

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Christina Barnes, RN) **VOLUNTARY SURRENDER**
) **OF REGISTERED NURSE LICENSE**

License No. 200842581RN) **Reference No. 20-00334**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Christina Barnes (Licensee) was issued a Registered Nurse License by the Board on September 02, 2008.

On or about October 8, 2018, the Board received information that Licensee was suspected to have practiced impaired on September 29, 2018. An investigation was opened into the matter.

Through the course of the Board's investigation it was learned that Licensee was not under the influence of any substances but was instead experiencing a mental health condition.

On March 4, 2019, Licensee underwent a mental health disorder evaluation and continued treatment was recommended.

On July 10, 2019, Licensee was allowed entry into the Health Professional Services Program.

Licensee has been non-compliant with the HPSP program having missed 5 scheduled toxicology tests.

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

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

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

(7) Conduct related to impaired function:

(B) Psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting or by the assessment of an LIP qualified to diagnose mental conditions or status.

851-070-0100 Substantial Non-Compliance Criteria

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

(1) Violated any terms of the monitoring agreement.

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 Christina Barnes be accepted. If, after a minimum of three years, Ms. Barnes wishes to reinstate their Registered Nurse license, Christina Barnes 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, **Christina Barnes** 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.

Christina Barnes, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

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

In the Matter of:

LINDY BEERS,

License No. 201242466RN.

OAH Case No: 2018-ABC-01623
Agency Case No: 18-01393
DOJ File No: 851001-GB0356-18

FINAL ORDER BY DEFAULT

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon, pursuant to ORS chapter 678 and OAR chapter 851. At all times material herein, Lindy Beers (Licensee) held a valid license (Certificate No. 201242466RN) to practice as a Registered Nurse in the State of Oregon.

On April 12, 2018 the Board properly issued and served on Licensee a Notice of Proposed Revocation of Registered Nurse License (Notice). Licensee requested a Hearing on the Notice on May 2, 2018. The case was referred to OAH on May 14, 2018. OAH issued a Notice of Prehearing Conference on September 12, 2018. The Prehearing Conference was convened by ALJ Rick Barber on November 26, 2018. Licensee failed to appear. ALJ Barber memorialized the results of the Pre hearing Conference in a memorandum dated November 27, 2018. That memorandum reflected that at the Prehearing Conference the date of October 16, 2019 was selected for the In-person Hearing at the Board's offices. A Notice of In-Person hearing was also issued on November 27, 2018. On February 15, 2019 the case was reassigned to ALJ Alison G. Webster. On June 4, 2019 Ms. Catriona McCracken, Senior Assistant Attorney General, filed a Notice of Substitution of Counsel removing Mr. Thomas Cowan, Senior Assistant Attorney General, and adding herself as counsel for the Board.

Thereafter, on July 17, 2019, the Board properly issued and served on Licensee an Amended Notice of Proposed Revocation of Registered Nurse License (Amended Notice). The Amended Notice also proposed to revoke Licensee's Registered Nurse license. In the Amended Notice the Board alleged that on or about June 17, 2015, the Board had allowed Licensee entry into the Health Professional Services Program (HPSP) with a diagnosis of Alcohol Dependence, Posttraumatic Stress Disorder and Obsessive-Compulsive Disorder. The Board further alleged that on or about September 7, 2016, Licensee was removed from HPSP for Substantial Non-Compliance and, on the same date, the Board accepted a Stipulated Order for Probation (Public Discipline) for two years. The Board additionally alleged that on or about January 25, 2018, the Board received a Positive Toxicology Result for licensee for ETG which is a violation of ORS 676.185(5)(c)(d), ORS 678.111(1)(f), OAR 851-045-0070(7)(c), (10)(c)(d). In addition to the above, the Board also alleged that Licensee failed to participate in mandatory toxicology testing and missed tests on 05/24/18, 05/31/18, 07/30/18, 10/08/18, 11/14/18, 11/29/18, 12/05/18, 12/28/18, 01/17/19, 03/13/19, 03/27/19, 04/06/19, 04/24/19, 04/30/19, 05/07/19, 05/22/19, 06/12/19, 07/03/19 violations of ORS 676.185(5)(c)(d), ORS 678.111(1)(f), OAR 851-045-0070(7)(c), (10)(c)(d). And finally the Board alleged that Licensee last made contact with her probation monitor on 11/13/18 which was a violation of ORS 676.185(5)(c)(d), ORS

678.111(1)(f), OAR 851-045-0070(7)(c), (10)(c)(d). The Board additionally alleged that all of the above conduct was in violation of ORS 676.185(5)(c)(d), ORS 678.111(1)(f), OAR 851-045-0070(7)(c), (10)(c)(d). Both the Notice and Amended Notice informed Licensee of her right to request a hearing if requested within twenty (20) days of mailing of the Notice and Amended Notice, advised her of her right to legal counsel, and designated the agency file as part of the record for purposes of default. The Notices were sent to Ms. Beers address of record and the Amended Notice was also emailed to her email address of record.

On September 24, 2019 the Board filed a Motion for a Qualified Protective Order. On September 30, 2019, ALJ Webster signed the Qualified Protective Order Limiting Use and Disclosure. The Board filed its Exhibits A1 through A14 and its Pleadings PI through P14 on October 2, 2019. Also provided on that date was a list of witnesses the Board intended to call. The Board noted in its letter that the witnesses may appear in person, by telephone or by video conference. No exhibits were received from Licensee. Licensee's license expired on October 14, 2019. The expiration of licensee's license has no effect on these proceeding pursuant to ORS 678.158 which states that: "The lapse, suspension or revocation of a license or certificate by the operation of law or by order of the Oregon State Board of Nursing or by the decision of a court of law, or the voluntary surrender of a license by a licensee or of a certificate by a certificate holder, shall not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee or certificate holder or to revise or render null and void an order of disciplinary action against the licensee or certificate holder."

On October 16, 2019 ALJ Webster was present in the Board's Hearing Room along with AAG McCracken and the Board's witnesses. Licensee failed to appear on October 16, 2019, the date and time designated for the commencement of hearing and was thereby in default.

NOW, THEREFORE, after consideration of the relevant portions of the Board's records and files related to this matter, the Board makes the following Findings of Fact and Conclusions of Law and enters the following Final Order.

FINDINGS OF FACT

The Board finds that:

1. The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon, pursuant to ORS chapter 678 and OAR chapter 851.
2. At all times material herein, Lindy Beers (Licensee) held a valid license (Certificate No. 201242466RN) to practice as a Registered Nurse in the State of Oregon. Exhibit A1.
3. Although Ms. Beers' License expired on October 14, 2019, that fact has no effect on this proceeding due to ORS 678.158.
4. On July 30, 2012 Lindy Beers was licensed as an RN 201242466RN following a board investigation into her driving record due to her answers to Q2 on application form. The

investigation revealed that Ms. Beers had been convicted of DUII in 2003 and 2006 and had undergone diversion each time. OSBN Case 13-00210. *See also* Exhibit A8 page 17.

5. On November 14, 2015 licensee was reported to the Board for potential impairment at work when employment related testing had revealed a blood alcohol reading of .245. The Board opened an investigation. OSBN Case 15-00687. Exhibit A5 page 1-9.
6. On June 17, 2015 Licensee was permitted to enter the Health Professional Services Program (HPSP) with a diagnosis of Alcohol Dependence, Posttraumatic Stress Disorder and Obsessive Compulsive Disorder. Exhibit A6 pages 1-110.
7. On July 7, 2015 Licensee tested positive for Oxazepam and Temazepam (benzodiazepines). Exhibit A6 page 108.
8. On August 31, 2015 Licensee tested positive for ETG – her second positive test while enrolled in the HPSP. Exhibit A6 page 108.
9. On July 19, 2016 Licensee tested positive for ETG – her third positive test while enrolled in the HPSP. Exhibit A6 page 108
10. On July 26, 2016 the Board opened another investigation. Exhibit A5 pages 10-14.
11. On September 7, 2016 Licensee was removed from HPSP for Substantial Noncompliance and the Board accepted instead a Stipulated Order For Probation. Pleading P1; Exhibit A10 page 5.
12. On December 12, 2016 Licensee tested positive for hydrocodone. Exhibit A11 page 7.
13. On January 25, 2018 Licensee tested positive for ETG. She was also positive for ethyl glucuronide and ethyl sulfate. Exhibit A11 page 30.
14. Licensee also failed to participate in mandatory toxicology testing and missed tests on 05/24/18 (Exhibit A5 page 20 and A11 page 50), 05/31/18 (Exhibit A 11 page 46 and 50 and Exhibit A5 page 20), 07/30/18 (Exhibit A5 page 20 and Exhibit A11 page 48), 10/08/18 (Exhibit A5 page 20 and A10 pages 84- 85), 11/14/18 (Exhibit A5 page 20), 11/29/18 (Exhibit A5 page 20, 12/05/18 (Exhibit A 5 page 20), 12/28/18 Exhibit A5 page 20), 01/17/19 (Exhibit A5 page 20), 03/13/19 (Exhibit A5 page 20), 03/27/19 (Exhibit A5 page 20), 04/06/19 (Exhibit A5 page 20), 04/24/19 (Exhibit A5 page 20), 04/30/19 Exhibit A5 page 20), 05/07/19 (Exhibit A5 page 20), 05/22/19 (Exhibit A5 page 20), 06/12/19 (Exhibit A5 page 20), 07/03/19 (Exhibit A5 page 20).
15. The Board asked repeatedly for documentation from Licensee. Licensee failed to timely respond. Exhibit A10 page 55; Exhibit A10 page 57; Exhibit A10 pages 60-62; Exhibit A10 page 72; Exhibit A10 page 79 -80; Exhibit A10 page 84 – 85.
16. On April 12, 2018 The Board issued the Notice of Proposed Revocation. P2.

17. The April 12, 2018 Notice, and the July 17, 2019 Amended Notice, issued by the Board granted Respondent an opportunity for hearing if requested within 20 days of the mailing of the Notice and Amended Notice. Respondent timely requested a hearing, and a contested case hearing was scheduled before an ALJ of the Office of Administrative Hearings on October 16, 2019, to take place at the Oregon State Board of Nursing. P2, P3, P8.
18. Respondent failed to appear for the October 16, 2019 hearing at the scheduled time and location designated for the hearing and is hereby in default.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law with reference to the statutes and rules set forth below:

1. The Board has jurisdiction over Respondent and the subject matter of this proceeding, pursuant to ORS chapter 678 and OAR chapter 851.
2. At all times material herein, Lindy Beers (Licensee) held a valid license (Certificate No. 201242466RN) to practice as a Registered Nurse in the State of Oregon.
3. The lapsing of Licensee's license on October 14, 2019 does not impact the agency's jurisdiction over Licensee pursuant to ORS 578.158:

ORS 678.158 Continuing authority of board upon lapse, suspension, revocation or voluntary surrender of license or certificate. The lapse, suspension or revocation of a license or certificate by the operation of law or by order of the Oregon State Board of Nursing or by the decision of a court of law, or the voluntary surrender of a license by a licensee or of a certificate by a certificate holder, shall not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee or certificate holder or to revise or render null and void an order of disciplinary action against the licensee or certificate holder. [2001 c.275 §6]

4. Licensee's numerous positive toxicology tests evidence that Licensee was in substantial noncompliance with the Stipulated Order For Probation put in place to permit licensee to keep working so long as she was not abusing drugs or alcohol and putting the public health and safety at risk. Substantial noncompliance is defined pursuant to ORS 676.185(5)(c) and (d):

ORS 676.185 Definitions for ORS 676.185 to 676.200.

(5) "Substantial noncompliance" includes the following:

(c) Impairment in a health care setting in the course of employment;

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

5. Licensee engaged repeatedly in conduct derogatory to the standards of nursing when licensee used non-prescription medication and alcohol to an extent or in a manner dangerous or injurious to the licensee as evidenced by the numerous positive toxicology tests:

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

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

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(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.

6. Licensee also engaged in conduct derogatory to the standards of nursing when she failed to provide the Board with requested documents such as written statements related to toxicology results (ORS 678.111(2)(f), OAR 851-045-0070(10)(c)) and when she violated the terms and conditions of the Stipulated order For Probation (ORS 678.111(2)(f), 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 matter prescribed in ORS chapter 183 for a contested case:

- (2) Issuance of the license to practice nursing, whether by examination or be 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

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

- (c) Failing to provide the Board with any documents requested by the Board;
(d) Violating the terms and conditions of a Board order

7. Respondent is in default for failing to appear at the scheduled hearing in this matter and the Board hereby enters the following Final Order pursuant to ORS 183.417(4) and OAR 137-003-0670(1)(c), (3)(a) and (b).

OPINION

The Board contends that Licensee's RN license should be revoked based upon allegations of substantial noncompliance with a board order¹, conduct derogatory to the standards of nursing specifically impairment², and failure to provide the Board requested written statements³. The Board bears the burden of proving its allegations by a preponderance of the evidence. ORS 183.450(2) and (5); *Reguero v. Teachers Standards and Practices Commission*, 312 Or 402, 418 (1991) (burden is on Commission in disciplinary action); *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (in administrative actions, the standard of proof that generally applies in agency proceedings, including license-related proceedings, is the preponderance standard.) Proof by a preponderance of the evidence means that the fact finder is convinced that the facts asserted are more likely true than false. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

The Board designated the agency file as part of the record for purposes of default in this matter.⁴ The Board's Findings of Fact are drawn from the agency file which provides *prima facie* evidence in this proceeding. The Findings of Fact section serves both as substantiation that there are facts to support each alleged violation of agency statute and rule and to establish that the preponderance of the evidence in this matter is indeed presented by the Board.

ORS 676.165 provides that when a health professional regulatory board receives a complaint by any person against a licensee, applicant or other person alleged to be practicing in violation of law, the board shall assign one or more persons to act as investigator of the complaint. The investigator is tasked with collecting evidence and interviewing witnesses and must make a report to the board. The report to the board must describe the evidence gathered, the results of witness interviews and any other information considered in preparing the report of the investigator. The investigator has to consider, and include in the report, any disciplinary history with the board of the licensee, applicant or other person alleged to be practicing in violation of law. And the investigator must make the report to the board not later than 120 days after the board receives the complaint. These statutory and regulatory schemes exist because the Board is tasked with protecting the health and safety of the public. Other statutes and rules ensure that the Board carries out its investigations in such a manner as to provide due process to its licensees.

In the case at hand, due to repeated failures on the part of the licensee, Board staff was tasked with conducting repeated investigations into licensee's actions.⁵ The Board too had to repeatedly review and consider Licensee's case.⁶ The first time it reviewed her case the Board

¹ Finding of Fact No. 12-15.

² Finding of Fact No. 12-15.

³ Finding of Fact No. 12-15.

⁴ P2 and P11.

⁵ Exhibit A5.

⁶ Finding of Fact No. 4-15.

decided that she should be given the chance to establish a successful nursing career in Oregon and it granted her a license.⁷ The second time it had to review Licensee's actions it determined that she was a candidate for HPSP and allowed her to join that program.⁸ But Licensee abused this second chance and it was taken away from her.⁹ The Board, however, provided her with an additional opportunity to prove herself through the Stipulated Order for Probation.¹⁰ Licensee also abused this opportunity.¹¹ The Board was left with no other choice but to issue a Notice of Intent to Revoke.¹² But even after being issued with that Notice Licensee continued to abuse the terms and conditions of the Stipulated Order For Probation by failing to participate in mandatory toxicology testing. The list of missed tests is long - 05/24/18, 05/31/18, 07/30/18, 10/08/18, 11/14/18, 11/29/18, 12/05/18, 12/28/18, 01/17/19, 03/13/19, 03/27/19, 04/06/19, 04/24/19, 04/30/19, 05/07/19, 05/22/19, 06/12/19, 07/03/19.¹³ Ultimately the Board had no choice but to issue the Amended Notice of Intent to Revoke.¹⁴ Licensee requested a hearing¹⁵ and then Licensee failed to appear to defend her license against revocation for commission of the serious violations set forth above.

The Board's statutes and rules are designed protect the public from nurses who abuse drugs and alcohol to the extent that the drugs and or alcohol are 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. Upon learning of Licensees drug and alcohol problems the Board, through two separate programs HPSP and Probation, gave licensee the opportunity to kick her habit and protect her nursing career. Licensee failed to successfully complete both the voluntary programs. Licensee was noticed of the Board's intent to revoke her license, she asked for a hearing, but then failed to appear. Licensee is in default for failing to appear at the scheduled hearing in this matter.¹⁶ The Board submitted its case file as *prima facie* evidence in this matter. The Board hereby enters the following Final Order pursuant to ORS 183.417(4) and OAR 137-003-0670(1)(c), (3)(a) and (b).

FINAL ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and the Board being otherwise

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⁷ Finding of Fact No. 4.

⁸ Finding of Fact No. 5 and 6.

