

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Kevin Matthew Bates, RN	) STIPULATED ORDER FOR 60 DAY) SUSPENSION FOLLOWED BY) PROBATION WITH SPECIAL CONDITIONS
License No. 201801380RN	) Reference No. 2023030017

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kevin Bates(Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on February 23, 2018.

On or about March 6, 2023, the Board received information that Licensee was terminated after complaints from a female coworker that licensee had touched her in an offensive and unwelcome manner without their consent, along with calling the coworker derogatory names. Licensee had prior discipline of Reprimand for similar behaviors.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(l)(f)(g) and OAR 851-045-0070(6)(a), which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

(6) Conduct related to co-workers and health care team members:

(a) Engaging in violent, abusive or threatening behavior towards a co-worker

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 Kevin Bates be suspended for 60 days, then be placed on Probation. Licensee will complete PBI- Professional Boundaries & Ethics (PB-24) within 90 days of the Board signing this order. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee 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 Board acceptance of this Stipulated 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 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, Licensee's probationary status will be reevaluated.
- 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 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 Board staff. 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 Licensee's license, the reasons for Licensee's 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 a copy of the Stipulated Order for Probation when Licensee is employed.

10) Licensee shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Licensee's practice and provide assistance and who has taken the required Board approved Monitor/Supervisor training. 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 the Board of any instance of the Licensee's non-compliance with the terms and conditions of this Stipulated Order, or of any other behavior concern(s) there may be regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to practice as a nurse.

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

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

14) Licensee shall not be a nursing faculty member or an advance practice preceptor.

15) Licensee shall not be approved for enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license.

16) Licensee shall participate in the Board's random drug testing program. Failure to comply with random urine, blood, hair, nail, or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to observed 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 Stipulated Order. Upon request of Board staff, Licensee shall obtain a substance use disorder evaluation by a Board approved third party 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 Stipulated Order.

17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol while participating in the

Board's random urine drug testing program except as provided in section 19 below. Licensee shall avoid any over the counter products and food items containing alcohol, marijuana and poppy seeds.

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

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

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

21) Licensee shall maintain a relationship with an individual mental health therapist/psychiatrist. Licensee agrees to participate in and comply with monthly mental health therapist sessions. Licensee will provide releases with therapist for the Board to communicate with provider. Licensee will have the mental health therapist/psychiatrist submit a quarterly report of compliance, and 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 Licensee 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. Licensee agrees to cease practice if not compliant with monthly therapist participation.

22) 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 and/or mental health therapist/psychiatrist.

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

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

Licensee understands that the conduct resulting in the violations of law, described in this Stipulated 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 also understands that in the event Licensee engages in future conduct resulting in violations of the law or terms of probation 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 Stipulated Order will be submitted to the Board of Nursing for 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 Stipulated Order.

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

[Redacted Signature]

Kevin Bates, RN

04/11/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

5/17/23

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Debra Blondo, RN) STIPULATED ORDER FOR) REPRIMAND OF REGISTERED NURSE LICENSE)) Reference No. 2022100082
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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurses. Debra Blondo(Licensee) was issued a RN license by the Board on 08/27/1987.

On or about October 12, 2022, the Board received information that Debra Blondo RN failed to properly delegate insulin to a resident that was not stable and predictable.

By the above actions, Debra Blondo RN is subject to discipline pursuant to: ORS 678.111(1)(f), OAR 851-045-0040 (1)(a)(b)(c)(A), 851-045-0070(2)(a)(b)(g), 851-047-0030(b)(2)(a)(b)

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand, or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by 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

851-045-0040

Scope of Practice Standards for All Licensed Nurses

(1) Standards related to the licensee's responsibility for safe nursing practice. The licensee shall:

- (a) Practice within the laws and rules governing the practice of nursing at the level the nurse is licensed;
- (b) Ensure competency in the cognitive and technical aspects of a nursing intervention or a nursing procedure prior to its performance; and
- (c) Self-regulate one's professional practice by:
 - (A) Adhering to professional practice and performance standards

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

- (2) Conduct related to achieving and maintaining clinical competency:

- (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
- (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment;
- (g) Improperly delegating the performance of a nursing procedure to a UAP

851-047-0030

Delegation of Special Tasks of Client/Nursing Care

- (b) The responsibility, accountability and authority for teaching and delegation of tasks of nursing care to unlicensed persons shall remain with the Registered Nurse.
- (2) The Registered Nurse may delegate a task of nursing care to unlicensed persons, specific to one client, under the following conditions:
 - (a) The client's condition is stable and predictable.
 - (b) Determine that the client's condition is stable and predictable prior to deciding to delegate;

Licensee has completed the following education to improve her practice:

Licensee worked one on one with a nurse consultant for education on delegations.

Debra Blondo RN 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 Debra Blondo RN

That the RN Licensee of Debra Blondo be reprimanded.

Debra Blondo 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.

Debra Blondo understands that in the event they engage in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against their RN licensee, up to and including revocation of their RN licensee to practice as a Registered Nurse.

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

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

Debra Blondo understands that this Order is a document of public record.

Debra Blondo understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Debra Blondo, RN

04/19/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff
Board President

5/17/23

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Scott Carter, RN**

**) STIPULATED ORDER FOR
) REPRIMAND OF LICENSE
) WITH SPECIAL CONDITIONS
) Reference No. 22-00831**

License No. 201703579RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse. Scott Carter (Licensee) was issued a Registered Nurse License by the Board on May 18, 2017.

On or about June 13, 2022, the Board received information that Licensee had entered a blood-pressure recording that had not been taken into a patient record. Licensee was experiencing long-haul Covid symptoms at the time.

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

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

(4) Conduct related to communication:

(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:

(E) Falsifying data;

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 Scott Carter be reprimanded. Licensee agrees to complete the following three (3) continued education classes- Ethics, PBI Medical Recordkeeping (MR-17), and a Critical Thinking course, within 30 days of the Board signing the order.

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

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Scott Carter, RN

3 May 2023
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

5/17/23
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Penney Casperson, RN) **VOLUNTARY SURRENDER**
)
License No. 201700817RN) **Reference No. 2022120185**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Penney Casperson was issued a Registered Nurse License by the Board on February 09, 2017.

On December 19, 2022, the Board received a complaint alleging RN Casperson signed Physicians signature on a prescription order. The Board opened an investigation.

On or about December 18, 2022, the Licensee forged a physician's signature on a prescription for patient medications and then inappropriately obtained medication and delivered to patient.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(a)(b)(8)(k) which provide as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

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

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

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

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender their 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 Penny Casperson be accepted. If, after a minimum of three years, Penny Casperson wishes to reinstate their Registered Nurse license, they may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a Registered Nurse from the date the Order is signed.


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, **Penney Casperson** 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 the signing of this Order.

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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


Penney Casperson, RN

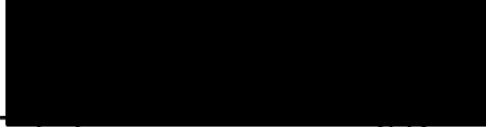
04/24/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

Handwritten initials, possibly 'JD', written in blue ink below the signature line.

Date

5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of	) STIPULATED ORDER FOR
Patricia Donnelly, RN	) CIVIL PENALTY
)
License No.)
201608623RN	Reference No. 2022110187

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Patricia Donnelly was issued a Registered Nurse license by the Oregon State Board of Nursing on October 1, 2021.

On or about November 21, 2022, the Board received information that Licensee had violated HIPAA by accessing a patient’s medical record on 6 different occasions without a medical need to do so, while employed as a RN with Wellpath on assignment at Yamhill County Jail.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(f) and ORS 678.117(1)(2)(a)(b)(3)(4)(5) and OAR 851-001-0009(1)(3)(a) and OAR 851-045-0070(2)(a)(8)(o)** which reads as follows:

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

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

ORS 678.117 Procedure for imposing civil penalty; amount; rules.

- (1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of **ORS 678.010 to 678.448** or any rule of the board. No civil penalty shall exceed \$5,000.
- (2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
 - (a) The past history of the person incurring the penalty in observing the provisions of **ORS 678.010 to 678.448** and the rules adopted pursuant thereto.
 - (b) The economic and financial conditions of the person incurring the penalty.
- (3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.
- (4) Civil penalties under this section shall be imposed as provided in **ORS 183.745**.

(5) All penalties recovered under this section shall be credited to the special account described in **ORS 678.170**.

OAR 851-001-0009 Imposition of Civil Penalties

Imposition of a civil penalty does not preclude disciplinary sanction against the license or certificate holder and disciplinary sanction against the license or certificate does not preclude imposing a civil penalty. Criminal conviction does not preclude imposition of a civil penalty for the same offense.

(1) The Board will consider factors listed in **ORS 678.117 (2)** when determining the amount of civil penalty to be imposed and per **ORS 678.117 (1)**, no single violation civil penalty shall exceed \$5000.

(3) A civil penalty of a minimum of \$500 to a maximum of \$5000 per violation is assessed for any of the following:

(a) Conduct derogatory to the standards of nursing or conduct unbecoming a Nursing Assistant.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

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

(o) Violating a person's rights of privacy and confidentiality of information by accessing information without proper authorization or without a demonstrated need to know.

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

That the Board impose a civil penalty against the Registered Nurse license of Patricia Donnelly in the amount of \$3000.00.

Licensee admits that the above statements are accurate, and that Licensee's actions constitute a violation of the Nurse Practice Act.

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 for Civil Penalty, 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 the Licensee to sign this Order.

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


Licensee shall make twenty-four (24) monthly payments of \$125.00. The first payment is to be received by the Board by the first day of the month following the Boards acceptance of this Stipulation and thereafter, a payment on the 1st day of every month until the whole sum is paid. Please note that your payment amount was rounded, which means that your final payment may be less or more than the monthly payment listed above.

Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224 by check or money order; alternatively, payment may be made online by logging into your Oregon State Board of Nursing Licensing Portal and clicking on Pay Civil Penalty Fees.

Licensee understands that if payment is 60 days overdue from the date due as stated in this Stipulation, collection of the Civil Penalty will be assigned to the Oregon Department of Revenue. In the event any amount is assigned for collection, the Licensee may be subject to further disciplinary action by the Board which could include suspension, revocation, or denial of licensure.

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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



Patricia Donnelly,
RN

05/02/23
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON


Judith Woodruff, JD
Board President

5/17/23
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Stacie Duell, RN) **PROBATION**
)
License No. 200641553RN) **Reference No. 23-00092**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Stacie Duell (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on June 30, 2006.

On or about August 15, 2022, the Board received information that Licensee reported to work impaired by alcohol.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 and OAR 851-045-0070.

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. Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

(7) Conduct related to impaired function:

(b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance; or

(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, 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 of nursing.

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

That the Registered Nurse License of Stacie Duell be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week on average, and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee 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 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 contact information which includes address, email address, and phone number.

4) Licensee shall maintain an active license.

5) Licensee shall inform Board staff in advance of any move from Oregon. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated. If monitoring is approved and transferred to another Board of Nursing, Licensee shall successfully complete all requirements of the Board Order of the other jurisdiction. Licensee shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Licensee's compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order. While licensee practices in another state, those hours will only be counted toward her Oregon probation if the position meets the monitoring requirements per line ten (10) of this stipulated order.

6) Licensee shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff. This includes being required to attend an in-person meeting.

7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.

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

9) Licensee shall inform current and prospective employers of the probationary status of Licensee's license, the reasons for Licensee's 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 a copy of the Stipulated Order for Probation when Licensee is employed.

10) Licensee shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Licensee's practice and provide assistance and who has taken the required Board approved Monitor/Supervisor training. 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 Stipulated Order or of any other concern there may be 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, disciplinary actions, and terminations. Licensee shall immediately notify Board staff if they will be unable to meet the minimum monitored practice requirement of 16 hours per week or 64 hours per month due to leave from work. The inability to meet the monitored practice requirement due to leave may extend the probationary period.

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

14) Licensee shall not be a nursing faculty member or an advance practice preceptor.

15) Licensee shall not be approved for enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license.

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

treatment records to the Board.

17) Licensee shall participate in the Board's random drug testing program. Failure to comply with random urine, blood, hair, nail, or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to observed 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 Stipulated Order. Upon request of Board staff, Licensee shall obtain a substance use disorder evaluation by a Board approved third party 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 Stipulated Order.

18) Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while participating in the Board's random urine drug testing program, except as provided in Section 19 below. Licensee shall avoid any over-the-counter products and food items containing alcohol, THC including CBD products, and poppy seeds.

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

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

21) Licensee shall notify any and all healthcare providers of the nature of Licensee's diagnoses to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. 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 Stipulated Order.

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

23) Licensee shall cooperate fully with Board staff in the supervision and investigation of

Licensee's compliance with the terms and conditions of this Stipulated Order.

Licensee understands that the conduct resulting in the violations of law described in this Stipulated 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 the terms of this Stipulated Order and/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 Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

IT IS SO AGREED:



Stacie Duell, RN

Apr 27, 2023

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

Handwritten signature of Judith Woodruff, JD, in blue ink.

Date 5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Jaleen Ford, NP**

**) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER OF
) NURSE PRACTITIONER LICENSE
) Reference No. 23-00103**

**License No. 201407547NP-PP,
201405249RN**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Jaleen Ford (Licensee) was issued a Nurse Practitioner License by the Board on October 24, 2014.

On or about 8/23/2022, the Board received information that Licensee improperly prescribed medications. The Board opened an investigation.

During the investigation, Licensee agreed to voluntarily surrender their Nurse Practitioner License effective 6/9/2023.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), OAR 851-045-0070(o), OAR 851-0555-0010(1)(3)(j), OAR 851-055-0072(d)(i)

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

(o) Failing to establish or maintain professional boundaries with a client;

OAR 851-055-0010 Scope and Standards of Practice for All Licensed Advanced Practice Registered Nurses

(1) The APRN independently provides healthcare services within the scope of practice for which the APRN is educationally prepared and clinically trained with competency maintained in accordance with any other applicable rules, regulations, and prevailing standards. All standards and scope of practice found in OAR 851-045 related to the practice of Registered Nursing are applicable to APRNs

(3) Within the context of the APRN role, the APRN is responsible for utilizing the nursing process which includes:

(j) Prescribing, dispensing, and administration of medications, therapeutic devices and

measures.

OAR 851-055-0072 Conduct Derogatory to the Standards of Nursing of Prescriptive or Dispensing Privilege

- (d) Prescribing, dispensing or distributing drugs to an individual not within the scope of practice or population foci;
- (i) Failure to properly assess and document client assessment when prescribing, dispensing, administering, or distributing drugs;

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender their Nurse Practitioner 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 Nurse Practitioner license of Jaleen Ford be accepted. If, after a minimum of three years, Ms. Ford wishes to reinstate their Nurse Practitioner license, Jaleen Ford may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a Nurse Practitioner in Oregon from the date of 6/9/2023.

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, **Jaleen Ford** 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 the signing of this Order.

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Jaleen Ford, NP

05/01/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

A handwritten signature in cursive script, appearing to be 'JD'.

Date

5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of	) STIPULATED ORDER FOR
Dylan Fore, CNA LPN	) VOLUNTARY SURRENDER
)
License No.)
202001240CNA202202778LPN	Reference No. 2023030182

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including LPN's. Dylan Fore (Licensee) was issued an LPN license on March 17, 2022, and issued a CNA certificate by the Board on February 6, 2020.

On or about March 24, 2023, the Board received information that Licensee had been diverting narcotics from his employer.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(8)(k)(q).

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

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

(f) Conduct derogatory to the standards of nursing.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

(q) Failing to dispense or administer medications in a manner consistent with state and federal law;

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender their CNA Certificate and LPN License.

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

That the voluntary surrender of the CNA Certificate and LPN License of Dylan Fore be accepted. If, after a minimum of three years, Fore wishes to reinstate their LPN License or CNA certificate, Dylan Fore may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a CNA or LPN from the date the Order is signed.

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, **Dylan Fore** 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 the signing of this Order.

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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



Dylan Fore, CNA LPN


04/24/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON


Judith Woodruff, JD
Board President

Date

5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE
OREGON STATE BOARD OF NURSING**

IN THE MATTER OF:	)	FINAL ORDER
)	
ALMA GARBODEN, RN	)	OAH Case No. 2022-ABC-05694
License No. 200943262RN	)	Agency Case No. 22-00687

HISTORY OF THE CASE

On November 18, 2022, the Oregon State Board of Nursing (Board) issued a Notice of Proposed Civil Penalty of License to Alma Garboden, RN (Licensee). On October 6, 2022, Licensee requested a hearing.

On November 18, 2022, the Board referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Alison Greene Webster to preside at hearing.

ALJ Webster convened a prehearing conference by telephone on January 6, 2023. Senior Assistant Attorney General (AAG) Lori Lindley represented the Board, with agency representative Heather Primus also present. Licensee did not call in for the conference. During the conference, the ALJ scheduled the hearing for March 16-17, 2023. Following the conference, the OAH issued the Notice of Hearing to all parties.

ALJ Webster held the hearing as scheduled on March 16, 2023, at the Board's offices in Portland, Oregon. AAG Lindley represented the Board, with agency representative Molly Taube. Licensee appeared without counsel. The following individuals testified at the hearing: Therese Reynolds, Nurse Manager; Laurie Shielee, Senior Compliance Specialist; Ms. Taube; and Licensee. The record closed on March 16, 2023, at the conclusion of the hearing.

On March 24, 2023, ALJ Webster issued a Proposed Order finding that Licensee engaged in conduct derogatory to the standards of nursing and proposing \$7000 in civil penalties. In the Proposed Order, Licensee was notified of the exceptions period and the requirement that exceptions be filed within 10 days of the date of service of the Proposed Order.

On April 10, the Board received a letter from Licensee requesting a reduction of the total amount of civil penalties. To the extent that Licensee intended this letter to be exceptions, it is not timely and the Board is not considering it. Even if the Board were to consider the letter, it does not change the Board's decision regarding imposition of \$7000 in civil penalties.

After considering the record and the Proposed Order, the Board hereby adopts this Final Order.

ISSUES

1. Whether Licensee engaged in conduct derogatory to the standards of nursing by accessing patient medical records without proper authorization or a demonstrated need to know. ORS 678.111(1)(f); OAR 851-045-0070(8)(o).

2. If Licensee accessed patient medical records in violation of ORS 678.111(1)(f) and OAR 851-045-0070(8)(o), what is the appropriate sanction to impose for this conduct? ORS 678.117(2); OAR 851-001-0009(3)(a).

///

EVIDENTIARY RULING

Board Exhibits A1 through A14 were admitted into the record without objection.

FINDINGS OF FACT

Background

1. At all times pertinent to this matter, Licensee was employed by Providence Health & Services (Providence Health) as a Registered Nurse-Float Pool, assigned to the Emergency Department at Providence Portland Medical Center. (Test. of Reynolds; test. of Garboden.) Licensee obtained her nursing degree in 2011, and began working for Providence Health as a Registered Nurse (RN) in 2014. (Ex. A1.) She has consistently had positive performance reviews throughout her employment with Providence Health. (Test. of Garboden.)

2. Upon their hire at Providence Health, all employees must sign Providence Health's Confidentiality and Nondisclosure Statement. By signing the statement, the employee agrees not to abuse access to the computer system to examine information that is beyond the employee's legitimate need to know. (Test. of Reynolds; Ex. A1 at 30.)

3. All Providence Health employees must complete annual education in compliance, privacy, and security. Currently, Providence Health uses the Qstream software platform for the annual education. As part of the annual training, Providence Health caregivers must correctly answer a series of questions in the Qstream program, including privacy and security compliance questions. Several of these questions deal specifically with access to, and disclosure of, protected health information (PHI).¹ (Test. of Reynolds; test. of Shielee.)

¹ PHI, as defined by Federal law and set out in Providence Health's privacy policies, means any individually identifiable health information, including demographic information created or received by a health care provider relating to the past, present, or future physical or mental health condition of an individual; the provision of health care to an individual; and the past, present, or future payment information for the provision of health care to an individual. (Ex. A5 at 5; *see also* 45 CFR §160.103.)

4. As required under the Health Insurance Portability and Accountability Act (HIPAA),² Providence Health established a Privacy Sanctions Policy (PSJH-RIS-734). This policy defines PHI and establishes three violation levels for failing to comply with Providence Health's privacy regulations, policies, and procedures. Under the Privacy Sanctions Policy, a Level One violation is unintentional, and results from an error or inadvertent mistake, *i.e.*, a one-time occurrence where the employee is not expected to have known better. A Level Two violation is deemed low to moderate risk, and results from a situation where the employee knew, or reasonably should have known, that the conduct constitutes a policy violation. Finally, a Level Three violation is intentional, deemed a significant risk, and is the result of deliberate action where the employee knew, or reasonably should have known, that the conduct is a violation of Providence Health's privacy and/or security policies. (Ex. A5 at 6-7; test. of Shielee.) Level Three violations include the following conduct:

Viewing of PHI (including demographic information alone) by use of identity look up modules in the electronic health record, or by use of other means, for the purpose of personal benefit privacy/curiosity or when there is no business or medical purpose.

(Ex. A5 at 7.) Generally mitigating factors will not be considered for Level Three violations. (*Id.*)

5. Providence Health also established policy PSJH-RIS-850.07, regarding the rights of individuals to request privacy protection for PHI, access of individuals to PHI, amendment of PHI, and an accounting of disclosures of PHI. As pertinent here, this policy provides:

² HIPAA is a federal law designed to ensure the continuity of health insurance coverage and required the implementation of regulations that included privacy protections for health care patients by prohibiting the unnecessary dissemination of individually identifiable health information. *See* Public Law 104-191. 45 C.F.R. 160.103 defines "individually identifiable health information" as:

A subset of health information, including demographic information collected from an individual, and:

(1) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and

(2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and

(i) That identifies the individual; or

(ii) With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

The phrase "protected health information" is also used in HIPAA regulations. "Protected Health Information" means, with a few exceptions not relevant in this matter, transmitted or maintained individually identifiable health information. 45 C.F.R. 160.103.

E. Workforce Members of [Providence Health] and Right of Access to PHI

1. Workforce members are prohibited from accessing or making any changes in their own health records. Workforce members can obtain copies of their medical information in accordance with [Providence Health] policy and processes through Health Information Management.
2. Workforce members are prohibited from accessing the PHI of any other person, including but not limited to family, friends, neighbors, coworkers, or persons of interest, unless they have a legitimate business-related need to do so.

(Ex. A5 at 17.)

6. Providence Health uses a computer software application known as “Epic” to manage medical records. Health care providers at Providence login to Epic to access their patients’ electronic medical records (EMR). One way an Epic user can access a patient’s EMR is to start with the “patient lookup” screen. The user can type a patient’s name (or medical record number (MRN)) into the “Name/MRN” box and run a search by clicking on the “Accept” button on the screen. The user can customize the patient look up search by adding a social security number, birth date, gender, and/or EPI ID number. (Ex. A11 at 1; test. of Shielee.)

7. When the Epic user runs a patient search by last name, the system displays a search result screen (identity report) listing all patients meeting the search criteria. Each patient matching the search criteria is listed on a separate row. The identity report shows the following information: the patient’s full name, MRN, date of birth, sex, and mailing address. When the user hovers over and highlights a row on the identity report list, the system displays an “expanded details report” screen, showing additional information for the identified patient, such as phone number(s), email address, ethnicity, language, religion, primary care physician, vitals, and active treatment plans. (Ex. A11 at 2-4; test. of Shielee.) Per Providence Health policy and annual compliance training, the information displayed on the identity report page and the patient expanded details report screen is PHI. (Test. of Shielee.)

8. When the Epic user clicks on a patient’s name (or row) on the identity report screen, the Epic system displays the “Patient Station” page for that patient. The Patient Station is the main landing page for that patient’s records. The Patient Station page displays a list of patient “encounters” (*i.e.*, appointments, office visits, procedures), with basic information about the encounter, including the status, date, time, location, provider, and reason. The Patient Station page also has demographic information about the patient and billing information (guarantors and coverages). The user can click on a row in the encounter list to access more information about the selected encounter, including chart notes from the encounter. (Ex. A11 at 6; test. of Shielee.)

9. In Epic, certain patients, or certain patient records, have an additional layer of privacy protection known as a “Break the Glass” warning. When an Epic user tries to access a patient record that has the Break the Glass tool enabled, the system will display a prompt that requires the user to enter the reason for accessing that record. The user must select a reason, such as patient care, investigation, or billing, to access the records sought. Providence enables the Break

the Glass tool on highly sensitive records, such as psychiatric records. (Test. of Shielee; test. of Reynolds.)

Licensee's conduct

10. On her hiring in November 2014, Licensee signed, among other things, the Providence Health's Confidentiality and Nondisclosure Statement and an Acknowledgement of Commitment to the Code of Conduct. (Ex. A1 at 30-31.) As of February 2022, Licensee was up to date on her annual compliance education and employer policy review, having last completed her annual privacy education in April 2021 and policy review in July 2021. (Ex. A5 at 1.)

11. During her shift on February 25, 2022, at about 9:51 p.m., Licensee accessed Epic. Licensee went to the "patient lookup" screen, entered her last name in the name search box, and clicked on Accept to run a patient search. The last name search resulted in an identity report, listing Licensee and at least 13 other patients with her same last name. Licensee highlighted her name in the search result list, and clicked, bringing up her Patient Station page. From that page, Licensee looked up several of her patient encounters. Licensee returned to the patient look up search result/identity report screen and highlighted several other patient names, bringing up the expanded details report screen with additional PHI for each of these patients.³ Between 9:53 p.m. and 9:54 p.m., Licensee clicked on two other patient name rows bringing up the Patient Station screens for patients LRG and CEG. After that, at around 10:17 p.m., Licensee ran a patient look up search using the last name of a coworker. From that search result list, Licensee viewed the expanded details report screen for her co-worker, patient DB. (Ex. A4; test. of Shielee.) Licensee accessed these records out of curiosity and to see if Providence Health employees had the Break the Glass tool enabled on their records. (Test. of Licensee.)

Investigation

12. Providence Health's compliance department received an alert about a potential privacy breach/violation in connection with Licensee's use of Epic to access medical records on the night of February 25, 2022. Providence Health assigned then-Senior Compliance Specialist Laurie Shielee to investigate the incident and conduct a privacy assessment. Ms. Shielee contacted Licensee's Nurse Manager, Therese Reynolds, to discuss the matter. Ms. Shielee also ran an audit of Licensee's use of Epic on February 25, 2022. The audit showed the patient look up searches that Licensee ran, the patient names she highlighted, the patient names she clicked on, the Patient Station pages she accessed, and the patient encounters she viewed. (Test. of Shielee; Ex. A4.)

13. Ms. Reynolds set up an investigatory interview. On March 9, 2022, Ms. Reynolds, Ms. Shielee, and Jody Lamarr from Providence Health's Human Resources department, met with Licensee to discuss Licensee's use of Epic to look up patient records. During the meeting, Licensee admitted that she accessed patient medical records without a business-related purpose.

³ Between 9:51 p.m. and 9:54 p.m., Licensee brought up the expanded details reports for 13 patients: LRG, AJG, AG, AMG, CEG, TMG, TNG, SG, SAG, SLG, RMG, PG, and LAG. (Ex. A4; test. of Shielee.)

Licensee explained that she wanted to see if there was a Break the Glass warning on her co-worker's record, because she thought that all caregivers had that tool enabled on their records, and she had not seen it on hers. Licensee also admitted that she accessed several patient records using her last name as a search. (Ex. A5; test. of Reynolds; test. of Shielee; test of Garboden.)

14. Following the March 9, 2022 interview, Ms. Shielee completed a Privacy Assessment Report, in which she determined that Licensee's conduct in accessing patient records on the night of February 25, 2022 violated Providence Health's Privacy Sanctions Policy PSJH-RIS-850.07, and the company's Confidentiality and Nondisclosure policy.⁴ In her report, Ms. Shielee explained:

The Privacy Office has assigned a Level Three Violation to this incident, and it is considered to be "serious or gross misconduct" as defined by the HR Counseling and Corrective Action Policy.

(Ex. A5 at 2.)

15. Based on Licensee's Level Three Violation while using Epic, Providence Health terminated Licensee's employment. (Test. of Reynolds.) By letter dated March 10, 2022, the employer notified Licensee that "[o]ur records will indicate that the reason for the end of your employment is involuntary discharge for a HIPAA Policy violation." (Ex. A6.) The letter also advised that Licensee would be ineligible for rehire at Providence Health. (*Id.*)

16. On or about March 14, 2022, Licensee self-reported her termination from Providence Health to the Board. In explaining the circumstances, she wrote:

On February 25th, 2022, during my break at work, I accessed my own medical record. As a Providence employee I declined medical insurance with Providence because I have it somewhere else. I never used Providence for any of my medical needs, so I wanted to know why it is there and I opened up and browsed my own chart. Per Providence PHI Policy revised in 2020-employees cannot access their own records because it belongs to Providence, therefore I violated Providence policy. At the time I was not aware of it, I was told about it later; if I know I would not have done so.

(Ex. A12.)

Board policy regarding privacy violations

17. The Board considers the violation of a person's rights of privacy and confidentiality of information as a very serious matter. In the last several years, the Board has imposed civil penalties as well as other disciplinary sanctions on licensees who violate the Nurse Practices Act by inappropriately accessing patient medical records. The Board will generally assess a

⁴ Licensee violated Providence Health's Confidentiality policy by accessing her own medical record, but that conduct did not constitute a "privacy violation" under the Privacy Sanctions Policy because it was her personal information. (Test. of Shielee.)

minimum civil penalty of \$500 per violation of OAR 851-045-0070(8)(o) (accessing private and confidential information without proper authorization or a demonstrated need to know). In determining the civil penalty amount, the Board will also consider the factors set out in ORS 678.117(2), the depth and breadth of information accessed, and the licensee's candor with the Board. (Test. of Taube.)

CONCLUSIONS OF LAW

1. Licensee engaged in conduct derogatory to the standards of nursing by accessing patient medical records without proper authorization or a demonstrated need to know. ORS 678.111(1)(f); OAR 851-045-0070(8)(o).

2. Licensee accessed the medical records of 14 patients in violation of ORS 678.111(1)(f) and OAR 851-045-0070(8)(o). The appropriate sanction is a civil penalty of \$7,000. ORS 678.117(2); OAR 851-001-0009(3)(a).

OPINION

The Board has the burden of establishing by a preponderance of the evidence that the alleged violation(s) occurred and that the proposed sanction is appropriate. ORS 183.450(2) ("The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position"); *Dixon v. Board of Nursing*, 291 Or App 207 (2018) (the standard of proof that generally applies in agency proceedings, including license-related proceedings, is the preponderance of the evidence standard); *Metcalf v. AFSD*, 65 Or App 761, 765 (1983) (in the absence of legislation specifying a different standard, the standard of proof in an administrative hearing is preponderance of the evidence). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

In this case, the Board asserts that, on February 25, 2022, Licensee engaged in conduct derogatory to the standards of nursing by accessing the medical records of 15 patients without proper authorization or without a demonstrated need to know. Notice at 1-4. As explained below, the Board has established Licensee accessed the medical records of 14 patients in violation of ORS 678.111(1)(f) and OAR 851-045-0070(8)(o). For these proven violations, the appropriate sanction is a civil penalty of \$7,000.

Applicable law

ORS 678.111 sets out the causes for discipline of nurses, and provides, in part:

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[.]

The Board defines “conduct derogatory to the standards of nursing” in OAR 851-045-0070. As pertinent here, the rule provides:

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

* * * * *

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

* * * * *

(o) Violating a person’s rights of privacy and confidentiality of information by accessing information without proper authorization or without a demonstrated need to know[.]

ORS 678.117 sets out the procedure for imposing civil penalties and civil penalty amounts, and states in part as follows:

(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.448 or any rule of the board. No civil penalty shall exceed \$5,000.

(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:

(a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.448 and the rules adopted pursuant thereto.

(b) The economic and financial conditions of the person incurring the penalty.

(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.

Finally, in OAR 851-001-0009, the Board established standards for imposition of civil penalties. As pertinent here, the rule provides:

Imposition of a civil penalty does not preclude disciplinary sanction against the license or certificate holder and disciplinary sanction against the license or certificate does not preclude imposing a civil penalty. Criminal conviction does not preclude imposition of a civil penalty for the same offense.

(1) The Board will consider factors listed in ORS 678.117 (2) when determining the amount of civil penalty to be imposed and per ORS 678.117 (1), no single violation civil penalty shall exceed \$5000.

* * * * *

(3) A civil penalty of a minimum \$500 to a maximum of \$5000 per violation is assessed for any of the following:

(a) Conduct derogatory to the standards of nursing or conduct unbecoming a Nursing Assistant.

Violations

As noted above, the Board alleges that Licensee violated ORS 678.111(1)(f) and OAR 851-045-0070 on February 25, 2022 by accessing 15 patient medical records without proper authorization or without a demonstrated need to know. The evidence establishes that, on that date, Licensee accessed Epic and ran a patient look up search using her last name. The search returned a list (identity report) of at least 14 patients with that last name, including Licensee. Licensee clicked on her name and accessed her Patient Station page. From that page, Licensee looked up several of her patient encounters. Licensee then returned to the search result/identity report page and highlighted several other patient names, which brought up the expanded details screens for these patients.⁵ The information displayed on the expanded details screen is PHI under HIPAA. Licensee also clicked on the highlighted rows for patients LRG and CEG, bringing up the Patient Station screens for these two patients. The Patient Station screens provided more detailed PHI about these patients. About 20 minutes later, Licensee ran a patient look up search using the last name of a coworker and then accessed the expanded details screen for her co-worker, patient DB.

Licensee accessed these records out of idle curiosity, without authorization and without any legitimate business need. Because Licensee did not have authorization or a demonstrated need to access the private and protected medical records of patients with her same last name and did not have authorization or a demonstrated need to access the private and protected medical

⁵ As set out in the findings, Licensee accessed the expanded details screen of following patients: LRG, AJG, AG, AMG, CEG, TMG, TNG, SG, SAG, SLG, RMG, PG, and LAG. *See* Exhibit A4. In the Notice, the Board alleged in Paragraph III that Licensee accessed patient CEG's medical record at 9:52 p.m. and alleged in Paragraph [XV] that Licensee accessed patient CEG's medical record at 9:54 p.m. Notice at 1, 4. While the evidence establishes both accesses, the evidence also establishes that CEG is the same patient. Because Licensee accessed patient CEG's medical record twice within a two minute period, it is appropriate to count these two instances as one violation, rather than two separate violations.

records of a co-worker, her conduct violated ORS 678.111(1)(f) and OAR 851-045-0070(8)(o).⁶

Sanction

In the Notice, the Board proposed to impose a \$7,500 civil penalty on Licensee's Registered Nurse license based on allegations that she accessed 15 patient medical records without authorization or need to know. Notice at 5. As discussed above, Licensee accessed a total of 14 patient medical records (not including her own).

At hearing, Licensee acknowledged that she violated HIPAA, Providence Health's privacy policy, and the Nurse Practices Act by accessing these patient records. However, Licensee seeks mitigation of the proposed civil penalty, asserting that this is the first time she ever faced any disciplinary action from her employer or the Board. Licensee cites to her work ethic, years of nursing experience, positive performance reviews, appreciation of her job and co-workers at Providence Portland Medical Center, and remorse for her actions as mitigating factors. Licensee also offered an explanation for why she accessed her patient record (she was surprised to see she had one, as she had not treated at Providence) and why she accessed co-worker's record (to see if it had a Break the Glass warning). However, Licensee did not have any explanation, other than idle curiosity, for logging in to Epic at that time and accessing other patient records. Licensee contends that she did not retain or disclose any of the protected information she viewed and she has already faced harsh consequences for her actions (specifically, the loss of her job and loss of eligibility for rehire at Providence Health). Licensee argues that, given these circumstances, she should not be subject to a civil penalty or any other discipline from the Board.

The Board, on the other hand, has established that it considers the intentional accessing of protected health information without proper authorization or a demonstrated need to know a very serious violation. The Board has also shown that, in the last several years, it has imposed civil penalties as well as other disciplinary sanctions on licensees who violate patient rights of privacy and confidentiality of information. Historically, the Board has assessed a minimum civil penalty of \$500 per violation for violations of this nature. In determining the civil penalty amount for such violations, the Board will consider the factors set out in ORS 678.117(2), along with the depth and breadth of information accessed and the licensee's candor with the Board.

Here, the Board considered the depth and breadth of Licensee's records search, that she accessed the medical records of several patients who share her last name, that she accessed the Patient Station page for two of these patients, and that she looked up a co-worker's medical records, without any business-related need for the information accessed. The Board also noted that Licensee seemed to minimize her misconduct in her communications with the Board. Although she self-reported the incident that resulted in termination of her employment, she initially admitted that she accessed her own medical record. She did not disclose at the outset that she accessed the records of 14 others. *See* Exhibit A12, A14.

It is appropriate for the Board to treat violations of OAR 851-045-0070(8)(o) as serious

⁶ The Board did not allege that Licensee violated OAR 851-045-0070(8)(o) by accessing her own medical information.

misconduct. Individuals have an expectation, backed by federal law, that their personal health information will remain private. Even though Licensee did not broadcast the information she accessed, the mere fact that she viewed the information violated all 14 individuals' protected privacy rights. Although this may have been the first and only time that Licensee accessed PHI without proper authorization, her actions were deliberate. She knew, or reasonably should have known, that her actions violated patient privacy rights. Given the serious nature of Licensee's misconduct, her history of positive performance reviews and her competency as a RN does not provide a basis for mitigating the proposed civil penalty.

Based on the provisions of ORS 678.117(1), OAR 851-001-0009(3)(a), and prior Board precedent, civil penalties totaling \$7,000 are warranted in this case. This total amount represents the number of violations established (14), multiplied by the minimum civil penalty per violation (\$500), which totals \$7,000.⁷

ORDER

The Board hereby imposes a civil penalty of \$500 for each violation of ORS 678.111(1)(f) and OAR 851-045-0070(8)(o). Licensee engaged in 14 violations of ORS 678.111(1)(f) and OAR 851-045-0070(8)(o). Accordingly, the Board imposes civil penalties totaling \$7000 on Alma Garboden's Registered Nurse license.⁸



Judith Woodruff, JD
Board President

APPEAL

If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. *See* ORS 183.480 *et seq.*

⁷ The Board modified the ALJ's Proposed Order to clarify that it is imposing a separate civil penalty for each violation.

⁸ The Board modified the ALJ's Proposed Order to clarify that it is imposing a separate civil penalty for each violation.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Fylecia Hennebeck,
RN**

) **STIPULATED ORDER FOR
) CIVIL PENALTY**

**License No.
201404942RN**

)
) **Reference No. 2023010029**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurse's. Fylecia Hennebeck (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing on July 24, 2014.

On or before July 12, 2022, Licensee should have renewed their Registered Nurse license. Licensee failed to timely renew, and the license expired on July 12, 2022. From the date Licensee's license expired on July 12, 2022, until the date the licensee learned she was working expired, Licensee had practiced nursing at Callahan Village in Roseburg, Oregon. On January 1, 2023, licensee became aware that she was working without a license. Licensee self-reported to the Board, informed her employer and stopped working. On February 9, 2023, the Board received substantiated information from Licensee establishing that they were practicing nursing a total of 98 days between the dates of July 12, 2022 and January 1, 2023.

By the above actions, Licensee has violated ORS 678.021, which provides as follows:

ORS 678.021 License required to practice nursing.

It shall be unlawful for any person to practice nursing or offer to practice nursing in this state or to use any title or abbreviation, sign, card or device to indicate the person is practicing either practical or registered nursing unless the person is licensed under ORS 678.010 to 678.410 at the level for which the indication of practice is made and the license is valid and in effect.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117 and OAR 851-001-0009(2)(a) which provide as follows:

ORS 678.117 Procedure for imposing civil penalty; amount; rules.

(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.445 or any rule of the board. No civil penalty shall exceed \$5,000.

(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:

(a) The history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.

(b) The economic and financial conditions of the person incurring the penalty.

(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.

(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(5) All penalties recovered under this section shall be credited to the special account described in ORS 678.170.

OAR 851-001-0009 Imposition of Civil Penalties

(2) A civil penalty of up to \$100 per day of occurrence is assessed for the following:

(a) Practicing as a Licensed Practical Nurse (LPN), Registered Nurse (RN), Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA), Clinical Nurse Specialist (CNS), Certified Nursing Assistant (CNA), Certified Medication Aide (CMA) without a current license or certificate or Board required concurrent national certification; or prescribing, dispensing, or distributing drugs without current prescription writing authority, due to failure to renew and continuing to practice.

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:

Based on the evidence, Licensee was practicing nursing without a current license a total of 98 days between the dates of July 13, 2022 and January 1, 2023, equaling what could be a total civil penalty of \$9,800. Based on the mitigating factors that Licensee has a record of timely renewals, and self-reporting, the Board has determined that the civil penalty may be reduced to \$4,900.00.

That the Board impose a civil penalty against Licensee in the amount of \$4,900.00.

Licensee admits that the above statements are accurate and that Licensee's actions constitute a violation of the Nurse Practice Act.

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 for Civil Penalty, 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 the Licensee to sign this Order.

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

Licensee shall make 24 payments The first 23 payments will be **\$204.00**. The first payment is to be received by the Board by the first day of the month following the Boards acceptance of this Stipulation and thereafter, a payment on the 1st day of every month until the whole sum is paid. On the 24th payment, the payment will be \$208.00 as the final payment.

Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224 by check or money order; alternatively, payment may be made online by logging into your Oregon State Board of Nursing Licensing Portal and

clicking on Pay Civil Penalty Fees.

Licensee understands that if payment is 60 days overdue from the date due as stated in this Stipulation, collection of the Civil Penalty will be assigned to the Oregon Department of Revenue. In the event any amount is assigned for collection, the Licensee is subject to further disciplinary action by the Board which could include suspension, revocation or denial of licensure.

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Fylecia Hennebeck,
RN

04/20/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

5/17/23
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF REVOCATION**
Marta Jimenez, RN) **BY DEFAULT**

)

)

License No. 202209144RN) **Reference No. 23-00237**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Marta Jimenez (Licensee) was issued a Registered Nurse License by the Board on July 01, 2022.

This matter was considered by the Board at its meeting on May 17, 2023.

On April 20, 2023, a Notice stating that the Board intended to Revoke the Registered Nurse License of Marta Jimenez was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged on or about September 16, 2022, Licensee was reported to the Board for Revocation of her Texas Registered Nurse license. The Board opened an investigation into the matter. The Board alleges that on or about September 26, 2022, Board staff spoke with licensee, and she confirmed her address and email. Licensee requested to communicate with the Board via email because she was a travel nurse. The Board alleges that on or about October 18, 2022, licensee was emailed a notice of investigation, which requested her to schedule an interview, provide a written statement and work history. Licensee failed to respond to the Board's requested documents and interview. The Board alleges that on or about November 8, 2022, a final letter was sent to licensee's email of record requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board. Board staff attempted to contact licensee via telephone on November 8 and November 16, 2022. The Board alleges that on or about November 17, 2022, Board staff mailed via USPS certified mail and first class a Notice of Proposed Suspension for failing to cooperate, along with an email copy. On December 14, 2022, the Board issued a Final Order of Default suspension for not cooperating. Licensee never responded to the Board.

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 01, 2022.
2. On or about September 16, 2022, Licensee was reported to the Board for Revocation of her Texas Registered Nurse License. The Board opened an investigation into the matter.
3. On or about September 26, 2022, Board staff spoke with the licensee and she confirmed her address and email. Licensee requested to communicate with the Board via email, because she was a travel nurse. On October 18, 2022, licensee was emailed a notice of investigation, which requested her to schedule an interview, provide a written statement and work history. Licensee failed to respond to the Board's requested documents and interview. On November 8, 2022, a final letter was sent to licensee's email of record requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegation. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any document to the Board. Board staff attempted to contact licensee via telephone on November 8 and November 16, 2022.
4. On November 17, 2022 Board staff mailed via USPS certified mail and first class a Notice of Proposed Suspension for failing to cooprae, along with an email copy. On December 14, 2022, the Board issued a Final Order of Default suspension for not cooperating. Licensee never responded to the Board.
5. On April 19, 2023, 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, Marta Jimenez, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111(f)(g)(h) and OAR 851-045-0070(10)(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 Marta Jimenez is REVOKED.

DATED this 17th day of May, 2023

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Judith Woodruff, JD
Board President

TO: MARTA JIMENEZ:

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

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

If, after a minimum of three (3) years, you wish to reinstate your Registered Nurse 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
Robin Larson, RN	) PROBATION OF REGISTERED
	) NURSE LICENSE
License No. 201911408RN	) Reference No. 22-00116

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Robin Larson (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on December 26, 2019.

On or about August 9, 2021, the Board received information that Licensee had reported to work impaired. The Board opened an investigation.

During the investigation, the Board received information that Licensee was observed exhibiting multiple impaired behaviors on August 2, 2021.

By the above actions, Licensee may be subject to discipline pursuant to ORS 678.111(1)(e)(f), ORS 676.303(b) and OAR 851-045-0070(2)(a)(7)(b)(c)

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

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

ORS 676.303 Purposes of health professional regulatory boards

- (a) Health professional regulatory board means the agencies listed in ORS 676.160 (Definitions for ORS 676.165 to 676.180) and the Health Licensing Office created in ORS 676.560 (Purpose of Health Licensing Office).
 - (b) Impairment means an inability to practice with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition.
 - (c) License means a license, registration, certification or other authorization to engage in a profession.
 - (d) Licensee means a person licensed, registered, certified or otherwise authorized by a health professional regulatory board to engage in a profession.
- (2) All health professional regulatory boards shall operate with the primary purposes of

promoting the quality of health services provided, protecting the public health, safety and welfare by ensuring that licensees practice with professional skill and safety and addressing impairment among licensees.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

(7) Conduct related to impaired function:

(b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance; or

(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, 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 of nursing.

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 Robin Larson be placed on Probation.

The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week on average, and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee 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 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 contact information which includes address, email address, and phone number.
- 4) Licensee shall maintain an active license.

5) Licensee shall inform Board staff in advance of any move from Oregon. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated. If monitoring is approved and transferred to another Board of Nursing, Licensee shall successfully complete all requirements of the Board Order of the other jurisdiction. Licensee shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Licensee's compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order. While licensee practices in another state, those hours will only be counted toward his Oregon probation if the position meets the monitoring requirements per line ten (10) of this stipulated order.

6) Licensee shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff. This includes being required to attend an in-person meeting.

7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.

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

9) Licensee shall inform current and prospective employers of the probationary status of Licensee's license, the reasons for Licensee's 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 a copy of the Stipulated Order for Probation when Licensee is employed.

10) Licensee shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Licensee's practice and provide assistance and who has taken the required Board approved Monitor/Supervisor training. 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 Stipulated Order or of any other concern there may be 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, disciplinary actions, and terminations. Licensee shall immediately notify Board staff if they will be unable to meet the minimum monitored practice requirement of 16 hours per week or 64 hours per month due to leave from work. The inability to meet the monitored practice requirement due to leave may extend the probationary period.

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

14) Licensee shall not be a nursing faculty member or an advance practice preceptor.

15) Licensee shall not be approved for enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license.

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

17) Licensee shall participate in the Board's random drug testing program. Failure to comply with random urine, blood, hair, nail, or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to observed 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 Stipulated Order. Upon request of Board staff, Licensee shall obtain a substance use disorder evaluation by a Board approved third party 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 Stipulated Order.

18) Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over the counter or prescription drugs while participating in the Board's random urine drug testing program, except as provided in **Section 19** below. Licensee shall avoid any over-the-counter products and food items containing alcohol, THC including CBD products, and poppy seeds.

19) Licensee may take medication for a documented medical condition, provided that Licensee

obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify Board staff within 72 hours in the event Licensee is prescribed such medication and shall sign a release of information authorizing the prescribing person to communicate with Board staff about Licensee's medical condition. Licensee shall produce the medical records pertaining to the medical condition and medication use. Licensee will discard any unused prescription medications when it is no longer needed or expired.

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

21) Licensee shall notify any and all healthcare providers of the nature of Licensee's diagnoses to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. 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 Stipulated Order.

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

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

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

Licensee understands that in the event Licensee engages in future conduct resulting in violations the terms of this Stipulated Order and/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 Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions

(resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

IT IS SO AGREED:

[Redacted Signature]

Robin Larson, RN

May 2, 2023
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

5/17/23
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)
) **FINAL ORDER OF REVOCATION**
) **OF NURSE PRACTITIONER LICENSE**
) **BY DEFAULT**
)

In the Matter of
Rodica Malos, NP

License No. 200150094NP, 096003078RN) Reference No. 21-01073

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Rodica Malos (Licensee) was issued a Nurse Practitioner License by the Board on August 02, 2001.

This matter was considered by the Board at its meeting on April 19, 2023.

On March 23, 2023, a Notice stating that the Board intended to Revoke the Nurse Practitioner License of Rodica Malos was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee failed to meet the standard of care as a Nurse Practitioner, by failing to complete assessments, documentation and collaborate with other healthcare providers for at least 4 patients.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Nurse Practitioner License in the state of Oregon on August 02, 2001.
2. On or about June 7, 2021, Licensee was reported to the Board for failure to follow FDA approved guidelines for the treatment of COVID-19, failure to assess, failure to refer a patient to a higher level of care and failure to collaborate with other healthcare providers. The Board opened an investigation into the matter.

3. On or about August 21, 2021, Licensee was reported to the Board for failure to follow FDA approved guidelines for the treatment of COVID-19. The Board opened an investigation into the matter.
4. On or about May 2021, Licensee provided telehealth treatment to patient, MA, while Licensee was working as a volunteer Nurse Practitioner for the Good News Health Clinic. Patient was seen for COVID-19 symptoms. Licensee spoke to the patient over the phone but never saw the patient in person. Licensee did not complete vital signs, labs, or diagnostic imaging for this patient. Licensee failed to address and document the patient's vaccination status. Licensee failed to complete documentation regarding medical history. Licensee failed to complete documentation regarding previous medications patient had tried for current symptoms. Licensee did not document a social history for this patient. Licensee prescribed several medications that do not have FDA approval and are not considered appropriate treatments for COVID-19, including Ivermectin, Hydroxychloroquine, Prednisone, Dexamethasone, Azithromycin, Doxycycline, Zinc, and several herbal medications. Licensee failed to document clinical decision making for prescribing medications that do not have FDA approval for COVID-19, including discussing risks and benefits with the patient. Licensee failed to document that the patient was informed that the prescribed treatments do not have FDA approval for the treatment of COVID-19. Licensee prescribed the patient home oxygen, home nebulizer treatments with albuterol and inhaled corticosteroids without a physical assessment of the patient. Licensee failed to document that she provided the patient with instructions or recommendations to go to the hospital for appropriate work up and treatment. Licensee failed to provide evidence-based research for her clinical decision making for this patient when asked. Licensee treated this patient only via telehealth for 11 days after which the patient was hospitalized and diagnosed with a pulmonary embolism. Licensee failed to collaborate with the hospital provider regarding the care of this patient.

By failing to obtain a physical assessment, vital signs or diagnostic imaging for this patient prior to providing treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to document previous medications patient had tried, vaccination status, medical history, social history and instructions to the patient for worsening symptoms, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C)**.

By prescribing medications that do not have FDA-approval and are not considered appropriate treatments for COVID-19 without documentation to support the clinical decision making or documentation to show the patient was informed of the risks and benefits of these treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to collaborate with the patient's other healthcare providers Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(f)**.

5. On or about August 2021, Licensee provided telehealth treatment to patient CR, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. Patient was seen for COVID-19 symptoms. Licensee failed to obtain vital signs. Licensee failed to document patient allergies. Licensee documented that she instructed patient to go to the Emergency Department if temperature was over 101. Licensee also documented that the patient's temperature was 101.3 during the telehealth visit. Licensee failed to document why the patient did not go to the Emergency Department per her recommendations. Licensee prescribed the patient several medications that do not have FDA approval for COVID-19 and are not considered appropriate treatments, including Ivermectin, Doxycycline and Prednisone. Licensee failed to document that the patient was informed that the prescribed treatments do not have FDA approval for the treatment of COVID-19. Licensee prescribed the patient nebulizer treatments without performing a physical assessment of the patient. Licensee failed to document clinical decision making for prescribing medications that do not have FDA approval for COVID-19, including discussing risks and benefits with the patient. This patient was subsequently hospitalized for treatment of their COVID-19.

By failing to obtain a physical assessment and vital signs for this patient prior to providing treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to document patient allergies and vaccination status Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C)**.

By failing to instruct the patient to go to the Emergency Department when the patient's temperature met clinic policy to refer to a higher level of care or the patient's refusal, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By prescribing medications that do not have FDA-approval and are not considered appropriate treatments for COVID-19 without documentation to support the clinical decision making or documentation to show the patient was informed of the risks and benefits of these treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

6. On or about December 2, 2022, Licensee verbalized during a telephone interview with Board staff that she was aware that her patients were obtaining medications she prescribed for the treatment of COVID-19 from outside of the United States. Licensee verbalized during a telephone interview with Board staff that she had obtained medications from outside the United States to treat her and her spouse when they had COVID-19. The FDA does not permit personal importation of unapproved versions of FDA-approved drugs from foreign countries. The FDA cannot assure that foreign-made versions of FDA-approved drugs have been properly manufactured, are safe and

effective, and are the same formulation as the FDA-approved versions.

By obtaining medication from outside the United States for the treatment of COVID-19, for herself and her spouse, Licensee **violated ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(8)(a).**

By Licensee's admission, she did not inform her patients of the risks of obtaining medications from outside of the United States, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(8)(a).**

7. On or about December 2, 2022, Licensee verbalized during a telephone interview with Board staff that she was making house calls to patients outside of her regularly scheduled clinic hours and was not documenting these visits. Licensee verbalized during a telephone interview with Board staff that she was providing patients with medical advice via text messages and that she was not documenting these communications in the medical record.

By failing to document patient visits and medical advice, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(a)(b)(c)(C).**

8. On or about June 2, 2021, Licensee provided care to patient OS, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. The patient did not report any signs or symptoms of a urinary tract infection and the reason for the visit was dizziness. The patient's urine dipstick resulted with 2+ blood. The patient's urine did not indicate any leukocytes or nitrites were present which are common with a urinary tract infection. Urinary tract infections are commonly diagnosed with leukocytes in the urine and symptoms such as dysuria, frequency, hesitancy, pain, low abdominal discomfort, fever and hematuria. Licensee failed to send the urine specimen for culture after diagnosing this patient with a urinary tract infection. Licensee failed to document that she obtained a sexual history for this patient and assessed for sexually transmitted diseases, which can have similar symptoms to a urinary tract infection. Licensee failed to document her clinical decision making on how she concluded a urinary tract infection. Licensee subsequently prescribed this patient a 3-day course of the antibiotic, Bactrim. Per current standards, a 3-day course of Bactrim is appropriate for female patients, but male patients require a 7-day course of Bactrim.

By failing to document clinical decision making for the diagnoses of urinary tract infection, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C).**

By failing to obtain a urine culture for this patient Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b).**

By failing to adhere to prescribing standards of care when prescribing Bactrim to this patient Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

9. On or about August 2021, Licensee provided telehealth care to patient MG, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. The patient reported discharge from the Emergency Department the day prior for COVID-19 symptoms. The patient reports to Licensee that their symptoms are worsening, and oxygen saturations have dropped to 91-92% on room air. Licensee ordered home oxygen, dexamethasone, and nebulizer treatments for this patient without completing a physical assessment. Licensee failed to obtain vital signs or diagnostic imaging for this patient. Licensee completed this visit via telephone with no ability to assess the patient's color, breathing and general appearance. Licensee failed to refer this patient back to the Emergency Department when they reported worsening symptoms.

By failing to obtain a physical assessment and vital signs for this patient prior to providing treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to document clinical decision-making regarding prescribing for COVID-19 Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C)**.

By failing to refer this patient to the Emergency Department with worsening symptoms Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

10. On or about August 2021, Licensee provided care to a patient, GA, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. The patient's chief complaint for the August 2021 visit is cough. The patient had a history of metastatic brain cancer. Licensee failed to assess the patient for COVID-19. This patient would be at high risk for COVID-19 due to their immunocompromise. Licensee is acting as a primary care provider for this patient but there is no evidence that Licensee had obtained records from the patient's other healthcare providers. The patient reports to Licensee visual changes post brain surgery but Licensee failed to document that she discussed this symptom with the patient's neurosurgeon or oncologist. Licensee failed to document that she told the patient to follow up with her neurosurgeon or oncologist regarding the reported changes in vision.

By failing to assess the patient for COVID-19, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to obtain patient records and collaborate with patient's other healthcare providers, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-**

0070(2)(a)(3)(b)(4)(f).

By failing to refer the patient to see a specialist for visual changes post brain surgery, Licensee violated **ORS 678.111(1)(f) and (g) and OAR 851-045-0070(2)(a)(3)(b).**

11. After a review of 7 medical records in which Licensee provided care, Licensee failed to document that she provided these patients any information regarding COVID-19 vaccines, including documentation on whether the patients had already been vaccinated. Licensee failed to offer the COVID-19 vaccine to any of these 7 patients.

By failing to address and document vaccination status for 7 patients, Licensee violated **ORS 678.111(1)(f) and (g) and OAR 851-045-0070(2)(a)(3)(b).**

12. On March 23, 2023, 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, Rodica Malos, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of **ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(a)(3)(b)(4)(b)(c)(C)(f)(8)(a).**

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

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

(f) Conduct derogatory to the standards of nursing.

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to

conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

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

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

(4) Conduct related to communication:

(b) Failure to document nursing interventions and nursing practice implementation in a timely, accurate, thorough, and clear manner. This includes failing to document a late entry within a reasonable time period;

(c) Entering inaccurate, incomplete, falsified, or altered documentation into a health record or agency records. This includes but is not limited to:

(C) Failing to document information pertinent to a client's care;

(f) Failing to communicate information regarding the client's status to members of the health care team in an ongoing and timely manner as appropriate to the context of care.

(8) Conduct related to other federal or state statute or rule violations.

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

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

-III-


ORDER

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

ORDERED that the Nurse Practitioner License of Rodica Malos is REVOKED.

DATED this 17~~th~~ day of May, 2023

FOR THE BOARD OF NURSING OF THE STATE OF OREGON


Judith Woodruff, JD
Board President

TO: RODICA MALOS:

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 Nurse Practitioner License, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Karen McCreary, RN) **REPRIMAND OF LICENSE**
)
License No. 090003356RN) **Reference No. 23-00121**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse License. Karen McCreary (Licensee) was issued a Registered Nurse License by the Board on September 10, 1992.

On or about 8/25/2022, the Board received information that Licensee failed to monitor patient and address missed antipsychotic medication.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), 851-045-0070 (1)(2)(a)(c)(g)

STATUTES AND RULES RELATED TO THIS CASE

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand, or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by 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

- (1) Conduct related to general fitness to practice nursing:
- (2) Conduct related to achieving and maintaining clinical competency:
 - (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
 - (c) Failing to develop, implement or modify the plan of care;
 - (g) Failing to communicate information regarding the client's status to other individuals who are authorized to receive information and have a need to know.

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

That the Registered Nurse License/Certificate License of Karen McCreary 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 License.

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 understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Karen McCreary, RN

04/25/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

Date

5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of	) STIPULATED ORDER FOR
Erica McGuffin, LPN	) VOLUNTARY SURRENDER
)
License No. 201900020LPN	) Reference No. 2023030180

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including LPN's. Erica McGuffin (Licensee) was issued an LPN license by the Board on 01/02/2019.

On or about March 16, 2023, the Board received information that Licensee had diverted medications while working.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(8)(k)(q).

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

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

(f) Conduct derogatory to the standards of nursing.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

(q) Failing to dispense or administer medications in a manner consistent with state and federal law;

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender their LPN 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 LPN License of Erica McGuffin be accepted. If, after a minimum of three years, Erica McGuffin wishes to reinstate their LPN License, Erica McGuffin may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a LPN from the date the Order is signed.

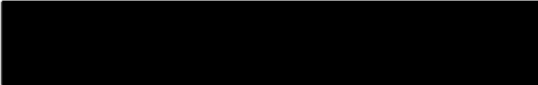
Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Erica McGuffin 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 the signing of this Order.

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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


Erica McGuffin, LPN


04/10/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON


Judith Woodruff, JD
Board President

5/17/23

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of	)	STIPULATED ORDER FOR
Anne Meeks	)	PROBATION (RE-ENTRY)
)	
License No. 200940236RN	)	Reference No. 2023010109

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Registered Nurse license applicants. Anne Meeks (Applicant) was issued a Registered Nurse license by the Board on February 2, 2009.

In 2014, Applicant entered the Health Professionals' Services Program (HPSP) after she voluntarily sought treatment for her alcohol use. In April 2016, the Board placed Applicant on 36 months of probation for consuming alcohol and failing to comply with HPSP. In June 2019, Applicant voluntarily surrendered her license after consuming alcohol and initially being untruthful about it to Board staff in violation of her probation conditions.

On or about June 29, 2022, Applicant applied for reinstatement of her (limited) Registered Nurse license.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-001-0015(1), (2), (3), (4) and OAR 851-045-0070(7)(c), (10)(b)(d) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-001-0015 Petition for Reinstatement

A licensee or certificate holder whose license or certificate has been revoked or who voluntarily surrendered the license or certificate may be granted reinstatement under the following conditions:

(1) The license or certificate has been revoked or surrendered for a minimum period of three years;

(2) The licensee or certificate holder has documented evidence of mitigation of the issues that originally brought the licensee or certificate holder to the Board's attention;

(3) The individual seeking reinstatement has made application to the Board for reinstatement of the license/certificate; and

(4) The individual seeking reinstatement agrees to any conditions that the Board determines necessary to demonstrate competence at the level of licensure or certification for which the individual is seeking reinstatement.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

(7) Conduct related to impaired function:

(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, 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 of nursing.

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

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

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

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

Applicant 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:

1) Contact a Board approved re-entry program, enroll in said re-entry program, and request confirmation of enrollment be sent directly to the Board.

2) Notify the re-entry program that Applicant is on Probation with the Board.

3) Submit the Limited License application and all required fees to the Board to begin licensing process.

Applicant acknowledges that absent completion of these conditions within the 21-day period her application shall be deemed denied.

Once the Limited License is issued, Applicant's compliance with this Stipulated Order will be monitored by the Board. Applicant must complete a twenty-four (24) month period of probation to begin upon Applicant's return to practice, including Applicant's practice under a Limited License while in the re-entry program, monitored as outlined below. Applicant must practice a minimum of sixteen (16) hours per week on average, and no more than a maximum of one (1.0) FTE. Applicant must practice in a setting where she can exercise the full extent of her scope of

practice, in order to demonstrate Applicant's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

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

- 1) Applicant shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Applicant shall have thirty-six (36) months from Board's acceptance of this Stipulated Order to complete twenty-four (24) months of monitored practice.
- 3) Applicant shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.
- 4) Applicant shall maintain an active license.
- 5) Applicant shall inform Board staff in advance of any move from Oregon. If Applicant leaves the state and is unable to practice in the state of Oregon, Applicant's probationary status will be re-evaluated. If monitoring is approved and transferred to another board of nursing, Applicant shall successfully complete all requirements of the board order of the other jurisdiction. Applicant shall be required to ensure the Board receives quarterly reports documenting the Applicant's compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order. While Applicant practices in another state, those hours will only be counted toward her Oregon probation if the position meets the monitoring requirements per line ten (10) of this stipulated order.
- 6) Applicant shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff. This includes being required to attend an in-person meeting.
- 7) Applicant shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.
- 8) Applicant will not look for, accept, or begin a new nursing position without prior approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.
- 9) Applicant shall inform current and prospective employers of the probationary status of Applicant's license, the reasons for Applicant's probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Applicant's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Applicant is employed.
- 10) Applicant shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, is working in the same

physical location (e.g. clinic, unit, building, etc.), is readily available to observe Applicant's practice and provide assistance and who has taken the required Board approved Monitor/Supervisor training. Applicant shall be employed in a setting where Applicant's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Applicant may be restricted from practicing as a nurse.

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

12) Applicant shall notify Board staff when there is a change in status of employment, including resignations, disciplinary actions, and terminations. Applicant shall immediately notify Board staff if they will be unable to meet the minimum monitored practice requirement of 16 hours per week or 64 hours per month due to leave from work. The inability to meet the monitored practice requirement due to leave may extend the probationary period.

13) Applicant shall not work in any practice setting when on-site monitoring 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 not be a nursing faculty member or an advance practice preceptor.

15) Applicant shall not be approved for enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license.

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

17) Applicant shall participate in the Board's random drug testing program. Failure to comply with random urine, blood, hair, nail, or any other requested drug test shall result in Applicant's immediate removal from nursing practice. Applicant shall submit to observed 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 Stipulated Order. Upon request of Board staff, Applicant shall obtain a substance use disorder evaluation by a Board approved third party evaluator. Applicant understands that Applicant is financially responsible for any and all costs related to testing and evaluating. Applicant's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

18) Applicant shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while participating in the Board's random urine drug testing program, except as provided in Section 19 below. Applicant shall avoid any over-the-counter products and food items containing alcohol, THC including CBD products, and poppy seeds.

19) Applicant may take medication for a documented medical condition, provided that Applicant obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Applicant will notify Board staff within 72 hours in the event Applicant is prescribed such medication, and shall sign a release of information authorizing the prescribing person to communicate with Board staff about Applicant's medical condition. Applicant shall produce the medical records pertaining to the medical condition and medication use. Applicant will discard any unused prescription medications when it is no longer needed or expired.

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

21) Applicant shall notify any and all healthcare providers of the nature of Applicant's diagnoses to ensure that Applicant's health history is complete before receiving any treatment, including medical and dental. 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 Stipulated Order.

22) 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.

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

Applicant understands that the conduct resulting in the violations of law described in this Stipulated 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 she engages in future conduct resulting in violations the

terms of this Stipulated Order and/or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of Applicant's license to practice as a Registered Nurse.

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

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

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

Applicant understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

IT IS SO AGREED:

[Redacted Signature]

Anne Meeks

04/24/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

5/17/23

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Random Mitchell, RN	) STIPULATED ORDER FOR) REPRIMAND OF REGISTERED NURSE LICENSE)) Reference No. 2022110212
<hr/>	

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurses. Random Mitchell (Licensee) was issued a Registered Nurse license by the Board on 04/12/2016.

On or about 11/23,2022, the Board received information that Licensee gave medication via the wrong route.

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

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

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

- (1) Conduct related to general fitness to practice nursing;
- (2) Conduct related to achieving and maintaining clinical competency:
 - (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;

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

That the Registered Nurse License of Random Mitchell 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 they engage in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against their licensee, up to and including revocation of their[licensee 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, they waive 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 them to sign this Order.

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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



Random Mitchell, RN

04/25/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff
Board President

Date

5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Joshua Montiel, CNA) **REPRIMAND**
)
License No. 202003165CNA) **Reference No. 2022100022**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistant's. Joshua Montiel, Certificate Holder, was issued a CNA certificate by the Board on April 29, 2020.

On or about October 10, 2022, the Board received information that Certificate Holder was working outside his scope and failed to document his actions. Certificate Holder admitted to mixing Tea Tree oil with coconuts oil and he applied his mixture on to patient's skin, additionally, he failed to document his activities in the patient's medical records.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), and OAR 851-063-0090(1)(a),(2)(a)\(b),(4)(c)(B).

ORS 678.442 Certification of nursing assistants; rules. (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

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

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

(a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;

(b) Performing acts beyond the authorized duties except for as allowed for in these rules;

(4) Conduct related to communication:

(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or into agency records. This includes but is not limited to:

(B) Failing to document information pertinent to the person's care;

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

That the CNA Certificate of Joshua Montiel be reprimanded.

Certificate Holder understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety. Certificate Holder understands that in the event they engage in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against their certificate, up to and including revocation of their certificate to practice as a CNA.

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

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

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

Certificate Holder understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Joshua Montiel, CNA

03/04/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

05/17/23

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON STATE BOARD OF NURSING
STATE OF OREGON**

IN THE MATTER OF:) **FINAL ORDER**
)
SANDRA MORENO-ALVARADO) OAH Case No. 2022-ABC-05482
) Agency Case No. 22-00112
)

This matter came before the Oregon State Board of Nursing (Board) at its May 17, 2023 meeting to consider the Proposed Order issued by Administrative Law Judge (ALJ) Samantha Fair on April 19, 2023. The Proposed Order provided Ms. Moreno-Alvarado with information on filing exceptions. The Board did not receive any exceptions to the Proposed Order.

After considering the record, the Board adopts the ALJ’s Findings of Fact, Conclusions of Law, and recommended sanction. The Board has modified the History of the Case and Opinion as explained below and otherwise adopts the following Final Order.

HISTORY OF THE CASE

On May 19, 2022, the Board issued Sandra Moreno-Alvarado (Ms. Moreno) a Notice of Proposed Denial of Nursing Assistant Certificate. On July 8, 2022, the Board received Ms. Moreno’s request for a hearing.

On July 15, 2022, the Board referred the matter to the Office of Administrative Hearings (OAH). The OAH assigned ALJ Samantha A. Fair to preside at hearing. On August 29, 2022, ALJ Fair convened a prehearing conference. Ms. Moreno appeared. Assistant Attorney General Lauren Rauch appeared on the Board’s behalf.¹ Amanda Moser and Chad Steele also appeared on behalf of the Board. ALJ Fair scheduled the hearing for March 28, 2023, and set deadlines for the submission of witness lists and exhibits.

On September 27, 2022, the Board filed a Motion for Qualified Protective Order. On October 5, 2022, ALJ Fair granted the motion, and the OAH issued a Qualified Protective Order.

On March 6, 2023, the Board issued an Amended Notice of Proposed Denial of Nursing Assistant Certificate (Amended Notice).

On March 28, 2023, ALJ Fair convened a hearing at the Board’s location in Portland, Oregon. Ms. Moreno appeared and testified.² The Board was represented by Ms. Rauch. Dave

¹ The Board modified this sentence to reflect the name of the Assistant Attorney General appearing on the Board’s behalf.

² Linda Moreno, Ms. Moreno’s mother, accompanied Ms. Moreno to the hearing. OAR 851-001-0005(2) provides that “Contested case hearings are closed to members of the public who are not parties or

Bowman, the chief investigator for the Board, also appeared for the Board and testified. The record closed on March 28, 2023, at the conclusion of the hearing.

ISSUES

1. Whether Ms. Moreno engaged in conduct unbecoming a nursing assistant by failing to answer truthfully and completely any question asked by the Board on an application and engaged in conduct constituting fraud or misrepresentation when applying for certification. ORS 678.442(2) and OAR 851-063-0090 (January 1, 2015).³

2. Whether Ms. Moreno's application for certification as a nursing assistant should be granted or denied. ORS 670.280(3) (2020)⁴ and ORS 678.442(2).

EVIDENTIARY RULINGS

Ms. Moreno objected to the admission of Exhibits A1 through A20, offered by the Board. The ALJ overruled her objections and admitted the exhibits into the record.

FINDINGS OF FACT

1. On February 24, 1989, the Sutter County Sheriff's Department responded to an unconscious, almost three-year-old girl at Ms. Moreno's residence in Meridian, California. Ms. Moreno resided with the natural father of the girl. (Ex. A2 at 1.) After arrival at the local hospital, the girl appeared to be brain dead and was transferred to a larger hospital. (*Id.* at 5.) On February 26, 1989, a physician declared the girl deceased. (*Id.* at 7.) After an autopsy, the coroner declared the cause of death to be brain trauma caused by an object that struck the child's head followed by the child being severely shaken. (*Id.* at 8-9.)

2. On May 5, 1989, a Complaint was issued in the Municipal Court for Sutter County, California, against Ms. Moreno and the child's father. The Complaint charged Ms. Moreno with murder in the second degree and charged both individuals with a violation of Section 273a(1) of the California Penal Code (CPC).⁵ (Ex. A3 at 1-2.) On September 29, 1989, an Information was issued in the Superior Court of Sutter County against Ms. Moreno and the child's father. The Information charged Ms. Moreno with murder in the second degree and child endangerment with

representatives of the parties in the proceedings." In compliance with the ALJ's directive, Linda Moreno left the hearing room.

³ The rule was amended, effective August 1, 2021, shortly after Ms. Moreno filed her application. The amendment made no changes to the cited portions of the rule that would change the outcome of this matter. All citations to the rule in this Proposed Order are to the 2015 version of the rule.

⁴ The statute was amended effective July 19, 2021, shortly after Ms. Moreno filed her application. The amendments made no changes to the cited portions of the statute. All citations to the statute in this Proposed Order are to the 2020 version of the statute.

⁵ CPC 273a(1) is child endangerment in which a person permits a child to suffer unjustifiable pain or mental suffering.

an allegation that Ms. Moreno intended to inflict great bodily injury. The Information charged the child's father with knowingly aiding Ms. Moreno in avoiding punishment for the charged crimes. (Ex. A4 at 1-2.)

3. On October 10, 1989, Ms. Moreno appeared in Sutter County Superior Court with her attorney and denied the charges as listed in the Information. (Ex. A5 at 1-2.) On January 23, 1990, Ms. Moreno pled guilty to the second count of the Information, the charge of violating CPC 273a(1). On April 2, 1990, she appeared in Sutter County Superior Court and was sentenced to four years in prison, beginning her incarceration on that same date.⁶ (Ex. A6 at 1.)

4. On April 8, 1998, Sutter County Sheriff's Office responded to a complaint of a verbal argument with a possible physical altercation at a residence. Upon arrival, Ms. Moreno advised the deputies that her husband had struck her in the neck, making it red and swollen. The husband informed the deputies that Ms. Moreno grabbed him around the neck and they struggled. The husband had scratches on his neck and left arm. The deputies arrested and jailed Ms. Moreno and her husband for CPC 273.5, battery on a spouse. (Ex. A7 at 1-3.)

5. On April 14, 1998, a Complaint was issued against Ms. Moreno and her husband in Sutter County Municipal Court, charging them with violations of CPC 273.5(a). (Ex. A9 at 1.) On April 21, 1998, a warrant was issued for her arrest. On October 28, 1998, Ms. Moreno was arrested on the warrant. (Ex. A8 at 2.) On November 6, 1998, Ms. Moreno appeared in Sutter County Superior Court and the case was dismissed. (Exs. A9 at 1; A10 at 1.)

6. On March 20, 2002, an Information was issued against Ms. Moreno in the Circuit Court for Marion County, Oregon, charging her with assault in the fourth degree and harassment for allegedly causing injury to or harassing Linda Moreno on March 2, 2002. (Ex. A12 at 1.) On March 22, 2002, a warrant was issued for Ms. Moreno's arrest on these charges. (Exs. A11 at 1; A16 at 1.) At the time of the incident, Ms. Moreno resided in California and was visiting Oregon. She returned to California after the incident and was unaware that she had been charged with a crime or that a warrant had been issued against her. (Test. of Moreno.) On September 9, 2008, Ms. Moreno was arrested and placed in jail on this warrant. (Exs. A11 at 1; A17 at 1, 3.) On September 10, 2008, she appeared in court for an arraignment on the charges and was released from jail. (Ex. A11 at 1.) On November 7, 2008, the charges were dismissed. (*Id.* at 2.)

7. On May 17, 2005, a Complaint was issued against Ms. Moreno in the Superior Court for Yuba County, California, for a violation of CPC 243(e), charging her with using violence on a domestic partner on March 18, 2005. The Complaint requested the issuance of an arrest warrant against Ms. Moreno. (Ex. A14 at 1-2.) On May 16, May 25 and August 5, 2005, Ms. Moreno appeared in the Superior Court for Yuba County, California, on the charge. (Ex. A15 at 1-3.) The Superior Court eventually dismissed the charge. (Test. of Moreno.)

8. On June 16, 2016, Yuba City police officers were dispatched to a residence for a disturbance. The landlord of the residence had confronted the occupant, a friend of Ms. Moreno,

⁶ The Judgment abstract did not indicate the outcome of the remaining murder charge; presumably, it was dismissed. (Ex. A6 at 1.)

to serve the friend an eviction notice. There was a verbal altercation between Ms. Moreno and the landlord. When the police arrived, the landlord asserted that Ms. Moreno had spat in his face and insisted that she be charged with assault. The police officer issued a citation to Ms. Moreno, charging her with simple assault and directing her to appear in court on July 25, 2016. (Exs. A18 at 1-3; A20 at 1.) Ms. Moreno signed the citation. (Ex. A20 at 1; test. of Moreno.) On July 25, 2016, the District Attorney declined to file any charges against Ms. Moreno. (Ex. A19 at 1.)

9. On May 31, 2021, Ms. Moreno submitted an online application for a nursing assistant certificate (Application) to the Board. (Ex. A1; test. of Bowman.) The Application included eight background questions for the applicant to complete. (Ex. A1 at 1-2.) Question 3 stated:

Other than a traffic ticket, have you ever been arrested, cited, or charged with an offense?

(*Id.* at 1.) Ms. Moreno answered “yes” to that question, and, in the explanation box for that question, she answered, “In 1990 convicted of child endangerment.” (*Id.*)

10. Question 4 of the Application asked:

Have you ever been part of an investigation for any type of abuse or mistreatment, in any state or jurisdiction? Include any pending investigations

(Ex. A1 at 1.) Ms. Moreno answered “no” to that question. (*Id.* at 2.)

11. In order to submit the Application, Ms. Moreno had to confirm that she had read the following statement:

I understand I have a duty to provide the Oregon State Board of Nursing with any updates to information required in this application while it is pending. I hereby certify that I have read this application, and that the information provided is true and correct. I have personally completed this application. I am aware that falsifying an application, supplying misleading information, or withholding information is grounds for denial or discipline of license/certification. I am aware that the Oregon State Board of Nursing will conduct criminal records checks through the Oregon Law Enforcement Data System (LEDS) and the Federal Bureau of Investigation (FBI)[.]

(Ex. A1 at 2; test. of Bowman.)

12. The Board expects truthfulness from its licensees and its applicants and relies on their truthfulness to fulfill the Board’s oversight of its licensees. In this matter, after receipt of Ms. Moreno’s Application, the Board discovered, and obtained, police reports and court records for the arrests she had not disclosed on her Application, as well as the police reports and court records for the child endangerment case that she had disclosed. (Test. of Bowman.) The

Board’s investigator sent a letter to Ms. Moreno, advising her of the Board’s discovery of her undisclosed criminal records. In her interview with the Board’s investigator, Ms. Moreno acknowledged the additional arrests and noted that all the additional charges had been dismissed. (Test. of Moreno.)

13. Ms. Moreno secured a CNA job at a skilled nursing facility in Oregon on April 4, 2021. When she was unable to secure a CNA certificate from the Board, her employer reassigned her to the kitchen as a dietary aide, which position she has maintained. Prior to this position, Ms. Moreno had worked as a dietary aide in a similar facility in California for six years. Ms. Moreno enjoys working among the elderly, providing them care, and talking with the frequently lonely residents. (Test. of Moreno.)

14. Ms. Moreno filed an application for a pardon for her 1989 child endangerment conviction with the California Governor’s office. That application remains pending with Governor Newsom. (Test. of Moreno.)

CONCLUSIONS OF LAW

1. Ms. Moreno engaged in conduct unbecoming a nursing assistant by failing to answer truthfully and completely any question asked by the Board on an application and engaged in conduct constituting fraud or misrepresentation when applying for certification.

2. Ms. Moreno’s application for certification as a nursing assistant should be denied.

OPINION

The Board seeks to deny Ms. Moreno’s application based on allegations that she made false statements on her application. Because this is an application proceeding, Ms. Moreno has the burden to establish, by a preponderance of the evidence, her eligibility for licensure. *Sobel v. Board of Pharmacy*, 130 Or App 374, 380 (1994) (applicants have the burden of establishing their eligibility by a preponderance of the evidence); *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (in administrative actions, burden of proof is by a preponderance of the evidence). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

Applicable Law

ORS 670.280 provided, in part:

(1) As used in this section:

(a) “License” includes a registration, certification or permit.

* * * * *

(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or agency may deny an occupational or professional license or impose discipline on a licensee based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards[.]

ORS 678.442(2) provides, in part:

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[.]

OAR 851-063-0090 provided, in part:

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

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

* * * * *

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

* * * * *

(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;

* * * * *

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

* * * * *

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

Fraud, Misrepresentation or Conduct Unbecoming a Nursing Assistant

When Ms. Moreno submitted her Application to the Board, the Application included questions requiring her to disclose any prior arrests, citations or charges and any prior investigations into abuse or mistreatment allegations. Ms. Moreno answered “yes” in response to the question involving prior arrests. There is no factual dispute that her answer to the specific question was accurate; however, in the explanation box for that question included in the Application, Ms. Moreno only disclosed the child endangerment conviction. In fact, Ms. Moreno had been arrested, cited and/or charged with two domestic assaults, an assault and harassment on her mother, and an assault on her friend’s landlord. Because Ms. Moreno only disclosed the child endangerment conviction, Ms. Moreno provided a false statement on the Application. Ms. Moreno also answered “no” to the question of whether she had been involved in an investigation for abuse or mistreatment. Because the child endangerment conviction was the result of an investigation into the unnatural death, and therefore mistreatment and abuse, of a minor child in her care, Ms. Moreno’s answer was another false statement she made on the Application.

Because Ms. Moreno’s responses to the Application’s disclosure questions were false, Ms. Moreno engaged in conduct unbecoming a nursing assistant by failing to answer truthfully and completely questions asked by the Board on an application for certification, in violation of OAR 851-063-0090(10)(b).

In its Amended Notice, the Board further alleged that Ms. Moreno’s false statements constituted willful fraud, misrepresentation, or deceit in violation of ORS 678.442(2)(b), OAR 851-063-0090(1)(b) and (9)(a). The statute and administrative rule do not provide any definitions for “willful,” “fraud” or “misrepresentation.” It is therefore necessary to consider the analytical approach set forth in *PGE v. Bureau of Labor and Industries*, 317 Or 606 (1993) and

State v. Gaines, 346 Or 160 (2009) to discern the meaning of the words, as they are used in ORS 678.442(2)(b) and OAR 851-063-0090(9)(a). In *PGE*, the Oregon Supreme Court explained that to determine legislative intent, a court begins by examining a statute's text, and its statutory context, giving words of common usage their plain, natural, and ordinary meaning. If the legislative intent is unambiguous, the court stops at that first level of analysis. *PGE*, 317 Or at 610-11. For the plain, natural and ordinary meaning, a dictionary definition is used to provide guidance. "Fraud" means "an instance or act of trickery or deceit * * * an intentional misrepresentation * * * for the purpose of inducing another in reliance upon it to part with some valuable thing * * *." *Webster's Third New Int'l Dictionary* 904 (unabridged ed 2002). "Willful" means done deliberately or not accidentally. *Id.* at 2617. A "misrepresentation" is an untrue, inaccurate or misleading representation. *Id.* at 1445.

Because Ms. Moreno's statements in response to the disclosure questions were untrue, they constitute misrepresentations. At hearing, Ms. Moreno asserted that she was not "a bad person," that she made mistakes on the Application, and did not intend to deceive the Board. Testimony of Moreno. However, she completed and submitted the Application which even required her to review a statement that warned her about the possibility of a denial of an application if any provided information was untrue. Ms. Moreno acknowledged the review of that statement, and she deliberately, not accidentally, answered the questions and provided her explanation. Additionally, during her testimony, it was clear that she understood the questions and that she answered them in the negative and failed to provide the additional information because she felt that the charges "did not matter" as they had been dismissed. (*Id.*) The evidence established, by a preponderance of the evidence, that Ms. Moreno deliberately failed to truthfully answer a disclosure question and failed to provide a truthful answer for the explanation box on the Application as she did not believe that the Board needed that information to assess her application for certification. Ms. Moreno's false statements were willful fraud and misrepresentations made by her during the application process for certification to induce the Board to issue the certification and also constituted conduct unbecoming a nursing assistant, in violation of ORS 678.442(2)(b), OAR 851-063-0090(1)(b) and (9)(a). Finally, by violating ORS 678.442(2)(b), OAR 851-063-0090(1)(b), (9)(a) and (10)(b), Ms. Moreno also violated ORS 678.442(2)(d).

Denial of Certification

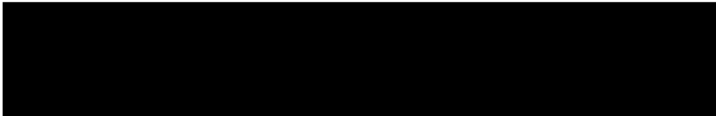
Pursuant to ORS 670.280(3), the Board has the authority to deny an occupational license for engaging in conduct that is not directly in the course of the licensed activity when the conduct is substantially related to the occupational standards. As shown above, the Board established that Ms. Moreno violated OAR 851-063-0090(1)(b), (9)(a) and (10)(b), by providing fraudulent and misleading information to the Board during the application process. Because such conduct is unbecoming a nursing assistant and, therefore, contrary to its occupational standards, the Board has the authority to deny Ms. Moreno's Application as provided by ORS 670.280(3). Pursuant to ORS 678.442(2), the Board also has the authority to revoke a certificate, and thus by implication the right to deny Ms. Moreno's Application, for willful fraud and misrepresentation during the application process, for violations of the governing statutes or its administrative rules, and for conduct unbecoming a nursing assistant. Thus, the Board may also deny Ms. Moreno's license pursuant to ORS 678.442(2)(b) and (d).

For the Board to effectively fulfill its oversight role of licensees, the Board needs to rely on the honesty of its licensees in their interactions with the Board. As Ms. Moreno demonstrated in completing the Application, she is not trustworthy as she provided false information during the certification process. Her untrustworthiness is further compounded by her willingness to provide false information despite the warning in the Application that providing such false information can lead to the denial of her certification. The Board has legitimate concerns regarding its ability to effectively oversee Ms. Moreno in light of her lack of veracity in completing the Application. Therefore, based upon her violations of the Board's statutes and administrative rules and the Board's inability to rely on the accuracy of Ms. Moreno's statements, the Board should deny her Application. Each distinct violation committed by Ms. Moreno would serve as a separate and independent ground for the Board to deny her Application.⁷

FINAL ORDER

The Oregon State Board of Nursing hereby issues the following order:

Sandra Moreno-Alvarado's application for certification as a nursing assistant is DENIED.



Judith Woodruff, J.D.
Board President

APPEAL

You are entitled to judicial review of this order. If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.480 *et seq.*

⁷ The Board modified this paragraph to clarify its rationale.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Elizabeth Nganga,) **WITHDRAWAL OF REGISTERED**
APPLICANT) **NURSE LICENSE APPLICATION**

License No. 202202499RN) **Reference No. 2023020070**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Elizabeth Nganga (Applicant) submitted an application for a Registered Nurse license to the Board of Nursing on or about March 29, 2023.

On or about August 3, 2021, the Board received information which gave cause for concern with the transcript Applicant submitted with her application for licensure. Applicant's school was under investigation by the Federal Bureau of Investigation (FBI) for selling fraudulent diplomas and transcripts. The Board opened an investigation into the matter.

On or around April 27, 2023, Applicant acknowledged the Board's concern with her transcript and agreed to withdrawal her application for licensure.

By the above actions, Applicant is subject to discipline pursuant to ORS 670.280(1)(a)(b)(3) and OAR 851-031-0006(1)(a)(B), which read as follows:

670.280 Denial, suspension or revocation of license based on criminal conviction. Denial of license or imposition of discipline for conduct substantially related to fitness and ability of applicant or licensee.

(1) As used in this section:

(a) "License" includes a registration, certification or permit.

(b) "Licensee" include a registrant or a holder of a certification or permit.

(3) Except as provided in ORS 342.143 (Issuance of license and registrations) (3) and 342.175 (Grounds for discipline) (3), a licensing board, commission or agency may deny any occupational or professional license or impose discipline on a license based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards. [1973 c.359 §1; 1991 c.662 §6a; 2003 c.749 §13; 2009 c.386 §5]

OAR 851-031-0006 General Eligibility Requirements for All Initial Applications for License, License Renewal, and License Reactivation

(1) Eligibility:

(a) Graduation or program completion from an approved nursing program as documented in an official transcript or credentials evaluation for graduates of non-Oregon nursing programs. Graduates of nursing programs will evidence of graduation through Board designated procedures.

(B) An applicant for the registered nurse examination shall show evidence of having completed, a state approved pre-licensure, Diploma, Associate Degree, Baccalaureate Degree or Master's Degree Program in Nursing.

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

That Elizabeth Nganga's application for Registered Nurse License be withdrawn.

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

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

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

Applicant understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

IT IS SO AGREED:



Elizabeth Nganga, RN

May 2, 2023

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



[BoardPresidentName]
Board President

Handwritten initials, possibly 'JD', written in black ink.

Date

5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Mackenzie Parrish Civil, CNA) **REPRIMAND**
)
License No. 202209365CNA) **Reference No. 2022120092**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistant's. Mackenzie Parrish Civil (Certificate Holder) was issued a CNA certificate by the Board on July 5, 2022.

On or about December 9, 2022, the Board received information that Certificate Holder used excessive amount of force on an elderly female by grabbing her hands and pushing her away several times. The patient obtained type 2 skin tears from the action of this CNA.

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

ORS 678.442 Certification of nursing assistants; rules. (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

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

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

(a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;

(3) Conduct related to client safety and integrity:

(a) Failing to take action to preserve or promote a person's safety based on nursing assistant knowledge, skills, and abilities;

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

(d) Abusing a person;

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

That the CNA Certificate of Mackenzie Parrish Civil be reprimanded, with special conditions of completing PBI CPC-2 (Managing Clinician-patient conflicts) and CNAZone-Domestic Violence and Elder Abuse within 60 days of the Board signing the order.

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

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

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

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

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

Certificate Holder understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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



Mackenzie Parrish Civil, CNA

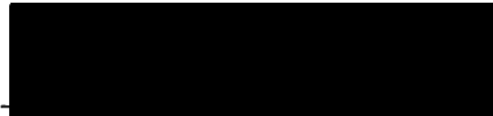
04/27/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

A handwritten signature in blue ink, appearing to be 'JD'.

Date

5/17/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF REVOCATION**
Nancy Parrott, CNA) **BY DEFAULT**
)
License No. 000032554CNA) **Reference No. 2022100186**

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 (CNA). Nancy Parrott (Certificate Holder) was issued a CNA Certificate by the Board on December 19, 2006.

This matter was considered by the Board at its meeting on April 19, 2023.

On April 21, 2023, a Notice stating that the Board intended to Revoke the CNA Certificate of Nancy Parrott was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder posted on a social media page a video she made which was demeaning to a patient. In the video, Certificate Holder recorded herself while on duty mocking an emergency department patient who was vocalizing in apparent distress.

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. Nancy Parrott was issued a CNA Certificate in the state of Oregon on December 19, 2006.
2. On or about October 31, 2022, Certificate Holder posted a video online which was demeaning to a patient in the emergency department where Certificate Holder worked.

3. The video depicted Certificate Holder making faces while listening to the patient who was moaning and calling out. Certificate Holder created a caption over the video which said “When a patient has poor coping skills.” Certificate Holder had other social media posts in which she is shown wearing a name badge which identified her and her hospital employer.
4. On October 31, 2022, Certificate Holder admitted to her employer that she had recorded the video and posted it online.
5. On April 21, 2023, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted her 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, Nancy Parrott, and over the subject matter of this proceeding.
2. That Certificate Holder’s conduct is in violation of ORS 678.442(2)(f) and OAR (851-063-0090 (2)(a), (3)(g), (8)(h) and (10)(a)(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

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

(a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;

(3) Conduct related to client safety and integrity:

(g) Failing to respect the dignity and rights of clients, inclusive of social or economic status, age, race, religion, gender, gender identity, sex, sexual orientation, national origin, nature of health needs, physical attributes, or disability;

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

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

- (10) Conduct related to the certificate holder's relationship with the Board:
(a) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to waiver of confidentiality, except attorney-client privilege.
(c) Failing to provide the Board with any documents requested by the Board[.]
3. That Nancy Parrott 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 CNA Certificate of Nancy Parrott is REVOKED.

DATED this 17th day of May, 2023

FOR THE BOARD OF NURSING OF THE STATE OF OREGON


Judith Woodruff, JD
Board President

TO: Nancy Parrott:

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 CNA Certificate, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Renee Reiser, RN) **PRACTICE PROBATION**
)
License No. 200742941RN) **Reference No. 21-00194**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Renee Reiser (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on August 23, 2007.

On or about September 3, 2020, the Board received information that Licensee failed to document care on several occasions. The Board opened an investigation into this matter.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(a)(4)(a)(c)(C).

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

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

(4) Conduct related to communication:

(a) Failure to accurately document nursing interventions and nursing practice implementation;

(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:

C) Failing to document information pertinent to a client's care;

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 Renee Reiser of be placed on Practice Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twelve (12) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week on average, and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee 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 twenty-four (24) months from Board acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any move from Oregon. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be re-evaluated. If monitoring is approved and transferred to another Board of Nursing, Licensee shall successfully complete all requirements of the Board Order of the other jurisdiction. Licensee shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Licensee's compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order. While licensee practices in another state, those hours will only be counted toward her Oregon probation if the position meets the monitoring requirements per line ten (10) of this stipulated order.
- 6) Licensee shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff. This includes being required to attend an in-person meeting.
- 7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without the approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of Licensee's license, the reasons for Licensee's 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 a copy of the Stipulated Order for Probation when Licensee is employed.

10) Licensee shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Licensee's practice and provide assistance and who has taken the required Board approved Monitor/Supervisor training. 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 the Licensee's non-compliance with the terms and conditions of this Stipulated Order, or of any other concern there may be regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to practice as a nurse.

12) Licensee shall notify Board staff when there is a change in status of employment including resignations, disciplinary actions, and terminations. Licensee shall immediately notify Board staff if they will be unable to meet the minimum monitored practice requirement of 16 hours per week or 64 hours per month due to leave from work. The inability to meet the monitored practice requirement due to leave may extend the probationary period.

13) Licensee shall not work in any practice setting in which on-site monitoring 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 be a nursing faculty member or an advance practice preceptor.

15) Licensee shall not be approved for enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license.

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

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

Licensee understands that the conduct resulting in the violations of law, described in this Stipulated 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 also understands that in the event Licensee engages in future conduct resulting in violations of the law or terms of probation 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 Stipulated Order will be submitted to the Board of Nursing for 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 Stipulated Order.

Licensee understands that this Stipulated Order is a public record.

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

IT IS SO AGREED:

[Redacted Signature]

Renee Reiser, RN

04/20/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

5/17/23

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jacqueline Stinnett,) **REPRIMAND OF LICENSE**
RN)
License No.) **Reference No. 2022120230**
201907300RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse's. Jacqueline Stinnett (Licensee) was issued a Registered Nurse License by the Board on 08/19/2019.

On or about December 27, 2022, the Board received information that Licensee provided the wrong medication to a patient, which resulted in the patient losing consciousness.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(4)(c)(B)(8)(e)(k)
ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(4) Conduct related to communication
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
(B) Documenting the provision of services that were not provided;
(8) Conduct related to other federal or state statute or rule violations:
(e) Neglecting a client;
(k) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled medications to any person, including self, except as directed by a person authorized by law to prescribe medications;

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 Jacqueline Stinnett 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 licensee 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, 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 her to sign this Order.

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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



Jacqueline Stinnett,
RN

04/20/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

A handwritten signature in black ink, appearing to be 'JD'.

Date

5/17/18

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF REVOCATION**
David Wright, CNA) **BY DEFAULT**

)
)

Certificate No. 000008218CNA) **Reference No. 23-00233**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. David Wright (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on January 01, 1990.

This matter was considered by the Board at its meeting on May 17, 2023.

On April 20, 2023, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of David Wright was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder on or about September 19, 2023, Licensee was reported to the Board for unprofessional conduct. The Board opened an investigation into the matter. The Board alleges that on or about February 23, 2023, the Board issued an Order For Mental Disorder Evaluation to licensee. The order was sent via USPS First class and Certified mail on February 27, 2023. The Certified mail return receipt was received by board staff, it was signed by licensee. Licensee failed to follow the Board order and never contacted Board staff within 30 days or schedule an evaluation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Certified Nursing Assistant Certificate in the state of

Oregon on January 01, 1990.

2. On or about September 19, 2023, Licensee was reported to the Board for unprofessional conduct. The Board opened an investigation into the matter.
3. On or about September 19, 2023, Licensee was reported to the Board for unprofessional conduct. The Board opened an investigation into the matter.
4. The Board alleges that on or about February 23, 2023, the Board issued an Order For Mental Disorder Evaluation to licensee. The order was sent via USPS First class and Certified mail on February 27, 2023. The Certified mail return receipt was received by board staff, it was signed by licensee. Licensee failed to follow the Board order and never contacted Board staff within 30 days or schedule an evaluation.
5. On April 20, 2023, 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, David Wright, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 670.280(1)(a)(b)(2)(3), and OAR 851-063-0090(10)(d) which read as follows:

ORS 670.280 Denial, suspension or revocation of license based on criminal conviction; denial of license or imposition of discipline for conduct substantially related to fitness and ability of applicant or licensee. (1) As used in this section:

(a) "License" includes a registration, certification or permit.

(b) "Licensee" includes a registrant or a holder of a certification or permit.

(2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing board, commission or agency may not deny, suspend or revoke an occupational or professional license solely for the reason that the applicant or licensee has been convicted of a crime, but it may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific occupational or professional standards in determining the fitness of the person to receive or hold the license.

(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or agency may deny an occupational or professional license or impose discipline on a licensee based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the

relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards.

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: (10) Conduct related to the certification holder's relationship with the Board:
(d) Violating the terms and conditions of a Board order.

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

-III-


ORDER

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

ORDERED that the Certified Nursing Assistant Certificate of David Wright is **REVOKED**.

DATED this 17th day of May, 2023

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Judith Woodruff, JD
Board President

TO: DAVID WRIGHT:

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

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Nicole Wytcherley, CNA) **VOLUNTARY SURRENDER**
)
License No. 202009311CNA) **Reference No. 2022100111**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including CNA's. Nicole Wytcherley was issued a CNA certificate by the Board on 10/13/2020.

On or about October 18, 2022, the Board received information that CNA failed to notify the Board of their criminal arrest for Sexual Abuse 1.

By the above actions, CNA Wytcherley is subject to discipline pursuant to ORS 678.442(f) and OAR 851-063-0090(8)(n).

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:

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

(n) Failure to report to the Board the CNA's arrest for a felony crime within ten days of the arrest; or

CNA wishes to cooperate with the Board in this matter and voluntarily surrender their CAN Certificate.

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

That the voluntary surrender of the CNA certificate of Nicole Wytcherley be accepted. If, after a minimum of three years, Nicole Wytcherley wishes to reinstate their CNA certificate, Nicole Wytcherley may submit an application to the Board to request reinstatement.

Certificate Holder agrees that they will not practice as a CNA from the date the Order is signed.

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

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

Nicole Wytcherley understands that this Order is a document of public record.

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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



Nicole Wytcherley, CNA

04/26/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

5/17/23

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING