

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Rebecca Bichler, CNA

Certificate No. 200911461CNA

)

) **FINAL ORDER OF REVOCATION**

) **OF NURSING ASSISTANT**

) **CERTIFICATE BY DEFAULT**

) **Reference No. 16-00163**

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. Rebecca Bichler (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on June 04, 2009.

This matter was considered by the Board at its meeting on March 23, 2016.

On February 22, 2016, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Rebecca Bichler was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder engaged in conduct unbecoming a nursing assistant.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on June 04, 2009.
2. On or about June 21, 2015, the Board received information alleging that Certificate Holder engaged in theft of a ring from a resident she was caring for at a healthcare facility. The Board opened an investigation into the matter.
3. The Board alleges that on or about July 23, 2015, Certificate Holder was arrested and charged with Criminal Mistreatment 1, a C Felony and Theft 1, a C Felony.

4. The Board alleges that on or about October 26, 2015, Certificate Holder pled guilty to Criminal Mistreatment 1, a C Felony in Wasco County, Oregon.
5. On February 22, 2016, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Rebecca Bichler, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442 (2)(a) and (f) and OAR 851-063-0080 (1) and (6) and OAR 851-063-0090 (1)(a) and (b) and (8)(j).
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 Rebecca Bichler is revoked.

DATED this _____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: REBECCA BICHLER:

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

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Natalie Blevins, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 201405651CNA) **Reference No. 16-00941**

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. Natalie Blevins (CNA) was issued a Nursing Assistant Certificate by the Board on August 19, 2014.

On or about December 4, 2015, the Board received information that CNA submitted synthetic urine in a drug screen for admission into a Practical Nursing program. The Board opened an investigation into the matter.

On or about December 1, 2015, CNA was asked to submit to a drug screen by a Nursing School Department Chair as she had been admitted into nursing school. The sample CNA provided for testing was inconsistent with normal human urine and resulted in an invalid test. CNA's admission into the nursing program was rescinded.

On February 4, 2016, CNA admitted to Board staff that she used synthetic urine to avoid testing positive due to her marijuana use.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(b)(f), OAR 851-063-0080(2)(6) and OAR 851-063-0090(9)(a), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

(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:

(2) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof;

(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:

(9) Conduct related to certification violations:

(a) 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.

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

That the Nursing Assistant certificate of Natalie Blevins be reprimanded.

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 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.

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.

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

IT IS SO AGREED:

Natalie Blevins, 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**
Amy Bray, LPN Reentry Applicant) **PROBATION**
)
) **Reference No. 15-02004**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Amy Bray (Licensee) was issued a Practical Nurse license (LPN) by the Oregon State Board of Nursing (Board) on July 26, 2005.

The LPN license was suspended on September 18, 2006, for failure to cooperate with a Board investigation. On February 10, 2010, a Limited License for Reentry was issued. Licensee signed a monitoring agreement following a diagnosis of substance use disorder. The re-entry license was subsequently revoked on February 21, 2013, for failure to comply with the terms and conditions of the monitoring agreement and the re-entry program.

On or about May 1, 2015, Licensee applied for reinstatement of her LPN license for the purposes of completing a nursing re-entry program.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

Licensee shall be placed on probation contingent upon successful completion of the three (3) conditions listed below within 21 days of the date the Board approves this Stipulated Order for Probation:

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

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

3. Submit all required applications and fees to the Board to begin licensing process. Licensee acknowledges that absent completion of these conditions within the 21 day period their application shall be deemed denied.

Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, including her practice under a limited license while in the re-entry program, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

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

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

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

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

4. Licensee shall maintain an active license.

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

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

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

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

9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.

12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.

13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.

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

15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.

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

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

18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.

19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

Amy Bray

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**
Alice Cain, RN) **VOLUNTARY SURRENDER**
)
License No. 086006315RN) **Reference No. 16-00966**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Alice Cain (Licensee) was issued a Registered Nurse License by the Board on September 4, 1986.

On or about December 9, 2015, the Board received information that Licensee could have issues that could interfere with her ability to safely practice as a nurse. The Board opened an investigation.

On January 5, 2016, Licensee signed an Interim Order by Consent voluntarily removing herself from practicing as a Registered Nurse in any capacity or functioning as a caregiver in any setting.

On February 11, 2016, Licensee informed Board staff that she has been diagnosed with a mental health condition that would interfere with her ability to safely practice as a nurse and desired to surrender her Registered Nurse license.

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

(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.

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 Alice Cain be accepted. If, after a minimum of three years, Ms. Cain 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.

IT IS SO AGREED:

Alice Cain, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Danielle Caldwell, RN) **PROBATION**
)
License No. 200641214RN) **Reference No. 15-00527**

Danielle Caldwell (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on June 13, 2006.

On or about October 8, 2014, Licensee self-disclosed on her Registered Nurse renewal application she had been arrested in July 2014, for Driving Under the Influence and Failing to Perform the Duties of a Driver. The Board opened an investigation into the matter.

On or about August 2014, Licensee entered into a court-ordered diversion program, which was successfully completed in April 2015. Since the date of her arrest, Licensee has maintained continuous employment with no reported patient complaints or concerns.

During the course of the investigation, the Board obtained information which indicated Licensee should obtain further evaluation(s). Based on the additional information obtained, it was recommended Licensee engage in an Intensive Outpatient Program with urine drug screens and practice monitoring for a period of not less than two months.

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

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

(1) Issuance of the license to practice nursing, whether by examination or by 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.

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

(5) Conduct related to impaired function:

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

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

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall 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 have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time unless restricted by the Board, and until such time as she receives written permission from the Board.

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:

Danielle Caldwell, 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**
Amanda Ciraulo, RN) **PROBATION**
)
License No. 201242934RN) **Reference No. 15-01588**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Amanda Ciraulo (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on September 10, 2012.

On May 1, 2015, the Board received information that Licensee was terminated from her position at a hospital in April 2015, for administering medication in a manner inconsistent with prescriber orders, documenting administration of more medication than prescribed, withdrawing incorrect doses of medication and failing to follow proper procedures for wasting medications with a witness. Licensee fell asleep while on duty on one occasion.

During a telephone interview with Licensee on May 1, 2015, Licensee did not provide accurate answers to Board staff's questions regarding prescription and employment history.

On or about May 15, 2015, the Board learned that Licensee was terminated from a long term care facility in March 2015 for a pattern of inaccurate documentation of narcotics administration, administering medication in a manner inconsistent with prescriber orders (administering more medication than prescribed), and failing to follow proper procedures for wasting medications with a witness.

On July 13, 2015, the Board learned that Licensee used opiate medication without a prescription. She meets the criteria for monitoring by the Board.

Licensee acknowledges that she failed to adhere to the practice standards for medication administration and documentation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f), OAR 851-045-0070 (1)(c), (2)(i), (3)(a), (4)(b), (5)(d) and (7)(b), which read as follows:

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

(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.

(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 is licensed.

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

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

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter.

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

That the Registered Nurse license of Amanda Ciraulo be suspended for a period of 12 months, with credit for 8 months served. Following completion of the additional 4 months of Suspension, Amanda Ciraulo's Registered Nurse license shall be placed on Probation for twenty-four (24) months. 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 twenty-four (24) months of practice on 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 for twenty-four (24) months to meet this requirement, 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 thirty-six (36) months from the beginning of the Probation period to complete twenty-four (24) 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 re-evaluated.
- 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 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 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.

- 16) 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 17 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
- 17) Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall 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.
- 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 the Board staff, in consultation with her employer.
- 19) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.
- 20) Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.

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 the 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:

Amanda Ciraulo, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, 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 REVOCATION**
John Clay, RN) **OF REGISTERED NURSE LICENSE**
) **BY DEFAULT**
)
License No. 200441562RN) **Reference No. 16-01064**

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 Clay (Licensee) was issued a Registered Nurse License by the Board on July 27, 2004.

This matter was considered by the Board at its meeting on March 23, 2016.

On February 19, 2016, a Notice stating that the Board intended to revoke the Registered Nurse License of John Clay was sent to him via certified and first-class mail to his address of record. The Notice alleged that Licensee violated the terms and conditions of a Board Order.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on July 27, 2004.
2. On April 15, 2015, the Board placed Licensee's Registered Nurse License on probation for a twenty-four (24) month period after Licensee admitted that he had accepted narcotic medication from a colleague for his own personal consumption. Licensee had been diagnosed with a Substance Use Disorder and entered treatment. Licensee agreed to maintain monthly contact with probation staff, participate in the Board's random urine drug testing program, and abstain from alcohol and other mind altering substances.
3. On or about January 4, 2016, Licensee reported being arrested for Driving Under the Influence of Intoxicants (DUII).

4. On or about January 14, 2016, Board staff received the report from the Monmouth Police Department. According to the police report, Licensee had a six pack of unopened beer in his car and admitted to the police officer that he had taken non-prescribed oxycodone and Vicodin. This is a violation of his Board Order
5. As of January 14, 2016, Licensee stopped participating in the Board's random urine drug testing program. This was also the date of Licensee's last contact with probation staff. These are violations of his Board Order.
6. On February 19, 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, John Clay, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111 (1) (f), OAR 851-045-0070 (5) (d) and (7) (d).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Registered Nurse License of John Clay is revoked.

DATED this ____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: JOHN CLAY:

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

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Lisa Dix, RN**

)
) **FINAL ORDER OF DENIAL OF**
) **REGISTERED NURSE LICENSURE**
) **BY DEFAULT**
)
) **Reference No. 16-00681**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. On or about November 18, 2014, Lisa Dix (Applicant) submitted an application for Registered Nurse (RN) licensure in Oregon by endorsement.

This matter was considered by the Board at its meeting on March 23, 2016.

On January 19, 2016, a Notice stating that the Board intended to deny Applicant's application was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant had been convicted of crimes that 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. In November 2014, the Board received an application from Applicant for RN licensure in Oregon by endorsement. On that application, Applicant disclosed to the Board that she had been diagnosed with or treated for an alcohol or drug related condition in the past five years. On that application, Applicant disclosed she was arrested in California in 2004 for Disturbing the Peace and in 2007 for Driving Under the Influence of Alcohol (DUII). Before considering

Applicant's application complete, the Board awaited verification of her licensure in California, which was received by the Board on or about September 16, 2015.

2. On or about July 22, 2004, Applicant was convicted of misdemeanor Disturbing the Peace.
3. On or about October 7, 2007, Applicant was convicted of the lesser offense of misdemeanor Reckless Driving on the DUII charge.
4. On or about November 22, 2009, Applicant's RN license issued by the California Board of Registered Nursing was placed on probation for three years. On December 28, 2011, Applicant voluntarily surrendered her California RN license when she tested positive for alcohol while on probation. On August 23, 2013, Applicant's California RN license was reinstated and she was placed on probation from August 23, 2013 through August 23, 2016.
5. On or about November 6 and 30, 2015, Board staff sent letters to Applicant by email and postal mail requesting certain documents and information to supplement her application. Applicant failed to provide the requested documents and information and, in her December 1, 2015 email, informed Board staff she wanted to withdraw her application for RN licensure by endorsement.
6. On or about December 1, 2015, Board staff sent Applicant a Stipulated Order for Withdrawal of Registered Nurse Application (Order) to effectively withdraw her application. The Board is not in receipt of an Order signed by Applicant.
7. On January 13, 2016, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Registered Nurse licensure.
8. On January 19, 2016, 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. Dix did not request a hearing within 60 days and is in default of the Notice.

II

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over Applicant, Lisa Dix, 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 Application for Registered Nurse Licensure of Lisa Dix is denied.

Dated this _____ day of March, 2016.

FOR THE OREGON STATE BOARD OF NURSING

Bonnie Kostecky, MS, MPA, RN
Board President

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Rebecca Forte) **VOLUNTARY SURRENDER**
License: 201403526RN)
) **Reference No. 16-01272**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Rebecca Forte (Licensee) was issued a Registered Nurse License/Certificate by the Board on June 17, 2014.

On or about February 10, 2016, the Board received information that Licensee wished to voluntarily surrender her license. Licensee reasoned that she has relocated to Ohio to be closer to family and allow her husband to finish his college studies. She is reapplying for licensure in Ohio.

STATUTES AND RULES RELATED TO THIS CASE

By the above actions, Licensee is subject to discipline pursuant to ORS 678.11 - 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 be subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

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

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

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

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

That the voluntary surrender of the Registered Nurse license of Rebecca Forte be accepted. If, after a minimum of three years, Ms. Forte 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.

Rebecca Forte, 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**
Sylvia Garcia, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 000002013CNA) **Reference No. 16-00675**

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. Sylvia Garcia (CNA) was issued a Certified Nursing Assistant Certificate by the Board on January 01, 1990.

On or about October 15, 2015, the Board received notification from Oregon Department of Human Services, Office of Licensing and Regulatory Oversight, that CNA had been found to have emotionally abused a patient on or about December 9, 2014. An investigation was opened into the matter.

Through the course of the Board's investigation it was discovered that in 2014 CNA failed to follow a care plan on two occasions and had reportedly been rough and/or verbally abusive with patients on three occasions.

On November 17, 2015, CNA admitted to failing to follow a care plan. CNA denied abusing any patients.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(4)(6) and OAR 851-063-0090(1)(a)(3)(b)(8)(d) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

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

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

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

(6) Conduct unbecoming a nursing assistant.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

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

- (3) Conduct related to client safety and integrity: ;
- (b) Failing to implement the plan of care developed by the registered nurse;
- (8) Conduct related to other federal or state statutes/rule violations:
- (d) Abusing a person;

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

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

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

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

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

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

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

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

Sylvia Garcia, 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

Curtis Hamilton, LPN

License No. 200530045LPN

)

) **FINAL ORDER OF REVOCATION OF**

) **PRACTICAL NURSE LICENSE BY**

) **DEFAULT**

)

) **Reference No. 15-01531**

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. Curtis Hamilton (Licensee) was issued a Practical Nurse license by the Board on March 15, 2005.

This matter was considered by the Board at its meeting on March 23, 2016.

On March 2, 2016, a Notice stating that the Board intended to revoke the Practical Nurse license of Curtis Hamilton was sent to him via certified and first-class mail to his address of record. The Notice alleged that Licensee had failed to accurately document medication administration at Avamere Court at Keizer (Avamere), had failed to properly administer medication at Avamere, had been terminated from Brookdale Geary Street (Brookdale) for inappropriate physical and verbal contacts with co-workers, had been recently convicted of Disorderly Conduct in the Second Degree, had failed to self-report his conviction, and had never responded to Board staff's subsequent requests for a telephonic interview and written explanation of his conviction.

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 Practical Nurse license in the state of Oregon on March 15, 2005.
2. On April 20, 2015, the Board received a complaint alleging that, in January 2015,

Licensee possibly diverted medication while working at Avamere Court at Keizer (Avamere) where he had been working for approximately four months. The Board opened an investigation into the matter.

3. On December 25, 2014, Licensee signed out morphine sulfate from the Avamere narcotic log; however, he failed to document that administration in the electronic Medication Administration Record (eMAR). On January 24, 2015, Licensee signed out oxycodone; however, he failed to document that administration in the eMAR. On January 27, 2015, Licensee signed out Norco; however, he failed to document that administration in the eMAR.
4. On January 27, 2015, Licensee signed out a patient's last two Norco tablets and documented in her progress notes that he called her doctor for a new prescription; however, he failed to document that administration in the eMAR. That same day, the patient identified that the tablets Licensee had given her were Tylenol (which she did not have an order for).
5. In September 2014, Licensee was terminated from Brookdale Geary Street for multiple inappropriate physical and verbal contacts with co-workers both in and out of the workplace.
6. In August 2015, Licensee was convicted of misdemeanor Disorderly Conduct in the Second Degree. The conviction was the result of an incident in which Licensee was driving with his 14-year-old son and rear ended another vehicle causing minor damage. Upon being asking by the driver of the other vehicle to exchange information, Licensee threatened to physically harm him and then left the scene.
7. The Board became aware of Licensee's above-mentioned criminal conviction in November 2015 without his assistance and that, to date, he has not reported it to the Board.
8. On November 17, 2015, Board staff sent a message to Licensee's email address of record requesting that he contact them. That same day, Board staff left a voicemail at Licensee's telephone number of record requesting that he contact them. No response was forthcoming. On November 19, 2015, Board staff mailed a letter to Licensee's address of record requesting a telephonic interview and written explanation of his above-mentioned criminal conviction. No response was forthcoming. On December 4, 2015, Board staff mailed a second letter to Licensee's address of record requesting a telephonic interview and written explanation of his above-mentioned criminal conviction. No response was forthcoming.
9. On March 2, 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.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Curtis Hamilton, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111(1)(a) and (f) and (g) and OAR 851-045-0070(2)(i) and (3)(a) and (b) and (7)(a) and (c) and (9) and ORS 676.150(3).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Practical Nurse license of Curtis Hamilton is revoked.

DATED this _____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: CURTIS HAMILTON;

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 Practical Nurse license, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Angielin Hill, CNA) **PROBATION**
)
Certificate No. 201390028CNA) **Reference No. 15-01368**

Angielin Hill (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on June 27, 2013.

On or about March 23, 2015, the Board received information alleging CNA failed to maintain professional boundaries with residents and jeopardized the safety of residents while working at a rehabilitation and care center. The Board opened an investigation.

On or about June 24, 2015, CNA's nursing assistant certificate was suspended for failure to cooperate with the Board during the course of an investigation.

On or about October 27, 2015, the Board received information alleging CNA, while working for an in-home senior care agency, worked without a current nursing assistant certificate and jeopardized the safety of a client.

On or about November 5, 2015, CNA's nursing assistant certificate was reinstated when she began cooperating with the Board.

During the course of this investigation, the Board received information alleging CNA may have mental health issues.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0090(1)(a), (3)(d)(k) and (9)(b), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant. A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

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

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

- (3) Conduct related to client safety and integrity:
 - (d) Jeopardizing the safety of a person under the CNA's care.
 - (k) Failing to maintain professional boundaries.
- (9) Conduct related to certification violations:
 - (b) Functioning as a certified nursing assistant without current certification as a nursing assistant.

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

CNA shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. CNA's compliance with this Order will be monitored by the Oregon State Board of Nursing. CNA must complete a twenty-four (24) month period of probation to begin upon CNA's return to work, monitored as outlined below. CNA must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. CNA must work in a setting where CNA can exercise the full extent of CNA's scope of duties, in order to demonstrate CNA's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

Angielin Hill, 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**
Debra Hill, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201402748CNA) **Reference No. 15-01849**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nursing Assistants. Debra Hill (CNA) was issued a Nursing Assistant Certificate by the Washington State Department of Health on December 9, 2010. On May 15, 2014, CNA was issued a Nursing Assistant Certificate in Oregon by endorsement.

On or about May 28, 2015, CNA submitted an application to the Board to renew her Nursing Assistant Certificate. On that application, CNA verified she had “at least 400 hours as a CNA in the last two years with a nurse who supervises or monitors my (CNA’s) performance of CNA authorized duties.”

During a February 12, 2016 telephone conversation with Board staff, CNA acknowledged she did not have the required 400 paid hours for renewal and, therefore, was ineligible for renewal on May 28, 2015. CNA is not currently working under the supervision of a nurse.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(b)(d)(f), OAR 851-062-0070(3)(c)(A) and OAR 851-063-0090(9)(a), which read as follows:

ORS 678.442 Certification of nursing assistants; rules. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who:

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

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

(d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.

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

OAR 851-062-0070 Renewal or Reactivation of Certification

(3) To renew certification a CNA must, prior to the certificate expiration date:

(c) Document paid employment:

(A) Document at least 400 hours of paid employment as a CNA within the CNA or CMA authorized duties, under supervision or monitoring by a nurse, in the two years

immediately preceding the certificate expiration date.

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:

(9) Conduct related to certification violations:

(a) 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;

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

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

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

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

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

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

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

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

IT IS SO AGREED:

Debra Hill, 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**
Lori Linton Nelson, RN, PMHNP) **PROBATION**
)
) **Reference No. 15-00938**

Lori Linton Nelson (Licensee) was issued a Nurse Practitioner license by the Oregon State Board of Nursing (Board) on May 13, 1998.

On or about January 6, 2015, the Board received information that Licensee had inappropriately prescribed medications to patients under her care without adequate assessment and documentation. The Board opened an investigation into the matter.

On March 18, 2015, Licensee voluntarily signed an Interim Order by Consent, restricting her prescribing privileges for controlled (schedule II-IV substances) pending further Order by the Board.

During the course of the investigation, information was obtained which identified areas of Licensee's practice of prescribing medications, including opiates and medications for health conditions outside of a patient's mental health care needs, which deviated from Licensee's scope of practice as a PMHNP.

Additionally, a review of Licensee's medical records and prescribing history over an extended period of time identified a pattern of prescribing which raised cause for concern related to Licensee's prescribing of Benzodiazepines and Stimulant medications to multiple patients. These concerns included but were not limited to; Licensee's prescribing practices included prescribing multiple prescriptions of potentially addictive substances to patients with dual diagnoses of Substance Use Disorder and Mental Health diagnoses without adequate screening, diagnostic testing completed and/or documented for contraindications in prescribing these medications. Licensee also failed to provide evidence of regular urine drug screens, controlled substance contracts or documentation of collaboration with multidisciplinary members of the health care team.

Licensee acknowledges the Board's concerns regarding her practice and has ceased prescribing any medications to patients for purposes other than for the treatment of Mental Health Conditions. Additionally, Licensee has completed numerous continuing education coursework in the last 12 months to assist in the remediation of her practice and increase her knowledge and skills as a PMHNP.

Licensee has cooperated with the Board's investigation and wishes to settle the present disciplinary matter through a stipulated agreement.

By the above actions, Licensee is subject to discipline pursuant to the following: ORS 678.111

(1) (f) and (g); ORS 678.375 (4); ORS 678.380 (1), (2) and (3); ORS 678.385; OAR 851-0045-0070 (1) (a), (b) and (c); OAR 851-050.0005 (4) (a), (b), (c), (d) and (e); (5) (g), (h) (i) and (l); (6), (7), (8), (9) (i). 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.

ORS 678.375: Nurse practitioners; certificates; prohibitions; authority to sign death certificates; drug prescriptions.

(4) A registered nurse, certified as a nurse practitioner, is authorized to prescribe drugs for the use of and administration to other persons if approval has been given under ORS 678.390. The drugs which the nurse practitioner is authorized to prescribe shall be included within the certified nurse practitioner's scope of practice as defined by rules of the board subject to ORS 678.385. (1) and (6); OAR 851-00454-0070 (1) (a), (d) and (n); (4) (a) and (b); OAR 851-050.0005

ORS 678.380 Rules for nurse practitioners; scope. The Oregon State Board of Nursing may adopt rules applicable to nurse practitioners:

(1) Which establish their education, training and qualifications necessary for certification.

(2) Which limit or restrict practice.

(3) Which establish categories of nurse practitioner practice and define the scope of such practice.

ORS 678.385 Prescription formulary; rules. The Oregon State Board of Nursing by rule shall determine the drugs and medicines to be included in the formulary that may be prescribed by a nurse practitioner acting under ORS 678.375, including controlled substances listed in schedules II, III, III N, IV and V. The board shall revise the formulary periodically. [1979 c.785 §16; 1987 c.79 §1; 1989 c.1006 §4; 1991 c.295 §1; 1993 c.742 §4; 1999 c.536 §1]

ORS 678.390 Authority of nurse practitioner to write prescriptions or dispense drugs; notice; requirements; revocation; rules.

(1) The Oregon State Board of Nursing may grant to a certified nurse practitioner the privilege of writing prescriptions described in the formulary under ORS 678.385.

ORS 678.390.0

(6) The privilege of writing prescriptions and dispensing drugs may be denied, suspended or revoked by the Oregon State Board of Nursing upon proof that the privilege has been abused. The procedure shall be a contested case under ORS chapter 183. Disciplinary action under this subsection is grounds for discipline of the nurse practitioner in the same manner as a licensee may be disciplined under ORS 678.111 [1979 c.785 §17; 1981 c.693 §29; 1983 c.486 §58; 1985 c.747 §53; 1987 c.79 §2; 1993 c.742 §5; 2003 c.617 §1]

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.

(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.

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

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

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

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

OAR 851-050.0005: Nurse Practitioner Scope of Practice

(4) Within his or her specialty, the nurse practitioner is responsible for managing health problems encountered by the client and is accountable for health outcomes. This process includes:

(a) Assessment;

(b) Diagnosis;

(c) Development of a plan;

(d) Intervention;

(e) Evaluation.

(5) The nurse practitioner is independently responsible and accountable for the continuous and comprehensive management of a broad range of health care, which may include:

(g) Consultation and/or collaboration with other health care providers and community resources;

(h) Referral to other health care providers and community resources;

(i) Management and coordination of care;

(l) Prescribing, dispensing, and administration of therapeutic devices and measures, including legend drugs and controlled substances as provided in Division 56 of the Oregon Nurse Practice Act, consistent with the definition of the practitioner's specialty category and scope of practice.

6) The nurse practitioner scope of practice includes teaching the theory and practice of advanced practice nursing.

(7) The nurse practitioner is responsible for recognizing limits of knowledge and experience, and for resolving situations beyond his/her nurse practitioner expertise by consulting with or referring clients to other health care providers.

(8) The nurse practitioner will only provide health care services within the nurse practitioner's scope of practice for which he/she is educationally prepared and for which competency has been established and maintained. Educational preparation includes academic coursework, workshops or seminars, provided both theory and clinical experience are included.

(9) The scope of practice as previously defined is incorporated into the following specialty categories and further delineates the population served:

(i) Psychiatric/Mental Health Nurse Practitioner (PMHNP) - The Psychiatric/Mental Health Nurse Practitioner independently provides health care to clients with mental and emotional needs and/or disorders;

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 5 business days from 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 six (6) month period of probation to begin upon Licensee's return to practice, monitored as outlined below.

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

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

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have eighteen (18) months from Board's acceptance of this Order to complete six (6) months of monitored practice.
3. The primary health care setting in which Licensee is employed for the majority of her practice hours per month (hereinafter "the primary worksite setting") shall be monitored. This setting will include the onsite presence of another licensed healthcare professional of equal or higher licensure, who works in the same physical location and is readily available to observe Licensee's practice and provide assistance. It is not required that such a licensed healthcare professional be onsite with the Licensee at all times. However, another licensed healthcare professional of equal or higher licensure shall be onsite at least 50% of the time that Licensee is working in the primary worksite setting.
4. Licensee will also receive independent supervision from another PMHNP, in the Board approved primary worksite setting, who has been approved by the Board (hereinafter "Board approved supervisor") and is available to periodically observe her practice, conduct a randomly selected review of her patients' treatment records where Schedule 2-N and Schedule 4-N prescriptions have been written, and provide assistance and guidance as necessary. The Board approved supervisor will provide on-site supervision to Licensee twice a month. The Board approved supervisor will be readily available to Licensee by telephone for consultation.
5. Licensee *may* work as a PMHNP in up to two additional Board approved work settings without direct supervision, for no more than 25% of the total hours worked per month, if Licensee is unable to obtain consent from the worksite employer(s) allowing the independent Board approved supervisor access to Licensee's patient medical records or to provide consultation services by phone.
6. Licensee's primary worksite setting shall be a setting where Licensee's supervisor, in

conjunction with the Board approved supervisor, agrees to provide one collaboratively written evaluation of work performance (on forms provided by the Board) every three (3) months during the probationary period. The evaluation is expected to be received by Board staff within ten (10) business days of the due date. If the evaluation is not timely received, Board staff will contact the employer and Board approved supervisor 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 PMHNP.

Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer or the Board approved supervisor 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.

7. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
8. Licensee shall maintain an active license.
9. Licensee shall inform Board staff in advance of 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.
10. 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.
11. 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.
12. 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.
13. 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. Licensee shall not work in any non-Board approved practice setting. Licensee will inform current and prospective employers of the probationary status of her licensee, the reasons for probation, and terms and conditions of probation and shall provide the employer with a copy of this Order.

14. Licensee, the entities with which she works, and the Board approved supervisor will cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.
15. In addition to the foregoing terms and conditions, the Board approved primary worksite setting must also agree to the following:
 - i. The Board approved supervisor will have full access to all treatment records for Licensee's patients.
 - ii. The Board approved supervisor will be free to disclose information regarding Licensee's practice to the Board, as requested and/or deemed necessary by the Board and/or the Board approved supervisor.
 - iii. The clinical and administrative supervisors at the Board approved primary worksite will also be free to disclose information regarding Licensee's practice to the Board and the Board approved supervisor.
16. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.
17. Licensee shall complete fifty (50) hours of Board approved continuing education coursework in prescribing practices and substance abuse and dependence (especially treating dual diagnosis patients), to increase Licensee's skills in assessment, limit-setting, treatment planning, and determining risks versus benefits of prescribing Schedule 2-N and Schedule 4 medications for complex patients. While not all courses need to meet Oregon continuing education requirements for nurse practitioners, they must be approved for continuing education credits for some other jurisdiction and/or licensed healthcare professional.

Upon approval of this Order by the Board of Nursing, the March 18, 2015 Interim Order by Consent restricting Licensee's prescribing privileges will be lifted, and Licensee's prescribing privileges will be fully reinstated.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a critical 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 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, 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:

Lori Linton Nelson, NP

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**
Rita Murphy, RN) **REPRIMAND OF LICENSE**
)
License No. 088003117RN) **Reference No. 15-01340**

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

On or about March 13, 2015, the Board received a report of concerns regarding Licensee's delegation of nursing tasks. The Board opened an investigation into the allegation.

While delegating tasks of nursing care to unlicensed personnel in a community based setting, Licensee did not consistently observe unlicensed personnel perform the task and did not consistently provide unlicensed personnel written instructions, to use as a reference and procedural guidance.

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

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

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

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
- (f) Improperly delegating tasks of nursing care to unlicensed persons in settings where a registered nurse is not regularly scheduled.

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 Rita Murphy be reprimanded.

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

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

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

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

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

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

Rita Murphy, 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
Janet Ranney, CNA**

)
) **FINAL ORDER OF REVOCATION OF**
) **NURSING ASSISTANT CERTIFICATE BY**
) **DEFAULT**
)
) **Reference No. 16-00079**

Certificate No. 200811211CNA

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. Janet Ranney (CNA) was issued a Nursing Assistant certificate by the Board on June 18, 2008.

This matter was considered by the Board at its meeting on March 23, 2016.

On February 26, 2016, a Notice stating that the Board intended to revoke the Nursing Assistant certificate of Janet Ranney was sent to her via certified and first-class mail to her address of record. The Notice alleged that on or about June 30, 2015, CNA was impaired at work.

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

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

-I-

FINDINGS OF FACT

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

1. CNA was issued a Nursing Assistant certificate in the state of Oregon on June 18, 2008.
2. On or about June 30, 2015, multiple co-workers of CNA documented that she was exhibiting impaired behavior at work that same day. Later that same day, CNA underwent a drug screen and tested positive for marijuana.
3. On February 26, 2016, Board staff mailed a Notice of Proposed Revocation of Nursing Assistant Certificate to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing.

The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the CNA, Janet Ranney, and over the subject matter of this proceeding.
2. That CNA's conduct is in violation of ORS 678.442(2)(c) and (d) and (f) and OAR 851-063-0080(3) and (4) and (6) and OAR 851-063-0090(7)(b) and (c).
3. That CNA defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Nursing Assistant certificate of Janet Ranney is revoked.

DATED this ____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: JANET RANNEY:

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

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Cynthia Severin, RN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 201408616RN) **Reference No. 16-01096**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Cynthia Severin (Licensee) was issued a Registered Nurse License by the Board on December 19, 2014. Severin's Registered Nurse License expired on February 27, 2016.

This matter was considered by the Board at its meeting on March 23, 2016.

On February 26, 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 Cynthia Severin 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 December 19, 2014.
2. On or about January 11, 2016 Licensee was reported to the Board for allegations she may have a substance abuse problem. The Board opened an investigation into the matter.
3. On January 28, 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 February 18, 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 February 26, 2016, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. On February 27, 2016 Licensee's Registered Nurse License expired.
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, Cynthia Severin, 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 Cynthia Severin 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 Cynthia Severin has fully cooperated with

the Board's investigation. Should the Board reinstate the Registered Nurse License of Cynthia Severin, she would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: CYNTHIA SEVERIN:

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**
Michelle Spangler, RN) **PROBATION**
)
License No. 201241678RN) **Reference No. 16-01067**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses (RN). Michelle Spangler (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on June 27, 2012.

On or about January 5, 2016, Licensee self-reported to the Board that she diverted narcotics from her workplace and had substance abuse issues. 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(2)(f)(i), which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall 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:

Michelle Spangler, 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**
Deborah Taylor, RN) **VOLUNTARY SURRENDER**
)
License No. 201243519RN) **Reference No. 16-01363**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Deborah Taylor (Licensee) was issued a Registered Nurse License by the Board on November 01, 2012.

On or about January 8, 2015, the Board received information that Licensee had diverted insulin from work with the intent of harming herself and then returned it the following day.

On September 16, 2015 the Board approved of licensee's entry into the Health Professional Services Program (HPSP) with a diagnoses of PTSD for two years duration.

Licensee has been unable to find employment in the area where she resides and is planning a move out of State. By the above actions, Licensee is subject to discipline pursuant to:

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:
 - (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 678.448 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:

- (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.

851-070-0090 Completion Requirements

(2) To successfully complete the Health Professionals' Services Program, licensees with a mental health disorder, but no substance use disorder, must have participated in the HPSP program for a minimum of two years and have worked for at least one year in a supervised monitored practice. Licensees with a mental health disorder may be required to submit to random alcohol or drug testing only in cases when such testing is recommended by a third-party evaluator based on a diagnosis of substance use disorder. Testing shall be consistent with the evaluator's recommendations. Licensees must complete the required year of supervised monitored practice within two years of entering the Health Professionals' Services Program.

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 Deborah Taylor be accepted. If, after a minimum of three years, Ms. Taylor 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.

Deborah Taylor, 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

Preston Walker, CNA

Certificate No. 201391206CNA

)

) **FINAL ORDER OF REVOCATION**

) **OF NURSING ASSISTANT**

) **CERTIFICATE BY DEFAULT**

)

) **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 March 23, 2016.

On February 22, 2016, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Preston Walker was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder engaged in conduct unbecoming a nursing assistant.

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

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

**-I-
FINDINGS OF FACT**

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on July 29, 2013.
2. On or about March 15, 2015 Certificate Holder was arrested for DUII, Reckless Driving and Reckless Endangering in Linn County, Oregon.
3. On or about May 22, 2015, Certificate Holder was convicted of DUII and Reckless Endangering in Linn County, Oregon.
4. On or about September 4, 2015, Certificate Holder was charged with Initiating a False

Report, Misuse of 911 and Possession of a Controlled Substance, methamphetamine charges in Linn County Oregon.

5. On or about January 8, 2016, Certificate Holder was convicted of Possession of a Controlled Substance, methamphetamine and Initiating a False Report in Linn County Oregon.
6. Certificate Holder failed to cooperate with the Board's investigation.
7. Certificate Holder engaged in inappropriate conduct while working as a CNA.
8. On February 22, 2016, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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

-III-
ORDER

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

ORDERED that the Nursing Assistant Certificate of Preston Walker is REVOKED.

DATED this ____ day of March, 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.

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Ashley Wiens) **PROBATION**
)
CNA Applicant) **Reference No. 16-00130**

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. In June 2015, Ashley Wiens (Applicant) submitted an application to the Board for Certified Nursing Assistant (CNA) certification.

On her application for CNA certification, Applicant disclosed her substance use history. Applicant stated she developed a substance addiction in 2011 and struggled with maintaining long-term sobriety over the next several years. Applicant stated, in April 2014, she sought treatment, and she successfully completed all of her treatment recommendations. Applicant stated she has maintained sobriety since April 2014 and provided supporting documentation.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(7)(c), 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:

- (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.

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

Applicant shall be placed on probation effective the date she is issued a CNA certificate following the Board's approval of this Stipulated Order for Probation. Applicant's compliance with this Order will be monitored by the Oregon State Board of Nursing. Applicant must complete a twenty-four (24) month period of probation to begin upon Applicant's return to work, monitored as outlined below. Applicant must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Applicant must work in a setting where Applicant can exercise the full extent of Applicant's scope of duties, in order to demonstrate Applicant's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

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

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

9. Applicant shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Applicant's certification, the reasons for probation, and terms and conditions of probation. If Applicant's employer has a Nurse Executive, Applicant shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Applicant shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Applicant's work and provide assistance. Applicant shall be employed in a setting where Applicant'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, Applicant may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Applicant's employer shall inform Board staff of any instance of Applicant's non-compliance with the terms and conditions of this Order or of any other concern regarding Applicant's work-related conduct or personal behavior that may affect Applicant's ability to perform the duties of a nursing assistant.
12. Applicant shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Applicant shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. Applicant shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Applicant's immediate removal from working as a nursing assistant. Applicant shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Applicant's employer. Applicant shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Applicant understands that Applicant is financially responsible for any and all costs related to testing. Applicant's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.
15. Upon request of Board staff, Applicant shall obtain an evaluation by a Board approved substance abuse evaluator. Applicant understands that Applicant is financially responsible for any and all costs related to testing and evaluating. Applicant shall participate in and comply with any treatment recommendations set forth by the

evaluator approved by the Board. Within fourteen (14) days of completing treatment, Applicant shall submit to Board staff a copy of Applicant's completion certificate or discharge summary. Applicant shall sign any release of information necessary to allow Board staff to communicate with Applicant's treatment provider and release Applicant's treatment records to the Board.

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

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

Applicant understands that in the event Applicant engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action

against Applicant's certificate, up to and including revocation of Applicant's certification to perform the duties of a nursing assistant.

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

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

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

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

IT IS SO AGREED:

Ashley Wiens

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date