

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Alexandra Appleton, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201011915CNA) **Reference No. 16-00220**

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. Alexandra Appleton (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on August 13, 2010.

In August 2013, the Board received a renewal application that disclosed prior criminal, substance abuse, and treatment history dating from January 2003 through March 2013.

Certificate Holder completed treatment and was active in Alcoholics Anonymous/Narcotics Anonymous. She also completed parenting and domestic violence classes after being convicted on two DUII charges and one count of Child Neglect in the Second Degree.

On November 20, 2014, the Board placed Certificate Holder on 24 months of probation. Certificate Holder has had trouble acquiring a CNA position as DHS has not cleared her to work in their facilities. From the onset of probation, Certificate Holder has stayed in compliance with probation and excelled scholastically. She has been attending college towards a Bachelor of Arts in Social Science where she holds a 4.0 GPA, and plans to acquire her MSW through a Master's program. Certificate Holder has also been active in community volunteer work.

At this time, Certificate Holder has requested to Voluntarily Surrender her CNA certificate so that she can concentrate on and complete her education in order to support her 3 young children.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442 (2) (a) and (c) and (d) and OAR 851-063-0080 (1) and (3) and (4) which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

(c) Impairment as defined in ORS 676.303.

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

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:

- (1) Conviction of the nursing assistant of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant; ORS 678.442 (2) (a).
- (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; ORS 678.442 (2) (c).
- (4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder

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

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

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

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

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

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

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

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

Alexandra Appleton, 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) **STIPULATED ORDER FOR**
David Bennett, RN) **PROBATION**
)
RN Applicant) **Reference No. 15-01892**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. David Bennett (Applicant) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on August 24, 1995.

Applicant surrendered his Registered Nurse license on September 11, 2002 following a Board investigation into concerns regarding substance abuse and diversion of narcotics from the workplace.

On or about April 24, 2015, Applicant applied for a Limited License for the purpose of completing a nursing re-entry program and reinstating his Registered Nurse license.

Applicant has provided evidence of rehabilitation, including treatment for substance abuse, ongoing participation in recovery support programs and documented abstinence from mind-altering substances for the past 31 months.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

Licensee shall be placed on probation contingent upon successful completion of the three (3) conditions listed below within 30 days of the date the Board approves this Stipulated Order for Probation.

- 1) Contact Health and Education Consultants Incorporated and enroll in reentry program, and request confirmation of enrollment be sent directly to the Oregon State Board of Nursing.
 - 2) Notify Health and Education Consultants Incorporated that he is on Probation with the Board.
 - 3) Submit all required applications and fees to the Board to begin licensing process.
- Licensee acknowledges that absent completion of these conditions within the 30 day period their application shall be deemed denied.

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

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

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

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

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

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

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

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

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

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

16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's

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

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

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

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

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

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

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

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

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

David Bennett

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**
Susan Blazor, CNA) **VOLUNTARY SURRENDER OF**
) **NURSING ASSISTANT CERTIFICATE**
Certificate No. 201403229CNA) **Reference No. 15-01861**

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. Susan Blazor (CNA) was issued a Nursing Assistant Certificate by the Board on June 4, 2014.

On or about May 29, 2015, the Board received information that CNA failed to follow a care plan, which resulted in injury to a resident.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(3)(b) and (8)(e).

ORS 678.442 Certification of nursing assistants; rules.

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

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

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

(3) Conduct related to client safety and integrity:

(b) Failing to implement the plan of care developed by the registered nurse.

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

(e) Neglecting a person.

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

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

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

request reinstatement.

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

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

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

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

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

Susan Blazor, 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**
Deborah Boles, NP) **REPRIMAND OF**
) **PRACTITIONER CERTIFICATE**
License No. 201150167NP) **Reference No. 15-01723**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Deborah Boles (Certificate Holder) was issued a Nurse Practitioner Certificate by the Board on November 16, 2011.

On or about May 15, 2015, the Board received information alleging Certificate Holder inappropriately obtained prescription medications. The Board opened an investigation into the matter.

During the course of the Board's investigation, evidence was received that substantiated Certificate Holder inappropriately obtained prescription medications from a provider without the required patient/provider relationship.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS678.111 (1)(f) and OAR 851-045-0070(2)(i) and (j) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee.

In the manner prescribed in ORS chapter 183 for a contested case:

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

(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.

(j) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or

regulation intended to guide the conduct of nurses or other health care providers. Certificate Holder wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the Nurse Practitioner certificate of Deborah Boles be reprimanded.

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

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

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

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

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

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

Deborah Boles, NP

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**
Christy Brook, RN) **PROBATION**
)
License No. 200641593RN) **Reference No. 15-00862**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Christy Brook (Licensee) was issued a Registered Nurse license by the Board on July 3, 2006.

On or about December 12, 2014, the Board received information that Licensee had exhibited signs of impairment at work on November 2, 2014. In response to the reported concerns at work on November 2, 2014, Licensee agreed to submit to a breath alcohol test. Licensee's blood alcohol content was measured to be 0.12%.

On or about July 20, 2015, Licensee attended a chemical dependency evaluation with a Board-approved evaluator. Licensee reported she had been maintaining abstinence from alcohol. The results of follow-up drug and alcohol testing by her employer and the evaluator were negative. At the conclusion of the evaluation process, the evaluator recommended that Licensee be monitored in her nursing practice for a period of time.

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

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

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

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

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

- (5) Conduct related to impaired function:
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use

impairs the ability to conduct safely the practice for which the licensee is licensed.

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

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twelve (12) 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 twenty-four (24) months from the Board's acceptance of this Order to complete twelve (12) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within

the facility or institution.

9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall 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.
14. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall 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.
15. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to

ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

16. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 17 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
17. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
18. Licensee shall cease practicing as a nurse 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.
19. Licensee shall notify any and all healthcare providers of the nature of Licensee's substance use history 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.
20. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
21. 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:

Christy Brook, 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) **STIPULATED ORDER FOR**
Carrie Brooks) **PROBATION**
)
Certificate No. 000032670CNA) **Reference No. 15-01250**

Carrie Brooks (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on September 19, 1995.

On or about February 25, 2015, the Board received an application from Certificate Holder for renewal of her Certified Nursing Assistant (CNA) certificate. On Certificate Holder's CNA renewal application, Certificate Holder was required to disclose any arrest that had occurred since the date of her last renewal. Certificate Holder did not disclose her arrest that occurred on or about September 9, 2014 for Driving Under the Influence of Intoxicants (DUII). On the day of her arrest, police officers received a report that Certificate Holder was unable to maintain her driving lane and her car was drifting left and right. Certificate Holder's blood alcohol content was measured to be 0.19%.

On or about December 8, 2014, Certificate Holder pled guilty of DUII and entered a diversion program. As part of her court requirements, Certificate Holder must successfully complete a chemical dependency treatment program and abstain from using intoxicating substances.

Certificate Holder has been arrested two previous times for DUII. Both previous DUII arrests occurred in the 1990s and resulted in convictions.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(7)(a), which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

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

- (6) Conduct unbecoming a nursing assistant 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," who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the

public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes but is not limited to:

(7) Conduct related to impaired function:

- (a) Use of drugs, alcohol or mind-altering substances 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 conduct safely the duties of a nursing assistant.

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

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

Certificate Holder shall comply with the following terms and conditions of probation:

1. Certificate Holder shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Certificate Holder shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Certificate Holder shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Certificate Holder shall maintain active certification.
5. Certificate Holder shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Certificate Holder leaves the state and is unable to work in the state of Oregon, Certificate Holder's probationary status will be re-evaluated.
6. Certificate Holder shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Certificate Holder shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

8. Certificate Holder will not look for, accept, or begin a new nursing assistant position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Certificate Holder shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Certificate Holder's certification, the reasons for probation, and terms and conditions of probation. If Certificate Holder's employer has a Nurse Executive, Certificate Holder shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Certificate Holder shall work under the direct supervision of another licensed healthcare professional, functioning at a higher level of licensure, who is working in the same physical location and readily available to observe Certificate Holder's work and provide assistance. Certificate Holder shall be employed in a setting where Certificate Holder's nursing assistant supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Certificate Holder may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Certificate Holder's employer shall inform Board staff of any instance of Certificate Holder's non-compliance with the terms and conditions of this Order or of any other concern regarding Certificate Holder's work-related conduct or personal behavior that may affect Certificate Holder's ability to perform the duties of a nursing assistant.
12. Certificate Holder shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Certificate Holder shall not 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. Certificate Holder shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
15. Certificate Holder shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Certificate Holder shall submit to Board staff a copy of Certificate Holder's completion certificate or discharge summary. Certificate Holder shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with Certificate Holder's treatment provider and release Certificate Holder's treatment records

to the Board.

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

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

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

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

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

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

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

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

IT IS SO AGREED:

Carrie Brooks

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**
Paul Bryner) **VOLUNTARY SURRENDER**
)
License No. 201140741RN) **Reference No. 15-00554**

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

On or about October 15, 2014, the Board received information that Licensee was allegedly exhibiting concerning behaviors at work that could be related to a mental health issue.

Several years prior, Licensee had disclosed to the Board having a mental condition that could impair his ability to safely practice nursing. At that time, Licensee provided treatment records showing his condition was stable.

Licensee failed to fully participate in the present Board investigation; however, Licensee requested he be allowed to voluntarily surrender his Registered Nurse license at this time.

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

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

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

Licensee wishes to voluntarily surrender his Registered Nurse license.

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

That the voluntary surrender of the Registered Nurse license of Paul Bryner be accepted. If, after a minimum of three years, Mr. Bryner wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request reinstatement. Mr. Bryner understands that if he submits an application to the Board to request reinstatement, he

will need to fully participate in an investigation of the allegations in the case as part of the application process.

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

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

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

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

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

IT IS SO AGREED:

Paul Bryner

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**
Caren Buffum, CMA) **VOLUNTARY SURRENDER**
) **OF CNA AND CMA CERTIFICATES**
Certificate No. 000004440CMA,) **Reference No. 16-00127**
000004440CNA

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants and Certified Medication Aides. Caren Buffum (Certificate Holder) was issued Nursing Assistant and Medication Aide Certificates by the Board.

On or about July 16, 2015, the Board received information that Certificate Holder failed to maintain professional boundaries with a resident when she took the resident on individual outings, including an overnight visit to her home, and served the resident alcohol when he had a no-alcohol order.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0090(3)(d)(k) and OAR 851-063-0100(11), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

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

(3) Conduct related to client safety and integrity:

(d) Jeopardizing the safety of a person under the CNA's care;

(k) Failing to maintain professional boundaries.

OAR 851-063-0100 Conduct Unbecoming a Certified Medication Aide. A certified medication aide is subject to discipline as a CNA as described in these rules. In addition, a CMA is subject to discipline for conduct unbecoming a medication aide. Such conduct includes but is not limited to:

(11) Failing to conform to the standards and authorized duties in these rules.

Certificate Holder wishes to cooperate with the Board in this matter and voluntarily surrender her Nursing Assistant and Medication Aide certificates.

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

That the voluntary surrender of the Nursing Assistant and Medication Aide certificates of Caren Buffum be accepted. If, after a minimum of three years, Ms. Buffum wishes to reinstate her Nursing Assistant and/or Medication Aide certificates, she may submit an application to the Board to request reinstatement.

Certificate Holder agrees that she will not practice as a Nursing Assistant or Medication Aide 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.

Caren Buffum, CMA

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
Debra Call, CNA**

) **STIPULATED ORDER FOR**
) **REPRIMAND OF CERTIFICATE**
)

Certificate No. 000010037CNA

) **Reference No. 15-01924**

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. Debra Call was issued a Certified Nursing Assistant License/Certificate by the Board on January 01, 1990.

On or about June 1, 2015, the Board received information that Call neglected a patient by failing to adequately supervise the patient, while assigned to constant observation.

By the above actions, Call is subject to discipline pursuant to ORS 678.442 (2) (f); and OAR 851-063-0080 (6); and 851-063-0090 (3) (b) (d), which provides as follows:

Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate

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

(6) Conduct unbecoming a nursing assistant

Conduct Unbecoming a Nursing Assistant

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

(3) Conduct related to client safety and integrity:

(b) Failing to implement the plan of care developed by the registered nurse

(d) Jeopardizing the safety of a person under the CNA's care

Call 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 Call:

That the Certified Nursing Assistant certificate of Debra Call be reprimanded.

Call 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.

Call 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.

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

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

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

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

Debra Call, 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**
Geraldine Cameron, RN) **VOLUNTARY SURRENDER**
)
License No. 200542131RN) **Reference No. 15-01185**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Geraldine Cameron (Licensee) was issued a Registered Nurse License by the Board on August 26, 2005.

On or about February 18, 2015, the Board received information that Licensee was working as a Registered Nurse at Cameron Care Inc. without an active license and had made multiple medication errors. The Board opened an investigation into the matter.

Licensee acknowledges she failed to renew her nursing license in a timely manner, allowing it to expire on June 5, 2010. Licensee acknowledged she continued to represent herself as a Registered Nurse to staff and provided medication administration training to unlicensed caregivers and staff at three facilities for about 3 hours per month during this time with an expired license. Licensee further acknowledges she used the title Registered Nurse when completing documentation of medication training for staff as required by the county and state licensing entities of Cameron Care Inc.

A review of medical records for all patients in the facility in February 2015, at the time the medication errors occurred, found appropriate notification and actions were taken by unlicensed staff by notifying the resident's medical providers upon discovery of errors in medication administration to two residents. The records reflected no adverse effect upon the residents due to these errors.

Licensee expresses remorse for her actions and acknowledged there was "no excuse" for not rectifying the matter of her expired license in a timely manner. Licensee stated she has ceased practicing as a Registered Nurse in any capacity beginning on or about February 20, 2015.

Licensee further stated that since her license expired, she has not worked enough hours as a nurse to demonstrate competency as a nurse or maintain her license, nor has she completed the required continuing education for Pain Management. Therefore, Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.101 (1), ORS 678.111 (1) (d), (f) and (g) and OAR 851-045-0070 (3) (c), (4) (b) and (6) (a) which reads as follows:

ORS 678.101 Renewal of license; certificate and privilege. Every person licensed to practice nursing shall apply for renewal of the license other than a limited license in every second year before 12:01 a.m. on the anniversary of the birthdate of the person in the odd-numbered year for persons whose birth occurred in an odd-numbered year and in the even-numbered year for persons whose birth occurred in an even-numbered year. Persons whose birthdate anniversary falls on February 29 shall be treated as if the anniversary were March 1. Each application shall be accompanied by a nonrefundable renewal fee payable to the Oregon State Board of Nursing. The license of any person not submitting, personally or by appropriately postmarked letter, the application and renewal fee before 12:01 a.m. on the proper date of the appropriate year is expired and the person shall be considered delinquent and shall be subject to the delinquent fee specified in ORS 678.410. A registered nurse who has been issued a certificate as a nurse practitioner shall apply, personally or by appropriately postmarked letter, for renewal of the certificate and for renewal of the prescriptive privileges in every second year before 12:01 a.m. on the anniversary of the birthdate, as determined for the person's license to practice nursing. [1957 c.316 §16 (enacted in lieu of 678.100); 1965 c.158 §1; 1969 c.71 §3; 1973 c.584 §7; 1975 c.205 §3; 1981 c.369 §5; 1987 c.79 §5; 1999 c.420 §2]

(1) Every person licensed to practice nursing shall apply for renewal of the license other than a limited license in every second year before 12:01 a.m. on the anniversary of the birthdate of the person in the odd numbered year for persons whose birth occurred in an odd-numbered year and in the even-numbered year for persons whose birth occurred in an even-numbered year. Persons whose birthdate anniversary falls on February 29 shall be treated as if the anniversary were March 1.

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:

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

(f) Conduct derogatory to the standards of nursing.

(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:

(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.

(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.

(6) Conduct related to licensure or certification violations:

(a) Practicing nursing without a current Oregon license or certificate.

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

That the voluntary surrender of the Registered Nurse license of Geraldine Cameron be accepted. If, after a minimum of three years, Ms. Cameron wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement and application for limited license for completion of a Board approved re-entry program.

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.

Geraldine Cameron, 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) **FINAL ORDER OF SUSPENSION**
Deena Chamlee, NP) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)

License No. 200150100NP, 097006193RN) Reference No. 15-01698

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Deena Chamlee (Licensee) was issued a Nurse Practitioner Certificate and Registered Nurse License by the Board on August 14, 2001.

This matter was considered by the Board at its meeting on September 16, 2015.

On August 11, 2015, a Notice stating that the Board intended to suspend the Nurse Practitioner Certificate and Registered Nurse License of Licensee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Deena Chamlee failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Nurse Practitioner Certificate and Registered Nurse License in the State of Oregon on August 14, 2001.
2. On or about May 12, 2015, Licensee was reported to the Board by NURSYS alert for Suspension of her Washington Nurse Practitioner Certificate and Registered Nurse License, for inability to practice safely due to psychological impairment or mental disorder. The Board opened an investigation into the matter.

3. On May 12, 2015, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee completed a telephone interview on May 21, 2015.
4. On June 23, 2015, a second letter was sent to Licensee's address of record, requesting that she sign an Interim Consent Order, and provide Board staff with mental health documentation and treatment records as requested during the telephone interview. Licensee was provided a deadline of July 15, 2015. Licensee failed to provide requested documents.
5. On July 22, 2015, a final letter was mailed to Licensee's address of record, requesting mental health documentation and treatment records. She was provided a deadline of August 3, 2015. Licensee failed to provide requested documents.
6. On August 11, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
7. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Deena Chamlee, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(7)(a)(c).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

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

DATED this 16th day of September, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: DEENA CHAMLEE:

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Gamintz Dominique, LPN) **PROBATION**
)
License No. 201391523LPN) **Reference No. 15-01275**

Gamintz Dominique (Licensee) was issued a Licensed Practical Nurse license by the Oregon State Board of Nursing (Board) on August 8, 2013.

On or about March 4, 2015, the Board received information that Licensee had allegedly threatened a patient while working as a Licensed Practical Nurse. Board staff was unable to substantiate that Licensee had in fact threatened a patient, however, through the course of the investigation it was discovered that Licensee had made several practice related errors over the last two years.

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

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

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.
 - (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

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

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

- (1) Conduct related to the client's safety and integrity:
 - (c) Failing to develop, implement and/or follow through with the plan of care.
 - (3) Conduct related to communication:
 - (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.
 - (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 admits that the above practice errors occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

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

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

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

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

the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 17 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 Licensed Practical Nurse.

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

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

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

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

IT IS SO AGREED:

Gamintz Dominique, LPN

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**
Sabrina Fallin, RN) **VOLUNTARY SURRENDER**
) **OF REGISTERED NURSE LICENSE**
)
License No. 201041557RN) **Reference No. 15-01027**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sabrina Fallin (Licensee) was issued a Registered Nurse License by the Board on July 7, 2010.

On or about January 2, 2015, Licensee applied for renewal of her Registered Nurse license and disclosed legal issues which caused the Board to open an investigation.

Licensee acknowledges that she is diagnosed with a mental health condition for which she is receiving treatment, and which prevents her from practicing nursing at this time.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

(5) Conduct related to impaired function:

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

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

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

That the voluntary surrender of the Registered Nurse license of Sabrina Fallin be accepted. That Licensee may credit six (6) months of the time she refrained from practice during Board investigation against the required three years. Therefore, if, after a minimum of thirty (30) months, Ms. Fallin wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement. Should the Board reinstate the Registered Nurse license of Ms. Fallin, she would be subject to whatever terms and conditions the Board may impose.

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.

Sabrina Fallin, 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) **STIPULATED ORDER FOR**
Ann Gander, NP) **VOLUNTARY SURRENDER**
)
License No. 200350014NP, 080044720RN) **Reference No. 14-01784**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Ann Gander (Licensee) was issued a Registered Nurse License on April 15, 1980 and Nurse Practitioner Certificate by the Board on March 06, 2003.

On or about May 27, 2014, the Board received information that Licensee failed to complete documentation regarding care provided to multiple patients while working part time at Lifeworks NW as a Psychiatric Mental Health Nurse Practitioner.

On July 16, 2014, Licensee signed an Interim Order by Consent, voluntarily removing herself from practice pending further Order by the Board.

Licensee acknowledges she was unable to complete chart notes on the patients seen in the clinic. Licensee states she was experiencing difficulty in learning the electronic medical record system and did not complete the documentation as expected by her employer.

Licensee reports she is experiencing medical issues which have impacted her ability to practice nursing and wishes to cooperate with the Board in resolving the present matter.

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

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

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

That the voluntary surrender of the Registered Nurse License and Nurse Practitioner certificate of Ann Gander be accepted. If, after a minimum of three years, Ms. Gander wishes to reinstate her Registered Nurse License and Nurse Practitioner certificate, she may submit an application to the Board to request reinstatement.

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

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

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

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

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

Ann Gander, NP

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**
Leonardo Garate Vasquez, LPN) **VOLUNTARY SURRENDER OF**
) **PRACTICAL NURSE LICENSE**
License No. 201330182LPN) **Reference No. 15-01906**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Practical Nurses. Leonardo Garate Vasquez (Licensee) was issued a Practical Nurse License by the Board on May 8, 2013.

On or about June 9, 2015, Licensee self-reported to the Board that he diverted narcotics from his workplace and falsified medical records. The Board opened an investigation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(f)(i) & (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 his Practical Nurse license.

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

That the voluntary surrender of the Practical Nurse license of Leonardo Garate Vasquez be accepted. If, after a minimum of three years, Mr. Garate Vasquez wishes to reinstate his Practical Nurse license, he may submit an application to the Board to request reinstatement.

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

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

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

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

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

Leonardo Garate Vasquez, LPN

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**
Kristie Geiges, RN) **PROBATION**
)
License No. 201041402RN) **Reference No. 15-01529**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kristie Geiges (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on June 28, 2010.

On or about March 23, 2015, Licensee self-reported to the Board that she was arrested for Driving Under the Influence of Intoxicants on March 21, 2015 in Medford, Oregon. The Board opened an investigation into the matter.

Licensee engaged in treatment and is currently in compliance with all treatment recommendations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Licensee understands that in the event Licensee engages in future conduct resulting in

violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

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

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

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

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

IT IS SO AGREED:

Kristie Geiges, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

1 **BEFORE THE**
2 **BOARD OF NURSING**
3 **OF THE STATE OF OREGON**

3 In the Matter of)
4 **Joseph Gonsalves, RN**) **ORDER OF EMERGENCY**
5 License No. 200942327RN) **SUSPENSION OF REGISTERED**
6) **NURSE LICENSE**
Reference No.: 14-01614

7 This matter having come before the Oregon State Board of Nursing (Board) on
8 September 17, 2015 for consideration of the entry of an Order of Emergency Suspension
9 suspending the registered nurse license of Joseph Gonsalves, pending the conclusion of the
10 Board’s disciplinary proceedings in the above-captioned matter. The Board accordingly makes
11 the following findings of fact and conclusions of law in support of its Order of Emergency
12 Suspension:

13 **1.**

14 **FINDINGS OF FACT**

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

16 1.1 The Oregon State Board of Nursing licensed Joseph Gonsalves (Licensee) as a
17 registered nurse on August 14, 2009.

18 1.2 On or about April 24, 2014, Licensee was reported to the Board for allegations
19 that he was impaired in the workplace and was taking his prescription medication in a way that
20 affected his ability to safely practice nursing. The Board opened an investigation into the matter.

21 1.3 On January 14, 2015, the Board voted to issue Licensee a Notice of Proposed
22 Revocation of his Registered Nurse license.

23 1.4 On January 26, 2015, Licensee requested a hearing in the matter. A hearing is
24 scheduled for October 27, 28, and 29, 2015.

25 1.5 On August 26, 2015, the Board received a complaint alleging that Licensee
26 arrived at a North Bend daycare facility to pick up his children and pay his mortgage. It was

1 further alleged Licensee appeared to be under the influence and was wearing only his underwear.
2 The Board began investigating the new allegations.

3 1.6 On August 27, 2015, Board staff contacted Licensee and his attorney and
4 requested Licensee sign an Interim Order by Consent. Licensee did not sign the Interim Order by
5 Consent.

6 1.7 On or about September 8, 2015, the Board received evidence substantiating that
7 on August 13, 2015; Licensee drove to the daycare location with the intent to pick up his
8 children and was impaired. North Bend Police Department responded to the daycare facility.
9 Licensee's children were not located at the daycare and have never attended the daycare facility.

10 Paramedics were called to the scene to evaluate Licensee due to his altered mental state
11 and behavior. Licensee was transported via ambulance to Bay Area Hospital's Emergency
12 Department. Licensee was evaluated and a urine drug screen was performed. Licensee tested
13 positive for benzodiazepines and opiates. It was noted Licensee had "acute delirium, likely
14 related to medications." Licensee was released from the Emergency Room and advised not to
15 work for 4-5 days.

16 Licensee returned to the Emergency Room the following day requesting a work release
17 note. His request was denied by Dr. Tami Marriott, MD. Her chart note read "At this point and
18 time, I do not feel comfortable giving him a note to go back to work as he is on chronic pain
19 medication and had an acute delirious episode that I cannot really explain other than the fact that
20 he may have been taking too much of his pain medicine or benzodiazepines. At this point and
21 time, his physical exam is normal; but, given that he is a nurse, I do not feel comfortable putting
22 him back to full duty until we find out the cause of the delirium."

23 Licensee was advised to see his regular doctor (Rajesh Ravuri) for further evaluation and
24 a note to return to work.

25 1.8 On September 8, and 15, 2015, Board staff contacted Licensee and his attorney
26 and requested Licensee sign an Interim Order by Consent. Licensee did not sign the Interim
Order by Consent.

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

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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

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

(5) Conduct related to impaired function:

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

(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.

3.

ORDER

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

Dated this 17th day of September, 2015

FOR THE OREGON STATE BOARD OF NURSING

Gary Hickmann, RN
Board President

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Ashley Herbert, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 201011966CNA) **Reference No. 15-01058**

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. Ashley Herbert was issued a Certified Nursing Assistant Certificate by the Board on August 19, 2010.

On or about January 23, 2015, the Board received information that CNA falsified documents of work for pay.

CNA admitted to employer that she had not worked, or provided the documented care, for four of the shifts she submitted. CNA paid back employer for the four shifts not worked.

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

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

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

(6) Conduct unbecoming a nursing assistant

851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

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

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

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

(3) Conduct related to client safety and integrity:

(e) Leaving or failing to complete a nursing assistant assignment without properly notifying appropriate supervisory personnel;

(4) Conduct related to communication:

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

(A) Documenting the provision of services that were not provided;

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 Ashley Herbert be reprimanded.

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

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

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

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

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

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

Ashley Herbert, 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) **STIPULATED ORDER FOR**
Heather Hunt, CNA) **VOLUNTARY SURRENDER OF**
) **NURSING ASSISTANT CERTIFICATE**
)
Certificate No. 200410389CNA) **Reference No. 15-01170**

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. Heather Hunt (CNA) was issued a Nursing Assistant certificate by the Board on February 23, 2004.

On or between February 1, 2014, and March 31, 2014, CNA committed the crime of Custodial Sexual Misconduct in the First Degree three times while working as a Certified Nursing Assistant. On July 22, 2015, CNA was convicted of the above-mentioned crimes.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(a) and (d) and (f) and OAR 851-063-0080(1) and (4) as well as the pre-2015 version of OAR 851-063-0080(4) and (6) and OAR 851-063-0090(1)(e) which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

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

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

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

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

(1) Conviction of the nursing assistant of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant;

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

(Since CNA's sexual misconduct occurred pre-2015, the former versions of the applicable rules have been cited below.)

Pre-2015 version of **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:

(4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder; ORS 678.442(2)(d).

(6) Conduct unbecoming a nursing assistant in the performance of duties ORS 678.442(2)(f).

Pre-2015 version of **OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

A CNA, regardless of job location, responsibilities, or use of the title "CNA," who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes but is not limited to:

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

(e) Engaging in sexual misconduct related to the client or to the workplace.

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

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

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

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

CNA understands that this Stipulated 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 Stipulated Order.

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

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

Heather Hunt, 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) **STIPULATED ORDER FOR**
Kathleen Huston, LPN) **REPRIMAND OF LICENSE**
)
License No. 097003252LPN) **Reference No. 15-01480**

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. Kathleen Huston (Licensee) was issued a Licensed Practical Nurse License by the Board on January 22, 1998.

On or about April 10, 2015, the Board received information that Licensee allegedly abused a patient. On May 28, 2015, Licensee denied abusing a patient but admitted to putting the palm of her hand on the patient's forehead and said "Sweetie, you could have had a V-8." Licensee also admitted that on or about March 21, 2015, when a patient refused to use his inhaler and had requested to see a doctor, she told the patient she would get him a proctologist.

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

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

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (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:
 - (a) Abusing a client. The definition of abuse includes, but is not limited to, intentionally causing physical or emotional harm or discomfort, striking a client, intimidating, threatening or harassing a client, wrongfully taking or appropriating money or property, or knowingly subjecting a client to distress by conveying a threat to wrongfully take or appropriate money or property in a manner that causes the client to believe the threat will be carried out.
 - (c) Engaging in other unacceptable behavior towards or in the presence of a client such as

using derogatory names or gestures or profane language.

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 Licensed Practical Nurse license of Kathleen Huston 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 Licensed 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.

Kathleen Huston, LPN

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**
Craig Hutchins, CMA) **VOLUNTARY SURRENDER**
)
Certificate No. 000040855CMA,) **Reference No. 15-01804**
000040855CNA

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Medication Aides. Craig Hutchins (CMA) was issued a Certified Nursing Assistant certificate by the Board on June 16, 1998 and a Certified Medication Aide Certificate on September 15, 1998.

On or about May 22, 2015, the Board received information that CMA had allegedly diverted narcotics from his workplace. On July 1, 2015, CMA admitted to diverting narcotics from his workplace.

By the above actions, CMA is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0090(1)(b)(8)(j) and OAR 851-063-0100(1)(3)(5) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

- (1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:
 - (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
- (8) Conduct related to other federal or state statutes/rule violations:
 - (j) Unauthorized removal or attempted removal of any drugs, supplies, property, or money from any person or setting;

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

A certified medication aide is subject to discipline as a CMA as described in these rules. In addition, a CMA is subject to discipline for conduct unbecoming a medication aide. Such conduct includes but is not limited to:

- (1) Failing to administer medications as ordered by a LIP;
- (3) Altering or falsifying medication administration record;
- (5) Diverting drugs for use by self or others;

CMA wishes to cooperate with the Board in this matter and voluntarily surrender his Certified Nursing Assistant certificate and his Certified Medication Aide certificate.

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

That the voluntary surrender of the Certified Nursing Assistant certificate and the Certified Medication Aide certificate of Craig Hutchins be accepted. If, after a minimum of three years, Mr. Hutchins wishes to reinstate his Certified Nursing Assistant certificate and his Certified Medication Aide certificate, he may submit an application to the Board to request reinstatement.

CMA agrees that he will not practice as a Certified Medication Aide from the date he signs this Order.

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

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

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

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

Craig Hutchins, CMA

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**
Richard Imholte, RN) **REPRIMAND OF LICENSE**
)
License No. 201040682RN) **Reference No. 15-01488**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Richard Imholte (Licensee) was issued an Oregon Registered Nurse License by endorsement on April 13, 2010.

On or about April 10, 2015, Licensee self-reported that he was suspended from his nursing position for failing to follow proper policy and procedures while handling an agitated patient.

Evidence shows that Licensee subjected the patient to inappropriate physical force when the patient became agitated, instead of using a therapeutic approach based on the patient's plan of care.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(f), OAR 851-045-0070(1)(c)(I) and (4)(b)**, which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

(1) Failing to respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, or disability.

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

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice.

Actual injury need not be established.

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

That the Registered Nurse license of Richard Imholte 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 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.

Richard Imholte, 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) **STIPULATED ORDER FOR**
Patricia Lancaster, LPN) **REPRIMAND OF LICENSE**
)
License No. 200030137LPN) **Reference No. 15-01392**

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. Patricia Lancaster (Licensee) was issued a Licensed Practical Nurse License by the Board on September 1, 2000.

On or about March 17, 2015, the Board received information that alleged that Licensee failed to take proper action on an unresponsive, pulseless resident while working as a licensed practical nurse.

Licensee admitted there was a delay in Cardiopulmonary Resuscitation (CPR) secondary to a lack of availability of resident's advanced directive, as well as provider recommendation.

Licensee recognizes seriousness of allegations, and has taken action at her workplace to ensure availability of advanced directive documents and availability of proper emergency equipment to all staff, in an emergency situation.

Licensee provided several letters of recommendation on her behalf.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

- (1) Conduct related to the client's safety and integrity:
- (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgement
- (4) Conduct related to achieving and maintaining clinical competency:
- (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

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

That the Licensed Practical Nurse license of Patricia Lancaster 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 Licensed 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.

Patricia Lancaster, 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) **STIPULATED ORDER FOR**
Michael La Londe, RN) **PROBATION**
)
License No. 201401496RN) **Reference No. 15-01700**

Michael La Londe (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on March 19, 2014.

On or about May 13, 2015, the Board received information that Licensee allegedly diverted narcotics from his place of work and an investigation was opened into the matter. The Board staff's investigation revealed that Licensee administered more narcotics and had a higher missed scan rate than that of his colleagues. Licensee's employer requested that licensee submit a urinalysis and the results were positive. Licensee denies diverting narcotics but admitted to failing to follow proper procedures when administering medication.

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

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

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.
 - (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

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

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

- (1) Conduct related to the client's safety and integrity:
 - (a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.
 - (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.
- (3) Conduct related to communication:

- (a) Inaccurate recordkeeping in client or agency records.
- (4) Conduct related to achieving and maintaining clinical competency:
- (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice.
Actual injury need not be established.

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

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

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

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

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

9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is

financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

16. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 17 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
17. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
18. Licensee shall cease practicing as a nurse 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.
19. 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.
20. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
21. 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:

Michael La Londe, 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) **STIPULATED ORDER FOR**
Annette Linn, LPN) **VOLUNTARY SURRENDER**
)
License No. 200830148LPN) **Reference No. 15-01966**

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. Annette Linn (Licensee) was issued a Licensed Practical Nurse License by the Board on July 1, 2008.

On or about June 15, 2015, the Board received information that Licensee had developed a personal relationship with a patient while employed as a Licensed Practice Nurse in Oregon. On August 3, 2015, Licensee admitted that while caring for a patient, she allowed him to purchase a home for her, pay off her car and pay for a portion of her schooling totaling \$63,3350.00. Licensee also admitted to accepting an additional \$4,797.00 from patient after he was discharged from her care.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

(a) Abusing a client. The definition of abuse includes, but is not limited to, intentionally causing physical or emotional harm or discomfort, striking a client, intimidating, threatening or harassing a client, wrongfully taking or appropriating money or property, or knowingly subjecting a client to distress by conveying a threat to wrongfully take or appropriate money or property in a manner that causes the client to believe the threat will be carried out.

(g) Soliciting or borrowing money, materials, or property from clients.

(h) Using the nurse client relationship to exploit the client by gaining property or other items of value from the client either for personal gain or sale, beyond the compensation for nursing services.

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

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

That the voluntary surrender of the Licensed Practical Nurse license of Annette Linn be accepted. If, after a minimum of three years, Ms. Linn 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.

Annette Linn, LPN

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**
James Marteness) **VOLUNTARY SURRENDER**
)
License No. 200943105RN) **Reference No. 15-01406**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. James Marteness (Licensee) was issued a Registered Nurse license by the Board on November 13, 2009.

On or about March 26, 2015, the Board received information that Licensee had been terminated from his nursing position due to narcotic discrepancies and documentation issues. An internal audit showed that, during a two week period in March 2015, Licensee failed to document a number of oxycodone pills that Licensee had withdrawn from the medication dispensing machine. In a “for cause” drug screen, Licensee tested positive for oxycodone.

On April 14, 2015, Licensee signed an Interim Order by Consent, agreeing not to practice nursing pending further Order of the Board.

About the allegations, Licensee said he did not divert medications from work for his personal use. Licensee stated he believes he gave the medications he withdrew to the appropriate patients, but Licensee acknowledged he sometimes failed to properly document his medication administration. Licensee stated he tested positive for oxycodone because of his use of oxycodone that had been prescribed to him.

Licensee had previously been disciplined and monitored by the Board for diverting opiates from work for his personal use in 2010 and was convicted of related criminal charges. Licensee successfully completed his term of monitoring in August 2014. Since then, Licensee has filled prescriptions for oxycodone on or about September 3, 2014, September 22, 2014, and January 10, 2015.

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

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

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

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

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

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

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

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

That the voluntary surrender of the Registered Nurse license of James Marteness be accepted. If, after a minimum of three years, Mr. Marteness wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request reinstatement.

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

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

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

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

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

IT IS SO AGREED:

James Marteness

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**
Emily Pantalone, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 200913383CNA) **Reference No. 16-00327**

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. Emily Pantalone (Certificate Holder) was issued a Certified Nursing Assistant License/Certificate by the Board on December 14, 2009.

On February 8, 2014, Certificate Holder applied for a renewal of her certificate. The Board received information that CNA was arrested in December 2013 for Driving Under the Influence of Intoxicants (DUII) and Possession of Methamphetamine.

On April 3, 2014, Certificate Holder entered into the Marion County Drug Court Program where she underwent a substance abuse evaluation and was assigned a diagnosis of Amphetamine Dependence, Alcohol Dependence and Cannabis Dependence. Certificate Holder has been compliant in her Level 2 outpatient treatments which she began in May 2015. Once she completes her court-ordered probation in October 2015, the methamphetamine charge will be dismissed.

On April 23, 2014, the Board placed Certificate Holder on a 24 month period of probation. Since that time, Certificate Holder has been compliant with her stipulated orders.

On August 6, 2015, Certificate Holder contacted Board staff to discuss a voluntary surrender of her certificate. Certificate holder has been attending college and working towards a degree in psychology. She explained that through government help and grants she has obtained enough funds to attend college on a full-time basis. For this reason, Certificate Holder has decided to concentrate her efforts on her studies at this time and voluntarily surrender her certificate.

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

ORS 678.442 Certificate of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes, but is not limited to:

(7) Conduct related to impaired function:

(a) Use of drugs, alcohol or mind-altering substances 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 conduct safely the duties of a nursing assistant.

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

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

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

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

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

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

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

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

Emily Pantalone, 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) **STIPULATED ORDER FOR**
Jennifer Ramberg, CNA) **PROBATION**
)
Certificate No. 200212542CNA) **Reference No. 15-00992**

Jennifer Ramberg (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on September 24, 2002.

On or about January 14, 2015, the Board received information that CNA was arrested for allegedly driving under the influence of intoxicants on December 31, 2014.

CNA was previously arrested for DUII in 2007 and completed a year-long diversion program after which the charge was dismissed. CNA was arrested again for DUII in December 2008 and was convicted of the offense. She completed a court-mandated treatment for alcohol abuse. CNA's certificate was placed on probation with the Board on February 10, 2010. She completed probation on October 23, 2012 and has worked as a CNA since that time.

On December 31, 2014, CNA was arrested after she was observed driving erratically. CNA failed the field sobriety test, and the Breathalyzer test showed a blood alcohol content of 0.13, above the legal limit. A chemical dependency evaluation resulted in no recommendation for treatment. CNA was charged with DUII; the case has not been adjudicated as of the date of this Order.

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

ORS 678.442 Certification of nursing assistants; rules.

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

(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:

(6) Conduct unbecoming a nursing assistant in the performance of duties ORS 678.442(2)(f).

OAR 851-063-0090

(7) Conduct related to impaired function:

(a) Use of drugs, alcohol or mind-altering substances 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 conduct safely the duties of a nursing assistant.

CNA admits that the above alleged actions 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 medical or treatment recommendations set forth by a third party evaluator approved by the Board and/or CNA's medical providers. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's providers and release CNA's medical and 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:

Jennifer Ramberg, 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**
Nathalie Rotz, LPN) **PROBATION**
)
License No. 201230192LPN) **Reference No. 15-01004**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Practical Nurses. Nathalie Rotz (Licensee) was issued a Practical Nurse license by the Oregon State Board of Nursing (Board) on November 29, 2013.

On or about January 21, 2015, the Board received information alleging that Licensee tampered with medication cards, diverted narcotics from the workplace and tested positive for opiates and marijuana on a for cause urine drug screen. The Board opened an investigation into the matter.

During an interview with Board staff on April 7, 2015, Licensee denied tampering with the medication cards and diversion of medication in the workplace.

On June 17, 2015 the Board ordered Licensee to obtain a chemical dependency evaluation.

Licensee completed her evaluation on July 24, 2015. It was recommended that Licensee complete Level 1 outpatient treatment with 18 group sessions beginning July 29, 2015.

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

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

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (e) Impairment as defined in ORS 676.303.
 - (f) Conduct derogatory to the standards of nursing.

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

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

(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.

(5) Conduct related to impaired function:

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

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

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

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

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

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

reviewed and revised periodically at the discretion of Board staff.

7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's

completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.

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

21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

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

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

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

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

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

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

IT IS SO AGREED:

Nathalie Rotz, LPN

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) **FINAL ORDER OF SUSPENSION**
Joanne Semperger, RN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 000027448RN) **Reference No. 16-00177**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Joanne Semperger (Licensee) was issued a Registered Nurse License by the Board on August 5, 1970.

This matter was considered by the Board at its meeting on September 16, 2015.

On August 21, 2015, a notice stating that the Board intended to suspend the Registered Nurse License of Licensee was sent to her via certified and first-class mail to her address of record and an alternate address. The Notice alleged that Licensee failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on August 5, 1970.
2. On or about July 28, 2015, it was reported to the Board that Licensee may be unable to safely practice nursing for medical reasons. The Board opened an investigation into the matter.

3. On July 31, 2015, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
4. On August 5, 2015, Board staff mailed requests that Licensee complete and return signed Authorizations to Release Information certain medical records no later than August 19, 2015.
5. On August 14, 2015, a second letter was sent to Licensee's address of record and an alternate address, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to provide a current work history and a written statement regarding the allegations. Licensee failed to schedule an interview and did not provide any of the requested documents to the Board.
6. On August 21, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
7. Licensee failed to respond to the Notice of Proposed Suspension within the allotted twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Joanne Semperger, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(7)(a)(c).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

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

DATED this ____ day of September, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: JOANNE SEMPERGER:

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Danielle Sjue, RN) **VOLUNTARY SURRENDER**
)
License No. 200040349RN) **Reference No. 15-00932**

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

On or about January 6, 2015, Licensee was reported to the Board when she tested positive for amphetamine, methamphetamine, morphine and heroin in an employer administered "for cause" urine drug screen while working as a nurse.

On or about March 23, 2015, information was obtained which indicated Licensee had been assigned the diagnoses of Major Depressive Disorder, recurrent, moderate, and Opioid Abuse and that Licensee was not fit to practice as a nurse.

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

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee.

In the manner prescribed in ORS chapter 183 for a contested case:

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

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

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

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

- (2) Conduct related to other federal or state statute/rule violations:
 - (i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
- (5) Conduct related to impaired function:

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

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

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

Danielle Sjue, 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
Richard Smith, RN**

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

License No. 200242224RN

) **Reference No. 16-00138**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Richard Smith (Licensee) was issued a Registered Nurse License/Certificate by the Board on August 13, 2002.

This matter was considered by the Board at its meeting on September 16, 2015.

On August 13, 2015, a Notice stating that the Board intended to Revoke the Registered Nurse License of Richard Smith was sent to him via certified and first-class mail to his address of record. The Notice alleged that Licensee failed to disclose he had a mental health condition which could impact his ability to safely practice as a Registered Nurse, was practicing nursing when unable/unfit to perform procedures and/or make decisions due to a psychological or mental impairment and failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License/certificate in the state of Oregon on August 13, 2002.
2. On or about July 15, 2015, Licensee was reported to the Board for an involuntary Mental Health Hospitalization.

3. On March 4, 2014, Licensee submitted an application for renewal of his Registered Nurse license. Licensee failed to answer truthfully and disclose his mental health condition on his application when he 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?”
4. On July 16, 2015, the Board received information that Licensee had been hospitalized for three weeks on an involuntary psychiatric hold for impaired behavior.
5. Licensee failed to sign releases of information with all medical and mental health providers, provide copies of his mental health records for the past two years to the Board. Additionally, Licensee failed to provide a written explanation regarding the Board’s concerns related to his current mental health status; provide a copy of his work history or call and schedule an appointment for a personal interview with Board staff by August 12, 2015.
6. Between August 2, 2015 and August 3, 2015, Licensee called and left, or attempted to leave 14 voice mail messages outside of business hours on Board staff’s voice mail. The messages from Licensee contained threatening language against Board staff, his former employer and other individuals. Licensee’s speech was pressured and rapid and his statements exhibited erratic thoughts, behaviors, and was disorganized.
7. On August 2, 2015 and August 3, 2015, Licensee called Board staff and left, or attempted to leave 14 voice mail messages outside of business hours. In the messages, Licensee expressed that he did not wish to comply with the requests made of him by the Board.
8. On June 30, 2015 and July 1, 2015, Licensee was contacted by police for mental health assistance. Licensee was significantly impaired and intoxicated during his contact with the police, demonstrating erratic behavior and disorganized speech. In his initial contact with police, Licensee referred to having a handgun which he later denied. Ultimately it was determined during the second police contact, Licensee possessed a loaded handgun.
9. Licensee failed to sign releases with his physician, hospital and all providers with whom he had received care in the past two years, and provide the requested documents to the Board upon a second request by the Board.
10. Licensee filed a medical stress disability claim with his employer. Licensee failed to report this condition to the Board in a timely manner
11. On August 13, 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, Richard Smith, and over the subject matter of this proceeding.
2. That Licensee's conduct 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) and OAR 851-045-0090 (5) (c) and (k).
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Registered Nurse License/certificate of Richard Smith is Revoked.

DATED this _____ day of September, 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 (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Pamela Snook, RN) **REPRIMAND OF LICENSE**
)
License No. 096007431RN) **Reference No. 15-01627**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Pamela Snook (Licensee) was issued a Registered Nurse License by the Board on November 06, 1996.

On or about May 5, 2015, the Board received a complaint alleging that while on duty as a staff nurse, Licensee performed duties outside her scope of practice. The Board opened an investigation into the matter.

On or about April 24, 2015, a patient was admitted to the hospital and was assigned to Licensee. Based on her assessment and the patient's labs in the emergency department, Licensee contacted the physician to report the patient's condition and receive orders.

The physician gave verbal orders to Licensee. Licensee transcribed the orders and carried them out. The following day, the physician refused to sign two of the orders, FFP (Fresh Frozen Platelets) and potassium 10 meq/100 ml x 6 bags over 6 hours, stating that he had not given Licensee these two orders.

When interviewed by Board staff, Licensee contended that the physician had given her orders to administer FFP. Regarding the potassium order, the physician and Licensee agree that the order was to administer potassium "per hospital protocol;" however, when Licensee read the protocol, she learned that the patient did not meet the weight criteria for the protocol and she continued the previously written potassium order.

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

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

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

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

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(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:

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

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

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 Pamela Snook 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.

Pamela Snook, 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**
Kara Stuart) **VOLUNTARY SURRENDER**
)
License No. 200941108RN) **Reference No. 15-01798**

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

In May 2015, the Board received information that Licensee had recently been terminated from her nursing position. According to the termination documentation, Licensee's employer had concerns about her documentation of medications she purportedly wasted on or about May 12, 2015. In the documentation for two of the medications wasted by Licensee, the signature of the co-signer appeared questionable. The other nurses denied co-signing the wastes.

On or about May 13, 2015, Licensee appeared lethargic, was seen falling asleep, and her movement was uncoordinated while at work. Licensee's employer requested that she take a "for cause" urine drug screen. The urine sample provided by Licensee was dilute. On May 15, 2015, Licensee submitted to another urine drug screen at the request of Board staff. The results were negative for illicit substances.

At the time of the above events, Licensee was on probation with the Board after her prior employer discovered many medications were missing and unaccounted for during Licensee's shift. Licensee had a high number of medication wastes, cancelled removals of medications, and pulled and returned medications, with no corresponding physician order for each of the medications. In response to the above concerns, Licensee was asked to take a "for cause" urine drug test. Licensee tested positive for hydromorphone without a valid prescription.

Licensee stated she does not wish to complete her probation period with the Board pursuant to the Stipulated Order for Probation she signed on December 20, 2013. Licensee wishes to voluntarily surrender 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(7)(d), which provide as follows:

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

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

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

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

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public,

may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

Kara Stuart

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**
Debra Tellez, RN) **PROBATION**
)
License No. 097006989RN) **Reference No. 15-00186**

Debra Tellez (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on October 21, 1997.

On or about August 5, 2014, Licensee self-reported to the Board that she went to work under the influence of alcohol and tested positive in a for-cause urinalysis. Licensee left the workplace prior to performing any patient care.

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

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

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

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

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

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

(5) Conduct related to impaired function:

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

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

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

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

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

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not 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.
14. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
15. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

16. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
17. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
18. Licensee shall cease practicing as a nurse 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.
19. 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.
20. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
21. 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:

Debra Tellez, 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) **STIPULATED ORDER FOR**
Sharon Thorpe Britton, RN) **REPRIMAND OF LICENSE**
)
License No. 081046855RN) **Reference No. 15-01159**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sharon Thorpe Britton (Licensee) was issued a Registered Nurse License by the Board on March 27, 1981.

On or about February 12, 2015, the Board learned that when Licensee applied to the Board for renewal of her registered nurse license, she did not disclose an arrest for driving under the influence of intoxicants (DUII). The Board opened an investigation.

On May 27, 2013, Licensee was arrested for impaired driving. Testing confirmed the presence of her own prescription medication in her system. Licensee stated that a diagnosed medical condition may have additionally contributed to her impairment at the time. Licensee completed a diversion program including recommended informational classes, and the court case charging Licensee with DUII was dismissed on May 12, 2015.

On December 2, 2014, Licensee submitted her application to the Board for renewal of her registered nurse license. The application asked "Other than a traffic ticket, since the date of your last renewal [November 2012] have you ever been arrested, cited, or charged with an offense?" Licensee answered "No" to this question. Licensee explained that a family member helped her complete the application online and the "No" answer was an inadvertent result of a misunderstanding between them about the timing of the arrest and her previous renewal date.

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

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

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

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

(5) Conduct related to impaired function:

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

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

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

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

That the Registered Nurse license of Sharon Thorpe Britton 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.

Sharon Thorpe Britton, 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**
Joseph Thurman, RN) **VOLUNTARY SURRENDER**
)
License No. 096003217RN) **Reference No. 16-00240**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Joseph Thurman (Licensee) was issued a Registered Nurse License/Certificate by the Board on July 23, 1997.

On or about December 14, 2014, the Board received information that Licensee was impaired at work. A case was opened by the Board. Licensee underwent a chemical dependency evaluation and Thurman was diagnosed as with alcohol use disorder, severe and opioid abuse disorder, severe.

Licensee was approved by the Board for entry into the Health Professional Services Program (HPSP) on February 18, 2015.

Prior to final ratification by the Board licensee was reported for a positive toxicology result by the HPSP. Licensee was pulled from the March 2015 meeting. Licensee submitted to a third party evaluation and reconnected with treatment.

On April 15, 2015, the Board approved entry into the HPSP.

On July 28, 2015, licensee presented with a positive toxicology result for ETG. The latest report from licensee's treatment for July showed licensee had kept treatment appointments.

Licensee indicated to the HPSP monitor that he was going to surrender his license as he cannot afford to pay for toxicology tests or treatment costs.

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

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

- (e) Impairment as defined in ORS 676.303.
- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

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

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

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

- (5) Conduct related to impaired function:
- (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.
- (7) Conduct related to the licensee's relationship with the Board:
- (e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

OAR 851-070-0080 Licensee Responsibilities

- (1) All licensees must:
- (c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee. The Board does not authorize the vendor to approve or disapprove medications prescribed to the Licensee for a documented medical condition;
- (d) Report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

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 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 Joseph Thurman be accepted. If, after a minimum of three years, Mr. Thurman wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request

reinstatement.

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

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

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

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

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

Joseph Thurman, 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) **FINAL ORDER OF SUSPENSION**
William Vore, CNA) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
Certificate No. 201110195CNA) **Reference No. 16-00029**

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. William Vore (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on January 20, 2011.

This matter was considered by the Board at its meeting on September 16, 2015.

On August 20, 2015, a notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to him via certified and first-class mail to his address of record. The Notice alleged that William Vore failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant certificate in the state of Oregon on January 20, 2011.
2. On or about July 6, 2015, Certificate Holder was reported to the Board on allegations he neglected and verbally abused a resident while working at the Valley West Care Center. The Board opened an investigation into the matter.

3. On July 13, 2015, Board staff mailed a letter to Certificate Holder's address of record requesting that he schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On July 28, 2015, a second letter was sent to Certificate Holder's address of record, requesting that he contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On August 20, 2015, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Certificate Holder failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Certificate Holder's opportunity to request a hearing has expired and he is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, William Vore, and over the subject matter of this proceeding.
2. That Certificate Holder's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(9)(a) and (c).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Nursing Assistant Certificate of William Vore is SUSPENDED for

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

DATED this _____ day of September, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: WILLIAM VORE:

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Shirley Walkhoff, RN) **VOLUNTARY SURRENDER**
)
License No. 099006473RN) **Reference No. 15-02008**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Shirley Walkhoff (Licensee) was issued a Registered Nurse License/Certificate by the Board on April 26, 1999.

On or about June 18, 2015, the Board received information that Licensee had inappropriately changed a physician's order, without seeking clarification and failed to report a patient's significantly elevated blood pressure.

During the course of the investigation, it was learned that Licensee had demonstrated a pattern of practice concerns evidencing her inability to safely provide patient care.

Licensee's employer removed her from patient care and she has been working in an administrative capacity.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (e) (f); OAR 851-045-0070 (1) (a), (3) (h) and (4) (a), which provides as follows:

851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

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

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

(3) Conduct related to communication:

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

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

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

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 Shirley Walkhoff be accepted. If, after a minimum of three years, Ms. Walkhoff 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.

Shirley Walkhoff, 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) **STIPULATED ORDER FOR**
Ezra Whitman, LPN) **VOLUNTARY SURRENDER**
)
License No. 200830127LPN) **Reference No. 15-02049**

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. Ezra Whitman (Licensee) was issued a Licensed Practical Nurse License by the Board on June 13, 2008.

On or about June 24, 2015, the Board received information that Licensee allegedly diverted narcotics while working as a Licensed Practical Nurse in Oregon. It was alleged that Licensee tampered with narcotic packaging and replaced narcotic tablets with non-narcotic tablets. On July 29, 2015, Licensee admitted to approximately six documentation and medication administration errors between October 2014 and June 2015 and denied diverting narcotics.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(f)(i)(0), (3)(a)(b), (4)(b), and (5)(b) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

(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:

(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.

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

(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.

(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;

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

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

That the voluntary surrender of the Licensed Practical Nurse license of Ezra Whitman be accepted. If, after a minimum of three years, Mr. Whitman wishes to reinstate his Licensed Practical Nurse license, he may submit an application to the Board to request reinstatement.

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

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

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

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

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

Ezra Whitman, 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
Jessie Winegeart**

) **FINAL ORDER OF DENIAL OF**
) **REGISTERED NURSE LICENSURE**
) **BY DEFAULT**
)
) **Reference No. 15-00182**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jessie Winegeart (Applicant) submitted an application to the Board for reactivation of his Oregon Registered Nurse license in June 2014. Applicant was originally issued an Oregon Registered Nurse license by endorsement in 1996. In December 2011, Applicant allowed his license to expire, and it remains expired.

This matter was considered by the Board at its meeting on September 16, 2015.

On July 9, 2015, a Notice stating that the Board intended to deny Applicant's application for Registered Nurse licensure was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant's Arizona Registered Nurse license was revoked in March 2015 and Applicant failed to cooperate with the Board's investigation of his background.

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

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

**-I-
FINDINGS OF FACT**

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

1. In June 2014, Applicant submitted an application to the Board for reactivation of his Oregon Registered Nurse license. Applicant was originally issued an Oregon Registered Nurse license by endorsement in 1996. In December 2011, Applicant allowed his license to expire, and it remains expired.
2. At the time Applicant submitted his licensure application to the Board, Applicant was under investigation by the Arizona State Board of Nursing. On or about August 19, 2014, Board staff spoke with Applicant by phone and stated that the Board had learned about his pending investigation in Arizona. Board staff requested that Applicant provide information about that investigation to the Board and contact the Arizona State Board of Nursing about the matter.
3. On or about August 21, 2014, Board staff sent a letter to Applicant informing him that he was

the subject of an investigation by the Arizona State Board of Nursing involving several allegations related to his medication administration. Board staff requested that Applicant provide additional information to the Board, including a detailed written statement about the incidents under investigation, a summary of contacts he had with the Arizona State Board of Nursing, and an explanation of why he did not disclose the pending investigation on his application. Applicant failed to respond and failed to provide the requested information to the Board during the investigation of his background.

4. On or about March 27, 2015, the Arizona State Board of Nursing issued Findings of Fact, Conclusions of Law and Order No. 1110084 revoking Applicant's Arizona Registered Nurse license. According to the order, while employed as a nurse in New Mexico and Arizona, Applicant removed narcotics from automated medication dispensing machines without properly documenting their administration or waste on multiple occasions.
5. On July 9, 2015, Board staff mailed a Notice of Proposed Denial of Licensure to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Applicant failed to request a hearing on the Notice of Proposed Denial within the required sixty (60) days.

**-II-
CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over Applicant, Jessie Winegeart, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.111(1)(f) & (h) and OAR 851-045-0070(7)(a) & (c).
3. That Applicant defaulted on the Notice by not requesting a hearing within the allotted sixty (60) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

**-III-
ORDER**

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

ORDERED that the Application for Registered Nurse licensure of Jessie Winegeart is denied.

Dated this _____ day of September, 2015

FOR THE OREGON STATE BOARD OF NURSING

Gary Hickmann, RN
Board President

TO JESSIE WINEGEART:

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 to the Oregon Court of Appeals.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE