

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER BY DEFAULT**  
**Elizabeth Beal, CNA** ) **OF DENIAL OF CERTIFICATION**  
 ) **AS A NURSING ASSISTANT**  
 )  
**000006465CNA (expired)** ) **Reference No. 16-00113**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Certified Nursing Assistants. Elizabeth Beal (Applicant) applied for the reactivation of her expired Certified Nursing Assistant Certificate on or about April 7, 2015.

The Board considered this matter at its meeting on February 17, 2016.

On February 19, 2016, a Notice stating that the Board intended to deny the application for certification as a nursing assistant was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant was unable to perform Nursing Assistant tasks safely due to impairment and that Applicant had failed to be truthful with the Board in the course of an investigation.

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

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

**-I-**

**FINDINGS OF FACT**

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

1. Between 1996 and 2008 Applicant had several theft and controlled substance related arrests.
2. Between 1996 and 2004 Applicant was convicted of theft and possession of a controlled substance.
3. In 2010 and in 2012 Applicant violated the terms of her pain contract by testing positive for non-prescribed drugs.

4. On February 17, 2016, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assistant Certification.

5. On February 19, 2016, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certification to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

**-II-**

**CONCLUSIONS OF LAW**

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

2. That Applicant's conduct is in violation of ORS 678.442(2)(a)(c)(d), OAR 851-063-0080(1)(3)(4)(6) and OAR 851-063-0090(1)(a)(b).

3. That Applicant defaulted on the Notice by not requesting a hearing within the allotted sixty (60) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

**III**

**ORDER**

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

ORDERED that the Application for Certification as Nursing Assistant of Elizabeth Beal is denied.

Dated this \_\_\_\_\_ day of May, 2016

FOR THE OREGON STATE BOARD OF NURSING

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Bonnie Kostecky, MS, MPA, RN  
Board President

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Jenny Burns, LPN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 201402299LPN** ) **Reference No. 16-01376**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Jenny Burns (Licensee) was issued a Practical Nurse License by the Board on April 28, 2014.

Licensee has practiced nursing only in Texas. On or about March 2, 2016, the Board received information that Licensee voluntarily surrendered her Texas Vocational Nurse License. The Order issued by the Texas Board of Nursing stated that Licensee documented care which she did not provide on five occasions in April 2015. The Order also cited Licensee's military service-related Post-Traumatic Stress Disorder which caused memory problems and otherwise interfered with Licensee's ability to practice nursing.

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

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

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

(h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of such revocation or suspension.

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Jenny Burns, LPN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Bonnie Kostelecky, MS, MPA, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Christopher Carlson**

) **STIPULATED ORDER FOR**  
) **WITHDRAWAL OF REGISTERED**  
) **NURSE LICENSE APPLICATION**  
)  
) **Reference No. 16-00926**

**License No. 200842909RN**

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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 Nurse (RN) license applicants. In October 2015, the Board received an RN license reinstatement application from Christopher Carlson (Applicant).

In October 2008, Applicant was issued an Oregon RN license by the Board. In March 2012, Applicant was arrested following his sending threatening letters containing white powder to members of the United States Congress. In May 2012, the Board revoked Applicant's RN license for failure to comply with a Board investigation. In December 2012, Applicant's Washington State RN license was suspended. In June 2013, Applicant's California RN license was revoked. In October or November 2013, Applicant was convicted in federal court of False Information and Hoaxes (felony). Applicant has recently stated that an improperly treated mental health issue and marijuana use were factors in his above-mentioned criminal activity. Applicant is currently on court-ordered probation as a result of his above-mentioned criminal conviction.

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

**ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of Applicant.** 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 Applicant may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

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

(e) Impairment as defined in ORS 676.303.

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

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

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

(5) Conduct related to impaired function:

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

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

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

Applicant 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 he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against future applications, up to and including denial of his license to practice as a RN.

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

Applicant understands that by signing this Stipulated Order, he waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal

thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Stipulated Order.

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

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

IT IS SO AGREED:

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Christopher Carlson

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Date

**ORDER**

IT IS SO ORDERED:

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

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Bonnie Kostelecky, MS, MPA, RN  
Board President

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Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Gaylene Copley, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 201140622RN** ) **Reference No. 16-01604**

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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. Gaylene Copley (Licensee) was issued a Registered Nurse License/Certificate by the Board on March 24, 2011.

On May 14, 2014, the Board placed Licensee's Registered Nurse license on probation for a twenty-four (24) month period after the Board received information alleging that Licensee diverted narcotics while working as a nurse. Licensee successfully completed a treatment program in March 2014. As part of her probation, Licensee was required to complete twenty-four (24) months of monitored practice.

Since beginning probation, Licensee underwent surgery on her back. Licensee does not feel her physical condition will allow her to return to nursing practice. She was approved for disability and feels she needs to be available to help care for her family. Because of these reasons, Licensee is not able to complete her probation and has decided to surrender her license.

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

(i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Gaylene Copley, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Bonnie Kostelecky, MS, MPA, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF REVOCATION**  
**Caitlin Lee, RN** ) **OF REGISTERED NURSE LICENSE**  
 ) **BY DEFAULT**  
 )  
**License No. 094000396RN** ) **Reference No. 16-01394**

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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. Caitlin Lee (Licensee) was issued a Registered Nurse License by the Board on August 18, 1994.

This matter was considered by the Board at its meeting on April 13, 2016.

On March 24, 2016, a Notice stating that the Board intended to revoke the Registered Nurse License/certificate of Caitlin Lee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Licensee presented forged prescriptions for herself to a pharmacy.

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

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

**-I-**

**FINDINGS OF FACT**

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on August 18, 1994.
2. On or about March 5, 2016, Licensee was arrested by Portland Police for prescription fraud.
3. On or about March 5, 2016, Licensee admitted to police that she used the names and DEA numbers of a dentist and a nurse practitioner to obtain unauthorized prescriptions for Tramadol for herself.

4. Licensee submitted some of the forged prescriptions while she was on Probation agreement with the Board from October 16, 2013 through January 22, 2016, for diversion of opiates and a previous incident of submitting fraudulent narcotic prescriptions in 2013. Licensee violated the terms and conditions of the Probation order when she obtained Tramadol illegally and used Tramadol in a manner not consistent with a valid prescription.
5. On March 24, 2016, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

**-II-**

**CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Licensee, Caitlin Lee, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111(1)(e)(f)(g), OAR 851-045-0070 (2)(f)(i), (5)(d) and (7)(b)(d).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

**-III-**

**ORDER**

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

ORDERED that the Registered Nurse License/certificate of Caitlin Lee is REVOKED.

DATED this \_\_\_\_\_ day of May, 2016

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

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Bonnie Kostecky, MS, MPA, RN  
Board President

TO: CAITLIN LEE:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Karen Moore, LPN**

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

**License No. 201030021LPN**

) **Reference No. 16-01265**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Karen Moore (Licensee) was issued a Licensed Practical Nurse License by the Board on January 28, 2010.

This matter was considered by the Board at its meeting on May 11, 2016.

On April 14, 2016, a Notice stating that the Board intended to revoke the Licensed Practical Nurse License of Karen Moore was sent to her via certified and first-class mail to her address of record. The Notice alleged that Licensee violated the terms and conditions of a Board Order.

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

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

-I-

**FINDINGS OF FACT**

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

1. Licensee was issued a Licensed Practical Nurse License in the state of Oregon on January 28, 2010.
2. On June 19, 2013, the Board placed Licensee on probation for a twelve (12) month period due to practice errors and failing to conform to the essential standards of acceptable nursing practice. Licensee agreed to take coursework and complete twelve (12) months of monitored practice within twenty-four (24) months.
3. To date, Licensee has not provided evidence of completed coursework. This is a

violation of a Board Order

4. Licensee has been unable to obtain employment as a nurse. Therefore, Licensee has not completed twelve (12) months of monitored practice within a twenty-four (24) month period of time. This is a violation of a Board Order.
5. On April 14, 2016, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

**-II-**

### **CONCLUSIONS OF LAW**

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

**-III-**

### **ORDER**

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

ORDERED that the Licensed Practical Nurse License/certificate of Karen Moore is REVOKED.

DATED this \_\_\_\_ day of May, 2016

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

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Bonnie Kostelecky, MS, MPA, RN  
Board President

TO: KAREN MOORE:

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

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Jana Nistler, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 076009068RN** ) **Reference No. 16-01157**

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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. Jana Nistler (Licensee) was issued a Registered Nurse License by the Board on August 30, 1985.

On or about January 15, 2016, the Board received a report from Licensee that her employment as an oncology nurse had been terminated. The Board opened an investigation into the matter.

On August 19, 2015, Licensee mistakenly administered the incorrect medication to a patient. The patient was not harmed. Licensee acknowledged she failed to verify the medication prior to administering it.

Following the above incident, Licensee's employer placed her on leave and audited her practice history. The audit revealed prior deviations from the standard of care and hospital policies.

On November 14, 2012, Licensee mistakenly administered an IV medication that had been prepared and labeled for another patient. In this case, the patient who received the medication also had an order for this medication and the error did not result in patient harm. Licensee did not complete an incident report regarding this matter.

On November 17, 2015, a patient who received regular medication infusions at the clinic, complained that Licensee was not consistently assigned to her. This patient reported that Licensee and she had become friends. The patient also stated that she appreciated how quickly Licensee infused her medication, while the other nurses took much longer. Following the patient's complaint, the employer determined that Licensee had violated professional boundaries and had bypassed protocols, allowing the infusions to go more quickly.

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

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

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

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

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

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

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

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

(o) Failing to dispense or administer medications, including Methadone, in a manner consistent with state and federal law.

(3) Conduct related to communication:

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

(i) Failing to communicate information regarding the client's status to other individuals who need to know; for example, family, and facility administrator.

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 Jana Nistler be reprimanded.**

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

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

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

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

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

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

\_\_\_\_\_  
Jana Nistler, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Bonnie Kostelecky, MS, MPA, RN  
Board President

\_\_\_\_\_  
Date



1 Licensee was Director of Nursing (DNS) during the time GP, DR and DG received care at the  
2 facility. As DNS, Licensee was in charge of overseeing and directing all phases of the nursing  
3 service and for ensuring that residents received complete and competent care. Licensee was  
4 responsible for evaluating the quality of nursing services rendered at the facility and for ensuring  
5 State and Federal regulations were being followed by nursing staff.

6 The Board alleges that, as DNS, Licensee failed to exercise adequate supervision of resident  
7 assessments and care plans by failing to ensure adequate staff coverage was provided or by failing to  
8 provide sufficient direction and training to facility staff nurses, or both.

9 The Board alleges that, as DNS, Licensee hindered adequate nurse-physician communication by  
10 unreasonably restricting or discouraging direct communication or contact with facility.

11 The Board alleges that the above conduct is in violation of ORS 678.111 (1)(b)(f)(g), OAR 851-  
12 045-0040 (1)(a)(b), (2)(a)(b), (3)(h) and OAR 851-045-0070 (1)(b)(c)(d), (2)(b),  
13 (3)(a)(b)(g)(h)(i),(4)(b) which read as follows:

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

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

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

24 (f) Conduct derogatory to the standards of nursing.

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

#### 26 **OAR 851-045-0040 Scope of Practice Standards for All Licensed Nurses**

**(1) Standards related to the licensed nurse's responsibilities for client advocacy. The  
licensed nurse:**

(a) Advocates for the client's right to received appropriate care, including person-centered care  
and end-of-life care, considerate of the client's needs, choices and dignity.

(b) Intervenes on behalf of the client to identify changes in health status, to protect, promote and  
optimize health, and to alleviate suffering;

**(2) Standards related to the licensed nurse's responsibilities for the environment of care.  
The licensed nurse:**

(a) Promotes and environment conducive to safety and comfort for all levels of care, including  
self-care and end-of-life; and

(b) Identifies client safety and environmental concerns; takes action to correct those concerns  
and report as needed.

1  
2 **(3) Standards related to the licensed nurse’s responsibilities for ethics, including**  
3 **professional accountability and competence. The licensed nurse:**

4 (h) Retains professional accountability when accepting, assigning, or supervising nursing care  
5 and interventions;

6 **OAR 851.045-0070 Conduct Derogatory to the Standards of Nursing Defined.**

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

11 **(1) Conduct related to the Client’s safety and integrity:**

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

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

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

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

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

20 **(3) Conduct related to communication:**

21 (a) Inaccurate recordkeeping in client or agency records.

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

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

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

(i) Failing to communicate information regarding the client’s status to other individuals who  
need to know; for example, family and facility administrator.

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

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

WHEREAS, the licensee neither admits nor denies that the allegations in the above-noted Notice  
are true, however, is desirous of resolving this matter; and therefore consents to the disciplinary  
action as set forth herein:

1 **That the Registered Nurse license of 200942703RN be placed on SUSPENSION for 60 Days**  
2 **followed by PROBATION.** The Licensee's compliance with this agreement will be monitored  
3 by the Oregon State Board of Nursing from the date of signature on this Stipulated Order for  
4 Suspension followed by Probation (this "Stipulated Order"). Licensee must complete a twenty-  
5 four (24) month period of probation to begin upon her return to supervised nursing practice at the  
6 level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week  
and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope  
of duties in order to demonstrate whether or not she is competent. Limited overtime may be  
approved on occasion.

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

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

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

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

13 4. Licensee shall maintain an active license.

14 5. Licensee will not work in a nursing leadership role during Probation.

15 6. Licensee shall inform the Board in advance of any absences from Oregon and/or move  
16 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.

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

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

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

24 10. Licensee shall inform current and prospective employers of the probationary status of  
25 her license, the reasons for her probation, and terms and conditions of probation. If there  
26 is a Nurse Executive, that person is to be informed of Licensee's probationary status. The  
Nurse Executive will receive copies of this Stipulated Order when Licensee is employed.

1 11. Licensee shall work under the direct supervision of another licensed healthcare  
2 professional, functioning at the same or higher level of licensure, who is working in the  
3 same physical location and readily available to observe Licensee's practice and provide  
4 assistance. Licensee shall be employed in a setting where her nursing supervisor agrees to  
5 submit written evaluations of work performance (on forms provided by the Board) every  
6 three (3) months during the probationary period. The nursing supervisor must submit the  
7 quarterly evaluation within ten (10) days of the due date. If the evaluation is not received  
8 at such time, Board staff will contact the employer to remind them. If the Board does not  
9 receive the report within five (5) business days from the time the employer is contacted,  
10 the Licensee will be restricted from practice.

11 12. Between quarterly reporting periods, the Nurse Executive or a comparable person  
12 shall inform Board staff of any instance of Licensee's noncompliance with the terms and  
13 conditions of this Stipulated Order, or of any other concern there may be regarding her  
14 work-related conduct or personal behavior that may affect her ability to practice as a  
15 nurse.

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

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

22 15. Licensee shall cease practicing as a nurse if there are concerns about ability to  
23 practice safely or at the request of Board staff. Practice may resume when approved by  
24 the Board staff, in consultation with her employer.

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

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 she engages in future conduct resulting in violations  
of the law or terms of probation, the Board may take further disciplinary action against her  
license, up to and including revocation of 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 entering into the stipulated agreement, she waives the right to  
an administrative hearing.

1 Licensee states no promises, representation, duress or coercion has been used to induce her  
2 to sign this Stipulated Order.

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

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

6  
7 IT IS SO AGREED

8  
9 \_\_\_\_\_  
10 Lorian Ordonez, RN

\_\_\_\_\_ Date

11  
12 **ORDER**

13 IT IS SO ORDERED:

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

15  
16  
17  
18 \_\_\_\_\_  
19 Bonnie Kostecky, MS, MPA, RN  
Board President

\_\_\_\_\_ Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

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

) **STIPULATED ORDER FOR  
SUSPENSION FOLLOWED BY  
PROBATION**

**License No. 201042786RN**

) **Reference No. 15-00671**

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Julie Taylor (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on September 14, 2010.

On or about October 24, 2014, the Board received information that alleged the staff at a nursing and rehabilitation center failed to provide necessary care and services to manage a resident's condition.

Resident DR, was 59 years old when he was admitted to the facility on December 26, 2013 with a complicated medical history involving co-existing chronic conditions. Facility admission records note DR was alert and oriented, and he had a Foley catheter in place with redness and swelling to the scrotum.

On January 20, 2014, DR left the facility AMA (Against Medical Advice) and was transported by ambulance to a hospital where he was diagnosed with a severe infection requiring emergent surgical intervention. He was later discharged to a burn center for further treatment.

Licensee was the Resident Care Manager (RCM) assigned to DR during his stay at the facility. As RCM, Licensee was responsible for supervising and assisting floor nurses with resident care and for conducting periodic assessments. Among other responsibilities, Licensee was responsible for completing the Minimum Data Sets (MDS) as core elements used in conducting assessments on residents. Licensee was also in charge of ensuring that physician orders were carried out and documentation was completed and signed. It was Licensee's responsibility to ensure the physician and other healthcare providers were kept fully informed of changes in a resident's condition.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(b)(f)(g), OAR 851-045-0060 (2)(a)(D)(E) and (2)(d)(A), and OAR 851-045-0070 (1)(b)(c)(d), (2)(b), (3)(a)(b)(g)(h)(i), (4)(b) which read as follows:

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

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

### **OAR 851-045-0060 Scope of Practice Standards for Registered Nurses**

**(2) Standards related to the Registered Nurse's responsibility for nursing practice implementation.** Applying nursing knowledge, critical thinking and clinical judgment effectively in the synthesis of biological, psychological, social, sexual, economic, cultural and spiritual aspects of the client's condition or needs, the Registered Nurse shall:

(a) Conduct and document initial and ongoing comprehensive and focused nursing assessments of the health status of clients by:

(D) Anticipating and recognizing changes or potential changes in client status; Identifying signs and symptoms of deviation from current health status; and

(E) Validating data by utilizing available resources, including interactions with the client and health team members.

(d) Implement the plan of care by:

(A) Implementing treatments and therapy, appropriate to the context of care, including emergency measures, interpretation of medical orders, medication administration, independent nursing activities, nursing, medical and interdisciplinary orders, health teaching and health counseling; and

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

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

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

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

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

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

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

**(3) Conduct related to communication:**

(a) Inaccurate recordkeeping in client or agency records.

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

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

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

(i) Failing to communicate information regarding the client's status to other individuals who need to know; for example, family, and facility administrator.

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

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

WHEREAS, the licensee neither admits nor denies that the allegations in the above-noted Notice are true, however, is desirous of resolving this matter; and therefore consents to the disciplinary action as set forth herein:

Licensee shall be **SUSPENDED FOR 21 Days AND Followed by PROBATION** effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twelve (12) month period of practice only probation, to be monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

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

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have twenty-four (24) months from Board's acceptance of this Order to complete twelve (12) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee will not work in a nursing leadership role during probation
6. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
7. 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.
8. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
9. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
10. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
11. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

12. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
13. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
14. Licensee shall not work in any practice setting when **on-site supervision** is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings. Licensee may work as a treatment nurse under the supervision of a charge nurse
15. Licensee shall cease practicing as a nurse if there are concerns about 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.
16. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

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

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

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

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Julie Taylor, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Bonnie Kostecky, MS, MPA, RN  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Skyler Zynda, CNA** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**Certificate No. 201211619CNA** ) **Reference No. 16-01303**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Skyler Zynda (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on July 20, 2012.

This matter was considered by the Board at its meeting on May 11, 2016.

On March 23, 2016, a Notice stating that the Board intended to suspend the Certificate Holder's Certified Nursing Assistants certificate was sent to Certificate Holder via certified and first-class mail to Certificate Holder's address of record. The Notice alleged that Certificate Holder failed to cooperate with the Board during the course of an investigation.

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

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

-I-

**FINDINGS OF FACT**

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

1. Certificate Holder was issued a Certified Nursing Assistant certificate in the state of Oregon on July 20, 2012.
2. On or about February 17, 2016, Certificate Holder was reported to the Board for alleged impairment while working as a Certified Nursing Assistant. The Board opened an investigation into the matter.

3. On February 18, 2016, Board staff mailed a letter to Certificate Holder's address of record requesting that Certificate Holder schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On March 11, 2016, a second letter was sent to Certificate Holder's address of record requesting that Certificate Holder contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to send a written statement regarding the allegations and provide a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On March 23, 2016, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Certificate Holder failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Certificate Holder's opportunity to request a hearing has expired and she is in default.

**-II-**

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, Skyler Zynda, and over the subject matter of this proceeding.
2. That Certificate Holder's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(10)(a) and (c).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

**-III-**

### **ORDER**

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

ORDERED that the Certified Nursing Assistant Certificate of Skyler Zynda is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Skyler Zynda has fully cooperated with the Board's investigation. Should the Board reinstate the Certified Nursing Assistant Certificate of Skyler Zynda, she would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_\_ day of May, 2016

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

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Bonnie Kostelecky, MS, MPA, RN  
Board President

TO: SKYLER ZYNDA:

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.