⁹ Finding of Fact No. 7 to 11.

¹⁰ Finding of Fact No. 11.

¹¹ Finding of Fact No. 12 to 15; Conclusions of Law 1 to 7.

¹² Finding of Fact No. 16; Pleading No.2.

¹³ Finding of Fact No. 12 to 15.

¹⁴ P 11.

¹⁵ Finding of Fact No. 17.

¹⁶ Finding of Fact No. 18; Conclusion of Law No. 7.

fully advised in this matter, it is hereby ORDERED that:

LINDY BEERS' license, 201242466RN, to practice as a Registered Nurse in the State of Oregon is revoked.

DATED this _____ day of _____.

For the Board of Nursing of the State of Oregon:

Barbara Turnipseed, RN
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. Tape recordings of Administrative Hearings are retained 90 days after the date of the final order.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Laura Boyd, RN) **PROBATION**
)
License No. 201901249RN) **Reference No. 20-00229**

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 Boyd (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on February 12, 2019.

On or about August 28, 2019, Licensee entered into a Stipulation to Informal Disposition with the Washington Nursing Care Quality Assurance Commission (Commission) for twelve (12) months of monitored practice.

The Commission's finding of Practice Below Standard of Care was based on Licensee's practice which occurred in 2015 and 2016 when Licensee was employed at a correctional facility in Washington State.

On November 16, 2018, Licensee applied for an Oregon Registered Nurse license by endorsement. Licensee failed to disclose that she had a pending investigation in progress with the Commission.

Licensee is currently practicing in Oregon with an active Registered Nurse license. By the above actions and because of the requirement for probation by the Washington Commission, Licensee is subject to monitoring by the Board pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(a) and (10)(b) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

(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.

(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 acknowledges that the above occurred, and agrees to enter into a probation agreement in Oregon to resolve the present 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 Laura Boyd of 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 the twelve (12) month period of probation agreed to with the Washington Commission. Licensee must practice a minimum of 150 hours per quarter, 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's Probation in Oregon will end when she successfully completes the terms and conditions of the Commission's Stipulation to Informal Disposition.

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 her monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall remain in full compliance with the Washington Commission's Stipulation to Informal Disposition at all times, including all continuing education requirements, and agrees to authorize release of information between the Commission and the Board. Should Licensee fail to comply with the Commission's Stipulation, Licensee shall be referred back to the Board for consideration of disciplinary action.
- 6) Licensee shall inform Board staff in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be re-evaluated.
- 7) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.

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

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

10) 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.

11) 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.

12) 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.

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

14) 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.

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 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.

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

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

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

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

Laura Boyd, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Erik Brown, LPN) **SUSPENSION OF LICENSE**
)
License No. 200530212LPN) **Reference No. 17-01464**

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. Erik Brown (Licensee) was issued a Practical Nurse license by the Board on July 08, 2005.

In January 2017, Licensee forged a co-worker's initials falsely documenting the co-worker witnessed an administration of insulin to a patient. That same month, Licensee falsely documented that they had performed a dressing change on a patient's wound as directed by the patient's care plan. Licensee reported to Board staff that the wound in question had resolved; however, Licensee's documentation did not reflect this or that they had attempted to modify the plan of care as needed based on nursing assessment and judgment.

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

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

- (1) Conduct related to the client's safety and integrity:
 - (c) Failing to develop, implement and/or follow through with the plan of care.
 - (d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.
- (3) Conduct related to communication:
 - (a) Inaccurate recordkeeping in client or agency records.

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

(c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, filling in someone else's omissions, signing someone else's name, record care not given, and fabricating data/values.

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

That the Practical Nurse license of Erik Brown be SUSPENDED for 30 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.

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 they 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 Practical 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, 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 Stipulated Order.

Licensee understands that this Stipulated Order is a document of public record. Licensee has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Suspension.

Erik Brown, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
OREGON STATE BOARD OF NURSING**

IN THE MATTER OF:) **FINAL ORDER**
)
JACOB BRUNK) OAH Case No. 2018-ABC-02074
) Agency Case No. 18-01638
))

HISTORY OF THE CASE

On July 26, 2018, the Oregon State Board of Nursing (Board) issued Jacob Brunk a Notice of Proposed Revocation of License (Notice). On August 13, 2018, Mr. Brunk filed a Request for Hearing.

On September 28, 2018, the Board referred the matter to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Rick Barber to preside at hearing. On October 17, 2019, Mr. Brunk requested a change in ALJ assignment. On October 17, 2018, the OAH granted the request and reassigned the matter to ALJ Samantha A. Fair.

On November 6, 2018, ALJ Fair convened a telephone prehearing conference. Kevin Keaney, attorney for Mr. Brunk, appeared on his behalf. The Board appeared and was represented by Senior Assistant Attorney General (AAG) Thomas Cowan. Peggy Burns from the Board also appeared. ALJ Fair scheduled the hearing for August 28 and 29, 2019, and set deadlines for submission of motions, witness lists and exhibits.

On February 20, 2019, the Board filed a Motion for Qualified Protective Order. On March 6, 2019, the OAH issued a Qualified Protective Order Limiting Use and Disclosure.

On August 7, 2019, Mr. Brunk filed a Motion in Limine. On August 14, 2019, the Board filed a response to the motion. On August 14, 2019, the OAH issued a Ruling on Motion in Limine, denying the motion. On August 17, 2019, Mr. Brunk renewed his Motion in Limine. On August 19, 2019, the OAH issued a Second Ruling on Motion in Limine, again denying the motion.

On August 28, 2019, ALJ Fair convened a hearing in Portland, Oregon. Mr. Brunk appeared with Mr. Keaney. The Board appeared and was represented Senior AAG Cowan. Maria Parish, a Board investigator, also appeared on behalf of the Board. The Board called Mr. Brunk as a witness. Mr. Brunk also testified on his own behalf. Mr. Brunk called Ms. Parish as a witness. The record closed on August 28, 2019, at the conclusion of the hearing.

On October 28, 2019, ALJ Fair issued her Proposed Order, proposing revocation of Mr.

Brunk's license. In that Proposed Order, the exceptions period was provided. On November 5, 2019, Mr. Brunk filed exceptions to the Proposed Order. On November 13, 2019, the Board considered the Proposed Order and Mr. Brunk's exceptions. In regards to the discussion of mitigating factors in the Proposed Order, the ALJ's decision was based on the record in its entirety. Mr. Brunk attempted to introduce elements of mitigation that were addressed in the overall analysis of the case. The Board adopted the Proposed Order by ALJ Fair and voted at the Board meeting to issue this final order.

ISSUES

1. Whether Mr. Brunk engaged in fraud and/or deceit and/or conduct derogatory to the standards of nursing by failing to properly dispose and/or document workplace medications. ORS 678.111(1)(d) and (f) and OAR 851-045-0070(2), (4) and (8).
2. Whether Mr. Brunk engaged in fraud and/or deceit and/or conduct derogatory to the standards of nursing by submitting an altered urine sample. ORS 678.111(1)(d) and (f) and OAR 851-045-0070(1).
3. Whether Mr. Brunk engaged in fraud and/or deceit and/or conduct derogatory to the standards of nursing by conspiring with a laboratory technician to alter or substitute his urine during a urine drug test. ORS 678.111(1)(d) and (f) and OAR 851-045-0070(1), (4) and (8).
4. Whether Mr. Brunk engaged in fraud and/or deceit and/or conduct derogatory to the standards of nursing by lying to the Board about his knowledge of the substituted urine. ORS 678.111(1)(d) and (f) and OAR 851-045-0070(1), (8) and (10).
5. Whether the Board should revoke Mr. Brunk's registered nurse license. ORS 678.111.

EVIDENTIARY RULINGS

The Board offered Exhibits A1 through A13. Exhibits A1, A2, and A4 through A13 were admitted into the record without objection. Mr. Brunk objected to pages 17 and 18 of Exhibit A3 as irrelevant (being beyond the scope of the Board's Notice). ALJ Fair overruled the objection and admitted Exhibit A3 in its entirety into the record.

Mr. Brunk offered Exhibits R1 through R4. Exhibits R1 through R3 were admitted into the record without objection. The Board objected to Exhibit R4 as irrelevant. ALJ Fair upheld the Board's objection and excluded Exhibit R4 from the evidentiary record.

CREDIBILITY DETERMINATION

As argued by both parties, the veracity of Mr. Brunk's prior statements and his testimony, which mostly align with his prior statements, must be determined. Thus, it is necessary in this case to assess the credibility and reliability of Mr. Brunk's testimony. ORS 44.370 provides, in part:

A witness is presumed to speak the truth. This presumption, however, may be overcome by the manner in which the witness testifies, by the character of the testimony of the witness, or by evidence affecting the character or motives of the witness, or by contradictory evidence.

A determination of witness credibility can be based on a number of factors, other than the manner of testifying. These factors include the inherent probability of the evidence, whether the evidence is corroborated, whether the evidence is contradicted by other testimony or evidence, whether there are internal inconsistencies, and “whether human experience demonstrates that the evidence is logically incredible.” *Tew v. DMV*, 179 Or App 443, 449 (2002), citing *Lewis and Clark College v. Bureau of Labor*, 43 Or App 245, 256 (1979) *rev den* 288 Or 667 (1980) (Richardson, J., concurring in part, dissenting in part).

The primary incident at issue involves an allegation that Mr. Brunk and a phlebotomist substituted his urine for purposes of an employer’s drug test. In Mr. Brunk’s prior statements and his hearing testimony, he stated that he had no prior knowledge that the phlebotomist substituted his urine. However, the ALJ found his denials of his prior knowledge unpersuasive and lacking in credibility. Although he argued that his Facebook messages with the phlebotomist plausibly demonstrated his lack of knowledge, the ALJ found otherwise. The Facebook messages demonstrated that he was not surprised that the phlebotomist had substituted his urine sample. His surprise was only about her use of synthetic urine as the substitute. Additional evidence, such as their significant familiarity demonstrated by the Facebook messages, his knowledge of her personal life and his testimony that he chose not to divulge her involvement in the substitution to protect her, belied his testimony that he barely knew her. These, and other, inconsistent and logically incredible statements further support the conclusion that his prior statements and hearing testimony were unreliable and lacked credibility.¹ On the ultimate issue, the ALJ found that the evidence established Mr. Brunk had prior knowledge of Ms. Ketcham’s substitution of his urine sample.

The ALJ also concluded that Mr. Brunk was false in his testimony regarding his handling of medications, the other issue in this matter. A witness false in one part of his testimony may be distrusted in other parts of his testimony. ORS 10.095(3).

In weighing the evidence, the ALJ concluded that, with respect to the material events and details, the prior statements and hearing testimony of Mr. Brunk were not reliable or credible. Thus, where his testimony and prior statements conflict with other evidence, the ALJ accorded greater weight to the other evidence.

¹ Mr. Keaney correctly noted that the Board’s interview of the phlebotomist failed to result in statements supportive of the Board’s position. However, it was abundantly clear from the transcript of that interview that the phlebotomist blatantly and repeatedly lied to the Board’s investigator, such as her complete denial of any knowledge of Mr. Brunk and her denial of the Facebook messages and her Facebook account. Exhibit A12. Mr. Keaney further argued that the interview of Mr. Brunk’s union representative to the Board was supportive of Mr. Brunk’s testimony. However, the union representative concluded that Mr. Brunk had been dishonest in his interactions with her and the employer. Her conclusion that he was a “good kid” that “dug himself into a hole” seemed a rather apt description. Exhibit R1.

FINDINGS OF FACT

1. Mr. Brunk obtained an associate degree in nursing in 2014, and the Florida Board of Nursing issued him a nurse license. (Ex. A8 at 1.) On August 8, 2017, the Board issued Mr. Brunk a registered nurse license. (Ex. A3 at 8.) Mr. Brunk has no prior disciplinary actions in either Oregon or Florida. (Ex. A8 at 1-2.)

2. Mr. Brunk first worked as an emergency room nurse at the Halifax Medical Center in Florida from February 26, 2015, until April 21, 2017. From April 24, 2017, through August 12, 2017, he worked as a travel nurse for a mental health and stroke facility in Florida. (Ex. A3 at 3.) He then moved to Oregon. (Test. of Brunk.)

3. On August 28, 2017, Mr. Brunk began working as an inpatient nurse at the Lake District Hospital in Oregon. (Ex. A3 at 2.) On December 4, 2017, he began working as an emergency nurse for Sky Lakes Medical Center (Sky Lakes). (*Id.* at 6-7.)

Sky Lakes Medication Policies

4. Sky Lakes uses a Pyxis MedStation (Pyxis) for the distribution of medications to its patients. Nurses are assigned a medication code and use a fingerprint as a biometric password as well as an alphanumeric password to access Pyxis. (Ex. A1 at 1.)

5. At Sky Lakes, the administration of medications follows these general steps: a nurse pulls the medication from Pyxis, wastes any excess medications with a witness present, enters the patient's room, scans the patient and medication that causes the computer to document the administration, and administers the medication to the patient. (Ex. A8 at 7.) Pyxis does not allow a nurse to pull a medication unless either an order for that medication has been entered or the nurse overrides Pyxis. (*Id.* at 10.) Nurses who obtain verbal orders for emergency medications can override Pyxis to allow the dispensing of the medication prior to pharmaceutical review. (Exs. A1 at 3; A2 at 1-2.) If the medication was no longer needed, such as Ativan if the patient had calmed down or the patient's blood pressure demonstrated that Ativan administration was contraindicated, the nurse would not administer the medication. (Ex. A8 at 5, 10.)

6. When dispensing medications, Pyxis dispenses a whole vial that may include multiple doses. Any unused portions of a vial must be wasted by the nurse. (Ex. A1 at 2.) Any controlled substances not administered to a patient must be wasted and documented in Pyxis. Wasting of a controlled substance requires a second nurse or pharmacist to witness the wasting of the medication. (*Id.* at 4.) Unadministered medications that are removed from Pyxis but remain in unopened packaging are returned to Pyxis. (*Id.* at 3-4.)

7. When wasting medications, Sky Lakes requires the nurse to waste excess medication at the time the medication is pulled. The nurse must have a witness observe the medication being flushed into the sink. Then the witness uses their fingerprint on the Pyxis to verify that the wasting had occurred. This procedure was not always followed in emergency situations. In those situations, the nurse would override the Pyxis, pull the medication, administer it, and then

waste the excess medication with a witness after the patient had stabilized. Subsequently, the doctor would enter the medication order, and the nurse would link the override notation with the doctor's order. (Ex. A8 at 6-7.)

8. Mr. Brunk knew Sky Lakes' medication policies. (Exs. A3 at 13; A8 at 5-7, 10.)

Mr. Brunk's Handling of Medications

9. During the first 3.5 years he had been employed as a nurse, Mr. Brunk would occasionally find vials of full and partial doses of medications leftover from work in his pockets because he failed to properly waste the medications. On some of these occasions, a colleague would note the witnessing of the wasting even though the medication was not wasted. Instead of returning the medications to his workplace, he would store them at his home. (Exs. A3 at 13; A8 at 8-9; test. of Brunk.) Mr. Brunk knew that he should return any medication vials that he accidentally took home to his employer. (Ex. A8 at 14.)

10. On April 18, 2018, Mr. Brunk's now-estranged domestic partner, a certified nursing assistant at a rehabilitation facility, gave Sky Lakes three medication vials that he found in the home he shared with Mr. Brunk. The partner informed Sky Lakes that Mr. Brunk took the medications from Sky Lakes. (Exs. A3 at 13; A8 at 8, 13, 16, 20.) The medication vials included two lorazepam vials and one ketorolac² vial. (Ex. A3 at 16.) The medication vials contained the same medications as noted on the labels. (Ex. A8 at 8.) Those medication vials came from specific lots of medications, portions of which were distributed to Sky Lakes and the remainder to other unknown facilities. (*Id.* at 7; test. of Parish.)

11. Mr. Brunk does not have any prescriptions for lorazepam or benzodiazepines. (Ex. A8 at 18.) Mr. Brunk did not use the medications he removed from Sky Lakes. (Ex. A3 at 13; test. of Mr. Brunk.)

12. Sky Lakes reviewed two months of Pyxis reports. Sky Lakes found only one episode of inappropriate dispensing and wasting of medication vials, which were lorazepam. Sky Lakes concluded that there were no signs that Mr. Brunk engaged in a pattern of excessive administrations of medications. (Ex. A3 at 14, 17-18.)

Sky Lakes' Investigation

13. On April 19, 2018, Mr. Brunk's manager directed Mr. Brunk to complete a urine drug screen based upon Sky Lakes' determination that it had reasonable suspicion to require the test. (Ex. A3 at 9-10.) Mr. Brunk went to the laboratory to provide a urine sample to Ms. Ketcham. (*Id.* at 11-12.) Ms. Ketcham is a phlebotomist who draws blood and collects urine for Sky Lakes' drug screens. For reasonable suspicion testing, she ships the sample to an outside laboratory for the performance of the test. (Ex. A12 at 1-2, 5.) When providing the urine sample to Ms. Ketcham, Mr. Brunk informed her that it might come back positive for marijuana. (Test.

² Ketorolac is a non-narcotic nonsteroidal anti-inflammatory drug used to relieve moderately severe pain. (Ex. R3 at 1.)

of Brunk.) Mr. Brunk and Ms. Ketcham were friends who knew each other well. They planned for Ms. Ketcham to submit an altered urine sample to avoid any risk of a positive result. (Exs. A3, A11 and A13; test. of Brunk.)

14. After completing the urine sample, Mr. Brunk again spoke with his manager. During the interview, he confirmed that he had problems with accidentally taking medications home from work. He further stated that, when he discovered the medications in his pocket, he would not return them because he was too scared. He kept the medications in a bag in a drawer in his home. (Ex. A3 at 13.) In response to a question from his manager about when he last took a medication home, Mr. Brunk confirmed “that he currently has an unopened [vial] of dexamethasone³ at home that he did not return, on accident.” (*Id.*)

15. On April 21, 2018, the outside laboratory Pathology Associates Medical Laboratories (PAML) completed its analysis of Mr. Brunk’s urine sample and found that it had been substituted with non-human urine. (Ex. A6 at 1.)

16. On April 24, 2018, Mr. Brunk and his union representative met with Mr. Brunk’s manager. (Ex. A3 at 14.) Prior to the meeting, Mr. Brunk met privately with his union representative who advised him to tell the truth and warned him that a failure to do so would make things much worse. (Ex. R1.) In the meeting with the manager, Mr. Brunk denied that the medication vials submitted to the employer from his estranged domestic partner were from Sky Lakes and denied knowing their source. (Ex. A3 at 14.) When his manager indicated that the lot numbers for the medications showed they were from lots that were distributed to Sky Lakes, Mr. Brunk responded that he assumed they were from Sky Lakes but could not say that with “100 percent” accuracy because he had just moved. (Ex. R1.) In response to a question from his manager about whether he had previously removed medications from other hospitals, Mr. Brunk responded, “No.” (*Id.*) When his manager indicated that his urine sample came back as non-human urine, Mr. Brunk insisted he had peed in the cup provided by Ms. Ketcham and speculated that there had been some alteration after he urinated in the cup and that his sample must have been mixed up with some other sample. (Exs. A3 at 14; R1.) Mr. Brunk offered to complete another urine drug screen to show that he had no benzo or opiates in his system. (Ex. A8 at 19; test. of Parish.) Sky Lakes rejected his offer. (Test. of Brunk.)

17. During the April 24, 2018 meeting, the parties took a break. (Exs. A3 at 14; A11 at 1; R1 test. of Brunk.) During the break, Mr. Brunk messaged Ms. Ketcham and had the following exchange with her:

Brunk:	They said it came back as synthetic
Ketcham:	What
Brunk:	They are saying the urine tested as not human
Ketcham:	What are they going to do

³ Dexamethasone is a corticosteroid used to treat inflammations. (Ex. R2 at 1.)

Brunk: Idk they told me to wait here for a bit and they'd be back /:

Ketcham: 

Brunk: Was it synthetic?

Ketcham: Fuck It passed our analyzers But I didn't know if it would theres

(Ex. A11 at 1-2.) Mr. Brunk did not disclose this information or his familiarity with Ms. Ketcham to his employer or union representative. (Exs. A3 at 14; R1.)

18. At the conclusion of the April 24, 2018 meeting, Sky Lakes terminated Mr. Brunk's employment. On the termination form, Mr. Brunk wrote:

I do not agree with the decision. I provided a sample of my own urine. I do not know anything about the "substituted: inconsistent w/ normal urine" specimen.

(Ex. A3 at 20.) At the time he wrote this statement, Mr. Brunk knew that Ms. Ketcham had substituted his urine sample with synthetic urine. (Ex. A11 at 1-2; test. of Brunk.)

Board Investigation

19. On May 18, 2018, a Board investigator interviewed Mr. Brunk. (Ex. A8 at 1.) He had the following exchange with the Board investigator regarding the urine sample:

Board investigator: Do you have any explanation for why the sample would come back inconsistent with human urine?

Brunk: So, I...I don't have an explanation for it. I peed my own sample from my own body into the cup. And gave it to the lab tech * * *.

* * * * *

Brunk: * * *. I don't... it was just I didn't understand how [synthetic urine] could have been possible. And I said [to Sky Lakes] the samples must have been switched by someone...in the...in the lab. Or someone that just messed up and switched the sample. * * *. They fired me. I went home. * * *. Researched the chain of custody process. And realized that it absolutely had been broken. Simply for the fact that I...that cup of urine left my sight. * * *. So I don't know if the lab tech accidentally grabbed the wrong urine in the lab. Or...or what happened[.]

(*Id.* at 14-15.)

20. At the conclusion of the interview, Mr. Brunk stated:

I did not submit a synthetic sample (inaudible) I peed in the cup. And I gave it to the lab tech. What happened after that, I don't know.

(Ex. A8 at 22-23.)

21. On May 30, 2018, Mr. Brunk emailed the Board's investigator the following statement:

Upon completion of this course I realize now more than ever how I've misrepresented myself and the nursing profession. I acknowledge my wrong doing and wrong thinking in trying to hide my poor medication wasting procedure by not stepping up and returning the medication vials that went home with me. I am thankful that these vials didn't get into the wrong hands and that an injury hasn't occurred when my actions made it possible for this to be the case. I deeply regret my actions and humbly apologize for not conducting myself in a more professional and ethical manner. I hope the Board of Nursing gives me the opportunity to prove my worth as a nurse and prove that I have learned from this misstep by ensuring I always follow appropriate waste procedure.

(Ex. A9 at 1.)

22. On July 2, 2018, the Board's investigator called and spoke with Mr. Brunk. During the phone call, Mr. Brunk acknowledged that he told Ms. Ketcham at the time of the urine collection that he was afraid the sample would come back positive for marijuana. He further indicated that, during the April 24, 2018 Sky Lakes meeting, he realized that Ms. Ketcham must have substituted the urine sample because of his expressed concern about the possibility of his urine being positive for marijuana. (Test. of Parish.)

CONCLUSIONS OF LAW

1. Mr. Brunk engaged in deceit and conduct derogatory to the standards of nursing by failing to properly dispose and document workplace medications.

2. Mr. Brunk engaged in fraud and conduct derogatory to the standards of nursing by submitting an altered urine sample.

3. Mr. Brunk engaged in fraud and conduct derogatory to the standards of nursing by conspiring with a laboratory technician to alter or substitute his urine during a urine drug test.

4. Mr. Brunk engaged in deceit and conduct derogatory to the standards of nursing by lying to the Board about his knowledge of the substituted urine.

5. It is appropriate for the Board to revoke Mr. Brunk’s registered nurse license.

OPINION

The Board proposes to revoke Mr. Brunk’s registered nurse license, based on allegations of fraud or deceit and conduct derogatory to the standards of nursing in violation of ORS 678.111 and OAR 851-045-0070. As the proponent of the allegations, the Board has the burden to establish, by a preponderance of the evidence, that the allegations are correct and that it is entitled to impose the discipline. ORS 183.450(2) (“The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position”); *Reguero v. Teachers Standards and Practices Commission*, 312 Or 402, 418 (1991) (burden is on Commission in disciplinary action); *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (in administrative actions, burden of proof is by a preponderance of the evidence).⁴ Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

ORS 678.111 provides, in part:

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

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

* * * * *

(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[.]

⁴ Mr. Keaney argued that *Dixon* was incorrectly decided and that the Board’s allegations of fraud and misrepresentation require the higher burden of clear and convincing evidence. In *Dixon*, the Oregon Court of Appeals reviewed the conflicting evidentiary standards for administrative hearings used in prior appellate decisions and decided to resolve those discrepancies. *Dixon* at 208-213. The Oregon Court of Appeals concluded that the burden of proof in administrative proceedings conducted pursuant to the Administrative Procedures Act ORS 183.310 *et seq.*, such as this case, is proof by the preponderance of the evidence. *Id.* at 213.

OAR 851-045-0070 defines conduct derogatory to the standards of nursing. It provides, in part:

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.

* * * * *

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

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

* * * * *

(4) Conduct related to communication:

* * * * *

(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:

* * * * *

(E) Falsifying data;

* * * * *

(e) Directing another individual to falsify, alter or destroy an agency record, a client's health record, or any document to conceal a record of care;

* * * * *

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

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

* * * * *

(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;

(l) Unauthorized removal or attempted removal of medications, supplies, property, or money from anyone in the work place;

(m) Unauthorized removal of client records, client information, facility property, policies or written standards from the work place;

* * * * *

(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[.]

Handling of Medications

Sky Lakes has policies specific to the handling of medications that include the following requirements: nurses obtain medications from Pyxis after the entry and pharmaceutical review of doctor orders, except in emergency circumstances; nurses may override Pyxis in emergency circumstances based upon the receipt of verbal doctor orders; nurses waste excess medications at the time of the distribution of the medications from Pyxis; and nurses waste unused medications or return unopened medications to Pyxis. Mr. Brunk knew of and understood these policies.

On repeated occasions, Mr. Brunk failed to properly waste excess and unused medications and left the workplace with the medications. As a result, he had accumulated medications, at least two vials of lorazepam and one vial of ketorolac, in his home. Additionally, shortly before his August 19, 2018 interview, he had also removed a vial of dexamethasone from Sky Lakes. Mr. Brunk did not return the medications to his employer, and, as he had engaged in this habit for 3.5 years, the evidence established that he did not intend to return the medications to his employer. Even assuming that the removal of the medications was an accidental oversight by Mr. Brunk because of emergency circumstances in the hospital, his failure to return the

medications to his employer was a deception, and for any unopened medications that were still usable, a theft committed against his employer.

Mr. Brunk's retention of medications that he had obtained during the course of his employment as a nurse and that he had improperly removed from Sky Lakes against its policies was an act of deceit, in violation of ORS 678.111(1)(d). Mr. Brunk was aware that, as a nurse, he must return any unused medications to his employer. His failure to conform his conduct to this acceptable nursing practice was a violation of OAR 851-045-0070(2)(a). Because he failed to properly waste medications, his entries into the client and hospital records regarding dispensed and wasted medications were not properly documented and he failed to correct those inaccurate entries in violation of OAR 851-045-0070(4)(b) and (c). Finally, his unauthorized removal of prescription medications from the hospital violated OAR 851-045-0070(8)(k) through (m). Because he violated numerous provisions of OAR 851-045-0070, Mr. Brunk engaged in conduct derogatory to the standards of nursing, in violation of ORS 678.111(1)(f).

Altered Urine Sample

On August 18, 2018, Mr. Brunk's partner provided medication vials to Sky Lakes, asserting that Mr. Brunk had acquired them at Sky Lakes. On August 19, 2018, Sky Lakes, based upon its reasonable suspicion that Mr. Brunk had improperly removed and retained medications from the hospital, ordered him to undergo a urinalysis. When directed to provide the urine sample, Mr. Brunk informed Ms. Ketcham, his friend and the phlebotomist that would label and ship the sample to the laboratory for analysis, of his concerns that the sample may come back positive for marijuana. As a result, Ms. Ketcham agreed to substitute his sample so there would be no risk of a positive result. Although Mr. Brunk was not aware that Ms. Ketcham was going to substitute his sample with a synthetic urine sample, Mr. Brunk knew that she was altering the sample so that his urine would not actually be tested.

ORS 678.111 does not define "fraud." Absent a statutory definition, the dictionary definition is used to provide guidance. Fraud means "an instance or act of trickery or deceit * * * an intentional misrepresentation * * * for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him * * *." *Webster's Third New Int'l Dictionary* 904 (unabridged ed 2002). By arranging for the substitution of his urine, Mr. Brunk attempted to deceive his employer and induce his employer to rely on a false urine test to maintain his employment at Sky Lakes. Therefore, Mr. Brunk engaged in fraud, in violation of ORS 678.111(1)(d) and OAR 851-045-0070(1)(b). In the course of committing this fraud upon his employer in order to evade the employer's reasonable concerns that a nurse may be diverting medications and be under the influence of medications in the performance of his duties, Mr. Brunk arranged for Ms. Ketcham, the phlebotomist, to assist him in this fraudulent act that violated ORS 678.111(1)(d). By assisting another in committing a violation of ORS 678.111(1)(d), Mr. Brunk's conduct violated OAR 851-045-0070(8)(a). Finally, in the course of committing the fraud, Mr. Brunk falsified Sky Lakes' records (the completion of the paperwork regarding Mr. Brunk's urine sample that would be submitted to PAML), in violation of OAR 851-045-0070(4)(c). Because his fraudulent acts violated numerous provisions of OAR 851-045-0070, Mr. Brunk engaged in conduct derogatory to the standards of nursing, in violation of ORS 678.111(1)(f).

On May 18, 2018, Mr. Brunk told the Board investigator that he had no idea how synthetic urine had been submitted to PAML in place of his actual urine sample. He then asserted that the chain of custody for his urine sample must have been broken and “someone” must have switched his sample. Exhibit A8 at 15. Both of these statements were misrepresentations because Mr. Brunk knew that Ms. Ketcham had switched his urine sample in order to prevent the possibility of a positive test. And, during his April 24, 2018 Facebook exchange with Ms. Ketcham, Ms. Ketcham confirmed that she had replaced his urine sample with synthetic urine. Therefore, Mr. Brunk’s statements to the Board investigator were not only misrepresentations⁵ but dishonest and deceitful as Mr. Brunk was actively attempting to mislead the investigator by his deliberately false suggestions of a break in the chain of custody of his urine sample.

Mr. Brunk asserted that he corrected his misrepresentations during his subsequent July 2, 2018 phone call with the Board’s investigator. Although he did acknowledge his awareness of Ms. Ketcham’s substitution of his urine sample with synthetic urine during this phone call, this acknowledgement does not negate his prior dishonesty and misrepresentations to the Board. Additionally, his statements remained incomplete as he failed to acknowledge his preexisting culpability in the substitution of his urine. Additionally, he continued to engage in deceitful conduct because he hoped that the Board would be misled by the Facebook exchange to believe that he had no prior knowledge of the substitution.

Mr. Brunk engaged in conduct that involved misrepresentations, dishonesty and deceit during his May 18, 2018 Board interview, in violation of ORS 678.111(1)(d) and OAR 851-045-0070(1)(b). By failing to truthfully and completely answer the Board investigator’s questions, Mr. Brunk also violated OAR 851-045-0070(10)(b). By violating OAR 851-045-0070(1)(b) and (10)(b), Mr. Brunk engaged in conduct derogatory to the standards of nursing, in violation of ORS 678.111(1)(f).

Revocation of License

As shown above, Mr. Brunk repeatedly engaged in fraudulent and deceitful conduct and conduct derogatory to the standards of nursing by making dishonest statements and committing dishonest acts. In regards to his handling of medications, he had engaged in this conduct for the past 3.5 years, including the few months he worked at Sky Lakes. Although it is understandable that an emergency room nurse may accidentally discover medications in their pockets after leaving work, it would not take years for the nurse to learn to always review their clothing before exiting the workplace so that this behavior does not continue. Mr. Brunk demonstrated an inability to correct his behavior and exacerbated the behavior by not returning the medications.

In regards to the events surrounding the urine sample, he engaged in this dishonest behavior over a protracted period that provided him multiple opportunities to correct his misrepresentations. He initially arranged for the substitution of the altered urine sample on April 19, 2018. Then he made dishonest statements to his employer and his union representative during the April 24, 2018 meeting, additional dishonest statements during his May 18, 2018

⁵ A “misrepresentation” is an untrue, inaccurate or misleading representation. *Webster’s* at 1445.

interview with the Board investigator, further dishonest statements during the July 2, 2018 phone call with the Board investigator, and concluded with more dishonest statements during his testimony in the hearing.

Mr. Brunk's persistent dishonest conduct and inappropriate handling of medications supports the Board's decision to revoke his registered nurse license. Mr. Brunk is not reliable or trustworthy, attributes a licensee needs as the Board must rely on licensees to cooperate and provide accurate and truthful information during any investigation performed by the Board. Because Mr. Brunk engaged in fraudulent and deceitful conduct during the course of his employment as a nurse and engaged in conduct derogatory to the standards of nursing, his registered nurse license should be revoked.

ORDER

The Oregon State Board of Nursing issues the following order:

Jacob Brunk's registered nurse license is revoked.

Barbara Turnipseed RN
President, Oregon State Board of Nursing

APPEAL

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Veronica Carter, RN) **VOLUNTARY SURRENDER**
)
License No. 089000114RN) **Reference No. 18-00341**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Veronica Carter (Licensee) was issued a Registered Nurse license by the Board on August 23, 1989.

