

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF DENIAL BY**
) **DEFAULT OF LPN LIMITED**
Amy Bray, Applicant) **LICENSE for RE-ENTRY AND**
) **PRACTICAL NURSE LICENSURE**
)
License No.: Applicant) **Reference No. 16-01736**

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. Amy Bray, submitted an application for reinstatement of her LPN and LPN Limited License for Re-entry in the State of Oregon on or about May 1, 2015.

This matter was considered by the Board at its meeting on August 10, 2016.

On August 12, 2016, a Notice stating that the Board intended to deny the application for reinstatement of LPN and Limited License for Re-entry was sent to Applicant via certified and first-class mail to Applicant's address of record and other known addresses. The Notice alleged Applicant failed to comply with conditions of the Stipulated Order of Probation issued on March 23, 2016.

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. Applicant failed to comply with conditions of the Stipulated Order of Probation issued on March 23, 2016.
2. Applicant did not contact or enroll in the Health & Educational Consultants Nursing Re-Entry Program within the allotted time specified in the Stipulated Order of Probation.
3. Applicant failed to contact Board staff to schedule an appointment with her Probation monitor as required by the Stipulated Order of Probation.

4. On August 10, 2016, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of LPN Limited License for Re-entry and LPN License.

5. On August 12, 2016, Board staff mailed a Notice of Proposed Denial of LPN Limited License for Re-entry and LPN to Applicant via first-class and certified mail. 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.

**-II-
CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over Applicant, Amy Bray, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.111(1)(f)(j) and OAR 851-045-0070 (7)(d).
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 LPN Limited License and Practical Nurse Licensure of Amy Bray is denied.

Dated this _____ day of October, 2016

FOR THE OREGON STATE BOARD OF NURSING

Bonnie Kostelecky, MS, MPA, RN
Board President

TO AMY BRAY:

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 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 60 days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Primavera Cruz Hamilton) **VOLUNTARY SURRENDER**
)
Certificate No. 200112728CNA) **Reference No. 16-01994**

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. Primavera Cruz Hamilton (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on December 3, 2001.

On or about May 26, 2016, the Board received information that, while working as a nursing assistant, Certificate Holder failed to follow a resident's care plan resulting in a resident's fall and did not report the incident to anyone at the time. The Board opened an investigation into the matter.

Resident MS was described as very frail and had some difficulty with communication. MS' care plan directed staff to transfer MS using two people and a Hoyer lift. On or about May 7, 2016, Certificate Holder transferred MS without a second person and without using a Hoyer lift. During the transfer, MS fell to the floor. Certificate Holder failed to report MS' fall to anyone at work and did not document the incident. The fall resulted in MS sustaining a wrist fracture, which was discovered several days after the incident. Certificate Holder stated she was unaware that MS had been injured. Certificate Holder acknowledged that she should have reported the incident to a nurse immediately so that MS could be assessed for possible injury.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(3)(b), (3)(c), (3)(d), (4)(f) & (8)(e), 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:
 - (f) Conduct unbecoming a nursing assistant in the performance of duties.

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:

- (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:

- (3) Conduct related to client safety and integrity:
 - (b) Failing to implement the plan of care developed by the registered nurse;
 - (c) Failing to report changes in a person's status from the last assessment made by the

- registered nurse;
- (d) Jeopardizing the safety of a person under the CNA's care.
- (4) Conduct related to communication:
 - (f) Failing to communicate information regarding a person's status to the supervising nurse or other appropriate member of the healthcare team in an on-going and timely manner and as appropriate to the context of care.
- (8) Conduct related to other federal or state statutes/rule violations:
 - (e) Neglecting a person.

Certificate Holder wishes to cooperate with the Board in this matter. Certificate Holder wishes to voluntarily surrender her Certified Nursing Assistant certificate.

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

That the voluntary surrender of the Certified Nursing Assistant certificate of Primavera Cruz Hamilton be accepted. If, after a minimum of three years, Ms. Cruz Hamilton wishes to reinstate her Certified Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

Certificate Holder agrees that she will not perform duties as a Certified Nursing Assistant from the date she signs this Order.

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 Voluntary Surrender.

IT IS SO AGREED:

Primavera Cruz Hamilton

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) **FINAL ORDER OF SUSPENSION**
Glen Eidson, RN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 201340139RN) **Reference No. 17-00358**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Glen Eidson (Licensee) was issued a Registered Nurse License by the Board on January 11, 2013.

This matter was considered by the Board at its meeting on October 12, 2016.

On September 20, 2016, 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 Glen Eidson 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 January 11, 2013.
2. On or about July 6, 2016, Licensee was reported to the Board on allegations he exhibited abusive, threatening and harassing behavior towards residents, visitors, providers and co-workers while working at an assisted living facility. The Board opened an investigation into the matter.

3. On August 19, 2016, 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 12, 2016, 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 provide a current work history and a written statement regarding the allegations. Licensee failed to schedule an interview and did not provide any documents to the Board.
5. On September 20, 2016, 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 he is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Glen Eidson, 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 Registered Nurse License of Glen Eidson 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 Glen Eidson has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse License Glen Eidson, he would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of October, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: GLEN EIDSON:

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 REVOCATION**
Chelsea Forbes) **BY DEFAULT**
)
)
Certificate No. 201502257CNA) **Reference No. 16-01174**

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 Forbes (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on April 21, 2015.

This matter was considered by the Board at its meeting on October 12, 2016.

On September 12, 2016, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Chelsea Forbes was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder falsified documentation and forged signatures to make it appear she had provided care for two hospice patients when she did not provide care, and that Certificate Holder made misrepresentations to Board staff about the events under investigation.

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 Certified Nursing Assistant certificate in the state of Oregon on April 21, 2015.
2. On or about January 22, 2016, Certificate Holder was reported to the Board for concerns that Certificate Holder failed to attend scheduled visits with patients while working as a hospice aide and falsely documented that she had made the visits. At the time of the alleged incidents, Certificate Holder was employed by a hospice agency. The Board opened an investigation into the matter.

3. Certificate Holder falsified documentation and forged a signature to make it appear she had provided care for hospice patient BK on January 9, 2016. Certificate Holder did not provide care for patient BK on January 9, 2016. Certificate Holder had completed a "Hospice Aide Visit Note" indicating she visited and provided care for patient BK at BK's home. The documentation required a signature from the patient receiving care or their designee. BK and BK's family stated Certificate Holder did not visit BK on January 9, 2016. They said no one had come to provide care for BK that day, and they did not recognize the signature on Certificate Holder's documentation.
4. Certificate Holder falsified documentation and forged signatures to make it appear she had provided care for hospice patient ND on January 9, 2016 and on January 12, 2016. Certificate Holder did not provide care for patient ND on January 9, 2016 or on January 12, 2016. Certificate Holder completed a "Hospice Aide Visit Note" indicating she visited and provided care for patient ND at a retirement community/care facility. Patient ND communicated that Certificate Holder had not visited ND and had not provided care to ND on January 9, 2016 or on January 12, 2016.
5. Certificate Holder failed to notify supervisory personnel at the hospice agency where she was employed that she would not be making a visit to hospice patient BK on January 9, 2016 and that she would not be making visits to hospice patient ND on January 9, 2016 and on January 12, 2016. By failing to notify supervisory personnel at the hospice agency, Certificate Holder prevented the hospice agency from making arrangements for another hospice aide to provide care on those days.
6. During the Board's investigation of the above events, Certificate Holder made misrepresentations to Board staff about the events under investigation. Certificate Holder claimed she had provided care to the above hospice patients on the dates in question and had obtained valid signatures confirming that care had been provided.
7. On September 7, 2016, the Board reviewed the facts of the case against Certificate Holder and voted to issue a Notice of Proposed Revocation of her Certified Nursing Assistant certificate.
8. On September 12, 2016, 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.
9. Certificate Holder did not request a hearing within the allotted twenty (20) days.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Chelsea Forbes, and over the subject matter of this proceeding.

2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(1)(b), (3)(e), (4)(c)(A), (8)(e), (10)(a) & (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 Certified Nursing Assistant certificate of Chelsea Forbes is revoked.

DATED this _____ day of October, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: CHELSEA FORBES:

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.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Linda Forrest) **VOLUNTARY SURRENDER**
)
License No. 096005028LPN) **Reference No. 17-00223**

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. Linda Forrest (Licensee) was issued a Licensed Practical Nurse license by the Board on March 28, 1996.

In August 2016, the Board received information that Licensee allegedly verbally abused a resident and failed to administer medications in a timely manner. The Board opened an investigation into the matter.

On or about July 31, 2016, while working as a nurse, several of Licensee's co-workers witnessed Licensee yelling and telling a resident that she would not administer the PRN (as needed) pain medication the resident requested after the way the resident spoke to her. The request for medication was made by the resident himself and by a staff member on the resident's behalf, and Licensee said she would not administer the medication because of the resident's behavior. The incident occurred near the end of Licensee's shift, and a staff member from the oncoming shift administered the medication.

Licensee stated that a stressful work environment had overwhelmed her on the day of the incident. Licensee stated that the resident had threatened her with bodily harm when requesting his medication. Licensee stated that because of her experiences related to the above incident and the fact that she is nearing retirement, she wishes to voluntarily surrender her Licensed Practical Nurse license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(1)(b), (1)(c) & (2)(a), 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:
 - (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
 - (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:
 - (a) Abusing a client. The definition of abuse includes, but is not limited to, intentionally causing physical or emotional harm or discomfort, striking a client, intimidating, threatening or harassing a client, wrongfully taking or appropriating money or property, or knowingly subjecting a client to distress by conveying a threat to wrongfully take or appropriate money or property in a manner that causes the client to believe the threat will be carried out.

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 Linda Forrest be accepted. If, after a minimum of three years, Ms. Forrest 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.

IT IS SO AGREED:

Linda Forrest

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 WITHDRAWAL**
Ruthann Hoagland, RN) **OF APPLICATION FOR REGISTERED**
) **NURSE LICENSE BY ENDORSEMENT**
License No. RN Endorsement Applicant) **Reference No. 16-02062**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Ruthann Hoagland (Applicant) submitted an application for licensure as a Registered Nurse (RN) by endorsement on or about May 24, 2016.

On or about June 24, 1999, Applicant was issued a single state Registered Nurse license by examination by the Texas Board of Nursing. Applicant's Texas RN license is currently inactive.

On or about September 10, 1999, Applicant was issued a Registered Nurse license through endorsement by the Florida Board of Nursing. Applicant's Florida RN license is currently active.

On or about July 23, 2013, Applicant was issued a Registered Nurse license through endorsement by the Wyoming Board of Nursing. Applicant's Wyoming RN license is currently active.

On or about November 18, 2014, Applicant signed an Agreed Order with the Texas Board of Nursing placing her Texas RN license on probation for approximately one year. Applicant further agreed to complete two remedial education courses. Applicant did not comply with the terms and conditions of the Agreed Order.

The Board opened an investigation into the matter.

During a telephone conversation with Board staff, Applicant stated she no longer desired to work in Texas. Considering Applicant did not satisfy the Texas Agreed Order and has an unresolved action with another nursing Board, Applicant desires to withdraw her application in Oregon.

By the above actions, Applicant is subject to ORS 678.111(1)(f), which reads 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.

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

That Ruthann Hoagland's application for Registered Nurse license by endorsement 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 Application for Registered Nurse License by Endorsement.

IT IS SO AGREED:

Ruthann Hoagland, 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**
Francisco Lara, LPN) **REPRIMAND OF LICENSE**
)
License No. 200230443LPN) **Reference No. 16-01825**

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. Francisco Lara (Licensee) was issued a Practical Nurse License by the Board on December 17, 2002.

On or about May 16, 2016, the Board was notified that Licensee failed to administer medications to residents during a shift. The Board opened an investigation.

Licensee was employed by a staffing agency. On April 25, 2016, he accepted a shift at an adult care home and assumed care for the five residents. Medications were scheduled to be administered at 9 pm, but evidence showed that Licensee failed to administer any of the evening medications. The facility reported there was no harm to any resident.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(f), OAR 851-045-0070(1)(c) and (4)(b)** which read as follows:

678.111 Causes for denial, revocation or suspension of license or probation, reprimand or licensure 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:

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

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

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

That the Licensed Practical Nurse license of Francisco Lara be reprimanded. As a condition of this Order of Reprimand, Licensee will complete the following courses: “Medication Errors: Causes & Prevention” and “Sharpening Critical Thinking Skills” within 30 days from the date this Order is signed, and provide evidence of successful completion.

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 Licensed Practical 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.

Francisco Lara, LPN

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**
Mollie McAmis, RN) **PROBATION**
)
License No. 201504192RN) **Reference No. 16-01266**

Mollie McAmis (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on July 06, 2015.

On or about February 10, 2106 the Board received information that Licensee had failed to assess and accurately document her patient assessment of a patient under her care, and failed to be truthful and honest with her employer regarding the discrepancy in the patient record. Following Licensee's shift, the patient was hospitalized for treatment when her respiratory condition deteriorated.

Licensee expressed remorse for her actions, stating she had intended to complete a full assessment of the patient prior to finishing her documentation for the day, but had gotten distracted. Licensee has taken steps to remediate her practice and wishes to cooperate with the Board in resolving the present matter.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (1) (a) and (3) (a) and (c) which reads 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 678.448 or rules adopted thereunder.

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:

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, filling in someone else's omissions, signing someone else's name, record care not given, and fabricating data/values.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. 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 twelve month (12) month period of probation to begin upon Licensee's return to practice, as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, except when taking vacation, 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.

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 twenty four (24) months from Board's acceptance of this Order to complete twelve (12) 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 longer than ten (10) days 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 position 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 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 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 consistent with paragraph 10 of this order 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 if only one registered nurse is on duty.

14. Licensee 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 Licensee's employer.

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

Licensee understands that the conduct resulting in the violations of law described in this Order

are considered by the Board to be of a serious 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:

Mollie McAmis, 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**
Lois McGinnis) **VOLUNTARY SURRENDER**
)
License No. 201503722RN (expired)) **Reference No. 16-00742**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Lois McGinnis (Licensee) was issued a Registered Nurse License by the Board on June 17, 2015.

On or about October 27, 2015, Licensee was reported to the Board for discrepancies in her medical administration documentation while working as a travel Registered Nurse in Oregon. An investigation was opened into the matter.

Licensee neither admits nor denies the Noticed allegations, but acknowledges that the Board has prima facie evidence of the violations articulated below.

By the above actions, Licensee is subject to discipline pursuant to The Board alleges that the above conduct is in violation of ORS 678.111(1)(f)(g), OAR 851-045-0070(1)(f) and (g), (2)(f) and (i), (3)(a), (b) and (g), and (4)(b) 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 678.448 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.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(b) Incomplete recordkeeping regarding client care; including, but not limited, to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.

(g) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period

(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.

As a means to resolve this case, 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 Lois McGinnis be accepted. If, after a minimum of three years, Ms. McGinnis 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 in Oregon 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.

Lois McGinnis

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

Lilia Mikhailichenko,

LPN Applicant

)

) **FINAL ORDER OF DENIAL OF**

) **PRACTICAL NURSE LICENSURE**

) **BY DEFAULT**

)

) **Reference No. 16-00927**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Practical Nurses. In October 2015, Lilia Mikhailichenko applied for Practical Nurse licensure in the state of Oregon.

This matter was considered by the Board at its meeting on October 12, 2016.

On August 11, 2016, a Notice stating that the Board intended to deny the application for Practical Nurse licensure was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged Applicant disclosed an incomplete criminal history.

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 June 29, 2013, Applicant was arrested for Disorderly Conduct by the Salem Police Department. As a result of that arrest, Applicant was convicted in Salem Municipal Court of Misdemeanor Disorderly Conduct on November 26, 2013.
2. On or about March 8, 2015, Applicant was arrested for Unauthorized Use of a Vehicle by the Salem Police Department. As a result of that arrest, Applicant was convicted in Marion County Circuit Court of Felony Unauthorized Use of a Vehicle on August 7, 2015.

3. On or about October 15, 2015, Applicant was arrested on two counts of False Statement During Purchase of a Firearm. As a result of that arrest, Applicant was found guilty and convicted in United States District Court on two counts of Felony False Statement During Purchase of Firearm on June 1, 2016.
4. The Board alleges that Applicant falsified her reactivation application when she failed to fully disclose 15 arrests during the years of 2013, 2014 and 2015.
5. The Board alleges that Applicant falsified her reactivation application when she failed to disclose a mental health diagnosis.
6. The Board alleges that Applicant failed to cooperate with the Board during the course of an investigation when she failed to provide requested written statements and documentation.
7. On August 10, 2016, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Practical Nurse licensure.
8. On August 11, 2016, Board staff mailed a Notice of Proposed Denial of Practical Nurse application to Applicant via first-class and certified mail. 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.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over Applicant, Lilia Mikhailichenko, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.111(1)(a)(c)(f)(g), OAR 851-031-0006(2)(b), OAR 851-045-0070(5)(b) and (7)(a)(b)(c).
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 Practical Nurse licensure of Lilia Mikhailichenko is denied.

Dated this _____ day of October, 2016.

FOR THE OREGON STATE BOARD OF NURSING

Bonnie Kostelecky, MS, MPA, RN
Board President

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 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 60 days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Steven Miller, RN) **PROBATION**
)
License No. 200942373RN) **Reference No. 16-01600**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Steven Miller (Licensee) was issued a Registered Nurse license by the Board on August 20, 2009.

In April 2016, the Board received information that Licensee had recently been terminated from a nursing position for allegedly making comments to co-workers of a sexual nature, including comments about co-workers' bodies, on multiple occasions. There were no allegations that Licensee engaged in similar conduct toward patients.

Licensee had been counseled at work about inappropriate behavior and comments toward co-workers on several occasions between 2010 and 2016. Licensee acknowledged his behavior and stated he believed changes in his medication led to periods of disinhibition. Licensee stated his statements to co-workers were not intended in a sexual way, but were jokes that were not well-received. Licensee acknowledged he had difficulty maintaining professional boundaries with co-workers.

Licensee participated in a mental health evaluation with a Board-approved evaluator. The evaluator stated she believes Licensee is safe to practice nursing. However, the evaluator recommended that Licensee engage in counseling and education, and that he be subject to a period of workplace monitoring to address his behavior toward co-workers.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), which provides 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.

Licensee admits that the above allegations occurred and constitute a violation of the Nurse Practice Act. 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 twelve (12) 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.

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 twenty-four (24) months from Board's acceptance of this Order to complete twelve (12) 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 Board staff. 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 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 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 and comply with any treatment recommendations set forth by a third party evaluator. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's discharge summary.
15. Licensee shall complete an educational course on sexual harassment. The course must be pre-approved by Board staff. Licensee shall provide proof of completion to Board staff within thirty (30) days of the Board's acceptance of this Order.
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 cease practicing as a nurse if there are concerns about his ability to practice safely or at the request of Board staff. Practice may resume when approved by Board staff, in consultation with Licensee's employer and/or mental health therapist/psychiatrist.
18. 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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Patricia Miller Rocha, LPN) **PROBATION**
)
License No. 201509432LPN) **Reference No. 16-01311**

Patricia Miller Rocha (Licensee) was issued a Licensed Practical Nurse license by the Oregon State Board of Nursing (Board) on December 18, 2015.

On or about February 19, 2016, the Board received information that Licensee had administered oral medications via the patients PICC line to a patient under her care while working as a Licensed Practical Nurse. Licensee's error resulting in the patient receiving emergency services including monitoring at the hospital. The patient later recovered and was transported back to the skilled nursing facility. Licensee was terminated from her position with the facility.

Licensee acknowledged as a new graduate she had no prior experience working with PICC lines and had failed to read the medication orders thoroughly. Licensee acknowledged she should have requested assistance with the care of this patient or requested another assignment if unable to obtain assistance which would allow for safe administration of the patient's medication. Licensee expressed remorse for her error and has taken coursework to assist in remediation of her practice.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. 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.

Licensee shall complete a Board approved course related to IV medication administration which includes both didactic and hands on training during the period of probation. Should Licensee fail to complete the coursework within the twelve (12) months of Probation, Licensee's Probation shall be extended until such time as she has successfully completed the coursework and provided documentation or a certificate of completion satisfying this requirement.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (1) (a) and (4) (b) and (d) which reads 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 678.448 or rules adopted thereunder.

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:

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

(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.

(d) Performing new nursing techniques or procedures without documented education specific to the technique or procedure and clinical preceptored experience to establish competency.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. 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 twelve month (12) 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.

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 twenty four (24) months from Board's acceptance of this Order to complete twelve (12) 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 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 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 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 Licensee's employer.

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

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 Licensed Practical 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:

Patricia Miller Rocha, LPN

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**
Loveth Odoemelam, RN) **REPRIMAND OF LICENSE**
)
License No. 201504952RN) **Reference No. 16-01801**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Loveth Odoemelam (Licensee) was issued a Registered Nurse License by the Board on July 23, 2015.

On or about May 12, 2016, the Board received information that Licensee failed to take action to preserve or promote patient safety that resulted in patient harm.

On July 11, 2016, in cooperation with the Board investigation, Licensee completed Continuing Education on Sharpening Critical Thinking Skills.

Licensee is subject to discipline for allegedly failing to take action to preserve or promote patient safety that resulted in patient harm, pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(1)(a)(b)(4)(b) 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:

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

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

(b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.

(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 further 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 Loveth Odoemelam be Reprimanded.

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 she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her 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, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof, if the Board accepts this stipulation. 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 Reprimand.

Loveth Odoemelam, 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**
Sierra Ortega, CNA) **PROBATION**
)
Certificate No. 201310645CNA) **Reference No. 16-01747**

Sierra Ortega (CNA) was issued a Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on March 29, 2013.

On or about May 4, 2016, the Board received an application from CNA for renewal of her Nursing Assistant certificate. On that application, CNA disclosed she had been arrested for assault and criminal mischief in 2014. CNA further disclosed she had completed outpatient treatment for substance use and had been clean and sober since July 18, 2014. The Board opened an investigation.

During the course of the investigation, Board staff discovered CNA had previously completed treatment (residential) for substance use on October 11, 2013. CNA failed to follow through with the recommended treatment plan at discharge. On or about April 7, 2014, CNA failed to disclose on her application for renewal of her Nursing Assistant certificate that she had a substance use diagnosis and had engaged in residential treatment.

On May 11, 2015, CNA was convicted of Criminal Mischief in the Second Degree. The charge of Assault in the Fourth Degree Constituting Domestic Violence was dismissed.

During the course of the investigation, CNA informed Board staff that she re-engaged in substance use treatment and her clean and sober date was June 28, 2016.

CNA has a diagnosis which meets the Board's criteria for monitoring.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0090(7)(c), (8)(i) and 10(b), 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:

(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:

(7) Conduct related to safe performance of authorized duties:

(c) Using a prescription or non-prescription drug, alcohol, or a mind-altering substance to an extent or in a manner dangerous or injurious to the nursing assistant or others, or to an extent that such use impairs the ability to perform the authorized duties safely.

(8) Conduct related to other federal or state statutes/rule violations:

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

(10) Conduct related to the certification holder's relationship with the Board:

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

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 shall be 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.

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. CNA 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, CNA shall submit to Board staff a copy of CNA's completion

certificate or discharge summary. CNA shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. 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.

16. CNA 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 CNA's immediate removal from working as a nursing assistant. CNA shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or CNA's employer. CNA 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, CNA shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. CNA understands that CNA is financially responsible for any and all costs related to testing and evaluating. CNA's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.
17. CNA 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 19 below. CNA shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
18. CNA 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. CNA shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. CNA shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release CNA's records to the Board. CNA shall discard any unused prescription medication when no longer needed or when expired.
19. CNA shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with CNA's employer.
20. CNA shall notify any and all healthcare providers of the nature of CNA's chemical dependency to ensure that CNA's health history is complete before receiving any treatment, including medical and dental. CNA shall provide a copy of this Order to CNA's healthcare providers. CNA shall provide Board staff with the names and contact information of any and all health care providers. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's healthcare providers and release CNA's medical and treatment records to the Board. CNA is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.

21. 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.
22. 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.

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

IT IS SO AGREED:

Sierra Ortega, 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**
Suzann Repass, CNA) **VOLUNTARY SURRENDER**
) **OF NURSING ASSISTANT**
) **CERTIFICATE**
)
Certificate No. 000027341CNA) **Reference No. 16-00821**

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 (CNAs). Suzann Repass (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on March 8, 1994.

On or about November 8, 2015, Certificate Holder applied for renewal of her CNA certificate and self-reported that she had been investigated by the Office of Licensing and Regulatory Oversight (OLRO) for concerns related to the provision of care in the Adult Foster Home she owns and operates. The Board opened an investigation into the matter.

The Board reviewed the OLRO investigatory reports and findings. In 2013, OLRO substantiated an allegation that Certificate Holder failed to report changes in a resident's condition to the resident's healthcare provider in a timely manner, and failed to update the resident's care plan. In 2015, OLRO substantiated allegations of failure to provide adequate care and services to two residents and failure to protect a resident from inappropriate verbal communication. Certificate Holder was assessed a civil penalty by OLRO. The issues described in the OLRO report also represent violations of the Nurse Practice Act.

Certificate Holder asserts that she provided the necessary care and services to the residents but may have failed to maintain adequate documentation of those services, as required.

Certificate Holder states that she no longer requires a CNA certificate and does not wish to pursue a defense with the Board.

By the above actions, CNA is subject to discipline pursuant to **ORS 678.442(2)(f), 851-063-0080(6), 851-063-0090(2)(a), (3)(c), (4)(a) and (8)(e)(h) 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:

(f) Conduct unbecoming a nursing assistant in the performance of duties.

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

(6) Conduct Unbecoming a Nursing Assistant

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;

(3) Conduct related to client safety and integrity:

(c) Failing to report changes in a person's status from the last assessment made by the registered nurse;

(4) Conduct related to communication:

(a) Failing to accurately document nursing assistant activities and tasks;

(8) Conduct related to other federal or state statutes/rule violations:

(e) Neglecting a person;

(h) Engaging in other unacceptable behavior towards or in the presence of the client. Such behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language.

Certificate Holder wishes to cooperate with the Board in this matter and voluntarily surrender her Nursing Assistant certificate.

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

That the voluntary surrender of the Certified Nursing Assistant certificate of Suzann Repass be accepted. If, after a minimum of three years, Ms. Repass wishes to reinstate her Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

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

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

Ms. Repass 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. Ms. Repass acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Ms. Repass understands that this Order is a document of public record.

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

Suzann Repass

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date