

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Shannon Annis, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 200111127CNA) **Reference No. 15-01909**

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. Shannon Annis (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on May 24, 2001.

On or about June 8, 2015, the Board received information that Certificate Holder allegedly jeopardized the safety of residents under her care when Certificate Holder left a nursing assistant assignment without properly notifying appropriate supervisory personnel.

On or about June 6, 2015, Certificate Holder was scheduled to work from 2:00pm to 10:00pm as a nursing assistant in a care facility. Between 4:00pm and 4:30pm, Certificate Holder was notified that she was being reassigned to another section of the building due to staffing issues that day. Certificate Holder would be one of two staff members assigned to care for the residents on that new section. At around 5:00pm, the charge nurse for the shift learned that Certificate Holder had not shown up for an assignment in the dining room, and Certificate Holder could not be located in the building. Within a short time, staff telephoned Certificate Holder and learned that Certificate Holder had left the building around 4:45pm and would not be returning. Certificate Holder had not informed any of the nurses on shift that she was leaving the building.

Facility staff quickly brought in another Certified Nursing Assistant to complete Certificate Holder's shift. There was no indication that any residents experienced specific harm as a result of Certificate Holder's conduct. Certificate Holder explained she had become frustrated when she was reassigned to another section in the middle of her shift. Certificate Holder said she had already addressed many of the care needs of the residents in her original section, and when she arrived at her new assignment, many of those residents' care needs had not yet been addressed and the charting had not been started. Certificate Holder acknowledged she became frustrated with her assignment and left the facility in the middle of her shift without first notifying an appropriate supervisor that she was leaving.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(3)(d) & (3)(e), which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

- (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a

certificate issued under this section or may reprimand a nursing assistant for the following reasons:

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

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

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

- (6) Conduct unbecoming a nursing assistant.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

- (3) Conduct related to client safety and integrity:
 - (d) Jeopardizing the safety of a person under the CNA's care.
 - (e) Leaving or failing to complete a nursing assistant assignment without properly notifying appropriate supervisory personnel.

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

That the Certified Nursing Assistant certificate of Shannon Annis be reprimanded.

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

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

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

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

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

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

IT IS SO AGREED:

Shannon Annis, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
David Ashpole, CNA) **PROBATION**
)
Certificate No. 201310715CNA) **Reference No. 16-00434**

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 Ashpole (Certificate Holder) was issued a Nursing Assistant Certificate by the Oregon State Board of Nursing (Board) on April 11, 2013.

On or about August 31, 2015, Certificate Holder self-reported to the Board that he had been convicted of Driving Under the Influence of Intoxicants 2 times in Jackson County, Oregon. Certificate Holder reported that he was in treatment for his addiction. The Board opened an investigation into the matter.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442 (2)(a), (c) and (f) and OAR 851-063-0090(7)(b) and (c) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

- (a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
- (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:
 - (b) Performing authorized duties when physical or mental ability to perform is impaired by use of a prescription or non-prescription drug, alcohol, or a mind-altering substance; or
 - (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.

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:

David Ashpole, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Amanda Bemis) **PROBATION**
)
Registered Nurse Applicant) **Reference No. 16-00934**

Amanda Bemis (“Applicant”) submitted an application for Registered Nurse License by the Oregon State Board of Nursing (Board).

The Board received information that Applicant entered into a stipulated agreement with the Texas Board of Nursing for a Warning with Stipulations, and 12 months of Probation effective October 8, 2014.

The Texas Order states that Applicant failed to maintain adequate or accurate narcotic medication records between June 1, 2011 and July 12, 2011 while working as a registered nurse in Austin, Texas. The Order also states that Applicant’s drug screen was positive for marijuana on July 25, 2011.

The Board has obtained documented evidence of negative drug screens from November 2011 through June 2014. Applicant completed the courses stipulated by the Texas Order: a class on Texas nursing jurisprudence and ethics, and the course “Sharpening Critical Thinking Skills.” Applicant has not yet completed the required 12 months of monitored practice as a registered nurse.

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

(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.

Licensee admits that her Texas license has been sanctioned and that this constitutes a violation of the Oregon 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:

Applicant (hereinafter referred to as "Licensee") shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twelve (12) month period of probation to begin upon her 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 she can exercise the full extent of her scope of practice, in order to demonstrate her competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which Licensee does not practice in the state of Oregon will not count toward the probationary period.

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

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have twenty-four (24) months from Board's acceptance of this Order to complete twelve (12) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation,

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

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances unless the Board restricts such access.
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. If recommended by a treatment provider, 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 synthetic opiates and 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. If the Board receives an allegation or evidence of substance use or impairment at work, Licensee shall cease practicing as a nurse at the request of Board staff. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
20. 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 an RN.

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:

Amanda Bemis, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jennifer Bevan, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 200412707CNA) **Reference No. 16-00543**

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. Jennifer Bevan (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on November 15, 2004.

On or about September 21, 2015, the Board received information that Certificate Holder had accessed medical records of a patient without authorization. The Board opened an investigation into the matter.

In February and March 2015, Certificate Holder used her position as a Certified Nursing Assistant to access and view an individual's confidential electronic medical records for personal reasons on several occasions. Certificate Holder was not authorized to view the records. Certificate Holder expressed remorse for her conduct. Certificate Holder stated there were very unusual, personal circumstances that led Certificate Holder to view the records.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(8)(m), which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

- (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
 - (f) Conduct unbecoming a nursing assistant in the performance of duties.

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

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

- (6) Conduct unbecoming a nursing assistant.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

- (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.

Certificate Holder wishes to cooperate with the Board in this matter. Therefore, the following will be

proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the Certified Nursing Assistant certificate of Jennifer Bevan be reprimanded.

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

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

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

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

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

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

IT IS SO AGREED:

Jennifer Bevan, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Justin Birge, RN) **PROBATION**
)
License No. 201242010RN) **Reference No. 16-00908**

Justin Birge (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on July 11, 2012.

On or about August 12, 2013, the Board received information from Licensee that he was addicted to his prescription pain medication (Hydrocodone) and had begun diverting medications from his employer. The Board opened an investigation into the matter.

The Board approved of entry into the Health Professional's Services Program (HPSP) on November 20, 2013.

Licensee was reported to the Board for a relapse by taking hydrocodone on December 29, 2013.

On August 13, 2015 Licensee self-reported to his HPSP monitor that he had relapsed by taking morphine on August 9, 2015.

On November 30, 2015 licensee tested positive for Alcohol, Morphine, and Oxycodone.

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

STATUTES AND RULES RELATED TO THIS CASE

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:

- (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.

ORS 678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111. [1991 c.193 §2; 2007 c.335 §1; 2009 c.697 §7; 2009 c.756 §§32,94]

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.
- (7) Conduct related to the licensee's relationship with the Board:
- (e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

OAR 851-070-0080 Licensee Responsibilities

- (1) All licensees must:
- (b) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;
- (c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee. The Board does not authorize the vendor to approve or disapprove medications prescribed to the Licensee for a documented medical condition;

OAR 851-070-0100 Substantial Non-Compliance Criteria

- (1) The HPSP will report substantial non-compliance within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:
 - (1) Violated any terms of the diversion agreement;
- (2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

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 in the state of Oregon will not count toward the probationary period.

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

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

Justin Birge, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Alyssa Brossman) **PROBATION**
)
Certificate No. CNA Applicant) **Reference No. 16-00459**

Alyssa Brossman (Applicant) applied for CNA certification with the Oregon State Board of Nursing (Board) on June 24, 2015.

On the CNA application, the Applicant disclosed being involved in a traffic incident in June of 2012 and that she had pled guilty to failure to perform duties of a driver and reckless driving. Records show that Applicant was convicted of hit and run and reckless driving on October 4, 2012 and has completed all court ordered requirements.

On December 14, 2015, Applicant disclosed to Board staff a history of substance abuse and mental health treatment.

Applicant meets the criteria for monitoring by the Board.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(c)(d)(f), OAR 851-063-080(3)(4)(5) and OAR 851-063-0090(7)(c) 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:

(c) Impairment as defined in ORS 676.303.

(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:

(3) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant;

(4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder;

(5) Physical or mental condition that makes the certificate holder unable to perform the duties of a nursing assistant; or

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.

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

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

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

1. CNA shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. CNA shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. CNA shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. CNA shall maintain active certification.
5. CNA shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If CNA leaves the state and is unable to work in the state of Oregon, CNA's probationary status will be re-evaluated.
6. CNA shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. CNA shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. CNA will not look for, accept, or begin a new nursing assistant position without prior

approval of the Board. This includes changes of the employer itself or changes within the facility or institution.

9. CNA shall inform current and prospective employers, including any Nurse Executive, of the probationary status of CNA's certification, the reasons for probation, and terms and conditions of probation. If CNA's employer has a Nurse Executive, CNA shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. CNA shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe CNA's work and provide assistance. CNA shall be employed in a setting where CNA's nursing assistant supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, CNA may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by CNA's employer shall inform Board staff of any instance of CNA's non-compliance with the terms and conditions of this Order or of any other concern regarding CNA's work-related conduct or personal behavior that may affect CNA's ability to perform the duties of a nursing assistant.
12. CNA shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. CNA shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until CNA receives written approval from Board staff.
14. CNA shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. CNA shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
16. CNA shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, CNA shall submit to Board staff a copy of CNA's completion certificate or discharge summary. CNA shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's treatment provider and release CNA's treatment records to the Board.

17. CNA shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in CNA's immediate removal from working as a nursing assistant. CNA shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or CNA's employer. CNA shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, CNA shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. CNA understands that CNA is financially responsible for any and all costs related to testing and evaluating. CNA's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.
18. CNA shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 19 below. CNA shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
19. CNA may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. CNA shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. CNA shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release CNA's records to the Board. CNA shall discard any unused prescription medication when no longer needed or when expired.
20. CNA shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with CNA's employer.
21. CNA shall notify any and all healthcare providers of the nature of CNA's chemical dependency to ensure that CNA's health history is complete before receiving any treatment, including medical and dental. CNA shall provide a copy of this Order to CNA's healthcare providers. CNA shall provide Board staff with the names and contact information of any and all health care providers. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's healthcare providers and release CNA's medical and treatment records to the Board. CNA is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
22. CNA shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
23. CNA shall cooperate fully with Board staff in the supervision and investigation of CNA's compliance with the terms and conditions of this Order.

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

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

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

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

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

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

IT IS SO AGREED:

Alyssa Brossman

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Theresa Bunker, NP) **REPRIMAND OF LICENSE**
)
License No. 096006685N1) **Reference No. 15-01829**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Theresa Bunker (Licensee) was issued a Nurse Practitioner Certificate by the Board on July 08, 1998.

On or about June 1, 2015, the Board received information that Licensee engaged in an inappropriate exchange on social media between herself and members of a closed social media group website regarding the care of patient "A." The Board opened an investigation into the matter.

According to the report, patient "A" posted comments on a closed social media website related to the care received from Licensee which was of a negative nature. Licensee responded to the comments on the web page and through private communication regarding her response to the information relayed by patient "A" on more than one occasion, in an unprofessional manner. Additionally, Licensee failed to adhere to the expected community standards of care when she discharged patient "A" from care at her clinical practice.

Licensee acknowledged the behavior violated professional standards and expressed remorse for her actions. Licensee completed 16 CEU hours of coursework on Professional Boundaries and provided evidence of completion of the course as a means of remediating her behavior.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (1) (n), (2) (l) and (4) (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:

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

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

(l) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client, unless required by law to disclose such information or unless there is a "need to know."

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

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

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

That the Nurse Practitioner certificate of Theresa Bunker 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 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.

Theresa Bunker, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Caren Callaghan, RN) **BY DEFAULT**
)
License No. 201241854RN) **Reference No. 16-01026**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Caren Callaghan (Licensee) was issued a Registered Nurse License by the Board on July 6, 2012.

This matter was considered by the Board at its meeting on February 17, 2016.

On January 21, 2016, 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 Caren Callaghan failed to cooperate with the Board during the course of an investigation.

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

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

**-I-
FINDINGS OF FACT**

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on July 6, 2012.
2. On or about December 21, 2015, Licensee was reported to the Board for alleged sexual abuse of a patient. The Board opened an investigation into the matter.
3. On December 29, 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 January 14, 2016, 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 January 21, 2016, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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, Caren Callaghan, 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)(g) and OAR 851-045-0070(7)(a)(c).

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 Caren Callaghan 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 Caren Callaghan has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse License of Caren Callaghan, she would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of February, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: CAREN CALLAGHAN:

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) **STIPULATED ORDER FOR**
Melissa Callahan, RN) **REPRIMAND OF LICENSE**
) **WITH CONDITIONS**
License No. 201140287RN) **Reference No. 16-00587**

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 Callahan (Licensee) was issued a Registered Nurse License by the Board on February 8, 2011.

On or about October 1, 2015, the Board received information that Licensee failed to start CPR on patient DW in a timely manner on September 5, 2015. The Board opened an investigation.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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.

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 Melissa Callahan be reprimanded and Licensee complete the following conditions within 30 days of the date this Order is signed by the Board:

- 1. Basic Life Support (BLS) Classroom Course for Healthcare Providers; and**
- 2. Continued education on CPR through reading printed information provided**

Licensee by Board staff.

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.

Melissa Callahan, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Kelcey Cochrane, RN) **PROBATION**
)
License No. 200941507RN) **Reference No. 15-01318**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kelcey Cochrane (Licensee) was issued a Registered Nurse license by the Board on July 7, 2009.

On or about March 11, 2015, Licensee contacted Board staff to self-report that Licensee had removed opiates from work for her personal use on two occasions while working as a nurse. On one of those occasions, Licensee used the medication while at work. Licensee said she had used medication that was supposed to be wasted. Licensee stated her actions were related to being under a great deal of stress. Licensee's employer had noticed several issues with Licensee's documentation of her administration of opiates and requested that she submit to a drug test. Licensee tested positive for Fentanyl and was terminated from her position.

During the Board's investigation of the above issues, on or about October 2, 2015, Licensee contacted Board staff to self-report that Licensee had removed opiates from work for her personal use while working in a different nursing position. On or about September 25, 2015, Licensee's employer had noticed several issues with Licensee's documentation of her administration of opiates and requested that she submit to a drug test. Licensee tested positive for hydromorphone. Licensee stated, shortly after the above events, Licensee stopped using opiates and started seeing a counselor to address the issues that led to her conduct at work.

On or about October 8, 2015, Licensee signed an Interim Order by Consent, agreeing not to practice nursing until further order of the Board.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(f), (2)(i) & (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:
 - (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.
- (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 resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

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

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

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

7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every 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 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:

Kelcey Cochrane, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Lynn Counts, RN) **REPRIMAND OF LICENSE**
)
License No. 096007077RN) **Reference No. 15-01789**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Lynn Counts (Licensee) was issued a Registered Nurse license by the Board on August 26, 1996.

On or about May 21, 2015, the Board received information that on or about May 22, 2015, Licensee was terminated after she failed to meet the standard of care in her role as a labor and delivery nurse for approximately two years prior to her termination. The Board opened an investigation into the matter.

Beginning in early 2013, Licensee began to demonstrate a pattern of inadequate assessments, incomplete documentation of care and failure to communicate patient information to other members of the healthcare team.

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

(4) Conduct related to achieving and maintaining clinical competency

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

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

That the Registered Nurse license of Lynn Counts be reprimanded with the following conditions: Licensee shall complete a course of study on the subjects of Ethics & Professionalism in Nursing, Critical Thinking, Nursing Documentation and Maternal/Fetal Assessment and Monitoring.

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.

Lynn Counts, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Dina Dean, RN) **PROBATION**
)
License No. 201141780RN) **Reference No. 15-02054**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Dina Dean (Licensee) was issued a Registered Nurse License by the Board on July 11, 2011.

On or about June 26, 2015, the Board received information that Licensee failed to report for her scheduled shift on June 15 and 16th, 2015. The Board opened an investigation into the matter.

During the Board's review of the case Licensee was asked to participate in the Board's probation program to ensure she is able to safely practice as a registered nurse.

Licensee fully cooperated with the Board's investigation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(e) and (f) and OAR 851-045-0070 (5)(b) 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:

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

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

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

- (5) Conduct related to impaired function:
 - (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

That the Registered Nurse license of Dina Dean be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing

from date of signature on the Final Order. Licensee must complete a six (6) month period of probation to begin upon her return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Licensee must 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 twelve (12) months from Board acceptance of this Stipulation to complete six (6) months of monitored practice.
- 3) Licensee shall notify the Board, 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 the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the State and is unable to practice in the State of Oregon, her probationary status will be reevaluated.
- 6) Licensee shall present herself, 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 the Board of any citations, arrests, or convictions for any offense, whether a 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 the 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 of the probationary status of her license, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of licensee's probationary status. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Licensee is employed.
- 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 practice and provide assistance. Licensee shall be employed in a setting where her 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 nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.
- 11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this

Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to practice as a nurse.

12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.

13) Licensee shall not work in any practice setting in which on-site supervision is not available. This generally includes home health agencies, traveling agencies, nursing float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.

14) Licensee shall participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of discharge, Licensee shall submit to the Board a copy of her discharge summary.

15) Licensee shall participate in the Board's random urine program. Failure to comply with the random urine program will result in an immediate removal from the performance of nursing duties. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or the 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 stipulation. Licensee will obtain an evaluation by a Board approved chemical dependence evaluator upon request of Board staff. Licensee understands that she will be financially responsible for any costs related to testing and evaluation. Failure to keep the account with the Board's lab vendor in good standing will be considered a violation of this agreement.

16) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol while participating in the Board's random urine program. Licensee shall avoid any over the counter products and food items containing alcohol and poppy seeds.

17) Licensee may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. Licensee shall produce the medical records pertaining to the medical condition and medication use. Licensee will discard any unused prescription medications when it is no longer needed or expired.

18) Licensee shall cease practicing as a nurse if there are concerns about her ability to practice safely or at the request of Board staff. Practice may resume when approved by Board staff, in consultation with Licensee's employer and/or mental health therapist/psychiatrist.

19) Licensee agrees to provide the Board with the names of any healthcare providers, sign releases of information with the providers, and provide the Board with documentation of the healthcare provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.

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

21) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

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

Licensee also understands that in the event she engages in future conduct resulting in violations of the law or terms of probation 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 Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into this stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Dina Dean, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Laura Flanagan, RN) **VOLUNTARY SURRENDER**
) **OF REGISTERED NURSE LICENSE**
License No. 200540390RN) **Reference No. 16-00695**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Laura Flanagan (Licensee) was issued a Registered Nurse License by the Board on March 16, 2005.

On or about October 19, 2015, the Board received information alleging that Licensee left her nursing assignment early and that she was unable to cope with a situation at work.

On January 7, 2016, Licensee informed Board staff that she no longer wished to practice as a nurse due to mental health issues.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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;

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

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

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

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

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

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

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

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

Laura Flanagan, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Michael Anthony Forehand,) **WITHDRAWAL OF APPLICATION**
RN, NP Applicant)
) **Reference No. 16-00852**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Advanced Practice Nurses. Michael Forehand (Applicant) submitted an application for licensure as a Registered Nurse (RN) and Family Nurse Practitioner (FNP) by endorsement on September 28, 2015.

Applicant disclosed on his application disciplinary actions in Florida and Georgia related to a January 3, 2012 arrest in Jackson County, Florida on charges of Sexual Battery, False Imprisonment and Aggravated Battery in a Domestic Situation. On or about April 19, 2013, the Jackson County matter resolved when Applicant entered a plea of nolo contendere to one count of Battery, a First Degree Misdemeanor, and was placed on one year of court-supervised probation. On or about April 18, 2014, Applicant completed the terms of his probation.

On or about March 22, 2013, the Georgia Board of Nursing issued Applicant a reprimand and ordered him to pay \$500 for his conduct. Applicant paid the \$500 on June 17, 2013.

On or about October 18, 2013, the Florida Board of Nursing issued a Final Order suspending Applicant's license and ordering him to pay \$1,315.20 for his conduct. On or about August 18, 2014, Applicant completed all required terms of the Final Order and the Florida Board of Nursing reinstated his license.

The Board opened an investigation into the matter.

During a telephone conversation with Board staff, Applicant stated the employment opportunity he had been considering in Oregon was no longer available and he did not wish to continue to seek employment in Oregon. Therefore, Applicant requested to withdraw his application in Oregon.

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

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

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

such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

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

That Michael Anthony Forehand's application for Registered Nurse license and Family Nurse Practitioner Certificate by endorsement be withdrawn.

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

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

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

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

IT IS SO AGREED:

Michael Anthony Forehand

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Alan Freytag, RN) **VOLUNTARY SURRENDER**
)
License No. 094000387RN) **Reference No. 16-00602**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Alan Freytag (Licensee) was issued a Registered Nurse License by the Board on August 4, 1994.

On or about October 5, 2015, the Board received information that Licensee was suspected to have diverted narcotics from the workplace.

Through the course of the Board's investigation the following was discovered:

Between September 19, 2015, and September 28, 2015, Licensee had pulled narcotics from the medication cart and failed to document administration or waste on at least ten occasions.

On September 25, 2015, Licensee failed to enter an order for an emergent medication.

On September 25, 2015, Licensee documented that he had contacted the family of a patient that had fallen when in fact he had not.

On November 12, 2015, Licensee denied diverting narcotics and stated that a lack of training and busy workload contributed to his errors. Additionally, Licensee admits that while he had attempted to make contact with the family of the patient that had fallen, he did not speak to any family members.

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

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

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

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.445 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.
 - (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.

- (3) Conduct related to communication:
 - (a) Inaccurate recordkeeping in client or agency records.
 - (i) Failing to communicate information regarding the client's status to other individuals who need to know; for example, family, and facility administrator.

- (4) Conduct related to achieving and maintaining clinical competency:
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender 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 Alan Freytag be accepted. If, after a minimum of three years, Mr. Freytag 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.

Alan Freytag, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Melissa Gibson**

)
) **FINAL ORDER OF DENIAL OF**
) **REGISTERED NURSE LICENSE BY**
) **DEFAULT**
)
) **Reference No. 15-01661**

License No. 200542188RN

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 Gibson (Applicant) was issued a Registered Nurse license by the Board on September 08, 2005 which expired on August 12, 2009.

This matter was considered by the Board at its meeting on February 17, 2016.

On December 01, 2015, a Notice stating that the Board intended to deny the Registered Nurse license of Melissa Gibson was sent to her via certified and first-class mail to her address of record. The Notice alleged that Applicant had recently been convicted of crimes that bear a demonstrable relationship to the practice of nursing and that she had failed to provide the Board with requested documents.

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

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

-I-

FINDINGS OF FACT

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

1. Applicant was issued a Registered Nurse license in the state of Oregon on September 08, 2005 which expired on August 12, 2009.
2. In March 2015, the Board received a Registered Nurse license reactivation application from Applicant on which she disclosed a recent criminal history. The Board opened an investigation into the matter.
3. On or about February 15, 2014 and March 3, 2014, Applicant was arrested in Washington State for Assault in the Fourth Degree. As a result of those arrests, Applicant was subsequently convicted of two counts of Disorderly Conduct-Domestic Violence. On March 4, 2014, Applicant was arrested in Washington State for Assault in the Third Degree against a police officer and Obstructing a Law Enforcement Officer. As a result of that arrest, Applicant was subsequently convicted of Obstructing a Law Enforcement Officer.
4. In June 2014, Applicant underwent a court-ordered mental health/domestic violence evaluation. In June 2015, Applicant provided Board staff a list of her current prescribed psychotropic medications and a two-page summary of the above-mentioned evaluation which included diagnoses. That same month, Applicant, refused to release any more of her mental health records after Board staff requested that she do so.
5. On December 01, 2015, Board staff mailed a Notice of Proposed Denial of Registered Nurse License to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Applicant, Melissa Gibson, and over the subject matter of this proceeding.

2. That Applicant's conduct is in violation of ORS 678.111(1)(a) and (f) and (g) and OAR 851-031-0006(2)(b) and OAR 851-045-0070(7)(a) and (c).
3. That Applicant defaulted on the Notice by not requesting a hearing within the allotted sixty (60) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Registered Nurse license of Melissa Gibson is denied.

DATED this ____ day of February, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN

Board President

TO: MELISSA GIBSON:

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) **STIPULATED ORDER FOR**
Natalya Hasan, RN, NP) **VOLUNTARY SURRENDER**
)
License No. 200450122NP, 099000301RN) **Reference No. 14-01517**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Natalya Hasan (Licensee) was issued a Registered Nurse License on June 23, 1999 and Nurse Practitioner Certificate by the Board on September 21, 2004.

On or about April 14, 2014, Licensee/Certificate Holder was reported to the Board for suspected diversion of narcotic medications from her employer. The Board opened an investigation into the matter.

During the course of the investigation, the Board obtained evidence that on or about March 27, 2014, Licensee/Certificate Holder removed multiple oxycodone 10mg tabs for patient OV from the Pyxis machine and diverted some or all of the medication for her own use. Further, Licensee/Certificate Holder reported to the oncoming nurse and documented she had administered oxycodone to patient OV every three to four hours as needed for pain, but failed to accomplish proper documentation of medication administration.

During the course of the Board's investigation, the Board obtained evidence that Licensee/Certificate Holder obtained and ingested fioricet, a controlled prescribed substance from a friend, as well as obtained prescription medications for controlled substances from as many as 30 providers between November 2011, and April 2014, including multiple prescriptions for Hypnotics (Ambien) which were filled at multiple pharmacies.

Licensee/Certificate Holder failed to acknowledge in her renewal application dated May 27, 2013, that she had obtained and used controlled substances in a manner that impaired her ability to practice nursing with reasonable skill and safety.

On April 11, 2014, Licensee/Certificate Holder received a DSM V diagnosis of Opioid Use Disorder, and received a recommendation to attend a Level IV Detoxification stay followed by 28 days of Residential treatment. Licensee failed to comply with any of the recommendations.

During a personal interview with Board staff on June 10, 2014, Licensee/Certificate Holder reported she had maintained a private practice, Healthbridge Primary Care, LLC as a Nurse Practitioner beginning on or about June 2006, until on or about 2011 or 2012, at which time she allegedly relocated her practice site to her home and continued to see patients.

Additionally, Licensee/Certificate Holder reported she had practiced 1,500 hours as a Nurse Practitioner at Healthbridge Primary Care LLC on her licensure/certificate application dated

August 16, 2009, that she practiced solely as a Nurse Practitioner in the last five years at Healthbridge Primary Care LLC and OHSU, on her renewal application dated May 27, 2011, and that she had practiced 960 hours solely as a Nurse Practitioner in the last five years at Healthbridge Primary Care LLC and OHSU on her licensure/certificate renewal applications dated May 27, 2013.

During the course of investigation the Board obtained information that Licensee/Certificate Holder's representations of her practice hours as a Nurse Practitioner and her stated private practice, Healthbridge Primary Care LLC were unsubstantiated and fabricated. during the stated period of time.

On June 30, 2014, Licensee/Certificate Holder failed o provide the names of and copies of the patient records for patients seen in her alleged private practice setting over the course of the past year. Licensee/Certificate Holder further failed to provide to the Board Federal and State tax records from tax years 2006 through 2013, filed under Healthbridge Primary Care, LLC and all office/patient billing records for Healthbridge Primary Care LLC for the same time period.

Licensee neither admits nor denies the evidence as stated above, but acknowledges if proven at hearing constitute violations of the following Statutes and Rules of the Nurse Practice Act:

ORS 678.111 (1) (c), (d), (e), (f) and (g); and OAR 851-045-0070 (1) (a), (2) (b), (f) and (i), (3) (a), (b) and (c), (4) (b), (5) (d), (6) (e), (7) (a), (b) and (c), (10), (c) and (g), 851-050-0004 (1) (b) and (c), (3). 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:

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

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

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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

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.

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

(b) Neglecting a client. The definition of neglect includes, but is not limited to, carelessly allowing a client to be in physical discomfort or be injured.

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

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

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

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

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

(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.

(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 (6) Conduct related to licensure or certification violations: is licensed.

(e) Resorting to fraud, misrepresentation, or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, while obtaining initial licensure or certification or renewal of licensure or certification.

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

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

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

(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.

(10) Conduct related to advanced practice nursing:

(c) Using self-assessment and diagnosis as the basis for the provision of care which would otherwise be provided by a

(g) Failing to properly maintain patient records after closure of practice or practice setting client's professional caregiver.

851-050-0004

Nurse Practitioner Practice Requirements

(1) The practice requirement as a nurse practitioner must be met through practice, which meets the definition in OAR 851-050-0000(17) in the following manner:

(b) Completion of a nurse practitioner program within the past two years and a minimum of 192 hours of practice as a nurse practitioner; or

(c) 960 hours of nurse practitioner practice within the five years preceding certification application or renewal; or

(3) All practice hours claimed are subject to audit and disciplinary action for falsification.

Licensee wishes to cooperate with the Board in settling the present disciplinary matter and voluntarily surrender her Registered Nurse license and Nurse Practitioner certificate.

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 and Nurse Practitioner certificate of Natalya Hasan be accepted. If, after a minimum of three years, Ms. Hasan wishes to reinstate her Nurse Practitioner license, she may submit an application to the Board to request reinstatement. For the purposes of applying OAR 851-001-0015 (1) the Board agrees to use licensees Registered Nurse License and Nurse Practitioner Certificate expiration date of June 4, 2015, to calculate the minimum three year period for possible petition for renewal.

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

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

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

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

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

Natalya Hasan, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF REVOCATION**
Sukanlaya Hughes, NP) **BY DEFAULT**
)
License No. 201506461NP-PP,) **Reference No. 16-00620**
201506460RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Nurse Practitioners. Sukanlaya Hughes (Licensee) was issued a Registered Nurse license and Nurse Practitioner certificate by the Board on September 1, 2015.

This matter was considered by the Board at its meeting on February 17, 2016.

On January 21, 2016, a Notice stating that the Board intended to revoke the Registered Nurse and Nurse Practitioner License of Sukanlaya Hughes was sent to her via certified and first-class mail to her address of record. The Notice alleged that Licensee provided misleading or false information on her endorsement application; failed to disclose pending investigations by another Board of Nursing; misrepresented her license and education credentials to the public; and that her Arizona RN and NP licenses were summarily suspended for alleged misconduct and practice violations.

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 and Nurse Practitioner certificate in the state of Oregon on September 1, 2015.
2. On or about May 26, 2015, Licensee submitted an application for Oregon licensure by endorsement from Arizona. The application asked "Have you ever been investigated for any alleged violation of any state or federal law, rule, or practice standard

regulating a health care profession? Include any pending investigations.” Licensee falsely answered “No.” She admitted she knew there were active investigations by the Arizona Board of Nursing into four complaints against her.

3. Licensee misrepresented her education and license credentials on her practice website and in the curriculum vitae she submitted to obtain nursing employment, by claiming that she earned a Psychiatric Nurse Practitioner and Doctor of Nursing Practice degree from Vanderbilt University in 2011. Licensee has never attended Vanderbilt University nor does she hold a Doctor of Nursing Practice degree.
4. Licensee submitted a forged letter of recommendation and documentation of practice hours with her Oregon endorsement application.
5. Licensee’s Registered Nurse license and Nurse Practitioner certificates in Arizona were summarily suspended on November 20, 2015, for alleged misconduct and failure to practice in a manner consistent with their scope and standards.
6. On December 3, 2015, Licensee attended an independent psychological evaluation at the request of the Arizona Board of Nursing. The psychologist concluded that Licensee had an “atypical” test-taking approach which prevented accurate assessment of her psychological functioning and noted that “until there is clarification from [Licensee’s] psychiatrist regarding what appeared to be treatment for a Bipolar Disorder and symptoms of depression, and until such time the [Licensee] undergoes long-term individual therapy to address what appeared to be significant behavioral and/or problematic personality patterns that appeared to include a more ingrained pattern of deceptiveness, it is unclear whether she will be able to function safely as a nurse in the foreseeable future.”
7. On January 21, 2016, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Sukanlaya Hughes, and over the subject matter of this proceeding.
2. That Licensee’s conduct is in violation of ORS 678.111(1)(c)(f)(h) and OAR 851-045-0070(5)(b), (6)(e) and (7)(b).
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 and Nurse Practitioner certificate of Sukanlaya Hughes is REVOKED.

DATED this ____ day of February, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: SUKANLAYA HUGHES:

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 Registered Nurse and/or Nurse Practitioner License, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Barbara Jaques, RN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 000007868RN) **Reference No. 16-00740**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Barbara Jaques (Licensee) was issued a Registered Nurse License by the Board on August 25, 1986.

This matter was considered by the Board at its meeting on February 17, 2016.

On January 28, 2016, 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 Licensee failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on August 25, 1986.
2. On or about October 28, 2015, Licensee was reported to the Board for allegations she was using alcohol in a manner injurious to herself or others. The Board opened an investigation into the matter.
3. On January 06, 2016, 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 January 9, 2016 the Board received a second complaint alleging that Licensee was intoxicated at work and tested positive for alcohol.
5. On January 21, 2016, 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.
6. On January 28, 2016, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
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, Barbara Jaques, 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 Barbara Jaques 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 Barbara Jaques has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse License of Barbara Jaques, she would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of February, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: BARBARA JAQUES:

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**
Karen King, CMA) **VOLUNTARY SURRENDER**
)
Certificate No. 200220057CMA,) **Reference No. 16-01077**
200010047CNA

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 and Certified Medication Aides. Karen King was issued a Certified Nursing Assistant certificate on April 20, 2000 and 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 November 19, 2015, the Board approved of a signed Stipulated Order for Probation.

Licensee is unable to meet the requirements of the Stipulated Order at this time.

By the above actions, CNA is subject to discipline pursuant to:

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 676.393
- (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;

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

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

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

A certified medication aide is subject to discipline as a CAN 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;

CNA wishes to cooperate with the Board in this matter and voluntarily surrender her Certified Nurse Assistant and Medication Aide 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 and Medication Aide certificate of Karen King be accepted. If, after a minimum of three years, Ms. King wishes to reinstate her Certified Nursing Assistant and Medication Aide certificate, she may submit an application to the Board to request reinstatement.

CNA agrees that she will not practice as a Certified Nursing Assistant or Medication Aide 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.

Karen King, CMA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
John Kohl, RN) **VOLUNTARY SURRENDER**
)
License No. 096000317RN) **Reference No. 16-00454**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. John Kohl (Licensee) was issued a Registered Nurse License by the Board on July 10, 1996.

On or about September 3, 2015, Licensee self-reported to the Board that he was seeking treatment for alcohol abuse. Licensee was assigned a chemical dependency diagnosis and agreed to participate in the Health Professionals' Services Program (HPSP).

On or about February 4, 2016, Licensee applied to the Board for Retired Status. Licensee is ineligible for retired status.

On or about February 5, 2016, Licensee informed Board staff he no longer intended to work as a nurse and desired to voluntarily surrender his license in lieu of participating in HPSP.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.050(6)(a), ORS 678.111(1)(f), OAR 851-031-0086(1)(3)(a) and OAR 851-045-0070(5)(d) and (7)(e).

ORS 678.050 Examining applicants; issuing license; license by indorsement; processing license by indorsement application; limited license; rules.

(6)(a) Retired status may be granted to a person licensed or certified as a registered nurse, licensed practical nurse, nurse practitioner, certified registered nurse anesthetist or clinical nurse specialist and who surrenders the person's license or certificate while in good standing with the issuing authority if the person is not subject to any pending disciplinary investigation or action. The board may adopt by rule requirements, procedures and fees for placing a license or certificate in retired status.

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 851-031-0086

Retired Oregon Nurse Status and Nurse Emeritus License

(1) A nurse currently or previously licensed in good standing in Oregon is eligible to apply for Retired Nurse status if the nurse held an unencumbered Oregon nursing license.

(3) To receive Retired Nurse status a nurse shall:

(a) Hold a current unencumbered license to practice nursing in Oregon.

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.

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

(e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

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 John Kohl be accepted. If, after a minimum of three years, Mr. Kohl 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.

John Kohl, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Julie Lacock, RN**

**) STIPULATED ORDER FOR
) 180 DAY SUSPENSION OF
) REGISTERED NURSE LICENSE
) Reference No. 15-01037**

License No. 097000178RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Julie Lacock (Licensee) was issued a Registered Nurse License by the Board on July 02, 1997.

On or about January 22, 2015, the Board received information alleging that Licensee violated a patient's right to privacy. The Board opened an investigation into the matter.

On January 9, 2015 Licensee was on shift as an emergency room nurse. A patient presented in the emergency room with shoulder pain and expressed concern for his privacy because he had an outstanding warrant for his arrest. The patient was assured by hospital staff that his privacy would be protected and law enforcement would not be notified.

Licensee was assigned as the patient's nurse. Licensee sent a text message to her friend, a local police officer advising him that a patient in the ER had a warrant for his arrest. The officer responded and arrested the patient. Licensee violated the privacy of the patient.

On or about March 1, 2015, Licensee hid raw chicken in the employee break room and in the Emergency Department's family bereavement room. The investigation revealed that Licensee placed raw chicken inside the zippered couch cushions, the zippered cushion of the ottoman, and the cushion of the chair in the bereavement room. Additional chicken was located behind the staff refrigerator, between the zippered couch cushions, and behind a filing cabinet in the employee break room. Also on March 1, 2015, Licensee left a letter in her manager's mailbox stating she was resigning her position, effective immediately.

The rotted, raw chicken caused the rooms to have a foul odor and created a potential biohazard situation to hospital staff and hospital visitors, including a family that utilized the bereavement room during the time period the rotting chicken was in place. In addition, the raw chicken placed by Licensee resulted in \$11,334.12 in damages to hospital property.

On or about March 21, 2015 Licensee was arrested for Criminal Mischief I, a felony in Wasco County Oregon following the above incident at her previous employer. Ultimately Licensee resolved the criminal charge with a civil compromise wherein she acknowledged responsibility to the incident.

During the Board's investigation into the allegations, Licensee failed to answer truthfully and completely.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(b),(c), (d), and (f) and OAR 851-045-0070 (1)(b), (2)(b), (1) and (m), (3)(a), (4)(b), (7)(b) and (c) and (9) which read 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:

(b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level for which the licensee is licensed.

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

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

(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.

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

(b) Neglecting a client. The definition of neglect includes, but is not limited to, carelessly allowing a client to be in physical discomfort or be injured.

(l) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client, unless required by law to disclose such information or unless there is a "need to know."

(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."

(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:

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

(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.

(9) Conduct related to co-workers: Violent, abusive or threatening behavior towards a co-worker which either occurs in the presence of clients or otherwise relates to the delivery of safe care to clients.

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 Julie Lacock be SUSPENDED for a period of 180 days to commence on March 1, 2016 and end on August 28, 2016.

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 Suspension.

Julie Lacock, RN

Date

ORDER

**IT IS SO ORDERED:
BOARD OF NURSING FOR THE STATE OF OREGON**

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Jon Millen**

) **STIPULATED ORDER FOR**
) **WITHDRAWAL OF REGISTERED**
) **NURSE LICENSE APPLICATION**
)
) **Reference No. 16-01013**

The Oregon State Board of Nursing (Board) received a Registered Nurse (RN) license endorsement application from Jon Millen (Applicant) in October 2015. Applicant disclosed to the Board a criminal history in Minnesota that was more than five years old and involved drinking and driving. On January 7, 2016, Applicant informed the Board that due to a change in his employment situation, he no longer wished to obtain an Oregon RN license at this time.

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

Applicant wishes to cooperate with the Board in resolving the present matter. He has elected to withdraw his application for an RN license.

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

That the Stipulated Order For Withdrawal of Registered Nurse License Application of Jon Millen be accepted. If at a later time applicant wishes to reapply for a license to perform the duties of a registered nurse, he shall make reapplication to the Board.

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 Stipulated Order will be submitted to the Board for approval and is subject to the Board's confirmation.

Applicant understands that he has the right to a contested case hearing under the Administrative Procedures Act (Chapter 183 Oregon Revised Statutes). Applicant understands that by signing this Stipulated Order he fully and finally waives the right to an administrative hearing.

Applicant understands that this Stipulated Order will be a public document.

Applicant states no promises, representations, duress or coercion have been used to induce his to sign this Stipulated Order.

Applicant has read this Stipulated Order and understands the Stipulated Order completely and freely signs the Stipulated Order.

IT IS SO AGREED:

Jon Millen

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Jimmy Parks, RN**

) **STIPULATED ORDER FOR**
) **VOLUNTARY SURRENDER**
) **OF REGISTERED NURSE LICENSE**
)
) **Reference No. 16-01048**

License No. 201503932RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jimmy Parks (Licensee) was issued a Registered Nurse License by endorsement by the Board on June 24, 2015.

On or about December 11, 2015, the Board received information that Licensee's Registered Nurse license in Tennessee was suspended and that Licensee's right to practice nursing in all other Interstate Nurse Licensure Compact states was void.

The suspension of Licensee's Tennessee license was imposed following allegations of boundaries violation by Licensee while practicing nursing. Licensee stipulated that on November 14, 2014, he began sending text messages to a patient while providing nursing services to that patient in the emergency department, and continued to text the patient during her hospital stay and after the patient's discharge from the hospital.

The Board alleges that the Tennessee Board of Nursing found that Licensee was unfit or incompetent by reason of negligence, habits or other cause; guilty of unprofessional conduct by violating confidentiality of information or knowledge concerning a patient; practicing nursing in a manner inconsistent with the Tennessee Code Annotated; and engaging in acts of dishonesty which relate to the practice of nursing.

The Board alleges that at the time Licensee applied for licensure in Oregon, he was aware that he was under investigation by his former employer, the police and the Tennessee Board of Nursing.

The Board alleges that Licensee falsified his licensure application, by answering "No" to the following question on the Oregon RN License application: "*5a. Have you ever been investigated for any alleged violation of any state or federal law, rule or practice standard regulating a health care profession? Include any pending investigations.*"

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

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

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

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

- (7) Conduct related to the licensee's relationship with the Board:
 - (b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender his Oregon 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 Jimmy Parks be accepted. If, after a minimum of three years, Mr. Parks 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.

Jimmy Parks, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Sarah Pizzi, CNA) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
Certificate No. 200810019CNA) **Reference No. 16-01027**

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. Sarah Pizzi (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on January 4, 2008.

This matter was considered by the Board at its meeting on February 17, 2016.

On January 22, 2016, a notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to her via certified and first-class mail to her address of record. The Notice alleged that Sarah Pizzi failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant certificate in the state of Oregon on January 4, 2008.
2. On or about December 18, 2015, the Board received information that Certificate Holder had been arrested on September 22, 2015 for Possession of Methamphetamine, a Class C felony. The Board opened an investigation into the matter.

3. On December 29, 2015, Board staff mailed a letter to Certificate Holder's address of record requesting that she schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On January 14, 2016, a second letter was sent to Certificate Holder's address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On January 22, 2016, Board staff mailed a Notice of Proposed Suspension 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.
6. Certificate Holder failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Certificate Holder'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 Certificate Holder, Sarah Pizzi, and over the subject matter of this proceeding.
2. That Certificate Holder'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 Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Nursing Assistant Certificate of Sarah Pizzi 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 Sarah Pizzi has fully cooperated with the Board's investigation. Should the Board reinstate the Nursing Assistant Certificate of Sarah Pizzi, she would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of February, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: SARAH PIZZI:

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**
Nathalie Rotz, LPN) **VOLUNTARY SURRENDER**
)
License No. 201230192LPN) **Reference No. 16-01159**

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. Nathalie Rotz (Licensee) was issued a Licensed Practical Nurse License by the Board on November 29, 2013.

On January 21, 2015, the Board received information alleging that Licensee tampered with medication cards, diverted narcotics from the workplace, and tested positive for opiates and marijuana on a for cause drug screen. Licensee denied the tampering and diversion allegations.

On September 17, 2015, the Board placed Licensee on 24 months of probation with an order to obtain a chemical dependency evaluation. The evaluation was completed by Emergence and recommended completion of Level 1 outpatient treatment with 18 group sessions. Licensee began treatments on July 24, 2015.

Licensee has been dealing with significant health issues requiring frequent doctor visits and hospitalizations since the onset of probation. This has caused Licensee to complete only 8 group sessions. Urinalysis testing taken through Emergence and shared with the Board also ceased around November 2015 when Licensee failed to continue her treatment sessions and contact with her counselor, Rick Brady. Emergence closed her file as non-compliant.

The Board had also been trying unsuccessfully to contact Licensee during this time. On January 13, 2016, Board staff mailed a certified letter to Licensee notifying her of her non-compliance with her Board order. Board staff offered Licensee a voluntary surrender in order to focus on her health. On January 21, 2016, Licensee notified Board staff by e-mail that she wished to surrender her license at this time.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 - Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

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

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

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

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

Nathalie Rotz, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Morgan Shook, CNA Certificate No. 201310679CNA) STIPULATED ORDER FOR) VOLUNTARY SURRENDER OF) NURSING ASSISTANT CERTIFICATE) Reference No. 16-01034
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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. Morgan Shook (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on April 5, 2013.

On or about December 9, 2015, the Board received information that Certificate Holder participated in a Physical Therapist Assistant program in 2015. The program has immunization requirements for clinical rotations which involve contact with patients. As a program participant, Certificate Holder was required to obtain a two-step test for tuberculosis to meet clinical contract requirements.

It is alleged that on or about December 1 or December 2, 2015, Certificate Holder submitted to the program a form documenting the completion of the second part of his tuberculosis test. It is alleged that the form contained inaccurate information and a forged nurse's signature.

It is alleged that Certificate Holder admitted to program staff that he did not obtain the second part of the test and that he filled in the inaccurate information and the nurse's signature himself.

Certificate Holder does not admit the above allegations are true, however, he acknowledges that if proven to be true, Certificate Holder would be subject to discipline of his CNA Certificate pursuant to **ORS 678.442 (2)(d) and OAR 851-063-0090 (1)(b)** which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

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:
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

Certificate Holder wishes to resolve the matter by voluntarily surrendering his 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 Nursing Assistant Certificate of Morgan Shook be accepted. If, after a minimum of three years, Mr. Shook wishes to reinstate his Nursing Assistant Certificate, he may submit an application to the Board to request reinstatement.

Certificate Holder agrees that he will not work 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. CNA 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.

Morgan Shook, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
William Slack, RN**

) **STIPULATED ORDER FOR**
) **PROBATION**
)
) **Reference No. 15-02034**

License No. 200841915RN

William Slack (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on July 22, 2008.

On or about June 23, 2015, the Board received information that Licensee had received a citation in lieu of arrest on March 31, 2015, for Possession of a Controlled Substance in Linn County, Oregon.

On May 11, 2015, Licensee obtained a chemical dependency evaluation. The evaluator recommended treatment, monitored practice and random urine drug screens.

On July 22, 2015, Licensee pled guilty to Possession of a Controlled Substance.

On September 11, 2015, Licensee admitted to Board staff that he had been ordering medication over the internet for his own use for approximately three years without a valid prescription. Licensee admitted to sleeping while on duty but denies that it impacted patient care.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(e)(f)(g), OAR 851-045-0070(2)(i), (3)(f), and (5)(c) 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.

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:

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

(5) Conduct related to impaired function:

(c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

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 in the state of Oregon will not count toward the probationary period.

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

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.

10. Licensee shall not practice nursing in supervisory or charge nurse position.
11. Licensee shall not work evenings/nightshift and must 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.
12. 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.
13. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.
24. Within three months of the Board acceptance of this Stipulated Order, Licensee shall submit certificates of completion for the following NCSBN courses:
 - Ethics in Nursing
 - Disciplinary Actions: What Every Nurse Should Know
 - Nurse Practice Acts
 - Professional Accountability & Legal Liability for Nurses
 - Righting a Wrong: Ethics and Professionalism in 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 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:

William Slack, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Sharon Marie Smith, RN) **REPRIMAND OF LICENSE**
) **WITH CONDITIONS**
License No. 200440299RN) **Reference No. 16-00586**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sharon Marie Smith (Licensee) was issued a Registered Nurse License by the Board on March 11, 2004.

On or about October 1, 2015, the Board received information that Licensee failed to start CPR on patient DW in a timely manner on September 5, 2015. The Board opened an investigation.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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.

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 Sharon Marie Smith be reprimanded and Licensee complete the following conditions within 30 days of the date this Order is signed by the Board:

- 1. Basic Life Support (BLS) Classroom Course for Healthcare Providers; and**

2. Continued education on CPR through reading printed information provided to Licensee by Board staff.

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.

Sharon Marie Smith, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Aloysius Velliquette, RN) **VOLUNTARY SURRENDER**
)
License No. 083038895RN) **Reference No. 16-00807**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Aloysius Velliquette (Licensee) was issued a Registered Nurse License by the Board on September 15, 1983.

On or about November 6, 2015, the Board received information that Licensee was suspected to have been practicing as a Registered Nurse while under the influence of intoxicants.

Through the course of the investigation Board staff discovered that Licensee had made numerous practice errors from 2013 to 2015.

On January 12, 2016, Licensee admitted to failing to ensure orders were entered into patient records, failing to ensure delegated tasks were completed, failing to properly train staff in a delegated task, and to developing and entering an order for treatment without prior approval from a physician.

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

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.

- (g) Failing to supervise persons to whom nursing tasks have been assigned.
- (h) Failing to teach and supervise unlicensed persons to whom nursing tasks have been delegated.
- (3) Conduct related to communication:
- (a) Inaccurate recordkeeping in client or agency records.
- (b) Incomplete recordkeeping regarding client care; including, but not limited, to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.
- (g) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period.
- (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.
- (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 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 Aloysius Velliquette be accepted. If, after a minimum of three years, Mr. Velliquette 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.

Aloysius Velliquette, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Preston Walker, CNA) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
Certificate No. 201391206CNA) **Reference No. 16-00815**

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. Preston Walker (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on July 29, 2013.

This matter was considered by the Board at its meeting on February 17, 2016.

On January 14, 2016 a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on July 29, 2013.
2. On or about November 9, 2015, the Board received information alleging that Certificate Holder was arrested on multiple charges. The Board opened an investigation into the matter.

3. On December 18, 2015, Board staff mailed a letter to Certificate Holder's address of record requesting that Certificate Holder schedule an interview to discuss the allegations. Certificate Holder was further instructed to send additional documents to the Board regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On January 06, 2016, a second letter was sent to Certificate Holder's address of record requesting that Certificate Holder contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was further instructed to send additional documents to the Board regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board. .
5. On January 14, 2016, Board staff mailed a Notice of Proposed Suspension 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.
6. Certificate Holder failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Certificate Holder'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 Certificate Holder, Preston Walker, and over the subject matter of this proceeding.
2. That Certificate Holder'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 Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Nursing Assistant Certificate of Preston Walker 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 Preston Walker has fully cooperated with the Board's investigation. Should the Board reinstate the Nursing Assistant Certificate of Preston Walker, he would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of February, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: PRESTON WALKER:

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.