BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Alma Alvarez Garcia, LPN ) REPRIMAND OF LICENSE
)
License No. 201392141LPN ) Reference No. 21-00983

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. Alma Alvarez Garcia (Licensee) was issued a Licensed Practical Nurse License by the Board on September 04, 2013.

On or about May 13, 2021, the Board received information that Licensee had been working as a LPN without the oversight of either a Registered Nurse or a Licensed Independent Provider.

Licensee has taken accountability for the above violation and has agreed to complete the following continuing education:
NCSBN Course: Professional Accountability & Legal Liability for Nurses
Licensee will submit a written attestation of reading Division 45 of the Nurse Practice Act – OAR 851-045-0050 Scope of Practice Standards for Licensed Practical Nurses.

Licensee shall provide proof of completion of each course either through certificates of completion or transcripts. Should Licensee fail to complete these courses within the required time of three months, Licensee shall be referred back to the Board for consideration of further disciplinary action.

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

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintaining clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

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 Alma Alvarez Garcia 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 understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the Nurse Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.
Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

__________________________  __________________________
Alma Alvarez Garcia, LPN                Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________  __________________________
Kathleen Chinn, FNP-BC                Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of) STIPULATED ORDER FOR
Jacob Bennett, RN) VOLUNTARY SURRENDER
)
License No. 201708237RN) Reference No. 21-00596

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jacob Bennett (Licensee) was issued a Registered Nurse License by the Board on October 03, 2017.

On October 7, 2020, the Board placed Licensee on a twenty-four (24) month period of probation due to Licensee’s non-compliance in the Health Professionals’ Services Program (HPSP).

Since beginning probation, Licensee has tested positive for alcohol, marijuana and an illicit substance. Toxicology testing included PEth and hair testing. Licensee has also missed scheduled testing and has not checked-in with the lab since August 25, 2021.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(e)(f)(g), OAR 851-045-0070 (7)(c), (10)(d), and OAR 851-070-0100 (3) 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.
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070
Conduct Derogatory to the Standards of Nursing Defined:
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(7) Conduct related to impaired function:
(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an
extent that such use impairs the ability to conduct safely the practice of nursing.

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

OAR 851-070-0100 Substantial Non-Compliance Criteria:
(3) For Board Ordered discipline violation of any of the conditions of the final order is
considered non-compliance and will be investigated and the appropriate sanction will be
determined up to and including revocation of license or certificate.

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

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

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

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions
(resulting from formal proceeding) to the Nurse Practitioner Data Bank (NPDB) within 30
days from the date the action was taken.
Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

__________________________________________  ________________
Jacob Bennett, RN                                          Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________  ________________
Kathleen Chinn, FNP-BC                                    Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Martha Bergman, LPN

) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER

License No. 079010952LPN

) Reference No. 21-00346

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. Martha Bergman (Licensee) was issued a Practical Nurse license by the Board on January 24, 1979.

In August 2018 and August 2020, Licensee submitted renewal applications to the Board on which they inaccurately listed non-nursing jobs as employment where nursing practice hours were attained. On August 11, 2020, Licensee was arrested for felony Unlawful Use of a Weapon; however, they failed to report that arrest to the Board as required. On August 17, 2020, Licensee submitted a renewal application to the Board on which they inaccurately responded “No” to the question: “Other than a traffic ticket, since the date of your last renewal, have you been arrested, cited, or charged with an offense that has not been previously investigated by the Board?” On March 03, 2021, Licensee was convicted of Unlawful Use of a Weapon, Menacing, and Criminal Mischief In the Second Degree.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(a)(c)(f)(g) and OAR 851-045-0070(8)(v)(w), (9)(a), (10)(b) 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: (a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction. (c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal thereof. (f) Conduct derogatory to the standards of nursing. (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.
OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

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

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

(v) Failure to report to the Board the licensee’s arrest for a felony crime within 40 days of the arrest;

(w) Failure to report to the Board the licensee’s conviction of a misdemeanor or a felony crime within 10 days of the conviction.

(9) Conduct related to licensure or certification violations:

(a) Resorting to fraud, misrepresentation or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, obtaining initial licensure or certification, or renewal of licensure or certification;

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

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

Licensee admitted to the above allegations and wishes to cooperate with the Board in this matter and voluntarily surrender their Practical Nurse license. Therefore, the following will be proposed to the Board and is agreed to by Licensee:

That the voluntary surrender of the Practical Nurse license of Martha Bergman be accepted. If, after a minimum of three years, Martha Bergman wishes to reinstate their Practical Nurse license, they may submit an application to the Board to request reinstatement.

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

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

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

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

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

_________________________   _______________________
Martha Bergman, LPN          Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_________________________   _______________________
Kathleen Chinn, FNP-BC        Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Wondimu Chako, RN

License No. 200241818RN

STIPULATED ORDER FOR
REPRIMAND OF LICENSE
Reference No. 21-00980

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Wondimu Chako (Licensee) was issued a Registered Nurse License by the Board on July 17, 2002.

On or about May 10, 2021, the Board received information that Licensee failed to complete resident assessments, and documentation prior to delegations on SQ (sub cutaneous) insulin administration. This has been an ongoing issue that the state licensing has identified in several surveys.

On or about August 7, 2019, Licensee began completing diabetic initial assessments on residents in a Foster home which is owned by his son. Licensee stated he was approached by his son, owner and operator of an adult foster home (AFH) to help with completing diabetic initial assessments and assessments for level of care for residents in his AFH. Licensee said he did resident diabetic initial and reevaluations at 60 and 180 days but did not document those assessments. It was incorrectly noted on the delegation paperwork that after the 60 day review the reviews would occur yearly. Additionally, the delegation documents in the medical record were very generic, not specific to the residents.

Licensee admitted that he failed to rescind and/or transfer delegation even after his son hired nursing staff for his adult foster home. Licensee acknowledged that he did not fully understand the Division 47 statute pertaining to delegation, but takes full responsibility for not following the statute as it relates to delegation practices.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), OAR 851-045-0070(2)(a)(3)(b), and 851-047-0030(1)(b)

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.
OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintain clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
(3) Conduct related to the client’s safety and integrity:
(b) Failing to take action to preserve or promote the client’s safety based on nursing assessment and judgment;

OAR 851-047-0030 Delegation of Special Tasks of Client/Nursing Care
(1) The Registered Nurse may delegate tasks of nursing care, including the administration of subcutaneous injectable medications
(b) The responsibility, accountability and authority for teaching and delegation of tasks of nursing care to unlicensed persons shall remain with the Registered Nurse
(2) The Registered Nurse may delegate a task of nursing care to unlicensed persons, specific to one client, under the following conditions:
(a) The client's condition is stable and predictable
(c) The selected caregiver(s) have been taught the task of nursing care and are capable of and willing to safely perform the task of nursing care.
(3) The Registered Nurse shall use the following process to delegate a task of nursing care:
(a) Perform a nursing assessment of the client's condition;
(b) Determine that the client's condition is stable and predictable prior to deciding to delegate;
(c) Consider the nature of the task, its complexity, the risks involved and the skills necessary to safely perform the task;
(d) Determine whether or not an unlicensed person can perform the task safely without the direct supervision of a Registered Nurse;
(e) Determine how often the client's condition needs to be reassessed to determine the appropriateness of continued delegation of the task to the unlicensed persons; and
(f) Evaluate the skills, ability and willingness of the unlicensed persons.
(g) Provide initial direction by teaching the task of nursing care, including:
(A) The proper procedure/technique;
(B) Why the task of nursing care is necessary;
(C) The risks associated with;
(D) Anticipated side effects;
(E) The appropriate response to untoward or side effects;
(F) Observation of the client's response; and
(G) Documentation of the task of nursing care.
(h) Observe the unlicensed persons performing the task to ensure that they perform the task safely and accurately.
(i) Leave procedural guidance for performance of the task for the unlicensed persons to use as a reference. These written instructions shall be appropriate to the level of care, based on the previous training of the unlicensed persons and shall include:
(A) A specific outline of how the task of nursing care is to be performed, step by step;
(B) Signs and symptoms to be observed; and
C) Guidelines for what to do if signs and symptoms occur.

(j) Instruct the unlicensed persons that the task being taught and delegated is specific to this
client only and is not transferable to other clients or taught to other care providers.

(k) Document the following:
(A) The nursing assessment and condition of the client;
(B) Rationale for deciding that this task of nursing care can be safely delegated to unlicensed
persons;
(C) The skills, ability and willingness of the unlicensed persons;
(D) That the task of nursing care was taught to the unlicensed persons and that they are
competent to safely perform the task of nursing care;
(E) The written instructions left for the unlicensed persons, including risks, side effects, the
appropriate response and that the unlicensed persons are knowledgeable of the risk factors/side
effects and know to whom they are to report the same;
(F) Evidence that the unlicensed person(s) were instructed that the task is client specific and
not transferable to other clients or providers;
(G) How frequently the client should be reassessed by the registered nurse regarding continued
delegation of the task to the unlicensed persons, including rationale for the frequency based on
the client's needs;
(H) How frequently the unlicensed persons should be supervised and reevaluated, including
rationale for the frequency based on the competency of the caregiver(s); and
(I) That the Registered Nurse takes responsibility for delegating the task to the unlicensed
persons, and ensures that supervision will occur for as long as the Registered Nurse is
supervising the performance of the delegated task.

4) The Registered Nurse shall provide periodic inspection, supervision and re-evaluation of a
delegated task of nursing care by using the following process and under the following
conditions:
(a) Assess the condition of the client and determine that it remains stable and predictable; and
(b) Observe the competence of the caregiver(s) and determine that they remain capable and
willing to safely perform the delegated task of nursing care.
(c) Assessment and observation may be on-site or by use of technology that enables the
Registered Nurse to visualize both the client and the caregiver.
(d) Evaluate whether or not to continue delegation of the task of nursing care based on the
Registered Nurse's assessment of the caregiver and the condition of the client within at least 60
days from the initial date of delegation.

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 Wondimu Chako 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 License.

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

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

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

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

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

__________________________________________  
Wondimu Chako, RN                                      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________  
Kathleen Chinn, FNP-BC                                      Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Emily Creswick, LPN ) REPRIMAND OF LICENSE
 )
License No. 201230103LPN ) Reference No. 22-00009

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurse License. Emily Creswick (Licensee) was issued a Licensed Practical Nurse License by the Board on March 05, 2012.

On or about July 1, 2021, the Board received information that Licensee had sent unsecure private health information via email to the wrong person.

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

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(8) Conduct related to other federal or state statute or rule violations:
(b) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client, unless required by law to disclose such information;
(p) Engaging in unsecured transmission of protected client data;

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

That the Licensed Practical Nurse License of Emily Creswick 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 License.

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

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

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

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

_____________________________  ________________________
Emily Creswick, LPN                Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_____________________________  ________________________
Kathleen Chinn, FNP-BC            Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of) STIPULATED ORDER FOR
Christine Davis, RN) WITHDRAWAL OF REGISTERED
) NURSE LICENSE APPLICATION

License No. 098007334RN) Reference No. 22-00099

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Christine Davis (Applicant) submitted an application for a Registered Nurse license to the Board of Nursing on or about August 6, 2021.

On or about August 6, 2021, the Board received information that Applicant recently had several arrests. Applicant failed to provide the Board with the requested documents.

In the application, Applicant disclosed concerns with substance abuse.

On or around August 9, 2021, Applicant was asked to provide documents to the Board, prior to August 23, 2021. Applicant failed to cooperate with providing these documents.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(f), (g) and OAR 851-045-0070(7)(c), and (10)(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 provisions of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined. Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
7) Conduct related to impaired function:
(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.

10) Conduct related to the licensee’s relationship with the Board:
(a) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except client-attorney privilege;
(c) Failing to provide the Board with any documents requested by the Board;

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

That Christine Davis’s application for Registered Nurse License be withdrawn.

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

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

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

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

IT IS SO AGREED:

________________________________________  __________________________
Christine Davis, RN                      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________  __________________________
Kathleen Chinn, FNP-BC                      Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Ian Drakulich, LPN ) PROBATION

) Reference No. 22-00162

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Ian Drakulich (Licensee) was issued a Licensed Practical Nurse License/Certificate by the Oregon State Board of Nursing on September 12, 2012.

On or about 3/25/21 the Board received a report from RN nursing supervisor at place of employment, reporting that Licensee, allegedly came to work impaired at 8 am on 3/4/21.

The Board opened an investigation. Licensee obtained an assessment and was given a diagnosis of Alcohol Use Disorder, mild.

The Licensee was allowed entry into the Health Professional Services Program (HPSP) on 05/19/21.

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

ORS 676.200 Board participation in program; rules. (1)(a) A health profession licensing board that is authorized by law to take disciplinary action against licensees may adopt rules opting to participate in the impaired health professional program established under ORS 676.190 and may contract with or designate one or more programs to deliver therapeutic services to its licensees.

(c) A board may adopt rules establishing additional requirements for licensees referred to the impaired health professional program established under ORS 676.190 or a program with which the board has entered into a contract or designated to deliver therapeutic services under subsection (1) of this section.

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 censored 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 678.448 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
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(10) Conduct related to the licensee’s relationship with the Board;
(e) Failing to comply with the terms and conditions of Health Professionals’ Services Program agreements.

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

That the Licensed Practical Nurse License/Certificate of Ian Drakulich be placed on Probation. The Licensee’s compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee’s return to supervised nursing practice at the level of a Licensed Practical Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee is competent. Limited overtime may be approved on occasion.

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

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

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

3) Licensee shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.

4) Licensee shall maintain an active license.

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

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

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

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

9) Licensee shall inform current and prospective employers of the probationary status of Licensee’s license, the reasons for Licensee’s probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee’s probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.

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

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

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

13) Licensee: shall not have access to narcotics or controlled substances, 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 monitoring is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.

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

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

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

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

19) Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over the counter or prescription drugs while participating in the Board’s random urine drug testing program, except as provided in Section 20 below. Licensee shall avoid any over-the-counter products and food items containing alcohol, THC including CBD products, and poppy seeds.

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

21) 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.

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

23) 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.

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

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

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

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

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

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

IT IS SO AGREED:

[Signature]
Ian Drakulich, LPN

10/04/21
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Signature]
Kathleen Chinn, FNP-BC
Board President

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Penny Guenzi, LPN

) STIPULATED ORDER FOR
) PROBATION

License No. 201230652LPN ) Reference No. 19-00783

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurses. Penny Guenzi (Licensee) was issued a Licensed Practical Nurse License by the Oregon State Board of Nursing on December 11, 2012.

On or about December 18, 2018, the Board received information that Licensee had been arrested for Criminal Trespass First Degree, Interfering with Peace/Parole and Probation Officer, and Disorderly Conduct in the Second Degree. Licensee disclosed treatment for mental health and substance use.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(a)(e)(f) and OAR 851-045-0070(1)(a),(7)(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:
(a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
(e) Impairment as defined in ORS 676.303.
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(7) Conduct related to impaired function:
(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.

Page 1 of 6 - Stipulated Order for Probation; 19-00783
Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Licensed Practical Nurse License of Penny Guenzi be placed on Probation. The Licensee’s compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee’s return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee is competent. Limited overtime may be approved on occasion.

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

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

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

3) Licensee shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.

4) Licensee shall maintain an active license.

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

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

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

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

9) Licensee shall inform current and prospective employers of the probationary status of Licensee’s license, the reasons for Licensee’s probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee’s probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.

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

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

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

13) Licensee shall not have access to narcotics or controlled substances, 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 monitoring is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.

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

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

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

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

19) Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while participating in the Board’s random urine drug testing program, except as provided in Section 20 below. Licensee shall avoid any over-the-counter products and food items containing alcohol, THC including CBD products, and poppy seeds.

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

21) 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.

22) Licensee shall notify any and all healthcare providers of the nature of Licensee’s diagnoses to ensure that Licensee’s health history is complete before receiving any treatment, including medical and dental. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee’s healthcare providers and release Licensee’s medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.
23) 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.

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

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

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

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

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

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

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

IT IS SO AGREED:

________________________________________________________________________
Penny Guenzi, LPN Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON
Kathleen Chinn, FNP-BC
Board President

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of  )  STIPULATED ORDER FOR
Lori Horton, RN  )  VOLUNTARY SURRENDER
  )
  ) Reference No. 22-00077

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including RNs. Lori Horton (Licensee) was issued a Registered Nurse by the Board on March 20, 2000.

On or about August 17, 2021, the Board received information from Licensee that she diverted oxycodone from two different patients while working.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), and OAR 851-045-0070(1)(b), (7)(c), and (8)(k).

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

(1) Conduct related to general fitness to practice nursing:

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

(7) Conduct related to impaired function:

(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.

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

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

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

**That the voluntary surrender of the RN license of Lori Horton be accepted. If, after a minimum of three years, Ms. Horton wishes to reinstate their RN license, Lori Horton may submit an application to the Board to request reinstatement.**

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

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

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

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

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

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Lori Horton, RN  
Date

**ORDER**

**IT IS SO ORDERED:**

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

---

Kathleen Chinn, FNP-BC  
Board President  
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON STATE BOARD OF NURSING

In the Matter of Kenneth Brian Kennedy, RN ) STIPULATED ORDER FOR
License No. 201043397RN ) PROBATION

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kenneth Brian Kennedy (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on December 2, 2010.

On or about April 29, 2021, the Board received information that Licensee falsified entry into a patient’s medical record and failed to communicate a procedural error to members of the healthcare team while employed in a supervisory role with a home health agency.


ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand, or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended, or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes but is not limited to:
(2) Conduct related to achieving and maintaining clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
(c) Accepting an assignment when individual competency necessary to safely perform the assignment have not been established or maintained.
(3) Conduct related to the client’s safety and integrity:
(c) Failing to develop, implement or modify the plan of care;
(f) Assuming duties and responsibilities within the practice of nursing when competency has not been established or maintained;
(i) Leaving or failing to complete any nursing assignment, including a supervisory assignment, without notifying the appropriate personnel and confirming that nursing assignment
responsibilities will be met;
(4) Conduct related to communication:
(a) Failure to accurately document nursing interventions and nursing practice implementation;
(b) Failure to document nursing interventions and nursing practice implementation in a timely, accurate, thorough, and clear manner. This includes failing to document a late entry within a reasonable time period;
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
(A) Documenting nursing practice implementation that did not occur;
(B) Documenting the provision of services that were not provided;
(C) Failing to document information pertinent to a client’s care;
(E) Falsifying data;
(G) Entering late entry documentation into the record that does not demonstrate the date and time of the initial event documented, the date and time the late entry is being placed into the record, and the signature of the licensee entering the late entry to the record.
(f) Failing to communicate information regarding the client’s status to members of the healthcare team in an ongoing and timely manner as appropriate to the context of care; or
(g) Failing to communicate information regarding the client’s status to other individuals who are authorized to receive information and have a need to know.

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

That the Registered Nurse License of Kenneth Kennedy be placed on Probation. The Licensee’s compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twelve (12) month period of probation to begin upon Licensee’s return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee is competent. Limited overtime may be approved on occasion.

Licensee may petition the Board for early termination of Probation after demonstrating successful completion of six (6) months of continuous compliance with the terms and conditions of this Stipulated Order for Probation.

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

1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2) Licensee shall have twenty-four (24) months from Board acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.
3) Licensee shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.

4) Licensee shall maintain an active license.

5) Licensee shall inform Board staff in advance of any move from Oregon. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee’s probationary status will be re-evaluated. If monitoring is approved and transferred to another Board of Nursing, Licensee shall successfully complete all requirements of the Board Order of the other jurisdiction. Licensee shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Licensee’s compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order. While licensee practices in another state, those hours will only be counted toward her Oregon probation if the position meets the monitoring requirements per line nine (9) of this stipulated order.

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

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

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

9) Licensee shall inform current and prospective employers of the probationary status of Licensee’s license, the reasons for Licensee’s probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.

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

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

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

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

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

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

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

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

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

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

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

IT IS SO AGREED:

______________________________  __________________________
Kenneth Brian Kennedy, RN        Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________  __________________________
Kathleen Chinn, FNP-BC            Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Leona Kurtz ) WITHDRAWAL OF REGISTERED
) NURSE LICENSE APPLICATION

License No. 201604061RN ) Reference No. 21-00990

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Leona Kurtz (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing on June 15, 2016, and it expired on October 11, 2018.

On or about April 10, 2021, Licensee submitted a reactivation application to the Board and disclosed a history of substance use and criminal convictions. An investigation was opened into the matter.


Licensee wishes to withdraw her application at this time to focus on her recovery and gain additional sobriety time.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(e)(g) 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:
 (e) Impairment as defined in ORS 676.303.
 (g) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
Applicant wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

That Leona Kurtz’s application for reactivation of her Registered Nurse license be withdrawn.

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

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

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

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

IT IS SO AGREED:

________________________________________  
Leona Kurtz, RN  Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________  
Kathleen Chinn, FNP-BC  Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Benjamin Lawrence

) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER

License No. 201607685LPN ) Reference No. 19-01027

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. Benjamin Lawrence was issued a Practical Nurse license by the Board on September 21, 2016 which expired on July 10, 2021.

On July 8, 2019, Lawrence was arrested on multiple felony charges as a result of stealing thousands of dollars from their employer. Lawrence failed to report the felony arrest to the Board within 10 days and subsequently failed to truthfully answer questions asked by Board staff about the above-mentioned stealing.

By the above actions, Lawrence is subject to discipline pursuant to ORS 678.111(1)(d)(f)(g) and OAR 851-045-0070(1)(b), (8)(l)(v), (10)(b) 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:
(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 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(1) Conduct related to general fitness to practice nursing:
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
(8) Conduct related to other federal or state statute or rule violations:
(l) Unauthorized removal or attempted removal of medications, supplies, property, or money from anyone in the workplace;
(v) Failure to report to the Board the licensee’s arrest for a felony crime within 10 days of the arrest;
(10) Conduct related to the licensee’s relationship with the Board:
(b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board;

Lawrence neither admits nor denies the above allegations but wishes to cooperate with the Board in this matter and voluntarily surrender their Practical Nurse license. Therefore, the following will be proposed to the Board and is agreed to by Lawrence:

**That the voluntary surrender of the Practical Nurse license of Benjamin Lawrence be accepted.** If, after a minimum of three years, they wish to reinstate their Practical Nurse license, Benjamin Lawrence may submit an application to the Board to request reinstatement.

Lawrence agrees that they will not practice as a Licensed Practical Nurse from the date the Order is signed. Lawrence understands that this Order will be submitted to the Board for its approval and is subject to the Board's confirmation.

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

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

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

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

________________________________________________________________________
Benjamin Lawrence  Date

**ORDER**

**IT IS SO ORDERED:**

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

________________________________________________________________________
Kathleen Chinn, FNP-BC  Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON  
STATE BOARD OF NURSING  

In the Matter of  
Rebecca Leon, CNA  
Certificate No. 000027005CNA  

) STIPULATED ORDER FOR  
) PROBATION  
) Reference No. 21-00812  

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certificate Holders. Rebecca Leon (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on February 15, 1994.

On or about March 19, 2021, the Board received information that CNA had failed to maintain professional boundaries with a patient. An investigation was opened into the matter.

Investigative information shows that between December of 2020 and March of 2021, CNA had interacted with a patient outside of work at social gatherings, CNA spoke with patient via phone and text messaging, CNA gave the patient a ride home, and CNA paid the patient to help move personal items.

During an interview with Board staff on June 15, 2021, CNA admitted to failing to maintain professional boundaries with a patient. CNA further disclosed that since the onset of the Board’s investigation, CNA had experienced a mental health crisis that resulted in the abuse of alcohol and both prescribed and non-prescribed substances.

On August 17, 2021, CNA underwent a mental health and substance use evaluation. CNA received a diagnosis and treatment was recommended.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(d)(f) and OAR 851-063-0090(1)(a), (2)(a), (3)(k), and (7)(c) which reads as follows:

ORS 678.442 Certification of nursing assistants; rules.
(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
(d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
(f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant
A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:
(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:
(a) Demonstrated incidents of violent, abusive, neglectful or reckless behavior;

(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:
(k) Failing to maintain professional boundaries.

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

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

That the Certified Nursing Assistant certificate of Rebecca Leon be placed on Probation. The Certificate Holder’s compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Certificate Holder must complete a twenty-four (24) month period of probation to begin upon Certificate Holder’s return to performing the duties at the level of a Certified Nursing Assistant. Certificate Holder must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Certificate Holder is able to exercise the full extent of scope of duties in order to demonstrate whether or not Certificate Holder is competent. Limited overtime may be approved on occasion.

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 Stipulated Order to complete twenty-four (24) months of monitored practice.

3) Certificate Holder shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.

4) Certificate Holder shall maintain an active certificate.
5) Certificate Holder shall inform Board staff in advance of any absences from Oregon any move from Oregon. 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. If monitoring is approved and transferred to another Board of Nursing, Certificate Holder shall successfully complete all requirements of the Board Order of the other jurisdiction. Certificate Holder shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Certificate Holder’s compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order. While Certificate Holder practices in another state, those hours will only be counted toward her Oregon probation if the position meets the monitoring requirements per line ten (10) of this stipulated order.

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

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

8) 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 of the probationary status of Certificate Holder’s certification, the reasons for probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Certificate Holder's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Certificate Holder is employed.

10) Certificate Holder shall work under the direct observation of another licensed healthcare professional, functioning at a higher level of licensure who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Certificate Holder’s work and provide assistance and who has taken the required Board approved Monitor/Supervisor training. Certificate Holder shall be employed in a setting where Certificate Holder’s 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 Stipulated Order or of any other concern there may be 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, disciplinary actions, and terminations.

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

14) Certificate Holder shall not be approved for enrollment in clinical practicum hours for the purpose of obtaining an additional degree or license.

15) Certificate Holder shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Certificate Holder shall ensure that Board staff receive monthly status reports from the treatment provider. Within fourteen (14) days of completing treatment, Certificate Holder shall submit to Board staff a copy 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 drug testing program. Failure to comply with random urine, blood, hair, nail, or any other requested drug test shall result in Certificate Holder’s immediate removal from nursing practice. Certificate Holder shall submit to observed 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 Stipulated Order. Upon request of Board staff, Certificate Holder shall obtain a substance use disorder evaluation by a Board approved third party 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 shall be considered a violation of this Stipulated Order.

17) Certificate Holder shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol while participating in the Board’s random urine drug testing program, except as provided in Section 19 below. Certificate Holder shall avoid any over the counter products and food items containing alcohol, THC including CBD products, and poppy seeds.
18) Certificate Holder may take medication for a documented medical condition, provided that Certificate Holder obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Certificate Holder will notify Board staff within 72 hours in the event Certificate Holder is prescribed such medication, and shall sign a release of information authorizing the prescribing person to communicate with Board staff about Certificate Holder’s medical condition. Certificate Holder shall produce the medical records pertaining to the medical condition and medication use. Certificate Holder will discard any unused prescription medications when it is no longer needed or 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 diagnoses to ensure that Certificate Holder’s health history is complete before receiving any treatment, including medical and dental. 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 Stipulated 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 Stipulated Order.

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

Certificate Holder understands that in the event Certificate Holder engages in future conduct resulting in violations of the terms of this Stipulated Order and/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 Certificate Holder.

Certificate Holder understands that this Stipulated 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 Stipulated Order.

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

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

IT IS SO AGREED:

__________________________________________  ______________________________
Rebecca Leon, CNA                              Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________  ______________________________
Kathleen Chinn, FNP-BC                         Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of                     ) FINAL ORDER OF SUSPENSION
Misty Lewis, LPN                   ) BY DEFAULT FOR
                                  ) FAILURE TO COOPERATE
License No. 200030024LPN           ) Reference No. 22-00129

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. Misty Lewis (Licensee) was issued a Practical Nurse License by the Board on July 6, 2000.

This matter was considered by the Board at its meeting on October 13, 2021.

On September 10, 2021, a Notice stating that the Board intended to suspend Licensee’s Practical Nurse License was sent via certified and first-class mail to Licensee's address of record. 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 Practical Nurse License in the state of Oregon on July 6, 2000.

2. On or about August 12, 2021, Licensee was reported to the Board for a pattern of discrepancies in her documentation and administration of narcotic medication. The Board opened an investigation into the matter.

3. On August 13, 2021, 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 September 2, 2021, a second letter was sent to Licensee’s address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to provide a current work history and a written statement regarding the allegations. Licensee failed to schedule an interview and did not provide any documents to the Board.

5. On September 10, 2021, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

6. 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 is in default.

- II -
CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Misty Lewis, 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), OAR 851-045-0070(10) (a) and (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 endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, or any of the following causes:
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined.
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:
(10) Conduct related to the licensee’s relationship with the Board:
(a) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except client-attorney privilege.
(c) Failing to provide the Board with any documents requested by the Board.
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Practical Nurse License of Misty Lewis 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 Misty Lewis has fully cooperated with the Board’s investigation. Should the Board reinstate the Practical Nurse License of Misty Lewis, she would be subject to whatever terms and conditions the Board may impose.

DATED this ________ day of October, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: MISTY LEWIS:

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 Sharin Little ) STIPULATED ORDER FOR
License No. 092000505RN ) PROBATION - RE-ENTRY

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sharin Little (Applicant) was issued a Registered Nurse license by the Board on March 15, 1993 which was voluntarily surrendered in April 2018 following a violation of their Health Professionals’ Services Program agreement by their use of alcohol. In April 2021, Applicant applied for reinstatement of their Registered Nurse license.

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

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-001-0015 Petition for Reinstatement
A licensee or certificate holder whose license or certificate has been revoked or who voluntarily surrendered the license or certificate may be granted reinstatement under the following conditions:
(4) The individual seeking reinstatement agrees to any conditions that the Board determines necessary to demonstrate competence at the level of licensure or certification for which the individual is seeking reinstatement.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(7) Conduct related to impaired function:
(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.
Applicant admits that the above allegations occurred and constitute grounds for discipline under the Nurse Practice Act. Applicant wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Board and is agreed to by Applicant:

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

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

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

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

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

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

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

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

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

3) Applicant shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.

4) Applicant shall maintain an active license.

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

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

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

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

9) Applicant shall inform current and prospective employers of the probationary status of Applicant’s license, the reasons for Applicant’s probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Applicant's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Applicant is employed.

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

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

12) Applicant shall notify Board staff when there is a change in status of employment, including resignations, disciplinary actions, and terminations.
13) Applicant shall not work in any practice setting when on-site monitoring is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.

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

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

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

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

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

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

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

21) Applicant shall notify any and all healthcare providers of the nature of Applicant’s diagnoses to ensure that Applicant’s health history is complete before receiving any treatment, including medical and dental. Applicant shall provide Board staff with the names and contact information of any and all health care providers. Applicant shall sign any release of information necessary to allow Board staff to communicate with Applicant’s healthcare providers and release Applicant’s medical and treatment records to the Board. Applicant is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.

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

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

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

Applicant understands that in the event Applicant engages in future conduct resulting in violations the terms of this Stipulated Order and/or the Nurse Practice Act, the Board may take further disciplinary action against Applicant’s license, up to and including revocation of Applicant’s license to practice as a Registered Nurse.

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

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

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

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

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

IT IS SO AGREED:

Sharin Little
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Teresa Martinolich, RN
Reentry Limited

) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER

License No. L202103389RN

) Reference No. 22-00148

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Teresa Martinolich (Licensee) was issued a Registered Nurse Limited License by the Board on April 09, 2021.

On March 17, 2021, the Board accepted a signed Stipulated Order for Probation with Re-entry after Martinolich submitted a reactivation application. Martinolich was placed on probation as result of a revocation by default in July 2012 and a history of substance abuse and treatment.

Since beginning probation, Martinolich has had difficulty complying with the lab including two positive tests for THC. This was related to job stress and loss of a family member. She decided she wants to focus on family at this time and pursue another career path.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) (g), OAR 851-045-0070 (10) (d), and OAR 851-070-0100 (3) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case: (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended, or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes: (f) Conduct derogatory to the standards of nursing. (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070
Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(10) Conduct related to the licensee’s relationship with the Board:
(d) Violating the terms and conditions of a Board order.
OAR 851-070-0100 Substantial Non-Compliance Criteria:
(3) For Board Ordered discipline, violation of any of the conditions of the final order is considered non-compliance and will be investigated and the appropriate sanction will be determined up to and including revocation of license or certificate.

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

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the Nurse Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.
Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Teresa Martinolich, RN Reentry Limited

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of)  STIPULATED ORDER FOR
Jenelle Morace, RN) VOLUNTARY SURRENDER
) Reference No. 22-00160
License No. 200141253RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing,
regulating and disciplining certain health care providers, including Registered Nurses. Jenelle
Morace (Licensee) was issued a Registered Nurse License by the Board on July 12, 2001.

On or about May 6, 2019, the Board received information that Licensee consumed alcohol on
her lunch break. This led to Licensee failing to complete her work shift, and notifying the
appropriate personnel to ensure nursing assignment responsibilities would be met.

On August 7, 2019, Licensee failed to report for a scheduled nursing shift without notifying
the appropriate personnel. The Board opened an investigation into this matter.

On January 8, 2020, the Board placed Licensee on 12 months of probation, allowing 24
months to obtain the employer quarterly reports needed to successfully complete. At the time
this report is being written, Licensee has been on probation for 19 months. She has complied
with the terms of her monitoring agreement, except that she has not been able to obtain nursing
employment. Licensee is aware that her 24 months of probation will end on January 8, 2022.

Licensee has decided to voluntarily surrender her nursing license to be able to homeschool her
two small children, continue with her volunteer opportunities, and begin a small business
venture.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f) and
OAR 851-045-0070 (10)(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 endorsement, of
any person may be refused or the license may be revoked or suspended or the licensee may be
placed on probation for a period specified by the Oregon State Board of Nursing and subject to
such condition as the board may impose or may be issued a limited license or may be
reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to
the legal nursing standards or fails to conform to accepted standards of the nursing profession,
is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(10) Conduct related to 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 their Registered Nurse license.

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

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

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

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

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

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

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

__________________________________________________________________________
Jenelle Morace, RN                                      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________________________________________
Kathleen Chinn, FNP-BC                                      Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

Page 2 of 3 - Stipulated Order for Voluntary Surrender; 22-00160
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Laura Murphy, RN ) REPRIMAND WITH $1,250
 ) CIVIL PENALTY

License No. 201505276RN ) Reference No. 21-00828

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Laura Murphy (Licensee) was issued a Registered Nurse License by the Board on July 30, 2015.

On or about March 24, 2021, the Board received information that Licensee accessed a coworker’s medical record without a medical need to know. Licensee was overheard talking about accessing the coworker’s medical record in workplace breakrooms while talking to a coworker.

If proven at hearing, Licensee would be subject to discipline pursuant to ORS 678.111(1)(f)(g) and ORS 678.117, and OAR 851-045-0100(2)(f)(A) (B) (F) (G) (H)(g) and OAR 851-045-0070(8)(b)(o) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended, or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(8) Conduct related to other federal or state statute or rule violations:
(b) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client, unless required by law to disclose such information;
(o) Violating a person’s rights of privacy and confidentiality of information by accessing information without proper authorization or without a demonstrated need to know.
ORS 678.117 Procedure for imposing civil penalty; amount; rules.
(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.445 or any rule of the board. No civil penalty shall exceed $5,000.
(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
   (a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.
   (b) The economic and financial conditions of the person incurring the penalty.
(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.
(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.
(5) All penalties recovered under this section shall be credited to the special account described in ORS 678.170.

OAR 851-045-0100 Imposition of Civil Penalties
(2) Civil penalties may be imposed according to the following schedule:
   (f) Conduct derogatory to the standards of nursing $1,000 – $5,000. The following factors will be considered in determining the dollar amount, to include, but not be limited to:
      (A) Intent;
      (B) Damage and/or injury to the client;
      (F) Severity of the incident;
      (G) Duration of the incident.

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

That the Board impose a Civil Penalty against Licensee in the amount of $1,250.00 and the Registered Nurse License of Laura Murphy be reprimanded.

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

Licensee understands that by signing this Stipulated Order for Civil Penalty, 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 the Licensee to sign this Order.

Licensee understands that this Order is a document of public record.
FOR PAYMENT PLAN:

Licensee shall make monthly payments of not less than $53.00 in any one payment, the first payment is to be received by the Board within twenty (20) days from the date Board President’s signature on this Stipulation and thereafter, a payment on the 20th day of every month until the whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224.

FOR LUMP SUM PAYMENT:

This Civil Penalty shall become due and payable within twenty (20) days from the date this Stipulated Order is signed by the Board President. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224.

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

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

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

Laura Murphy, RN
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President
Date
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Carol Shane, RN ) CIVIL PENALTY
 ) Reference No. 22-00175
License No. 200441987RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Carol Shane (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on October 6, 2004.

On or before June 9, 2020, Licensee should have renewed her Registered Nurse license. Licensee failed to timely renew, and the license expired on June 10, 2020.

On September 2, 2021, Board staff sent a notification letter informing the Licensee of a potential civil penalty for practicing nursing without a current license. At that time, the Board requested additional information from Licensee on which to base the assessment (dollar amount) of the civil penalty.

On September 9, 2021, the Board received substantiated information from Licensee establishing that they were practicing nursing between the dates of June 10, 2020 and July 27, 2021.

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

ORS 678.021 License required to practice nursing.

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

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117 and OAR 851-045-0100(2)(a) which provide as follows:

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

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

(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
(a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.
(b) The economic and financial conditions of the person incurring the penalty.
(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.
(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.
(5) All penalties recovered under this section shall be credited to the special account described in ORS 678.170.

OAR 851-045-0100 Imposition of Civil Penalties

(2) Civil penalties may be imposed according to the following schedule:
(a) Practicing nursing as a Licensed Practical Nurse (LPN), Registered Nurse (RN), Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA) or Clinical Nurse Specialist (CNS) without a current license or certificate or Board required concurrent national certification; or prescribing, dispensing, or distributing drugs without current prescription writing authority, due to failure to renew and continuing to practice: $50 per day, up to $5,000.

Licensee wishes to cooperate with the Board in this matter.

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

Based on the evidence, Licensee was practicing nursing without a current license between the dates of June 10, 2020, and July 27, 2021.

That the Board impose a civil penalty against Licensee in the amount of $2,500.00.

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

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

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

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

Licensee shall make monthly payments of not less than $300.00 in any one payment, the first payment is to be received by the Board within twenty (20) days from the date Licensee’s signature on this Stipulation and thereafter, a payment on the 4th day of every month, (starting November 4th, 2021) until the whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224.
Licensee understands that if payment is 60 days overdue from the date due as stated in this Stipulation, collection of the Civil Penalty will be assigned to the Oregon Department of Revenue. In the event any amount is assigned for collection, the Licensee is subject to further disciplinary action by the Board which could include suspension, revocation or denial of licensure.

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

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

__________________________  __________________________
Carol Shane, RN                      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________  __________________________
Kathleen Chinn, FNP-BC                Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Laura Smythe, LPN ) VOLUNTARY SURRENDER
) Reference No. 21-00903
License No. 201508312LPN

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. Laura Smythe (Licensee) was issued a Licensed Practical Nurse License by the Board on October 29, 2015.

On or about April 15, 2021, the Board received information that Licensee was terminated from her place of employment due to multiple practice concerns. Licensee was on practice probation with the OSBN at the time of her termination.

Licensee has communicated with Board staff that she has decided to surrender her license at this time due to medical reasons.

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

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing;
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintaining clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

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

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

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

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

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

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

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

_________________________________________  __________________________
Laura Smythe, LPN                             Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_________________________________________  __________________________
Kathleen Chinn, FNP-BC                             Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of  ) STIPULATED ORDER FOR
Heather Spaulding, CNA ) VOLUNTARY SURRENDER

Certificate No. 201010059CNA ) Reference No. 22-00111

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 Spaulding (Licensee) was issued a Certified Nursing Assistant License/Certificate by the Board on January 11, 2010.

On 2/16/20, Licensee submitted a timely online renewal application. A routine background check showed that CNA had been arrested on 4/9/2019, for Failure to Carry/Present License, DUII and for Unlawful Possession of illicit drugs. An investigation was opened into the matter.

Certificate Holder Stipulated to a period of Probation monitoring.

Certificate Holder has relocated out of state and will be unable able to complete the conditions of their probation.

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

ORS 678.442 Certification of nursing assistants; rules. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who:
(a) Submits an application
(b)(A) Shows completion of an approved training program for nursing assistants; or
(B) Has military training or experience that the board determines is substantially equivalent to the training required by subparagraph (A) of this paragraph; and
(c) Passes a board approved examination.
(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
ORS 670.280 authorizes the Board to discipline nursing assistant certificates for conduct that is not undertaken directly in the course of CNA duties, but that is substantially related to the fitness and ability of the applicant or CNA to engage in activities of the CNA profession for which a CNA certificate is required. Such conduct is considered to be conduct unbecoming a CNA, and includes, but is not limited to:
(10) Conduct related to the certification holder’s relationship with the Board:
(d) Violating the terms and conditions of a Board order.
CNA wishes to cooperate with the Board in this matter and voluntarily surrender their 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 Heather Spaulding be accepted. If, after a minimum of three years, Ms. Spaulding wishes to reinstate their Certified Nursing Assistant certificate, Heather Spaulding may submit an application to the Board to request reinstatement.

CNA agrees that they will not practice as a Certified Nursing Assistant from the date the Order is signed.

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, Heather Spaulding 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 the signing of this Order.

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

CNA understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the Nurse Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.
CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Heather Spaulding, CNA  
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC  
Board President  
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON STATE BOARD OF NURSING

In the Matter of )  FINAL ORDER OF SUSPENSION
Leslie Stafford Smith )  BY DEFAULT

Certificate No. 201607324CMA,  )  Reference No. 20-01240
201500208CMA

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. Leslie Stafford Smith (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on January 13, 2015 and a CMA Certificate on September 09, 2016.

On December 3, 2020, the Board properly issued and served on Certificate Holder a Notice of Intent to suspend Certificate Holder’s CNA and CMA licenses (Notice). The Notice informed Certificate Holder of the allegations against them and their right to a hearing if requested within the timeframe identified in the Notice. The Notice also designated the Board’s file as the record for purposes of establishing a prima facie case in the event of a default. On December 28, 2020, the Board received a request for hearing from Certificate Holder dated December 22, 2020.

The Board referred the matter to the Office of Administrative Hearings (OAH) for a contested case hearing on December 30, 2020. The matter was assigned to OAH Administrative Law Judge (ALJ) Samantha Fair. A hearing was set for September 29, 2021, at the Board offices. The Board issued an Amended Notice of Intent to suspend Certificate Holder’s CNA and CMA licenses (Amended Notice) on April 15, 2021. The hearing of September 29, 2021, remained as scheduled.

The case was reassigned to ALJ Kate Triana on May 26, 2021. On August 18, 2021, the hearing was converted to a Video Conference due to rise in COVID-19 cases. Certificate Holder was provided both the original notice of the in-person hearing for September 29, 2021, as well as notice of the video conference hearing.

On September 29, 2021, ALJ Triana convened the video conference hearing. Assistant Attorney General Raul Ramirez appeared by video conference on behalf of the Board, along with OSBN investigator Molly Taube. Certificate Holder failed to appear on September 29, 2021, the date and time assigned for the commencement of the hearing.

NOW, THEREFORE, after consideration of the Board’s file, the Board makes the following Findings of Fact and Conclusions of Law and enters the following Final Order.
FINDINGS OF FACT

1. Certificate Holder failed to appear for hearing on September 29, 2021, as scheduled, and is in default.

2. The Board is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants and Medication Aides. Certificate Holder was issued a Certified Nursing Assistant Certificate by the Board on January 13, 2015, and a Certified Medication Aide Certificate by the Board on September 09, 2016. Each Certificate has an expiration date of September 26, 2022.

3. Certificate Holder was hired to work as a caregiver for GV in February 2020. On or about June 23, 2020, Certificate Holder was reported to the Board for verbally and emotionally abusing GV. DHS substantiated these allegations against Certificate Holder. The Board opened an investigation into the matter.

4. On or about June 11, 2020, Certificate Holder informed GV she didn’t want to continue working for her. Certificate Holder told GV she didn’t like the way she treated her own husband and told GV and her husband they weren’t good Christians because they didn’t read the bible and watched “crazy” television shows.

5. On or about June 11, 2020, after Certificate Holder quit her position and left, GV sent her a text message reading, “You don’t need to come back anymore.” Certificate Holder responded, “Ok (GV) thank you.” On June 12, 2020, GV sent Certificate Holder a text message regarding Certificate Holder not having a right to judge GV and her husband. This resulted in several replies from Certificate Holder, which included the following:
   a) Certificate Holder texted “You are the laziest, most disgusting person I’ve ever met” to GV in response to GV’s text message about Certificate Holder judging GV and her husband;
   b) Certificate Holder texted to GV “I couldn’t take your constant complaining and bickering towards [husband]” in reference to Certificate Holder’s perception of how GV treated her husband;
   c) Certificate Holder texted “And I doubt, that anybody else is going to put up with your disgusting habits (e.g. exploding bowels all over your wall and drapes…” Certificate holder made this statement being aware that GV had multiple medical conditions, and that the medications GV took caused her to have loose stools.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. Certificate Holder failed to appear for hearing on September 29, 2021, as scheduled, and is in default.

2. That the Board has jurisdiction over the Certificate Holder and over the subject matter of this proceeding. Certificate Holder was issued a Certified Nursing Assistant Certificate by
the Board on January 13, 2015, and a Certified Medication Aide Certificate by the Board on September 09, 2016. Each Certificate is set to expire on September 26, 2022.

3. By engaging in the conduct in Finding of Fact 4 above, Certificate Holder violated ORS 670.280(3), ORS 678.442(2)(d)(f) and OAR 851-063-0090(3)(g)(k), (5)(a) and (10)(b). Certificate Holder’s conduct is substantially related to her fitness and ability to engage in the activity of a CNA and a CMA.

4. By engaging in the conduct in Finding of Fact 5 above, Certificate Holder violated ORS 670.280(3), ORS 678.442(2)(d)(f), and OAR 851-063-0090(3)(g)(k), (8)(d). Certificate Holder’s conduct is substantially related to her fitness and ability to engage in the activity of a CNA and a CMA.

5. Suspension of Certificate Holder’s CNA and CMA certificates for 30 days is a sanction within the Board’s authority and discretion to impose in this matter. A 30-day suspension of each Certificate is appropriate based on each of the violations found above.

FINAL ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, Leslie Stafford Smith’s CNA and CMA certificates are hereby suspended for 30 days, commencing five business days from the date this Order is signed.

DATED this _____ day of October, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

APPEAL RIGHTS

You are entitled to judicial review of this order in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date of this order.
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Julie Rae Sullivan, RN ) REPRIMAND OF LICENSE
 )
License No. 200742580RN ) Reference No. 19-00101

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Julie Rae Sullivan (Licensee) was issued a Registered Nurse License by the Board on July 27, 2007.

On or about July 19, 2018, the Board received information that Licensee had failed to notify a provider of a patient’s change in condition, failed to adequately assess a patient with a change in condition, failed to perform thorough and accurate documentation on several occasions, failed to follow the facilities medication administration policy resulting in a medication error and failed to correctly transcribe orders into the medical record while employed with Snake River Correctional Institution.

Licensee shall complete the following courses:
NCSBN: Sharpening Critical Thinking Skills
NCSBN: Medication Errors: Causes and Prevention
NCSBN: Documentation: A Critical Aspect of Patient Care
NCSBN: Righting a Wrong: Ethics & Professionalism in Nursing
NCSBN: Professional Accountability & Legal Liability for Nurses

Licensee shall provide proof of completion of each course either through certificates of completion or transcripts. Should Licensee fail to complete these courses within the required time of three (3) months, Licensee shall be referred back to the Board for consideration of further disciplinary action.

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

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

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

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

(3) Conduct related to the client’s safety and integrity:
   (b) Failing to take action to preserve or promote the client’s safety based on nursing assessment and judgment.

(4) Conduct related to communication:
   (a) Failure to accurately document nursing interventions and nursing practice implementation;
   (f) Failing to communicate information regarding the client’s status to members of the health care team in an ongoing and timely manner as appropriate to the context of care.

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 Julie Rae Sullivan 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 understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the Nurse Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.
Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

_________________________   ____________________________
Julie Rae Sullivan, RN                  Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_________________________   ____________________________
Kathleen Chinn, FNP-BC                  Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of               ) STIPULATED ORDER FOR
Danielle Sylvia              ) WITHDRAWAL OF PRACTICAL
                               ) NURSE LICENSE APPLICATION

License No. 201030521LPN      ) Reference No. 22-00025

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 and Practical Nurse license applicants. Danielle Sylvia (Applicant) was issued a Practical Nurse license by the Board on December 13, 2010 which was voluntarily surrendered in April 2013.

Between 2013 and 2015, Applicant abused controlled substances. Between 2014 and 2016, Applicant was convicted in Colorado of the following crimes: Identity Theft, Possession of a Controlled Substance, Criminal Mischief, Shoplifting, Trespassing, and Smuggling Contraband (drugs) Into Prison. In 2021, Applicant applied for reinstatement of their Practical Nurse license. Applicant subsequently informed the Board that they only applied for reinstatement due to a mistaken belief that it was a requirement for issuance of a nursing license by another state; however, Applicant does not currently desire an Oregon Practical Nurse license.

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

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
(f) Conduct derogatory to the standards of nursing.
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.
OAR 851-001-0015 Petition for Reinstatement
A licensee or certificate holder whose license or certificate has been revoked or who voluntarily surrendered the license or certificate may be granted reinstatement under the following conditions:
(4) The individual seeking reinstatement agrees to any conditions that the Board determines necessary to demonstrate competence at the level of licensure or certification for which the individual is seeking reinstatement.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to acceptable standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(7) Conduct related to impaired function:
(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.

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

That Danielle Sylvia’s application for Practical Nurse license be withdrawn.

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

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

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

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

Applicant has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Withdrawal of Practical Nurse License Application.
IT IS SO AGREED:

__________________________________________  ____________________________
Danielle Sylvia                                 Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________  ____________________________
Kathleen Chinn, FNP-BC                            Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Ashley Tobin, RN ) REPRIMAND OF LICENSE
)

License No. 201807167RN ) Reference No. 21-01026

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse License. Ashley Tobin (Licensee) was issued a Registered Nurse License by the Board on August 22, 2018.

On or about May 25, 2021, the Board received information that Licensee failed to maintain professional boundaries with a patient with whom she was formerly related to by marriage. Licensee failed to notify supervisory or managerial staff that she was formerly related to patient.

At the request of one of the patient’s sons, Licensee agreed to sign a financial power of attorney naming Licensee as the patient’s agent.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(f) and OAR 851-045-0070(3)(o) 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
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

(3) Conduct related to the client’s safety and integrity:
(o) Failing to establish or maintain professional boundaries with a client;

Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:
That the Registered Nurse License of Ashley Tobin be reprimanded. Furthermore, Licensee will complete all Board-approved continuing education courses provided them by Board staff and provide proof of their completion to Board staff within 90 days of this Stipulated Order being approved by the Board.

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

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

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

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

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

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

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

______________________________________________________________
Ashley Tobin, RN                                           Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________________________________________
Kathleen Chinn, FNP-BC                                   Date
Board President
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) FINAL ORDER OF SUSPENSION
Rose Vivier, CNA ) OF NURSING ASSISTANT
 ) CERTIFICATE BY DEFAULT FOR
 ) FAILURE TO COOPERATE
Certificate No. 000035273CNA ) Reference No. 21-00049

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. Rose Vivier was issued a Nursing Assistant Certificate by the Board on July 23, 1996.

This matter was considered by the Board at its meeting on October 13, 2021.

On September 9, 2021, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Rose Vivier (Certificate Holder) was sent to the address of record via certified and first-class mail. The Notice alleged that Certificate Holder failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on July 23, 1996.

2. On or about June 3, 2020, Certificate Holder submitted her CNA renewal application and disclosed that she had a pending criminal case with State of Montana. Certificate Holder said that an incident in September 2018 led to her being charged with Theft 1 and Making False Claims to Public Agencies, both of which are felonies. Certificate Holder also disclosed an arrest in Oregon for Unlawful Purchase of a Firearm.
3. Board staff contacted Certificate Holder on August 13, 2020, requesting an explanation of those charges, as well as police and court documents. Certificate Holder requested extensions to produce the documents and written explanation, and was granted several, however, Certificate Holder did not produce any responsive records or statement.

4. On September 29, 2020, Board staff learned that Certificate Holder had been charged on September 3, 2020, with two additional misdemeanors: Menacing – Domestic, and Criminal Trespass. A court warrant was issued against Certificate Holder on September 28, 2020, for failure to appear at a scheduled court hearing.

5. Board staff contacted Certificate Holder requesting an explanation of those charges, as well as police and court documents. Certificate Holder requested extensions to produce the documents and written explanation, and was granted several, however, Certificate Holder did not produce any responsive records or statement.

6. On July 1, 2021, Board staff mailed a letter to Certificate Holders’ address of record requesting that an interview be scheduled to discuss the allegations.

7. Certificate Holder scheduled an appointment for July 29, 2021, but failed to provide the requested written responses and documentation. On July 27, 2021, Certificate Holder requested to postpone her interview, and the meeting was rescheduled for August 27, 2021. Certificate Holder failed to appear for the interview and did not provide the requested responses and documentation.

8. On September 9, 2021, 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.

9. 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 resulting in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Rose Vivier, 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) and OAR 851-063-0090(10)(a) and (c), which read as follows:

ORS 678.442(2)(f) 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(10)(a)(c) Conduct Unbecoming a Nursing Assistant:**

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

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

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

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

3. That 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 Rose Vivier 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 Rose Vivier has fully cooperated with the Board’s investigation. Should the Board reinstate the Nursing Assistant Certificate of Rose Vivier, the Certificate Holder would be subject to whatever terms and conditions the Board may impose.

DATED this __________ day of October, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President
TO: ROSE VIVIER:

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
Dawn Whipp Groberg, RN Reentry Limited

STIPULATED ORDER FOR
REPRIMAND OF LICENSE

License No. 093003261RN
Reference No. 21-00544

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Dawn Whipp Groberg (Licensee) was issued a Registered Nurse License by the Board on June 14, 2002.

On or about December 16, 2020, the Board received information that Licensee worked outside of scope by providing wound care treatments for more than one resident at Marjorie House Memory Care, without notifying a provider and without having provider orders to complete the treatments.

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

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintaining clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
(b) Performing acts beyond the authorized scope or beyond the level of nursing for which the
individual is licensed.

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

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

(c) Failing to develop, implement or modify the plan of care.

(4) Conduct related to communication:

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

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

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

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 Dawn Whipp Groberg be reprimanded.**

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

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

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.

Dawn Whipp Groberg, RN Reentry Limited

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING