found in view in Applicant's vehicle while the vehicle was parked in a staff parking space. When an officer questioned Applicant about the parking permit, Applicant gave the officer a false middle name, false date of birth, and invalid contact information. Applicant was charged with Giving False Information to a Peace Officer for Issuance or Service of a Citation, Theft of Services, and Theft in the Third Degree. On or about November 26, 2012, Applicant pled no contest and was convicted of False Information to a Peace Officer.
3. In January 2014, Applicant submitted an application to the Board for reactivation of her CNA certificate. Applicant was originally issued a CNA certificate in the state of Oregon on March 7, 2003. On March 7, 2013, Applicant allowed her CNA certificate to expire, and it remains expired.
4. On or about December 31, 2014, Applicant drove her vehicle at a time when her driving privileges had been suspended due to her 2009 conviction for Assault in the Third Degree and Failure to Perform Duties of a Driver to Injured Persons. On or about June 15, 2015, Spears pled guilty and was convicted of Criminal Driving While Suspended (a Class B felony). Applicant remains on probation for that conviction.
5. On October 1, 2015, Board staff mailed a Notice of Proposed Denial of Certification as Nursing Assistant to Applicant via certified and first-class mail to her address of record. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Applicant failed to request a hearing on the Notice of Proposed Denial of Certification as Nursing Assistant within the allotted sixty (60) days.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over Applicant, Jessica Spears, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.442(2)(a) & (f), OAR 851-063-0080(1) & (6), and OAR 851-063-0090(1)(b).
3. That Applicant defaulted on the Notice by not requesting a hearing within the allotted

sixty (60) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Application for Certification as Nursing Assistant of Jessica Spears is denied.

Dated this _____ day of January, 2016

FOR THE OREGON STATE BOARD OF NURSING

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: JESSICA SPEARS

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within sixty (60) days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Kayla Suitor, LPN

**License No. 200711977CNA,
201030322LPN**

)
) **FINAL ORDER OF REVOCATION OF
PRACTICAL NURSE LICENSE**
) **BY DEFAULT**
)
)
) **Reference No. 13-02201**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Kayla Suitor (Licensee) was issued a Licensed Practical Nurse License by the Board on August 23, 2010.

This matter was considered by the Board at its meeting on January 13, 2016.

On December 3, 2015, a Notice stating that the Board intended to Revoke the Licensed Practical Nurse License of Kayla Suitor was sent to her via certified and first-class mail to her address of record. The Notice alleged that Licensee was arrested for Possession of Methamphetamine, Theft I, a C Felony and Negotiating a bad check and convicted of the above charges while holding an active nursing license. The Notice further alleged that Licensee failed to cooperate with the Board during the course of an investigation.

The Notice granted Licensee an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Licensee was issued a Licensed Practical Nurse License/certificate in the state of Oregon on August 23, 2010.
2. On or about April 16, 2013, Licensee was arrested for Possession of

Methamphetamine, while holding an active nursing license. On April 13, 2014, Licensee was convicted of the charges in Washington County Circuit Court.

3. On or about April 18, 2013, Licensee was charged with Theft 1, C Felony and Negotiating a bad check, A Misdemeanor, while holding an active nursing license. On June 6, 2014, Licensee was convicted of the charges in Clackamas County Circuit Court.
4. On or about June 10, 2013, Board staff mailed a letter to Licensee's address of record requesting she provide a current resume and schedule a personal interview with Board staff within 10 business days to discuss the allegations. Licensee failed to respond to the Board's request.
5. On June 27, 2013, a second letter was sent to Licensee's address of record requesting that she contact the Board within five (5) business days to provide a current resume and schedule an interview to discuss the allegations. Licensee failed to respond to the Board's request.
6. On December 3, 2015, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Kayla Sutor, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of X ORS 678.111(1) (a), (f) and (g) and OAR 851-045-0070 (2) (i), (4) (b) and (7) (a) and (c), and OAR 851-045-0080 (1), (3) (a), (b), (c) and (d).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully

advised in the premises, it is hereby:

ORDERED that the Licensed Practical Nurse License/certificate of Kayla Sutor is Revoked.

DATED this _____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

TO: KAYLA SUITOR:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

INCLUDE ONLY IF FOR REVOCATION: If, after a minimum of three (3) years, you wish to reinstate your Licensed Practical Nurse License/certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Chelsea Thompson, CNA

Certificate No. 201500458CNA

)

) **FINAL ORDER OF REVOCATION**

) **OF NURSING ASSISTANT**

) **CERTIFICATE BY DEFAULT**

)

) **Reference No. 16-00308**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Chelsea Thompson (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on January 22, 2015.

This matter was considered by the Board at its meeting on January 13, 2016.

On November 20, 2015, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Chelsea Thompson was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder failed engaged in conduct unbecoming a nursing assistant.

The Notice granted Certificate Holder an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on January 22, 2015.
2. On or about August 17, 2015, Certificate Holder was reported to the Board for allegations that she engaged in a sexual relationship with a client at a facility where she was employed. The Board opened an investigation into the matter.
3. During the course of the investigation evidence was received that substantiated Certificate Holder engaged in an inappropriate relationship with a client at a facility where she was employed.
4. During the course of the investigation evidence was received that substantiated Certificate Holder was using methamphetamine while certified as a nursing assistant.

5. Certificate Holder failed to answer truthfully on her application for CNA certification submitted in December 2014.
6. Certificate Holder failed to answer truthfully during the Board's investigation.
7. On November 20, 2015, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Chelsea Thompson, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.4402 (2)(b), (c), and (f) and OAR 851-063-0080 (2)(3) and (6) and OAR 851-063-0090(1)(a) and (b) and (3)(j) and (k) and (8)(h) and (9)(a) and (10)(b).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nursing Assistant certificate of Chelsea Thompson is revoked.

DATED this _____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: CHELSEA THOMPSON:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

If, after a minimum of three (3) years, you wish to reinstate your Nursing Assistant License, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Ramiro Vazquez, CNA) **SUSPENSION OF CERTIFICATE**
)
Certificate No. 201111565CNA) **Reference No. 16-00215**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Ramiro Vazquez (CNA) was issued a Certified Nursing Assistant certificate by the Board on June 28, 2011.

On or about August 3, 2015, the Board received information that CNA had abused a patient by restricting a patient's movement without a medical need.

On September 23, 2015, CNA admitted to Board staff that he had in fact restricted a patient's ability to move their arm without medical necessity and that he failed to respect the dignity and rights of the patient.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(d)(f) and OAR 851-063-0090(8)(d)(3)(g) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

- (d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

- (8) Conduct related to other federal or state statutes/rule violations:
- (d) Abusing a person;
- (3) Conduct related to client safety and integrity:
- (g) Failing to respect the dignity and rights of the person receiving nursing services, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, other physical attributes, or disability;

CNA wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

That the Certified Nursing Assistant certificate of Ramiro Vazquez be SUSPENDED for

15 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.

CNA shall complete coursework pre-approved by the Board in the following areas: (1) critical thinking (2) patient rights and dignity and (3) ethics. The suspension of Ramiro Vazquez's Certified Nursing Assistant certificate shall be for a minimum of 15 days and shall continue until CNA provides documentation to the Board showing proof of completion of the above coursework.

CNA understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

CNA understands that in the event he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against his certificate, up to and including revocation of his certificate to practice as a Certified Nursing Assistant.

CNA understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

CNA understands that by signing this Stipulated Order, he waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. CNA acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Order.

CNA understands that this Order is a document of public record.

CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Suspension.

Ramiro Vazquez, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Michelle Vincent, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 200611491CNA) **Reference No. 16-00407**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Michelle Vincent (CNA) was issued a Nursing Assistant Certificate by the Board on July 17, 2006.

On or about August 28, 2015, the Board received information that CNA was in treatment for a mental health condition. On September 3, 2015, CNA voluntarily signed an Interim Consent Order, agreeing to refrain from performing CNA duties.

On or about November 16, 2015, CNA self-reported she is in treatment for an alcohol use disorder.

By the above actions, CNA is subject to OAR 851-063-0080 (3) and (5) which read as follows:

OAR 851-063-0080 Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate

Under the contested case procedure in ORS 183.310 to 183.550 the Board may impose a range of disciplinary sanctions including, but not limited to deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (3) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others, or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant;
- (5) Physical or mental condition that makes the certificate holder unable to perform the duties of a nursing assistant.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

That the voluntary surrender of the Certified Nursing Assistant certificate of Michelle Vincent be accepted. If, after a minimum of three years, Ms. Vincent wishes to reinstate her Nursing Assistant certificate, she may submit an application to the Board to request reinstatement. Should the Board reinstate the Certificate, Ms. Vincent would be subject to whatever terms and conditions the Board may impose.

CNA agrees that she will not practice as a Certified Nursing Assistant from the date she signs this Order.

CNA understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

CNA understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. CNA acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

CNA understands that this Order is a document of public record.

CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Michelle Vincent, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Theresa Vos, CMA**

) **STIPULATED ORDER FOR**
) **REPRIMAND OF CERTIFICATE**
)

**Certificate No. 200520002CMA,
200312935CNA**

) **Reference No. 16-00583**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Medication Aides. Theresa Vos (Certificate Holder) was issued a Certified Medication Aide License/Certificate by the Board on January 07, 2005.

On or about September 30, 2015, the Board received information that on August 3, 2015, Certificate Holder had failed to follow a care plan by administering liquids without first adding a thickening agent as instructed in the care plan.

On November 2, 2015, Certificate Holder admitted to administering a health shake to a patient without first adding a thickening agent as instructed in the care plan.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.111(1)(f)(g), OAR 851-063-0080(4)(6) and OAR 851-063-0090(2)(a)(b)(3)(b)(d) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

OAR 851-063-0080 Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate

Under the contested case procedure in ORS 183.310 to 183.550 the Board may impose a range of disciplinary sanctions including, but not limited to deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder;
- (6) Conduct unbecoming a nursing assistant.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

- (2) Conduct related to achieving and maintaining clinical competency:
 - (a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;
 - (b) Performing acts beyond the authorized duties except for as allowed for in these rules;
- (3) Conduct related to client safety and integrity:
 - (b) Failing to implement the plan of care developed by the registered nurse;
 - (d) Jeopardizing the safety of a person under the CNA's care.

Certificate Holder wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the Certified Medication Aide and Certified Nursing Assistant certifications of Theresa Vos be reprimanded.

Certificate Holder understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Certificate Holder understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her certificate, up to and including revocation of her certificate to practice as a Certified Medication Aide and as a Certified Nursing Assistant..

Certificate Holder understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Certificate Holder understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Certificate Holder understands that this Order is a document of public record.

Certificate Holder has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

Theresa Vos, CMA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE