

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Diane Bergeron, CNA) **PROBATION**
)
Certificate No. 200310071CNA) **Reference No. 15-01855**

Diane Bergeron (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on January 3, 2003.

On or about June 2, 2015, CNA self-reported to the Board that she went to work under the influence of alcohol. CNA left the worksite prior to performing any patient care.

CNA has a diagnosis which meets the Board's criteria for monitoring.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(c)(f), 851-063-0080(3)(6), OAR 851-063-0090(7)(c), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

(c) Impairment as defined in ORS 676.303.

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

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

Under the contested case procedure in ORS 183.310 to 183.550 the Board may deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

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

(6) Conduct unbecoming a nursing assistant.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

(7) Conduct related to safe performance of authorized duties:

(c) Using a prescription or non-prescription drug, alcohol, or a mind-altering substance to an extent or in a manner dangerous or injurious to the nursing assistant or others, or to an extent that such use impairs the ability to perform the authorized duties safely.

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

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

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

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

inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.

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

Upon request of Board staff, CNA shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. CNA understands that CNA is financially responsible for any and all costs related to testing and evaluating. CNA's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.

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

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

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

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

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

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

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

IT IS SO AGREED:

Diane Bergeron, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Joie Bowen, RN) **VOLUNTARY SURRENDER**
)
License No. 200040802RN) **Reference No. 15-01922**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Joie Bowen (Licensee) was issued a Registered Nurse License by the Board on August 12, 2000.

On or about June 9, 2015, the Board received information that Licensee diverted narcotics from her employer and forged a co-worker's signature attesting to the destruction of narcotics. Licensee denies diverting narcotics and forging a co-worker's signature. Licensee acknowledges that the evidence supports the violations listed below and wishes to cooperate with the Board in this matter by voluntarily surrendering her Registered Nurse License.

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

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

- (2) Conduct related to other federal or state statute/rule violations:
- (f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.
- (i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
- (3) Conduct related to communication:
- (c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, filling in someone else's omissions, signing someone

else's name, record care not given, and fabricating data/values.

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 Joie Bowen be accepted. If, after a minimum of three years, Ms. Bowen 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.

Joie Bowen, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Robin Callaham, RN) **REPRIMAND OF LICENSE**
)
License No. 200642310RN) **Reference No. 15-01409**

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 Callaham (Licensee) was issued a Registered Nurse License by the Board on August 7, 2006.

On or about March 27, 2015, the Board received information that Licensee failed to maintain professional boundaries with a patient. A Board investigation was initiated.

It was alleged that from January to March of 2015, Licensee, in her role as Registered Nurse in a correctional facility, communicated in writing and by phone with an incarcerated patient.

On May 20, 2015, Licensee admitted to failing to maintain professional boundaries.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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 Robin Callaham 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.

Robin Callahan, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Airwin Cheng**

) **STIPULATED ORDER FOR**
) **WITHDRAWAL OF REGISTERED**
) **NURSE LICENSE APPLICATION**
)
) **Reference No. 15-00325**

License No. RN Applicant

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. On April 14, 2014, the Board received a Registered Nurse Licensure by Examination Application from Airwin Cheng (Applicant) more than three years following his graduation/nursing program completion in Philippines, as per the information provided by Applicant.

Applicant had not taken the NCLEX and was no longer eligible to do so without additional education. On May 12, 2014, Board staff sent Applicant a letter requesting additional documentation showing he was eligible for licensure/NCLEX examination or a request for withdrawal of the application. No response was forthcoming.

Upon discussing the matter with Board staff on July 10, 2015, Applicant determined that withdrawal of his RN license endorsement application at this time would be his most appropriate choice.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(g) and OAR 851-031-0010(2)(b) and (c) 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:

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

OAR 851-031-0010 Licensure by Examination

(2) Limits on Eligibility for Licensure by Examination:

(b) Applicants for initial licensure by examination (not previously licensed in another state or country) shall be permitted to test no more than three years following graduation or program completion.

(c) An applicant who fails to pass the examination in three years shall not be eligible to reapply for licensure by examination, except that the applicant may subsequently enroll and successfully complete an approved program of nursing in order to be eligible to reapply for licensure by examination.

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

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

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

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

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

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

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

Applicant states no promises, representations, duress or coercion have been used to induce

him to sign this Stipulated Order.

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

IT IS SO AGREED:

Airwin Cheng

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY OF FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Maria De Leon, LPN) **REPRIMAND OF PRACTICAL**
) **NURSE LICENSE**
License No. 200430303LPN) **Reference No. 15-01669**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Practical Nurses. Maria De Leon (Licensee) was issued a Practical Nurse License by the Board on August 19, 2004.

On or about May 5, 2015, the Board received information that Licensee failed to assess a resident, failed take action to preserve resident safety, failed to follow or modify a care plan, failed to maintain accurate records and failed to communicate information to the resident's healthcare team.

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

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.

(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.

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

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

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

Licensee shall provide the Board proof of successful completion of the following within 30 days of the date this Order is signed by the Board:

1. OSBN Educational Outreach Session – Nursing Regulation & Oregon's Nurse Practice Act: What it Means to Your Practice;
2. NCSBN online course -- Documentation: A Critical Aspect of Client Care;
3. NCSBN online course – Sharpening Critical Thinking Skills; and
4. Short essay on the subject of indwelling urinary catheters.

The Practical Nurse license of Maria De Leon is 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 Practical Nurse.

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

Licensee understands that by signing this Stipulated Order, 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.

Maria De Leon, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Jason Edgley, CNA**

)
) **FINAL ORDER OF REVOCATION**
) **OF CERTIFIED NURSING ASSISTANT**
) **CERTIFICATE BY DEFAULT**
)
) **Reference No. 15-00088**

Certificate No. 200311979CNA

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. Jason Edgley (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on July 1, 2003.

This matter was considered by the Board at its meeting on August 12, 2015.

On June 23, 2015, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Jason Edgley, was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder was arrested in 2014 for strangulation and assault. Certificate Holder disclosed that his use of alcohol was a major factor in his arrest and that he was alcohol dependent. During the course of the investigation Certificate Holder failed to cooperate with the Board's 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. Licensee was issued a Certified Nursing Assistant certificate in the state of Oregon on July 1, 2003.

2. On or about July 14, 2014, Certificate Holder self-reported to the Board that he had pled guilty to strangulation and assault on June 9, 2014.
3. On or about January 28, 2015, Certificate Holder disclosed that his use of alcohol was a major factor in his arrest and that he was alcohol dependent.
4. On or about March 16, 2015, Certificate Holder agreed to his Certified Nursing Assistant certificate being placed on probation and a Stipulated Order for Probation was mailed to Certificate Holder's address and email of record.
5. On or about April 8, 2015, Certificate Holder informed Board staff that he intended to return the signed Stipulated Order for Probation within ten days. Certificate Holder failed to provide a signed Stipulated Order for Probation and has ceased all communication with Board staff.
6. On June 23, 2015, Board staff mailed a Notice of Proposed Revocation of Nursing Assistant Certificate 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, Jason Edgley, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(a)(c)(d), OAR 851-063-0080(1)(3)(4) and OAR 851-063-0090(9)(a)(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 Jason Edgley is revoked.

DATED this ____ day of August, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: JASON EDGLEY:

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 Certified Nursing Assistant License/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**
Christopher Gillespie, CNA) **PROBATION**
)
Certificate No. 201408406CNA) **Reference No. 15-01651**

Christopher Gillespie (CNA) was issued a Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on December 8, 2014.

On or about May 6, 2015, CNA self-reported to the Board that he was seeking treatment for his use of alcohol. Board staff verified there was no report of impairment at work or harm to patients.

CNA has a condition which meets the Board's criteria for monitoring in the workplace.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(c) and 851-063-0080(3) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

(c) Impairment as defined in ORS 676.303.

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

Under the contested case procedure in ORS 183.310 to 183.550 the Board may deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

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

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

CNA shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. CNA's compliance with this Order will be monitored by the Oregon State Board of Nursing. CNA must complete a twenty-four (24) month period of probation to begin upon CNA's return to work, monitored as outlined below. CNA must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. CNA must work

in a setting where CNA can exercise the full extent of CNA's scope of duties, in order to demonstrate CNA's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which CNA does not work in the state of Oregon will not count toward the probationary period.

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

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

employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, CNA may be restricted from performing the duties of a nursing assistant.

11. Between quarterly reporting periods, the Nurse Executive or a person designated by CNA's employer shall inform Board staff of any instance of CNA's non-compliance with the terms and conditions of this Order or of any other concern regarding CNA's work-related conduct or personal behavior that may affect CNA's ability to perform the duties of a nursing assistant.
12. CNA shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. CNA shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. CNA shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
15. CNA shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, CNA shall submit to Board staff a copy of CNA's completion certificate or discharge summary. CNA shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's treatment provider and release CNA's treatment records to the Board.
16. CNA shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in CNA's immediate removal from working as a nursing assistant. CNA shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or CNA's employer. CNA shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, CNA shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. CNA understands that CNA is financially responsible for any and all costs related to testing and evaluating. CNA's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.
17. CNA shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. CNA shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.

18. CNA may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. CNA shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. CNA shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release CNA's records to the Board. CNA shall discard any unused prescription medication when no longer needed or when expired.
19. CNA shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with CNA's employer.
20. CNA shall notify any and all healthcare providers of the nature of CNA's chemical dependency to ensure that CNA's health history is complete before receiving any treatment, including medical and dental. CNA shall provide a copy of this Order to CNA's healthcare providers. CNA shall provide Board staff with the names and contact information of any and all health care providers. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's healthcare providers and release CNA's medical and treatment records to the Board. CNA is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
21. CNA shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. CNA shall cooperate fully with Board staff in the supervision and investigation of CNA's compliance with the terms and conditions of this Order.

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

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

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

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

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

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

IT IS SO AGREED:

Christopher Gillespie, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Kurt Hagardorn, RN

License No. 200542338RN

)

) **FINAL ORDER OF REVOCATION**

) **OF REGISTERED NURSE LICENSE**

) **BY DEFAULT**

)

) **Reference No. 15-01293**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kurt Hagardorn (Licensee) was issued a Registered Nurse License by the Board on September 29, 2005.

This matter was considered by the Board at its meeting on August 12, 2015.

On June 24, 2015, a Notice stating that the Board intended to revoke the Registered Nurse License of Kurt Hagardorn was sent to him via certified and first-class mail to his address of record. The Notice alleged that Licensee had diverted narcotics from his work for personal use and had made misrepresentations about the issues under investigation.

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

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

-I-

FINDINGS OF FACT

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

1. On or about April 8, 2015, in an interview with Board staff, Licensee disclosed that between January 29, 2015, and February 22, 2015, he diverted Hydromorphone, Oxycodone, Morphine, and Fentanyl, from his employer for personal use and was terminated. Licensee stated that he had been clean and sober since February 25, 2015.
2. Records show that on March 26, 2015, Licensee was hospitalized for the consumption of alcohol and misuse of prescribed medications.

3. Records show that on April 11, 2015, Licensee was arrested for Driving Under the Influence of Intoxicants and Reckless Driving. A Fentanyl patch was found on Licensee's back.
4. On or about May 13, 2015, Licensee provided a urinalysis which tested positive for alcohol.
5. On June 24, 2015, 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, Kurt Hagardorn, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111(1)(e)(f)(g) and OAR 851-045-0070(2)(f)(i) (4)(b)(5)(d).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Registered Nurse License of Kurt Hagardorn is Revoked.

DATED this _____ day of August, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: KURT HAGARDORN:

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) **STIPULATED ORDER FOR**
Thomas Hornbeck, RN) **PROBATION**
)
License No. 200842680RN) **Reference No. 14-01897**

Thomas Hornbeck (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on September 08, 2008.

In October, 2010, Licensee enrolled in the Health Professionals' Services Program (HPSP) after the Board approved his entry into HPSP and dismissed the case. Licensee had been reported to the Board by his employer for testing positive on a for-cause urinalysis (UA). He completed a chemical dependence assessment and entered treatment.

Since enrolling in HPSP, Licensee has been reported as substantially non-compliant on multiple occasions. His substantial non-compliances include testing positive for ETG, a metabolite of alcohol, failing a for-cause UA at work, failing to meet the monitored practice requirement, failing to maintain weekly contact with his HPSP agreement monitor, and missing two UAs.

Licensee explained some of his non-compliance issues were due in part to a lack of financial resources, difficulty in finding employment, and incidental exposure to substances. Within the last year, Licensee has been able to establish a period of compliance with his monitoring agreement and is now practicing with no reported concerns.

By the above actions, Licensee is subject to discipline pursuant to ORS 676.200 (3), 678.111 (1) (f), ORS 678.112, OAR 851-045-0070 (7) (e), OAR 851-070-0090 (4), OAR 851-070-0100 (1) (d) (k) (l) and (m) which read as follows:

ORS 676.200 Board participation in program; rules.

(3) A board that participates in the impaired health professional program shall investigate reports received from the monitoring entity established under ORS 676.195. If the board finds that a license is substantially non-compliant with a diversion agreement entered into under ORS 676.190, the board may suspend, restrict, modify or revoke the licensee's license or end the licensee's participation in the impaired health professional program.

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 678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111.

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:

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

OAR 851-070-0090 Completion Requirements

(4) A licensee who does not complete the required term of monitored practice will be discharged from the Health Professional Services Program and may be subject to discipline.

OAR 851-070-0100 Substantial Non-Compliance Criteria

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:

(d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(k) Violated any provisions of OAR 851-070-0080;

(l) Violated any terms of the diversion agreement;

m) Failed to complete the monitored practice requirements as stated in OAR 851-070-0090.

(2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

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

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a fourteen (14) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE.

Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which Licensee does not practice in the state of Oregon will not count toward the probationary period.

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

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete fourteen (14) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due

date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee may have access to narcotics and controlled substances in the workplace.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.
17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee

shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.

19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

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

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

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

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

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

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

IT IS SO AGREED:

Thomas Hornbeck, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY OF FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Carol Jamison Walker, LPN) **VOLUNTARY SURRENDER**
)
License No. 201130381LPN) **Reference No. 15-01474**

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. Carol Jamison Walker (Licensee) was issued a Licensed Practical Nurse License by the Board on August 10, 2011.

On or about April 8, 2015, the Board received information that Licensee was unable to perform the duties of a Practical Nurse with reasonable skill and related to issues with memory and performance. There was no report of patient harm. The Board opened an investigation into the matter.

On April 9, 2015, Licensee signed an Interim Order by Consent voluntarily removing herself from practice pending further Order by the Board.

Licensee stated she had noticed she had been experiencing increasing difficulty with her memory in the past year or so, but had not been able to obtain a medical diagnosis due to a lack of insurance and financial resources. Licensee expressed concern she was unable to recall pertinent information regarding patient care without immediately writing information down on a notepad or paper. Licensee stated she did not want to place any patients at risk due to her condition, and had voluntarily removed herself from the workplace after coaching and a leave of absence had not been sufficient to remediate her practice.

Licensee acknowledged on or about February 2015, she had failed to accurately document care and medications ordered for patients under her care while working on multiple shifts. Licensee stated she made an attempt to improve her practice and acknowledged she had been unable to show sustained improvement in the workplace.

Licensee acknowledges she is unable to perform the duties of a Practical Nurse at this time and wishes to cooperate with the Board in resolving the present matter. Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Licensed Practical Nurse license.

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

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

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

(f) Conduct derogatory to the standards of nursing.

(i) Physical or mental 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:

(3) Conduct related to communication:

(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.

(5) Conduct related to impaired function:

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

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 Carol Jamison Walker be accepted. If, after a minimum of three years, Ms. Jamison Walker wishes to reinstate her Licensed Practical Nurse license, she may submit an application to the Board to request reinstatement.

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

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

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

thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

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

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

Carol Jamison Walker, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY OF FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Gabriel Johnson**

)
) **FINAL ORDER OF REVOCATION OF**
) **NURSING ASSISTANT CERTIFICATE BY**
) **DEFAULT**
)
) **Reference No. 15-00797**

Certificate No. 201403122CNA

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. On May 30, 2014, Gabriel Johnson (CNA) was issued a Nursing Assistant certificate by the Board which expired on January 06, 2015.

This matter was considered by the Board at its meeting on August 12, 2015.

On July 21, 2015, a Notice stating that the Board intended to revoke the Nursing Assistant certificate of Gabriel Johnson was sent to him via certified and first-class mail to his address of record. The Notice alleged that CNA diverted and abused controlled substances.

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

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

-I-

FINDINGS OF FACT

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

1. On May 30, 2014, CNA was issued a Nursing Assistant certificate by the Board which expired on January 06, 2015.
2. In November 2014, CNA was arrested for allegedly altering written prescriptions for narcotic medications on multiple occasions in order to obtain and consume more than were originally prescribed to him. In May 2015, CNA admitted to Board staff that he did, in fact, perform the above-mentioned acts for which he was arrested.
3. On July 21, 2015, Board staff mailed a Notice of Proposed Revocation of Nursing Assistant Certificate to CNA via first-class and certified mail. The Notice granted

CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

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

-III-

ORDER

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

ORDERED that the Nursing Assistant certificate of Gabriel Johnson is revoked.

DATED this _____ day of August, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: GABRIEL JOHNSON:

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

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to

judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jeffrey McLaughlin, CRNA) **VOLUNTARY SURRENDER**
)
License No. 083042893CRNA,) **Reference No. 15-02045**
083042893RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Registered Nurse Anesthetists. Jeffrey McLaughlin (Licensee) was issued Registered Nurse License by the Board on August 30, 1983 and a Certified Registered Nurse Anesthetist Certificate on August 19, 1998.

Licensee entered the HPSP as a self-referral and was diagnosed as Alcohol Dependent.

On November 6, 2014, the Board received information that Licensee had entered into the Health Professional Services program as a self-referral on March 4, 2014. Licensee was reported to the Board for a missed test on October 31, 2014.

Licensee had submitted a request for Retired Status to the Board on June 19, 2015. Licensee was contacted by Compliance Specialist and explained that it was not an option to retire your license(s) and stop participation in the HPSP. Licensee had reported to Board staff that he would not sign a Voluntary Surrender.

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

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

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

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

OAR 851-070-0090 Completion Requirements

(1) To successfully complete the Health Professionals' Services Program (HPSP), licensees with a substance use disorder, or with a mental health disorder and a substance use disorder, must have participated in the HPSP program for a minimum of four years and have worked for at least two years in a supervised monitored practice. Licensees must complete the required two years of supervised monitored practice within four years of entering the Health Professionals' Services Program.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender his Certified Registered Nurse Anesthetist Certificate and RN 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 Certified Registered Nurse Anesthetist Certificate and RN License of Jeffrey McLaughlin be accepted. If, after a minimum of three years, Mr. McLaughlin wishes to reinstate his Certified Registered Nurse Anesthetist Certificate and/or his Registered Nurse License, he may submit an application to the Board to request reinstatement.

Licensee agrees that he will not practice as a Certified Registered Nurse Anesthetist and Registered Nurse license from the date he signs this Order.

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

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

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

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

Jeffrey McLaughlin, CRNA, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jennifer Page, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201112510CNA) **Reference No. 15-01332**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Jennifer Page (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on September 27, 2011.

On or about March 05, 2015, the Board received a CNA renewal application from Certificate Holder. On her renewal application, Certificate Holder provided information requiring further investigation by the Board.

During the Board's investigation, Certificate Holder disclosed that she has not worked as a CNA since October 07, 2014 due to medical reasons that could impair her ability to practice nursing assistant duties with reasonable skill and safety at this time.

The Board has authority to discipline pursuant to ORS 678.442 (2)(f) and OAR 851-063-0090 (7)(a)(b) and (c) which read as follows:

ORS 678.442

Certification of nursing assistants; rules.

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

OAR 851-063-0090

Conduct Unbecoming a Nursing Assistant

- (7) Conduct related to safe performance of authorized duties:
 - (a) Performing authorized duties when unable/unfit to perform nursing assistant activities or tasks due to:
 - (b) Performing authorized duties when physical or mental ability to perform is impaired by use of a prescription or non-prescription drug, alcohol, or a mind-altering substance;
or
 - (c) Using a prescription or non-prescription drug, alcohol, or a mind-altering substance to an extent or in a manner dangerous or injurious to the nursing assistant or others, or to an extent that such use impairs the ability to perform the authorized duties safely.

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

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

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

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

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

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

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

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

Jennifer Page, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Frank Rogers, RN) **REPRIMAND OF LICENSE**
)
License No. 201400990RN) **Reference No. 15-01206**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Frank Rogers (Licensee) was issued a Registered Nurse License by the Board on February 20, 2014.

On or about February 23, 2015, the Board received information that Licensee had accessed an employee's protected health information. The Board opened an investigation into the matter.

It was alleged that on or about February 14, 2015, Licensee, in his role as a Manager, accessed an employee's protected health information.

On March 23, 2015, Licensee admitted to accessing an employee's protected health information.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

(m) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client by obtaining the information without proper authorization or when there is no "need

to know.”

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

That the Registered Nurse license of Frank Rogers be reprimanded and that Licensee complete a HIPAA training course.

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

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

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

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

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

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

Frank Rogers, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	ORDER OF EMERGENCY SUSPENSION
Richard Smith, RN)	OF
)	REGISTERED NURSE LICENSE
)	
)	
License No. 200242224RN)	Reference No. 16-00138

This matter having come before the Oregon State Board of Nursing (Board) on August 12, 2015, for consideration of the entry of an Order of emergency Suspension suspending the registered nurse license of Richard Smith, pending the conclusion of the Board’s disciplinary proceedings in the above-captioned matter. The Board accordingly makes the following findings of fact and conclusions of law in support of its Order of Emergency Suspension:

1.
FINDINGS OF FACT

The acts and conduct by Licensee that support this Order for Emergency Suspension follow:

- 1.1 The Oregon State Board of Nursing licensed Richard Smith (Licensee) as a registered nurse on August 13, 2002.
- 1.2 On March 4, 2014, Licensee submitted an application for renewal of his Registered Nurse license. Licensee answered “no” to question “1” on the application which asks: “Do you have a physical, mental or emotional condition that in any way impairs or may impair your ability to practice nursing or perform nursing assistant duties with reasonable skill and safety?”
- 1.3 On July 16, 2015, the Board received information that Licensee was had just been released from a three week involuntary psychiatric hold.
- 1.4 On July 29, 2015, Board staffs sent Licensee a letter requesting he sign releases of information with all medical and mental health providers, and provide copies of his records for the past two years. Additionally, Licensee was asked provide a written explanation regarding the concerns related to his current mental health status; provide a copy of his work history and to call and schedule an appointment for a personal interview with Board staff by August 12, 2015. Licensee failed to provide the requested information and documents.

1.5 Between August 2, 2015 and August 3, 2015, Licensee called and left or attempted to leave 14 voice mail messages outside of business hours. The messages contained threatening language against Board staff, his former employer and other individuals. The messages also contained comments in which Licensee expressed concern a “hit man” had been hired by his former employer to kill him, that he was going to the local office of the FBI to report health care fraud and that he suffered from “PTSD” due to the horrific injuries and events he had witnessed throughout his life which he described in vivid detail. Licensee’s speech was at times pressured and erratic throughout the messages. Licensee stated he did not wish to come to the office of the Board for an interview or in general comply with the requests made of him by the Board.

1.6 On or about August 4, 2015, Licensee contacted Board staff directly. Licensee made additional rambling statements during the conversation. Including but not limited to the following: Licensee stated he had put the pieces of the puzzle together and would be going to the FBI with his findings as soon as their office opened. Licensee stated if his former supervisor was not taken off of the floor and out of management, “someone is going to die” and Board staff would be charged with Murder as a result. Licensee repeatedly insisted his former supervisor fits “Borderline Personality Disorder” and “checks off every fault in human behavior.”

Licensee made further statements saying “they have gotten very personal with me” and were saying he is “delusional, paranoid and got mental health issues.” “You know what they did and I want to kill this guy I don’t know how, he’s gonna go to Federal Prison for the rest of his life, but he hypnotized my wife and I know it... they said could you step out of the room for a minute and and I was out like ten seconds came in she was like a doll kept saying your manic your manic...so I knew she was hypnotized...this nurse said don’t say that ever again you could die...so I said hey man I need music, they got all the doors off were off there was a purpose for this I thought somebody taken them off stuffed them in their mouth... this Ninja guy with really broad shoulders they shined a flashlight in my mouth every 15 minutes okay, this gets very personal cause this guy if I would have had not got the wireless this guy reguala he had a pair of those things in his mouth and he was stuffin them around like a cork and would sit on my head and shoulders I couldn’t move...he works for Fresenius...he is some kind of hit

man, hypnotist I don't know but Fresenitus hired him to kill me.”

During the telephone conversation, Licensee agreed to sign an Interim Order by Consent (ICO) voluntarily removing himself from practice the following day, but was too busy to take care of the matter that day as he needed to go directly to the FBI. Throughout the course of the conversation Licensee stated he would sign a “Revoke”, and agreed to sign all releases with his provider. Later in the conversation Licensee stated he wanted to keep his Oregon license “forever.”

1.7 On August 4, 2015, an ICO was sent via email and regular mail to Licensee's address of record and email address requesting him to sign and return the ICO within 5 business days. It was further requested that Licensee sign releases with his physician, hospital and all providers with whom he had received care in the past two years as agreed during the telephone conversation, and provide the requested documents within 5 business days. Licensee failed to do so.

1.8 On August 4, 2015, Board staff received copies of police reports in which police made contact for mental health assistance with Licensee on June 30, 2015 and July 1, 2015. On June 30, 2015, Licensee contacted the police and reported “his electronics are malfunctioning and is concerned it's related to a medical disability claim he has against a large medical company.” According to the report, Licensee reported “he has a .357 that is unloaded in his closet.”

The report further stated upon arrival at the residence, Licensee smelled intoxicated and was sitting on his front porch. Licensee stated he feared for his life, and was going to hire a security guard to watch his house 24 hours a day. Licensee reported to police he did not have a handgun a reported when he called, “he just wanted to say that he does.” Licensee's wife was present, and when questioned by police informed them Licensee is “diagnosed manic and that he is currently high up on a swing.” Licensee's wife reported Licensee “has not taken his medications today and without them he does not eat or sleep.” Licensee's wife reported she was working with his family to get him an appointment with a psychologist soon to treat his mental health disorder.

On July 1, 2015, police were dispatched to Licensee's residence again after receiving a call reporting Licensee was bipolar and "extremely manic." Upon arrival at the residence, Licensee was on the front porch and drinking wine. The police report stated Licensee was "acting more erratic than he did in our previous contact."

Licensee repeated to the officers some of the same statements made during the previous police contact. Licensee was asked by police if he would voluntarily go to the hospital, but he declined stating he would only do what his "cousin Billy tells him to do." According to Licensee, Billy was an important lawyer and could be located on "google."

The report further stated after further communication with the police, Licensee eventually agreed to speak with his sister and then later agreed to go to the hospital. While going in to put shoes on, Licensee reportedly told one of the officers he wanted to show him something and took him to the back of the home. Licensee then showed the officer the .357 Magnum handgun he had referenced the previous day. Upon entering Licensee's bedroom, police located the handgun "fully loaded and cocked hanging on a nail inside the closet." The officer asked Licensee what he wanted to do with the gun and Licensee stated the police could take the gun for "safekeeping." Licensee was transported to the hospital via ambulance, and the gun was taken to the police department. According to records received, Licensee's wife requested the gun not be released to Licensee.

1.9 On August 7, 2015, Board staff received information that Licensee had informed his employer he was filing for a medical stress disability claim. To date, no details were forthcoming.

1.10 Licensee has declined to enter into an Interim Order by Consent removing himself from practice.

1.11 Based on the information received, Licensee's actions and untreated mental health disorder, it is believed that Licensee is currently a danger to himself and others. In addition, absent this Order of Emergency Suspension, Licensee remains licensed and available to practice nursing in any setting, which constitutes an ongoing risk to public safety.

2.

CONCLUSIONS OF LAW

2.1 The Board has jurisdiction over Licensee and the subject matter of this proceeding.

2.2 In any case where the Board finds a serious danger to the public health or safety and sets forth specific reasons for such finding, it may suspend a license without hearing. ORS 183.430(2) which reads as follows:

183.430 Hearing on refusal to renew license; exceptions.

In any case where the agency finds a serious danger to the public health or safety and sets forth specific reasons for such findings, the agency may suspend or refuse to renew a license without hearing, but if the licensee demands a hearing within 90 days after the date of notice to the licensee of such suspension or refusal to renew, then a hearing must be granted to the licensee as soon as practicable after such demand, and the agency shall issue an order pursuant to such hearing as required by this chapter confirming, altering or revoking its earlier order. Such a hearing need not be held where the order of suspension or refusal to renew is accompanied by or is pursuant to, a citation for violation which is subject to judicial determination in any court of this state, and the order by its terms will terminate in case of final judgment in favor of the licensee. [1957 c.717 §8 (3), (4); 1965 c.212 §1; 1971 c.734 §11]

2.3 Based on the foregoing findings of fact, the Board concludes ample evidence exists that Licensee has an untreated mental health disorder and has continued to exhibit erratic and impaired behavior even after an involuntary hospitalization acknowledged by Licensee and as documented in police records.

Licensee's actions and conduct place the public at high risk for unsafe nursing practice and potential injury. Licensee has not addressed the Board's concern regarding his fitness to practice as a registered nurse, and has declined to remove himself from practice by signing an Interim Consent Order. Licensee's actions constitute reasonable cause to conclude that he represents a serious danger to public health, safety and welfare and is in violation of ORS 676.303 (1) (a), (b), (c) and (d); ORS 678.111(1)(c), (e), (f) (g) and (i); and OAR 851-045-0070 (4)(b), (5) (b) and (d) and (7)(a), (b) and (c); which read as follows:

ORS 676.303¹ Purposes of health professional regulatory boards• authority of boards to require

fingerprints

(1) As used in this section:

(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 676.575 (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.

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

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

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

(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.

(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:

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

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

(5) Conduct related to impaired function:

(b) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to psychological or mental impairment as evidenced by documented deterioration of

functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose mental condition/status; and

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

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

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

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

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

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

3.

ORDER

IT IS HEREBY ORDERED that the Registered Nurse License of Richard Smith is suspended, effective immediately, and that it shall remain suspended pending further Order of the Board.

DATED this _____ day of August, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: RICHARD SMITH:

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Valerie Teehan, CNA) **REPRIMAND OF CERTIFICATE**
) **WITH CONDITIONS**
Certificate No. 200210344CNA) **Reference No. 15-01342**

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. Valerie Teehan (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on February 08, 2002.

On or about March 26, 2015, Certificate Holder was reported to the Board for accessing a coworker's protected health information without cause. The Board opened an investigation into the matter.

It was alleged that on or about February 14, 2015, Certificate Holder, in her role as a Certified Nursing Assistant, accessed her co-worker's protected health information.

Certificate Holder admits to not fully logging out of the computer terminal(s), but denies accessing her coworkers protected health information.

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

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

- (8) Conduct related to other federal or state statutes/rule violations:
- (b) Violating the rights of privacy, confidentiality of information, or knowledge concerning the person, unless required by law to disclose such information;
- (m) Violating a person's rights of privacy and confidentiality of information by accessing information without proper authorization to do so or without a demonstrated need to know;

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

That the Certified Nursing Assistant certificate of Valerie Teehan be reprimanded and that Certificate Holder complete a HIPAA training course.

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

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

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

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

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

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

Valerie Teehan, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jennifer Toelcke, RN) **WITHDRAWAL OF APPLICATION**
)
License No. 200542377RN) **Reference No. 15-01372**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jennifer Toelcke (Licensee) was issued a Registered Nurse License by the Board on October 04, 2005. On April 17, 2011, Toelcke's Oregon licensee expired.

On February 2, 2015, Toelcke submitted an application for re-activation of her Registered Nurse license. On that application, Applicant disclosed to the Board she had been charged with "Controlled Substance-Attempt Obtain by Fraud-Forgery by the Idaho Falls police department. Toelcke explained the charges had later been dropped by the District Attorney's office. The Board opened an investigation into the matter.

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

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

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

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

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

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 Jennifer Toelcke's application for Registered Nurse licensure be withdrawn.

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

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

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

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

IT IS SO AGREED:

Jennifer Toelcke, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date