

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Leon Adams, RN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 201391293RN** ) **Reference No. 16-00351**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Leon Adams (Licensee) was issued a Registered Nurse License by the Board on August 2, 2013.

This matter was considered by the Board at its meeting on November 18, 2015.

On September 23, 2015, a Notice stating that the Board intended to suspend the Registered Nurse License of Licensee was sent to him via certified and first-class mail to his address of record. The Notice alleged that Leon Adams 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 August 2, 2013.
2. On or about August 21, 2015, Licensee was reported to the Board for DUII arrests on October 29, 2014, and on August 19, 2015. The Board opened an investigation into the matter.
3. On August 24, 2015, Board staff mailed a letter to Licensee's address of record requesting that he schedule an interview to discuss the allegations. Licensee was

further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. On September 9, 2015, a second letter was sent to Licensee's address of record, requesting that he contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to 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 23, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and he is in default.

**-II-**

### **CONCLUSIONS OF LAW**

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

**-III-**

### **ORDER**

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

**ORDERED** that the Registered Nurse License of Leon Adams 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 Leon Adams has fully cooperated with the

Board's investigation. Should the Board reinstate the Registered Nurse License of Leon Adams, he would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Gary Hickmann, RN  
Board President

TO: LEON ADAMS:

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Kendra Bartelmez Forster, CNA** ) **VOLUNTARY SURRENDER**  
)  
**Certificate No. 201310868CNA** ) **Reference No. 16-00295**

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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. Kendra Bartelmez Forster (CNA) was issued a Certified Nursing Assistant Certificate by the Board on April 30, 2013.

On or about July 24, 2015, the Board received information alleging that CNA had engaged in a sexual relationship with a recently released patient and that she accessed a patient's private health information. An investigation was opened into the matter.

On September 29, 2015, CNA admitted to developing a non-sexual relationship with a patient while caring for him as a CNA. CNA admitted to having sex with the patient just after the patient's release and while she was still employed as a CNA. CNA also admitted to accessing a patient's private health information without a proper authorization and without a need to know.

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

**ORS 678.442 Certification of nursing assistants; rules.**

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

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

**OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

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

- (3) Conduct related to client safety and integrity:
  - (i) Engaging in or attempting to engage in sexual misconduct with a client in any setting;
  - (k) Failing to maintain professional boundaries.
- (8) Conduct related to other federal or state statutes/rule violations:
  - (m) Violating a person's rights of privacy and confidentiality of information by accessing information without proper authorization to do so or without a demonstrated need to know;

CNA wishes to cooperate with the Board in this matter and 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 CNA:

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

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

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

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

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

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

\_\_\_\_\_  
Kendra Bartelmez Forster, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Diane Beck, RN** ) **PROBATION**  
)  
**License No. 200340799RN** ) **Reference No. 15-02005**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Diane Beck (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on June 12, 2003.

Licensee surrendered her Registered Nurse license on September 21, 2011, following a Board investigation into concerns regarding diversion of narcotics and failure to comply with the terms and conditions of the Nurse Monitoring Program.

On or about June 18, 2015, Licensee applied for reinstatement of her Registered Nurse license thru re-entry. Licensee has successfully completed a treatment program on March 11, 2012 and continues to be actively involved in her recovery. Licensee also provided 22.5 hours of continuing nursing education completed during her time out of nursing

By the above actions, Licensee is subject to discipline pursuant 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.

Licensee admits that the above allegations occurred and constitute grounds for denial under 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 contingent upon successful completion of the three (3) conditions listed below **within 30 days** of the date the Board approves this Stipulated Order for Probation.

1) Contact Health and Education Consultants Incorporated and enroll in reentry program, and request confirmation of enrollment be sent directly to the Oregon State Board of Nursing.

2) Notify Health and Education Consultants Incorporated that she is on Probation with the Board.

3) Submit all required applications and fees to the Board to begin licensing process.

Licensee acknowledges that absent completion of these conditions within the 30 day period their application shall be deemed denied.

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, including her practice under a limited license while in the re-entry program, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which Licensee does not practice in the state of Oregon will not count toward the probationary period.

In addition to the above conditions, Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.

2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.

3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.

4. Licensee shall maintain an active license.

5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.

6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.

7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.

9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and

conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every 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 have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.

14. 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.

15. Licensee 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, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.

16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's

employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.

18. 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.

19. 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.

20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.

21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.

22. 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 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:

\_\_\_\_\_  
Diane Beck, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR 14 DAY**  
**Jason Brown, RN** ) **SUSPENSION OF LICENSE**  
)  
**License No. 097000682RN** ) **Reference No. 15-01537**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jason Brown (Licensee) was issued a Registered Nurse License by the Board on August 27, 1997.

On or about May 15, 2015, the Board received information alleging Licensee inappropriately obtained prescription medications. It was also alleged that Licensee fraudulently removed medications from the Omnicell. The Board opened an investigation into the matter.

During the course of the Board's investigation, evidence was received that substantiated Licensee inappropriately obtained prescription medications from a provider without the required patient/provider relationship.

During the course of the Board's investigation, evidence was received that substantiated Licensee fraudulently removed a medication, Toradol, from the Omnicell for non-patient use.

By the above actions, Licensee is subject to discipline pursuant to ORS678.111 (1)(f) and OAR 851-045-0070(2)(f), (i) and (j) which read as follows:

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

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

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

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

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

- (2) Conduct related to other federal or state statute/rule violations:
- (f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.
- (i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or

controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

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

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

**That the Registered Nurse license of Jason Brown be SUSPENDED for 14 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.**

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

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

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

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

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

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

\_\_\_\_\_  
Jason Brown, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Judith Kayte Burch, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 200241728RN** ) **Reference No. 15-01183**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Judith Kayte Burch (Licensee) was issued a Registered Nurse license by the Board on July 15, 2002.

On or about February 17, 2015, the Board received information that Licensee accessed medical records without the required authorization on file and without a legitimate need to know while working as a nurse.

Between about July 2012 and January 2015, Licensee accessed her family members' medical records multiple times when the family members had received care at her place of employment. Licensee accessed those records by logging into the electronic medical records system at her place of employment under her employee login. Licensee also accessed her own medical record in the same manner and changed allergy information in her own medical record. Licensee's employer could not locate the required authorization forms on file that would have allowed Licensee to access her family members' medical records. Licensee had not independently verified that the required authorization forms were on file prior to accessing the records.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(m), 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:

- (2) Conduct related to other federal or state statute/rule violations:
  - (m) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client by obtaining the information without proper authorization or when there is no "need to know."

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

**That the Registered Nurse license of Judith Kayte Burch 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. 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.

IT IS SO AGREED:

\_\_\_\_\_  
Judith Kayte Burch, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Danielle Caldwell, RN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 200641214RN** ) **Reference No. 15-00527**

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

This matter was considered by the Board at its meeting on November 18, 2015.

On October 23, 2015, a notice stating that the Board intended to suspend the Registered Nurse License of Licensee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Danielle Caldwell 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 June 13, 2006.
2. On or about October 20, 2014, Licensee self-reported to the Board she had received a DUII and was subsequently sentenced to diversion. The Board opened an investigation into the matter.
3. On September 08, 2015, Board staff mailed a letter to Licensee's address of record

requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. On September 25, 2015, a second letter was sent to Licensee's address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to 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 October 23, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

**-II-**

### **CONCLUSIONS OF LAW**

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

DATED this \_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Gary Hickmann, RN  
Board President

TO: DANIELLE CALDWELL:

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  
Deena Chamlee, NP**

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

**License No. 200150100NP, 097006193RN ) Reference No. 15-01698**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Deena Chamlee (Licensee) was issued a Nurse Practitioner certificate and Registered Nurse license by the Board on August 14, 2001.

This matter was considered by the Board at its meeting on November 18, 2015.

On September 24, 2015, a Notice stating that the Board intended to revoke the Nurse Practitioner certificate and Registered Nurse license of Deena Chamlee was sent to her via certified and first-class mail to her address on record. The Notice alleged that Licensee allegedly had the inability to practice safely due to psychological impairment or mental disorder and had 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 Nurse Practitioner certificate and Registered Nurse license in the State of Oregon on August 14, 2001.
2. On or about May 12, 2015, Licensee was reported to the Board by NURSYS alert for the suspension of Licensee's Washington State Nurse Practitioner certificate and Registered Nurse license for inability to practice safely due to psychological impairment or mental disorder. The Board opened an investigation into the matter.

3. The Board alleges that on or about May 12, 2015, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee completed a telephone interview on May 21, 2015. No written statement or work history were received.

4. The Board alleges that on or about June 23, 2015, a second letter was mailed to Licensee's address of record, requesting she provide Board staff with mental health documentation and treatment records as requested. Licensee was provided a deadline of July 15, 2015. Licensee responded that she wanted to cooperate, but did not provide the requested documents.

5. The Board alleges that on or about July 22, 2015, a final letter was mailed to Licensee's address on record, requesting cooperation with the Board Investigation. Licensee was provided a deadline of August 3, 2015. Licensee failed to provide mental health documentation and treatment records as requested.

6. On August 11, 2015, a notice of Proposed Suspension for Failure to Cooperate with the Board during the course of an investigation was mailed by first class and certified mail to Licensee's address on record. Licensee did not respond or request a hearing within the twenty days allowed.

7. On September 16, 2015, Board issued a Final Order for Suspension for Failure to Cooperate with the Board during the course of an investigation.

8. On September 24, 2015, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail to her address on record. 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. Licensee did not respond or request a hearing within the twenty days allowed.

-II-

## CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Deena Chamlee, and over the subject matter of this proceeding.

That Licensee's conduct is in violation of ORS 678.111(1)(f), ORS 678.113(1) and OAR 851-045-0070(4)(b)(5)(b)(7)(a)(c).

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

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

(f) Conduct derogatory to the standards of nursing.

**ORS 678.113 When evaluation of mental or physical condition, demonstration of competency or evidence of continuing education may be required; rules.**

(1) During the course of an investigation into the performance or conduct of an applicant, certificate holder, or licensee, the Oregon State Board of Nursing may order mental health, physical condition or chemical dependency evaluations of the applicant, certificate holder, or licensee upon reasonable belief that the applicant, certificate holder or licensee is unable to practice nursing with reasonable skill and safety to patients.

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

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

(5) Conduct related to impaired function:

(b) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose mental condition/status; and

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

(a) Failing to provide the Board with any documents requested by the Board.

(c) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except client-attorney privilege.

2. 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 Nurse Practitioner certificate and Registered Nurse license of Deena Chamlee is Revoked.

DATED this 18<sup>th</sup> day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

---

Gary Hickmann, RN  
Board President

TO: DEENA CHAMLEE:

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

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Cynthia Chiado**

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

**Certificate No. 200412368CNA**

) **Reference No. 16-00243**

---

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. Cynthia Chiado (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on September 21, 2004.

This matter was considered by the Board at its meeting on November 18, 2015.

On October 22, 2015, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Cynthia Chiado was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder used drugs in a manner dangerous to herself and others and failed to cooperate with the Board during the investigation of her conduct.

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 September 21, 2004.
2. On or about August 6, 2015, Certificate Holder was reported to the Board for allegedly being under the influence of illegal drugs while working as a nursing assistant. The

Board opened an investigation into the matter.

3. On or about July 31, 2015, Certificate Holder was asked to submit to drug testing while at work. There had been recent concerns that Certificate Holder was not providing timely care to residents and was having increasing absences from work. Certificate Holder admitted she had been using marijuana and methamphetamine. Certificate Holder was terminated from her position.
4. Certificate Holder has a history of substance-related issues, which led to previous disciplinary actions from the Board. Certificate Holder was arrested for Driving Under the Influence of Intoxicants in August 1989, October 1989, August 1998 and August 2010. Certificate Holder was arrested for Possession of Methamphetamine in January 2011. Certificate Holder's substance use history and arrest history led to Certificate Holder being on disciplinary probation with the Board from September 2004 to October 2006 and from September 2012 to August 2014.
5. Despite multiple attempts by Board staff to contact Certificate Holder by mail, email and telephone in August and September 2015, Certificate Holder did not comply with requests from Board staff during the present investigation. On September 23, 2015, Board staff sent a Notice of Proposed Suspension to Certificate Holder's address of record for failing to cooperate with the Board investigation. Certificate Holder did not respond to the Board's Notice of Proposed Suspension. Certificate Holder has continued to fail to comply with requests from Board staff during the present investigation.
6. On October 22, 2015, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
7. Certificate Holder failed to request a hearing on the Notice of Proposed Revocation within the required twenty (20) days.

-II-

**CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, Cynthia Chiado, 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(7)(c), (8)(i), (10)(a) & (10)(c).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

**-III-**

**ORDER**

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

ORDERED that the Certified Nursing Assistant certificate of Cynthia Chiado is revoked.

DATED this \_\_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

---

Gary Hickmann, RN  
Board President

TO: CYNTHIA CHIADO:

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**  
**Robyn Colombe, CNA Applicant** ) **WITHDRAWAL OF NURSING**  
 ) **ASSISTANT APPLICATION**  
 ) **Reference No. 15-01238**

---

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). Robyn Colombe (Applicant) submitted an application for CNA certification to the Board on or about January 6, 2015.

On that application, Applicant disclosed to the Board she had a criminal mischief charge in 2009. Applicant failed to disclose she was arrested for and charged with strangulation, assault and harassment in 2010, all of which were subsequently dismissed by the court. The Board opened an investigation.

During an October 26, 2015 telephone conversation with Board staff, Applicant said she was employed in another field and wanted to withdraw her application.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.442(2)(b) and OAR 851-063-0090(10)(b), 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:

(b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof.

**ORS 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:

(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.

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

That Robyn Colombe's application for CNA certification be withdrawn.

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

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Robyn Colombe, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Kathleen Davis, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 200141163RN** ) **Reference No. 16-00178**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kathleen Davis (Licensee) was issued a Registered Nurse License by the Board on July 10, 2001.

On or about July 28, 2015, the Board received information that Licensee was convicted of a crime in Linn County, Oregon. The Board opened an investigation into the matter.

According to court records, on May 6, 2015 Licensee was charged with Endangering the Welfare of a Minor, a misdemeanor and Unlawful Delivery of Marijuana, a felony in Linn County, Oregon.

On July 24, 2015, Licensee pled guilty to Unlawful Delivery of Marijuana, a felony in Linn County, Oregon.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(a) 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:

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

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

**That the Registered Nurse license of Kathleen Davis 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. 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.

---

Kathleen Davis, RN

---

Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

---

Gary Hickmann, RN  
Board President

---

Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Mathew Evans, LPN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 200930429LPN** ) **Reference No. 16-00575**

---

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. Mathew Evans (Licensee) was issued a Practical Nurse License by the Board on September 23, 2009.

On or about September 28, 2015, the Board received Licensee's self-report that he had misappropriated items from his workplace for his personal use, including two non-narcotic prescription medications and four types of over-the-counter supplements. Licensee stated these were items which he believed were scheduled to be destroyed.

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

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

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

(f) Conduct derogatory to the standards of nursing.

**OAR 851-045-0070**

**Conduct Derogatory to the Standards of Nursing Defined**

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

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

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

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

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 Mathew Evans be reprimanded with the condition that Mr. Evans complete the following course, "Righting A Wrong: Ethics & Professionalism in Nursing" within 30 days of this Stipulated 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 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.

---

Mathew Evans, LPN

---

Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

---

Gary Hickmann, RN  
Board President

---

Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Benjamin Gerttula, RN** ) **VOLUNTARY SURRENDER OF**  
 ) **REGISTERED NURSE LICENSE**  
 )  
**License No. 201391286RN** ) **Reference No. 15-01594**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Benjamin Gerttula (Licensee) was issued a Registered Nurse license by the Board on August 01, 2013.

In March 2015, Licensee was arrested for Driving Under the Influence of Intoxicants for the third time and he was subsequently convicted of that crime.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(a) and (f) and (g) and OAR 851-045-0070(5)(d) 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:
  - (a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
  - (f) Conduct derogatory to the standards of nursing.
  - (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

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

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

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

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in this matter and voluntarily surrender his 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 Benjamin Gerttula be accepted. If, after a minimum of three years, Mr. Gerttula wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request reinstatement.**

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

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

Licensee understands that by signing this Stipulated Order, 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 Stipulated Order.

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

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

\_\_\_\_\_  
Benjamin Gerttula, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Matthew Grove, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 200742451RN** ) **Reference No. 16-00511**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Matthew Grove (Licensee) was issued a Registered Nurse License/Certificate by the Board on July 24, 2007.

On November 20, 2013, the Board accepted a signed Stipulated Order for Licensee, placing his license on twenty-four (24) month probation. The Board had received information alleging that Licensee was inappropriately wasting and diverting Adderall from the workplace. During the course of the investigation, Licensee was diagnosed with Substance Use Disorders and entered treatment. Licensee acknowledged that he violated the facility's waste policy, but denied diverting the Adderall.

During his probationary period, Grove admitted to a relapse in 2014 and also missed multiple urine drug screens. He was also terminated from his employment due to medication errors related to Adderall.

**By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) and OAR 851-045-0070 (4) (b) & (7) (d) which read as follows:**

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

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

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

- (3) Conduct related to communication
- (a) Inaccurate recordkeeping in client or agency records.
- (4) Conduct related to achieving and maintaining clinical competency
- (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.
- (7) Conduct related to the licensee's relationship with the Board:
- (d) Violating the terms and conditions of a Board Order.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender his 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 Matthew Grove be accepted. If, after a minimum of three years, Mr. Grove wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request reinstatement.**

Licensee agrees that he will not practice as a Registered Nurse from the date he 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, 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 Voluntary Surrender.

\_\_\_\_\_  
Matthew Grove, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Catherine Hutchison, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 089000554RN** ) **Reference No. 15-01331**

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

On or about March 9, 2015, the Board received information that Licensee had failed to follow appropriate teaching and documentation of delegations for unlicensed caregivers while working as a contract nurse at Sunshine Home. There was no report of patient harm. The Board opened an investigation into the matter.

During the course of the investigation it was determined Licensee had provided services as a contract nurse providing nursing services and delegation of nursing tasks. However, Licensee failed to complete and document an independent nursing assessment with the plan of care for each patient when completing the delegations on two patients at Sunshine Home.

Licensee completed coursework on Delegations in the Community Based Care Setting and provided a plan of correction for delegations to unlicensed caregivers.

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 (f) and (3) (b), which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

OAR 851-045.0070: Conduct Derogatory to the Standards of Nursing Defined

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

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

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

(f) Improperly delegating tasks of nursing care to unlicensed persons in settings where a registered nurse is not regularly scheduled.

(3) Conduct related to communication:

(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.

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

**That the Registered Nurse license of Catherine Hutchison 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 serious nature and, if continued, constitutes a 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. 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.

\_\_\_\_\_  
Catherine Hutchison, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Jessica Jenkins, RN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 201391894LPN,** ) **Reference No. 16-00363**  
**201404232RN**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jessica Jenkins (Licensee) was issued a Licensed Practical Nurse License by the Board on August 22, 2013 and a Registered Nurse License by the Board on July 09, 2014.

This matter was considered by the Board at its meeting on November 18, 2015.

On October 22, 2015, a notice stating that the Board intended to suspend the Licensed Practical Nurse License and Registered Nurse License of Licensee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Jessica Jenkins failed to cooperate with the Board during the course of an investigation.

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

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

-I-

**FINDINGS OF FACT**

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

1. Licensee was issued a Licensed Practical Nurse License and a Registered Nurse License in the state of Oregon.
2. On or about August 25, 2015, Licensee was reported to the Board for failing to follow the standard of care when administering and documenting narcotic medication. The Board opened an investigation into the matter.

3. On September 21, 2015, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
4. On October 06, 2015, a second letter was sent to Licensee's address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to 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 October 22, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

-II-

### CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Jessica Jenkins, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1) (f) and OAR 851-045-0070 (7) (a) 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 Licensed Practice Nurse License and the Registered Nurse License of Jessica Jenkins 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 Jessica Jenkins has fully cooperated with the Board's investigation. Should the Board reinstate the Licenses of Jessica Jenkins, she would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Gary Hickmann, RN  
Board President

TO: JESSICA JENKINS:

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Deborah Jones, RN** ) **REPRIMAND OF LICENSEE**  
)  
**License No. 200640631RN** ) **Reference No. 16-00168**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Deborah Jones (Licensee) was issued a Registered Nurse License by the Board on March 20, 2006.

On or about July 24, 2015, the Board received information that alleged that Licensee practiced outside of her scope, without a physician order while working at Bridgeport Vein Center.

Licensee admitted practicing aesthetics while working at Bridgeport Vein Center without a physician order and without policies and procedures established by a physician, but within the guidelines of Allergan, Medicis, Eclipse, and Merz recommendations and industry standards, with products purchased by a physician.

Licensee admitted that documentation in patient charts was incomplete and did not meet nursing standards.

Licensee provided Board with proof of significant education and training in all areas of aesthetics in which she was practicing.

No patient was harmed as a result of the Licensee's practice

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070 (1)(c)(3)(b)(h)(4)(a)(b)

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

(3) Conduct related to communication:

(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.

(h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner; and

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

(a) Performing acts beyond the authorized scope or the level of nursing for which the individual is licensed.

(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 Registered Nurse license of Deborah Jones 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. Nevertheless, the Board has taken into consideration the evidence that no patient was harmed as a result of services provided by Licensee and that Licensee has had significant education and training in the areas in which she was providing services.

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.

If this Stipulated Order is approved by the Board of Nursing, 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 if approved by the Board of Nursing, this Order will become a document of public record.

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

\_\_\_\_\_  
Deborah Jones, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Karen King, CMA** ) **PROBATION**  
)  
**Certificate No.** ) **Reference No. 15-01577**  
**200010047CNA, 200220057CMA**

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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. Karen King (Certificate Holder) was issued a Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on April 20, 2000. Certificate Holder was issued a Medication Aide certificate by the Board on April 10, 2002.

On or about April 30, 2015, the Board received information that Certificate Holder was arrested at her place of employment. The complaint also alleged that Certificate Holder stole narcotics from the workplace.

On April 27, 2015 Certificate Holder was arrested for Possession of a Controlled Substance in Clackamas County Oregon.

Certificate Holder denies all allegations of theft of narcotics from the workplace.

On June 18, 2015, Certificate Holder obtained a chemical dependency evaluation from a Board approved evaluator. The evaluator did not recommend treatment for Certificate Holder, but did recommend that Certificate Holder be subject to urine drug screens.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(c) and (f) and OAR 851-063-0090(7)(c) and (8)(j) and OAR 851-063-0100(2) and (5) which reads 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:

- (c) Impairment as defined in ORS 676.303.
- (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:

(j) Unauthorized removal or attempted removal of any drugs, supplies, property, or money from any person or setting;

**OAR 851-063-0100 Conduct Unbecoming a Certified Medication Aide**

A certified medication aide is subject to discipline as a CNA as described in these rules. In addition, a CMA is subject to discipline for conduct unbecoming a medication aide. Such conduct includes but is not limited to:

(2) Failing to document medications as administered, medications withheld or refused and the reason a medication was withheld or refused.

(5) Diverting drugs for use by self or others;

Certificate Holder admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Certificate Holder 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 Certificate Holder:

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

Certificate Holder shall comply with the following terms and conditions of probation:

1. Certificate Holder shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Certificate Holder shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Certificate Holder shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Certificate Holder shall maintain active certification.
5. Certificate Holder shall inform Board staff in advance of any absences from Oregon

and/or any move from Oregon to another licensing jurisdiction. If Certificate Holder leaves the state and is unable to work in the state of Oregon, Certificate Holder's probationary status will be re-evaluated.

6. Certificate Holder 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. Certificate Holder 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. Certificate Holder 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. Certificate Holder shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Certificate Holder's certification, the reasons for probation, and terms and conditions of probation. If Certificate Holder's employer has a Nurse Executive, Certificate Holder 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. Certificate Holder 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 Certificate Holder's work and provide assistance. Certificate Holder shall be employed in a setting where Certificate Holder'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, Certificate Holder may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Certificate Holder's employer shall inform Board staff of any instance of Certificate Holder's non-compliance with the terms and conditions of this Order or of any other concern regarding Certificate Holder's work-related conduct or personal behavior that may affect Certificate Holder's ability to perform the duties of a nursing assistant.
12. Certificate Holder shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Certificate Holder shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Certificate Holder receives written approval from Board staff.

14. Certificate Holder 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.
15. Certificate Holder shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
16. Certificate Holder 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, Certificate Holder shall submit to Board staff a copy of Certificate Holder's completion certificate or discharge summary. Certificate Holder shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with Certificate Holder's treatment provider and release Certificate Holder's treatment records to the Board.
17. Certificate Holder 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 Certificate Holder's immediate removal from working as a nursing assistant. Certificate Holder shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Certificate Holder's employer. Certificate Holder 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, Certificate Holder shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Certificate Holder understands that Certificate Holder is financially responsible for any and all costs related to testing and evaluating. Certificate Holder's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.
18. Certificate Holder 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. Certificate Holder shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
19. Certificate Holder 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. Certificate Holder shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Certificate Holder's records to the Board. Certificate Holder shall discard any unused prescription medication when no longer needed or when expired.

20. Certificate Holder 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 Certificate Holder's employer.
21. Certificate Holder shall notify any and all healthcare providers of the nature of Certificate Holder's chemical dependency to ensure that Certificate Holder's health history is complete before receiving any treatment, including medical and dental. Certificate Holder shall provide a copy of this Order to Certificate Holder's healthcare providers. Certificate Holder shall provide Board staff with the names and contact information of any and all health care providers. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with Certificate Holder's healthcare providers and release Certificate Holder's medical and treatment records to the Board. Certificate Holder is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
22. Certificate Holder 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.
23. Certificate Holder shall cooperate fully with Board staff in the supervision and investigation of Certificate Holder's compliance with the terms and conditions of this Order.

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

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Karen King, CMA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, 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**  
**Shana McMillian Black, CNA** ) **VOLUNTARY SURRENDER**  
)  
**Certificate No. 201406727CNA** ) **Reference No. 16-00218**

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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. Shana McMillian Black (Certificate Holder) was issued a Nursing Assistant Certificate by the Oregon State Board of Nursing (Board) on September 26, 2014.

On or about August 3, 2015, the Board received information alleging that Certificate Holder neglected 10 patients while on shift as a Nursing Assistant. The Board opened an investigation into the matter.

During an interview with Board staff on September 11, 2015, Certificate Holder admitted that she neglected the clients during her shift.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442 (2)(f) and OAR 851-063-0090(1)(a) and (3)(g), and (8)(e) 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:

(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:

(a) Demonstrated incidents of violent, abusive, neglectful or reckless behavior; or

(3) Conduct related to client safety and integrity:

(g) Failing to respect the dignity and rights of the person receiving nursing services, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, other physical attributes, or disability;

(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 and 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 Shana McMillian Black be accepted. If, after a minimum of three years, Ms. McMillian Black 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 practice 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.

\_\_\_\_\_  
Shana McMillian Black, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Michele McMullen, LPN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 201330210LPN** ) **Reference No. 15-01637**

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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. Michele McMullen (Licensee) was issued a Licensed Practical Nurse License by the Board on May 31, 2013.

This matter was considered by the Board at its meeting on November 18, 2015.

On October 9, 2015, a notice stating that the Board intended to suspend the Licensed Practical Nurse License of Licensee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Michele McMullen failed to cooperate with the Board during the course of an investigation.

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

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

-I-

**FINDINGS OF FACT**

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

1. Licensee was issued a Licensed Practical Nurse License in the state of Oregon on May 31, 2013.
2. On or about May 5, 2015, Licensee was reported to the Board for possible drug use. The Board opened an investigation into the matter.
3. In an interview on September 14, 2015, Licensee agreed to sign a release with her provider and request that the records be forwarded to the Board. Licensee also agreed

to provide a copy of a police report related to an incident between herself and another person. Licensee failed to provide any documents to the Board.

4. On September 23, 2015, Board staff mailed a letter to Licensee's address of record requesting that she sign a release with her provider and request that the records be forwarded to the Board. Board staff also requested that Licensee provide a copy of a police report related to an incident between herself and another person. Licensee failed to provide any documents to the Board.
5. On October 1, 2015, Board staff sent an email to Licensee at the email address that had been previously used to communicate with Licensee, again requesting that she provide the requested documents. Licensee failed to provide the requested documents to the Board.
6. On October 9, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
7. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

**-II-**

### **CONCLUSIONS OF LAW**

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

**-III-**

### **ORDER**

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

ORDERED that the Licensed Practical Nurse License of Michele McMullen 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 Michele McMullen has fully cooperated with the Board's investigation. Should the Board reinstate the Licensed Practical Nurse License of Michele McMullen, she would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

---

Gary Hickmann, RN  
Board President

TO: MICHELE MCMULLEN:

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**

)  
) **FINAL ORDER BY DEFAULT**  
) **OF DENIAL OF CERTIFICATION**  
) **AS A NURSING ASSISTANT**  
)  
) **Reference No. 15-01464**

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**In the Matter of**  
**Lindsey Patterson**

**CNA Applicant**

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. Lindsey Patterson (Applicant) applied for certification as a nursing assistant in the state of Oregon on or about February 10, 2015.

This matter was considered by the Board at its meeting on November 18, 2015.

On September 15, 2015, a Notice stating that the Board intended to deny Lindsey Patterson's application for certification as a nursing assistant was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant had been convicted of crimes that bore a relationship to the duties of a nursing assistant, had used substances in a manner dangerous and injurious to herself or others, and failed to cooperate with the Board investigation into her background.

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 February 10, 2015, Applicant applied for certification as a nursing assistant in the state of Oregon.
2. On Applicant's February 2015 application, Applicant answered "yes" to the question: "Have you ever been arrested, charged with, entered a plea of guilty, no contest, convicted of or been sentenced for any criminal offense either misdemeanor or felony, including driving under the influence, in any state?" Applicant was required to provide

an explanation of her “yes” answer, and Applicant disclosed the following arrests in her history:

- 2005 Possession of a Controlled Substance
- 2007 Possession of a Controlled Substance
- 2010 Driving Under the Influence
- 2013 Possession of Unlawful Paraphernalia

3. A routine criminal background check showed the following additional arrests in Applicant’s history, which she did not disclose:
  - February 2006 Contempt - Disobeying a Court Order
  - June 2012 Probation Violation
  - May 2014 Under the Influence of Controlled Substance and Possession of Unlawful Paraphernalia
4. Applicant’s 2010 arrest led to her conviction for Driving Under the Influence.
5. Applicant’s 2013 arrest led to her conviction for Possession of Unlawful Paraphernalia.
6. Between 2005 and 2014, Applicant has been arrested multiple times for conduct that involved possession and/or use of substances in a manner dangerous or injurious to Applicant and others.
7. On or about May 7, 2015, Board staff sent a letter to Applicant requesting the following: 1) a written statement regarding her complete arrest history; 2) a written statement regarding her substance use history and sobriety, if applicable; 3) copies of police reports for all arrests that occurred since 2010; 4) copies of court documents pertaining to any criminal charges filed since 2010; 5) chemical dependency treatment records, if applicable; and 6) an explanation for not disclosing her complete criminal history.
8. On or about May 13, 2015, Board staff received a police report of Applicant’s 2010 arrest for Driving Under the Influence.
9. On or about July 13, 2015, Board staff sent a letter to Applicant informing Applicant that, with the exception of a 2010 police report, the Board had not received the information requested for the investigation of Applicant’s background. Board staff requested that Applicant provide the requested information to the Board by July 20, 2015. Applicant did not respond and did not provide the requested information to the Board.
10. On September 15, 2015, Board staff mailed a Notice of Proposed Denial of Certification as Nursing Assistant to Applicant via certified and first-class mail to her address of record. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
11. Applicant failed to request a hearing on the Notice of Proposed Denial of Certification as Nursing Assistant within the allotted sixty (60) days.

-II-

**CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over Applicant, Lindsey Patterson, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.442(2)(a) & (f), OAR 851-063-0080(1) & (6), OAR 851-063-0090(7)(c), (10)(a), (10)(b), & (10)(c), and OAR 851-063-0110(2) & (4).
3. That Applicant defaulted on the Notice by not requesting a hearing within the allotted sixty (60) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

**ORDER**

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

ORDERED that the Application for Certification as a Nursing Assistant of Lindsey Patterson is denied.

Dated this \_\_\_\_\_ day of November, 2015

FOR THE OREGON STATE BOARD OF NURSING

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Gary Hickmann, RN  
Board President

TO: LINDSEY PATTERSON

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Ronald Radish, CNA** ) **VOLUNTARY SURRENDER**  
)  
**Certificate No. 201110118CNA** ) **Reference No. 15-01168**

---

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. Ronald Radish (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on January 13, 2011.

On or about February 13, 2015, the Board received information that Certificate Holder was currently lodged in Marion County Jail on Sex Abuse 1 and Attempted Sex Abuse 1 charges. The Board opened an investigation into the matter.

According to Marion County court records, on or about September 18, 2015, Certificate Holder pled guilty to Attempted Sex Abuse 1 in Marion County, Oregon.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678-442 (2)(a) and (f) and OAR 851-063-0080 (1) and OAR 851-063-0090 (1)(a) which reads as follows:

**ORS 678.442 Certification of nursing assistants; rules.**

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

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

(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:

(1) Conviction of the nursing assistant of a crime where such crime bears demonstrable relationship to the duties of 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:

(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:

(a) Demonstrated incidents of violent, abusive, neglectful or reckless behavior; or

Certificate Holder wishes to cooperate with the Board in this matter and voluntarily surrender his 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 Ronald Radish be accepted. If, after a minimum of three years, Mr. Radish wishes to reinstate his Certified Nursing Assistant certificate, he may submit an application to the Board to request reinstatement.**

Certificate Holder agrees that he will not practice as a Certified Nursing Assistant from the date he 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, he 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 him 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.

\_\_\_\_\_  
Ronald Radish, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Zaneta Revels, LPN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 201130433LPN** ) **Reference No. 15-02050**

---

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. Zaneta Revels (Licensee) was issued a Licensed Practical Nurse License by the Board on September 7, 2011.

This matter was considered by the Board at its meeting on November 18, 2015.

On September 8, 2015, a notice stating that the Board intended to suspend the Licensed Practical Nurse License was sent to Licensee via certified and first-class mail to her address of record. The Notice alleged that Zaneta Revels failed to cooperate with the Board during the course of an investigation.

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

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

-I-

**FINDINGS OF FACT**

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

1. Licensee was issued a Licensed Practical Nurse License in the state of Oregon on September 7, 2011
2. On or about June 25, 2015, Licensee was reported to the Board for multiple concerns related to medication administration and documentation while working at Milton Freewater Health and Rehabilitation Center in March 2015. The Board opened an investigation into the matter.

3. On July 7, 2015, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee scheduled an interview but did not provide any documents to the Board. Licensee canceled interviews scheduled for August 12, 2015, and August 19, 2015.
4. On August 24, 2015, a second letter was sent to Licensee's address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to provide a current work history and a written statement regarding the allegations. Licensee scheduled an interview but did not provide any documents to the Board
5. On September 8, 2015, Licensee contacted the Board and stated she had the wrong date for the interview and scheduled a last chance interview. On September 14, 2015, Licensee called and cancelled the interview. Licensee did provide a work history and statement of event to the Board.
6. On September 8, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
7. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

-II-

### CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Zaneta Revels, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(7)(c).

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

- (1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to

such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, or 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:

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

(c) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except client-attorney privilege.

3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

**-III-**

**ORDER**

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

ORDERED that the Licensed Practical Nurse License/Certificate of Zaneta Revels 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 Zaneta Revels has fully cooperated with the Board's investigation. Should the Board reinstate the Licensed Practical Nurse License/Certificate of Zaneta Revels, she would be subject to whatever terms and conditions the Board may impose.

DATED this 18<sup>th</sup> day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

---

Gary Hickmann, RN  
Board President

TO: ZANETA REVELS:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Ashley Richmond, CNA** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**Certificate No. 201111622CNA** ) **Reference No. 16-00337**

---

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

This matter was considered by the Board at its meeting on November 18, 2015.

On October 6, 2015, a notice stating that the Board intended to suspend the Nursing Assistant Certificate of CNA was sent to her via certified and first-class mail to her address of record. The Notice alleged that Ashley Richmond failed to cooperate with the Board during the course of an investigation.

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

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

-I-

**FINDINGS OF FACT**

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

1. CNA was issued a Nursing Assistant certificate in the state of Oregon on July 5, 2011.
2. On or about August 18, 2015, CNA made application to the Board for renewal of her Nursing Assistant certificate. CNA failed to disclose a criminal history. The Board opened an investigation into the matter.
3. On September 11, 2015, Board staff mailed a letter to CNA's address of record requesting that she schedule an interview to discuss the allegations. CNA was further instructed to send a written statement regarding the allegations and a current work

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

4. On September 28, 2015, a second letter was sent to CNA's address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to provide a current work history and a written statement regarding the allegations. CNA failed to schedule an interview and did not provide any documents to the Board.
5. On October 6, 2015, Board staff mailed a Notice of Proposed Suspension to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. CNA failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, CNA's opportunity to request a hearing has expired and she is in default.

**-II-**

**CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the CNA, Ashley Richmond, and over the subject matter of this proceeding.
2. That CNA's 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 CNA defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

**-III-**

**ORDER**

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

ORDERED that the Nursing Assistant Certificate of Ashley Richmond is **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 Ashley Richmond has fully cooperated with the Board's investigation. Should the Board reinstate the

Nursing Assistant Certificate of Ashley Richmond, she would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

---

Gary Hickmann, RN  
Board President

TO: ASHLEY RICHMOND:

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Sara Russell** ) **PROBATION**  
)  
**RN Applicant** ) **Reference No. 15-01910**

---

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

On her April 2015 licensure application, Applicant disclosed her substance use history, license discipline history, and arrest history. Applicant had been issued a Registered Nurse license by the Wyoming State Board of Nursing in 1998. In 2005, Applicant was under investigation by the Wyoming State Board of Nursing for allegations that she diverted controlled substances while working as a nurse. Applicant acknowledged she had diverted controlled substances, entered a treatment program, and signed a monitoring contract with the Wyoming Professional Assistance Program. After a period of abstinence, Applicant relapsed, and on April 6, 2010, Applicant voluntarily surrendered her Wyoming Registered Nurse license.

In the fall of 2012, Applicant began calling in Vicodin prescriptions for herself to a pharmacy. In March 2013, Applicant pled guilty of Acquiring a Controlled Substance by Misrepresentation. Applicant was granted a deferred adjudication, and if Applicant successfully completes her court requirements, the criminal charge will be dismissed.

Applicant entered a chemical dependency treatment program in February 2013 and successfully completed her recommended treatment. Applicant stated she has been clean and sober since February 11, 2013.

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

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

- (1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
  - (a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
  - (f) Conduct derogatory to the standards of nursing.

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

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards

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

(5) Conduct related to impaired function:

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

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

Applicant shall be placed on probation contingent upon successful completion of the three (3) conditions listed below within thirty (30) days of the date the Board approves this Stipulated Order for Probation.

1. Contact Health and Education Consultants Incorporated and enroll in reentry program, and request confirmation of enrollment be sent directly to the Oregon State Board of Nursing.
2. Notify Health and Education Consultants Incorporated that she is on Probation with the Board.
3. Submit all required applications and fees to the Board to begin licensing process.

Applicant acknowledges that absent completion of these conditions within the thirty (30) day period, her application shall be deemed denied.

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

In addition to the above conditions, Applicant shall comply with the following terms and conditions of probation:

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

6. Applicant shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Applicant shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Applicant will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Applicant shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Applicant's license, the reasons for probation, and terms and conditions of probation. If Applicant's employer has a Nurse Executive, Applicant shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Applicant shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Applicant's practice and provide assistance. Applicant shall be employed in a setting where Applicant's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Applicant may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Applicant's employer shall inform Board staff of any instance of Applicant's non-compliance with the terms and conditions of this Order or of any other concern regarding Applicant's work-related conduct or personal behavior that may affect Applicant's ability to perform the duties of a nurse.
12. Applicant shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Applicant shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances until Applicant receives written approval from Board staff.
14. Applicant shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Applicant shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff.
16. Applicant shall participate in the Board's random urine drug testing program. Failure to

comply with random urine or any other requested drug test shall result in Applicant's immediate removal from nursing practice. Applicant shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Applicant's employer. Applicant shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Applicant shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Applicant shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Applicant shall submit to Board staff a copy of Applicant's completion certificate or discharge summary. Applicant shall sign any release of information necessary to allow Board staff to communicate with Applicant's treatment provider and release Applicant's treatment records to the Board. Applicant understands that Applicant is financially responsible for any and all costs related to testing and evaluating. Applicant's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

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

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

considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

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

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

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Sara Russell

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Bradley Slade, RN** ) **WITHDRAWAL OF REGISTERED**  
 ) **NURSE LICENSE APPLICATION**

**License No. 200142133RN (expired)** ) **Reference No. 16-00014**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Bradley Slade (Applicant) was issued a Registered Nurse license by the Board on November 28, 2001, and on April 20, 2004 the license expired.

On May 21, 2015, Applicant submitted an application for reactivation of his Registered Nurse license and disclosed to the Board several alcohol related arrests from 2005 to 2010. Applicant stated and that his sobriety date is April 1, 2014. Applicant also disclosed that in March of 2014 his Arizona Registered Nurse license had been revoked.

On March 11, 2013, Applicant underwent a substance abuse evaluation and it was recommended that Applicant participate in intensive outpatient treatment. The Arizona Board of Nursing requested that Applicant participate in eighteen months of probation. Applicant declined probation and his Arizona Registered Nurse license was revoked on March 11, 2014.

On August 11, 2015, Applicant shared with Board staff that he had no plans to practice nursing in Oregon and that he had applied for the reactivation of his Oregon Registered Nurse license so that he could meet the requirements for licensure in the state of Wisconsin.

It has been the Oregon State Board of Nursing's practice to require that all applicants have at least two years of sobriety at the time of application and that any recent drug or alcohol use or a drug or alcohol diagnosis would likely require monitored practice. Applicant acknowledges that he would be unable to fulfill the requirements of monitored practice as he does not intend to practice nursing in Oregon and requests to withdraw his application.

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

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

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

reprimanded or censured by the board, for any of the following causes:

- (e) Impairment as defined in ORS 676.303.
- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.
- (h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of such revocation or suspension.

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

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

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

**That Bradley Slade's Registered Nurse Application be withdrawn.**

Applicant agrees to this Stipulated Order For Withdrawal of Registered Nurse License Application from the date of signature on this Stipulated Order.

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

Applicant understands that by signing this Stipulated Order, he 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 him to sign this Order.

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

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

\_\_\_\_\_  
Bradley Slade, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, 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**  
**David Smith, CNA** ) **REPRIMAND OF CERTIFIED**  
 ) **NURSING ASSISTANT CERTIFICATE**  
 )  
**Certificate No. 201402877CNA** ) **Reference No. 15-01857**

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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. David Smith (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on May 21, 2014.

On or about June 2, 2015, CNA self-reported to the Board being terminated for falsely documenting a patient's oxygen level. Further Board investigation revealed that on January 21, 2015, CNA received a written warning for failing to follow a care plan which resulted in CNA sustaining an injury and on May 18, 2015, CNA received a second written warning for failing to meet basic patient needs. CNA admitted to falsifying a patient's record and to providing substandard care.

By the above actions, CNA is subject to discipline pursuant to OAR 678.442(2)(b)(f), OAR 851-063-0080(4)(6) and OAR 851-063-0090(1)(b)(3)(d)(4)(a)(c)(A)(D) 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:

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

**OAR 851-063-0080**

**Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate**

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

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

**OAR 851-063-0090**

**Conduct Unbecoming a Nursing Assistant**

(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:

- (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
- (3) Conduct related to client safety and integrity:
  - (d) Jeopardizing the safety of a person under the CNA's care;
- (4) Conduct related to communication:
  - (a) Failing to accurately document nursing assistant activities and tasks;
  - (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or into agency records. This includes but is not limited to:
    - (A) Documenting the provision of services that were not provided;

(D) Falsifying data;

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

**That the Certified Nursing Assistant certificate of David Smith be reprimanded and that Certificate Holder complete an ethics training course.**

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

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

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

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

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

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

\_\_\_\_\_  
David Smith, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Julia St Lawrence, NP** ) **REPRIMAND OF LICENSE**  
)  
**License No. 200250101NP** ) **Reference No. 15-01831**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Julia St Lawrence (Licensee) was issued a Nurse Practitioner Certificate by the Board on July 25, 2002.

On or about May 28, 2015, the Board received information alleging that Licensee failed to take action to promote patient safety by failing to identify fetal distress in a laboring women, while working for Women's Health Care Associates on June 11, 2011.

On or about June 13, 2011, the infant passed away from complications related to the delivery.

Licensee provided a certificate of completion in Advanced Fetal Assessment and Monitoring from January 2012.

Licensee voluntarily removed herself from hospital deliveries in approximately June 2013.

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

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

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

(d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.

(3) Conduct related to communication:

(h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner; and

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 Nurse Practitioner license of Julia St Lawrence 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 serious nature.

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 Nurse Practitioner.

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 Reprimand.

\_\_\_\_\_  
Julia St Lawrence, NP

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Jonathan Tannler, RN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 200942959RN** ) **Reference No. 15-01968**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jonathan Tannler (Licensee) was issued a Registered Nurse license by the Board on October 22, 2009.

This matter was considered by the Board at its meeting on November 18, 2015.

On October 19, 2015, a Notice stating that the Board intended to suspend the Registered Nurse license of Licensee was sent to him via certified and first-class mail to his address of record. The Notice alleged that Jonathan Tannler failed to cooperate with the Board during the course of their 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.

*It should be noted that a typographical error was made on the Notice that read: "On July 7, 2015, Board staff mailed a second letter..." when it should have stated "On July 6, 2015, Board staff mailed a second letter..." On October 20, 2015, Board staff left a voicemail message at Licensee's primary telephone number of record and sent a message to his email address of record informing him of the error and asking to be contacted. No response was forthcoming.*

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 October 22,

2009.

2. In June 2015, Licensee was reported to the Board for having his Washington State nursing license suspended. The Board opened an investigation into the matter.
3. On June 15, 2015, Board staff left a voicemail message at Licensee's primary telephone number of record and sent a message to his email address of record asking to be contacted. No response was forthcoming.
4. On June 18, 2015, Board staff mailed a letter to Licensee's address of record requesting that he schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
5. On July 06, 2015, a second letter was sent to Licensee's address of record, requesting that he contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to 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. That same day, Board staff called Licensee's employer of record and asked another employee there to inform Licensee that Board staff wanted him to contact them. No response was forthcoming.
6. On October 19, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
7. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and he is in default.

**-II-**

### **CONCLUSIONS OF LAW**

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

DATED this \_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Gary Hickmann, RN  
Board President

TO: JONATHAN TANNLER:

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Melissa Tasaki** ) **PROBATION**  
)  
**License No. 200342094RN** ) **Reference No. 15-02003**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Melissa Tasaki (Licensee) was issued a Registered Nurse license by the Board on October 1, 2003.

Licensee surrendered her Registered Nurse license on April 19, 2012 following a Board investigation into concerns regarding her use of chemical substances in a manner dangerous and injurious to herself.

In April 2015, Licensee applied for reinstatement of her Registered Nurse license. Licensee provided evidence that she successfully completed a chemical dependency treatment program and has maintained long-term sobriety.

By the above actions, Licensee is subject to discipline pursuant 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.

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. Any period in which Licensee does not practice nursing in the state of Oregon will not count toward the probationary period, unless Licensee receives special approval from her probation monitor for alternative means to comply with the monitored nursing practice requirement of this Stipulated Order.

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

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from the Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any time periods spent outside of Oregon and any nursing practice in another licensing jurisdiction. If Licensee is unable to practice nursing 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 have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances until Licensee receives written approval from Board staff.
14. 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.
15. Licensee 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, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory

vendor shall be considered a violation of this Order.

17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
18. 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.
19. 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.
20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. 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 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:

\_\_\_\_\_  
Melissa Tasaki

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Tammy Webb, CNA** ) **VOLUNTARY SURRENDER OF**  
 ) **NURSING ASSISTANT CERTIFICATE**  
 )  
**Certificate No. 200512957CNA** ) **Reference No. 15-01448**

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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. Tammy Webb (CNA) was issued a Nursing Assistant certificate by the Board on December 28, 2005.

On or about March 28, 2015, CNA transferred a client on to a toilet in violation of the client's care plan. When the client shortly thereafter complained of pain, CNA believed, at least briefly, that the client may have been injured during the transfer; however, she failed to communicate that specific information to the supervising nurse. On or about March 30, 2015, x-rays revealed an injury to the client and, as a result, investigations of possible mistreatment of the client were begun. While CNA was part of those investigations, she failed to subsequently disclose that fact to the Board on her renewal application as required.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(d) and (f) and OAR 851-063-0080(4) and (6) and OAR 851-063-0090(2)(a) and (3)(b) and (d) and (4)(f) and (10)(b) 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:

(d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.

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

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

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

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

### **OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

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

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

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

**reinstatement.**

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

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

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

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

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

\_\_\_\_\_  
Tammy Webb, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Gary Hickmann, RN  
Board President

\_\_\_\_\_  
Date