In August 2017, Licensee failed to follow proper medication administration protocol and administered oxycodone to the wrong patient. Licensee inaccurately documented the incident and when informed that the patient in question had reported possibly receiving incorrect medication, Licensee initially denied her medication error. A subsequent audit of Licensee's 2017 medication administration records found multiple instances of discrepancies and/or missing documentation. In October 2017, Licensee indicated to Board staff that, at the time of the initial incident in question, a mental health issue was a factor in her behavior. Licensee has requested to voluntarily surrender her Registered Nurse license as a means to resolve the present issue. Licensee therefore agrees to stipulate that:

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(e)(f)(g) and ORS 676.303(1)(b) and OAR 851-045-0070(4)(c)(B)(C), (7)(a)(B), (8)(k) which provide as follows:

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

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

(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 676.303 Purposes of health professional regulatory boards; authority of boards to require fingerprints.

(1) As used in this section:

(b) "Impairment" means an inability to practice with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition.

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

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

- (4) Conduct related to communication:
 - (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
 - (B) Documenting the provision of services that were not provided;
 - (C) Failing to document information pertinent to a client's care;
- (7) Conduct related to impaired function:
 - (a) Practicing nursing when unable or unfit due to:
 - (B) Psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting or by the assessment of an LIP qualified to diagnose mental conditions or status.
- (8) Conduct related to other federal or state statute or rule violations:
 - (k) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled medications to any person, including self, except as directed by a person authorized by law to prescribe medications

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

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

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

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

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

IT IS SO AGREED:

Veronica Carter, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Stephanie Christner, RN) **PROBATION**
)
License No. 201605655RN) **Reference No. 20-00055**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Stephanie Christner (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing on July 26, 2016.

On multiple dates in 2019, Licensee logged out narcotic medications but failed to document them as administered, wasted, or returned. On multiple dates in 2019, Licensee logged out narcotic medications but failed to administer or waste them for more than an hour. In July 2019, Licensee documented a narcotic medication as administered when, in fact, half the dose was left unsecured and unattended.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(a), (4)(c)(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:
- (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;
 - (4) Conduct related to communication:
 - (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
 - (B) Documenting the provision of services that were not provided;

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 Stephanie Christner 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 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 address or employment setting during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
- 6) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without prior approval of 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 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. 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 urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to 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 an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this 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, marijuana 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 chemical dependency 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.

IT IS SO AGREED:

Stephanie Christner, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Carolynn Conti, RN) **REPRIMAND OF LICENSE**
)
License No. 201404525RN) **Reference No. 18-01774**

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/Certificates. Carolynn Conti (Licensee) was issued a Registered Nurse License by the Board on July 15, 2014.

On or about May 21, 2018, the Board received information that Licensee left her place of employment to participate in a delivery not related to her lactation position, during work hours.

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

(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:

(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

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 Carolynn Conti 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.

Carolynn Conti, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Lauren Davis**

) **STIPULATED ORDER FOR**
) **WITHDRAWAL OF REGISTERED**
) **NURSE LICENSE APPLICATION**
)
) **Reference No. 20-00249**

RN Applicant

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Lauren Davis (Applicant) submitted an endorsement application for a Registered Nurse license to the Board on or about August 10, 2018.

While working as a Registered Nurse in Washington State in 2015, Applicant diverted narcotic medications which they falsely documented as wasted and then abused. Between January 2015 and July 2018, Applicant abused controlled substances on multiple occasions. On August 5, 2018, the Washington State Nursing Commission issued a Statement of Charges to Applicant in connection with the above-mentioned information. On their Oregon endorsement application, Applicant untruthfully answered questions which pertained to the above-mentioned information.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(c)(d)(f)(g) and OAR 851-031-0006(2)(c)(d) and OAR 851-045-0070(1)(b)(4)(c)(E), (7)(c), (8)(k), (l), (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:

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

(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 851-031-0006 General Eligibility, Limits on Eligibility, and Requirements

(2) Limits on Eligibility:

(c) If the applicant has past, current or pending disciplinary action in another licensing jurisdiction, the Board shall investigate and may deny licensure.

(d) If the applicant falsifies an application, supplies misleading information or withholds information, such action may be grounds for denial or revocation.

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.
- (4) Conduct related to communication:
- (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
- (E) Falsifying data;
- (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;
- (l) Unauthorized removal or attempted removal of medications, supplies, property, or money from anyone in the work place;
- (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;

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 Lauren 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 License Application.

IT IS SO AGREED:

Lauren Davis

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Candice Dixson**

) **STIPULATED ORDER FOR**
) **WITHDRAWAL OF NURSING**
) **ASSISTANT CERTIFICATE**
) **APPLICATION**
)
) **Reference No. 20-00070**

CNA Applicant

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certificate Nursing Assistants. Candice Dixson (Applicant) applied for a Nursing Assistant certificate on March 05, 2019.

In 2007 and 2012, Applicant was convicted of unlawful possession of methamphetamine. In 2017, Applicant abused controlled substances. On the above-mentioned application, Applicant untruthfully answered some of the disclosure questions that asked about the last five years of their life.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.442(2)(a)(b)(d) and OAR 851-063-0090(7)(c), (9)(a), (10)(b) which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

- (a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
- (b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof.
- (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

(9) Conduct related to certification violations:

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

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

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

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 Candice Dixon's application for Nursing Assistant certificate 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 Application.

IT IS SO AGREED:

Candice Dixon

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Melissa Foote, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 201703605CNA) **Reference No. 19-01376**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nursing Assistants. Melissa Foote (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on May 18, 2017.

On or about May 21, 2019, the Board received information that Certificate Holder shared personal health information about a patient while working at a hospital to someone who did not have a need to know.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(8)(b) 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:

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

(b) Violating the rights of privacy, confidentiality of information, or knowledge concerning the person, unless required by law to disclose such information;

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

That the Nursing Assistant Certificate of Melissa Foote be reprimanded.

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

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

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

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

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

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

Melissa Foote, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Caleb Gasche, RN) **PROBATION**
)
License No. 201707353RN) **Reference No. 19-01192**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Caleb Gasche (Licensee) was issued a Registered Nurse License by the Board on September 8, 2017.

On or about April 1, 2019, the Board received information that a Family Abuse Prevention Act Restraining Order was entered against Licensee based on a September 15, 2018 incident that involved alcohol and a firearm. The Board opened an investigation.

Licensee has diagnoses which meet the Board's criteria for monitoring.

Licensee agrees to engage in recommended treatment.

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

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:

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

(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.

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 Caleb Gasche be placed on Probation. 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 address or employment setting during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
- 6) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without prior approval of 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 and terminations.

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

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

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

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

17) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to 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 an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

Caleb Gasche, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Shirlin Gauthier, NP) **VOLUNTARY SURRENDER**
)
License No. 200550016NP, 200540286RN) **Reference No. 20-00168**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Nurse Practitioners. Shirlin Gauthier (Licensee) was issued a Registered Nurse and Nurse Practitioner license by the Board on February 23, 2005.

Between 2016 and 2019, Licensee abused controlled substances which they obtained by having pharmacies fill prescriptions that they had written for fictitious patients. On November 17, 2017, Licensee submitted a renewal application to the Board on which they provided the untruthful responses to questions pertaining to substance abuse. On September 9, 2019, Licensee provided the untruthful responses to Board staff's questions pertaining to above-mentioned information.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(c)(d)(f)(g) and OAR 851-045-0070(1)(b), (7) (c), (8)(k), (9)(a), (10)(b), (11)(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:
 - (c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal thereof.
 - (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.
 - (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;

(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;

(11) Conduct related to advanced practice nursing:

(b) Prescribing for or dispensing medications to one's self;

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

That the voluntary surrender of the Registered Nurse and Nurse Practitioner license of Shirlin Gauthier be accepted. If, after a minimum of three years, Licensee wishes to reinstate their Registered Nurse/Nurse Practitioner license, they may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a Registered Nurse or Nurse Practitioner 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, they waive the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce 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.

Shirlin Gauthier, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Erin Irwin, RN Endorsement) **WITHDRAWAL OF REGISTERED**
Applicant) **NURSE LICENSE APPLICATION**
) **Reference No. 19-01164**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Erin Irwin (Applicant) submitted an application for a Registered Nurse license to the Board on or about March 4, 2019.

In the application, Applicant disclosed a history of substance use and four arrests for Driving Under the Influence of Intoxicants between 2006 and 2013.

On or about September 13, 2019, Applicant was assessed by a Certified Alcohol and Drug Counselor II and Level 2 treatment was recommended.

On or about October 10, 2019, Applicant informed Board staff that she was unable to commit to treatment at this time and wished to withdraw her application.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-031-0006(2)(b), which read as follows:

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

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

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

- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-031-0006 General Eligibility, Limits on Eligibility, and Requirements.

(2) Limits on Eligibility:

(b) If an applicant has been arrested, charged or convicted of any criminal offense a determination shall then be made as to whether the arrest, charge or conviction bears a demonstrable relationship to the practice of nursing, in which case licensure may be denied. 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 Erin Irwin'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:

Erin Irwin, RN Endorsement Applicant

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Lucille Judish, RN) **VOLUNTARY SURRENDER**
)
License No. 085075395RN) **Reference No. 20-00303**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Lucille Judish (Licensee) was issued a Registered Nurse License by the Board on August 25, 1986.

On November 14, 2018, Licensee was placed on a twenty four (24) month period of probation based on an alleged incident. The Board received information that on June 16, 2018, a patient alleged that Licensee administered insulin prior to performing a CBG check. The patient records showed that Licensee charted the patient's glucose level as 110. A review of the logs kept on the electronic glucose monitors did not reveal a level of 110. Licensee explained that she did measure the patient's glucose level, but may have charted it incorrectly. Although a documented amount for CBG was in the diabetic record, the units in the diabetic machines did not match, and none were taken the same day. There was no patient harm. On June 22, 2018, Licensee was terminated from her employment.

Prior employer personnel records show that in 2018, while Licensee was in a management role, Licensee failed to ensure incident investigations were being completed in a timely manner, failed to ensure orders were being entered in patient charts accurately, failed to ensure medications were being administered timely, and failed to stay current on conducting wound assessments. Licensee was also terminated from this position.

Licensee has been unable to obtain employment as a Registered Nurse since the onset of Probation, and requested that the Board accept a voluntary surrender of her license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f), and OAR 851-045-0070, (10)(d), 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 by 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 placed on probation for a period specified by the Oregon State Board of Nursing and subject to such conditions 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 Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepting standards of the nursing profession, or who may adversely affect the

health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to the following:
(10) Conduct related to the Licensee's relationship with the Board.
(d) Violating the terms and conditions of a Board order.

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

Licensee agrees that she 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, **Lucille Judish** 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.

Lucille Judish, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Sara Kauffman, NP) **VOLUNTARY SURRENDER**
)
License No., 082008253N3, 200150139NP,) **Reference No. 19-01211**
082008253RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Sara Boro Kauffman (Licensee) was issued a Nurse Practitioner Certificate by the Board on January 18, 1996 and a Registered Nurse License on September 26, 1982.

On or about April 5, 2019, the Board received information that Licensee allegedly failed to respect the dignity and rights of multiple patients by making inappropriate comments during physical exams. The Board opened an investigation.

Licensee is now retired and not currently working as a Registered Nurse or Nurse Practitioner. Licensee has chosen voluntarily surrender of her Registered Nurse license and Nurse Practitioner Certificate.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111.(1)(f) and OAR 851-045-0070 (3)(k)**, which read as follow:

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 Conducts 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:

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

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

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

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

Licensee agrees that they will not practice as a Registered Nurse or Nurse Practitioner 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, **Sara Kauffman** 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.

Sara Boro Kauffman, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Glenda Mendoza, CNA

Certificate No. 200612267CNA

)

) **FINAL ORDER OF SUSPENSION**

) **OF CERTIFIED NURSING ASSISTANT**

) **CERTIFICATION BY DEFAULT**

)

) **Reference No. 20-00136**

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. Glenda Mendoza (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on October 18, 2006.

This matter was considered by the Board at its meeting on November 13, 2019.

On October 14, 2019, a Notice stating that the Board intended to Suspend the Certified Nursing Assistant Certificate of Glenda Mendoza was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder tested positive for Amphetamines following a for cause drug screen with her employer.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Certified Nursing Assistant Certificate in the state of Oregon on October 18, 2006.
2. On or about August 7, 2019, Certificate Holder was reported to the Board for testing positive for Amphetamines following a for cause drug screen with her employer. The Board opened an investigation into the matter.

3. On August 09, 2019, Board staff mailed a letter to Certificate Holder's address of record requesting that Certificate Holder schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On September 16, 2019, a second letter was sent to Certificate Holder's address of record requesting that Certificate Holder contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to send a written statement regarding the allegations and provide a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On October 14, 2019, 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.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Glenda Mendoza, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(f) and OAR 851-063-0090(10)(a)(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; or

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

-III-

ORDER

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

ORDERED that the Certified Nursing Assistant Certificate of Glenda Mendoza is **SUSPENDED** for a minimum of 14 days, commencing five business days from the date this Order is signed.

DATED this 13th day of November, 2019

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

TO: GLENDA MENDOZA:

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
Rebecca Moss, RN**

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

License No. 095003164RN

) **Reference No. 19-00814**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Rebecca Moss (Licensee) was issued a Registered Nurse License by the Board on July 30, 1997.

This matter was considered by the Board at its meeting on November 13, 2019.

On October 14, 2019, a Notice stating that the Board intended to Revoke the Registered Nurse License of Rebecca Moss was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that on or around September 13, 2019, Licensee violated the terms of a Board Order by failing to schedule a Substance Use Disorder and Mental Health Evaluation with a Board approved evaluator. The Notice also alleged that on or around September 13, 2019, Licensee failed to respond to the Board Ordered Request to Undergo a Substance Use Disorder and Mental Health evaluation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on July 30, 1997.

2. On or about December 27, 2018, Licensee was reported to the Board for termination of employment, due to the inability to complete assigned nursing tasks. It was also alleged that Licensee reported to a co-worker that she was experiencing deficits with her memory. The Board opened an investigation into the matter. On or about August 14, 2019, the Board ordered Licensee to undergo a Substance Use Disorder and Mental Health Evaluation
3. On or about September 13, 2019, Licensee violated the terms of a Board Order by failing to schedule a Substance Use Disorder and Mental Health Evaluation with a Board approved evaluator. This is in violation of: **OAR 851-045-0070(10)(a)(c)**.
4. The Board alleges that on or about September 13, 2019, Licensee has failed to cooperate with the Board by failing to respond to the Board Ordered Request to Undergo a Substance Use Disorder and Mental Health evaluation. This is in violation of: **OAR 851-045-0070(10)(a)(c)**.
5. On October 14, 2019, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Rebecca Moss, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of **ORS 678.111(1)(f) and OAR 851-045-0070(10)(a)(c)**.

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

-III-

ORDER

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

ORDERED that the Registered Nurse License of Rebecca Moss is REVOKED.

DATED this ____ day of November, 2019

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

TO: REBECCA MOSS:

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

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Herma Ornes, RN) **REPRIMAND OF LICENSE**
)
License No. 200242299RN) **Reference No. 19-01068**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Herma Ornes (Licensee) was issued a Registered Nurse License by the Board on August 21, 2002.

On or about March 5, 2019, the Board received information that Licensee administered a narcotic medication to a patient without a physician's order and that was listed as an allergy for the patient in their medical record.

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)(8)(q)**

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

- (1) Issuance of the license to practice nursing, whether by examination or by 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 judgement.
- (8) Conduct related to other federal or state statute or rule violations:
 - (q) Failing to dispense or administer medications in a manner consistent with state and federal law.

Licensee wishes to cooperate with the Board in this matter. 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 Herma Ornes be reprimanded.

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

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

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

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

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

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

Herma Ornes, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Bradley Patrick, CRNA

**License No. 200760034CRNA,
200743831RN**

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

) **Reference No. 19-00614**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Registered Nurse Anesthetists. Bradley Patrick (Licensee) was issued a Registered Nurse License by Endorsement by the Board on December 17, 2007, and a Certified Registered Nurse Anesthetist License by the Board on December 17, 2007.

This matter was considered by the Board at its meeting on November 13, 2019.

On October 7, 2019, a Notice stating that the Board intended to Revoke the Registered Nurse License and Certified Registered Nurse Anesthetist License of Bradley Patrick was sent to Licensee via certified and first-class mail to the address of record. Additionally, the Notice was emailed to the Licensee.

The Notice alleged that on or about November 7, 2018, The Board received a NURSUS alert that Licensee's CRNA had been Revoked in California.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License by Endorsement and a Certified Registered Nurse Anesthetist License in the state of Oregon on December 17, 2007.

2. On or about November 7, 2018, The Board received a NURSYS alert that Licensee's CRNA had been revoked in California.
3. On or about August 7, 2014, while working at a hospital in California, Licensee led a surgeon to believe he had administered a medication during surgery that he had not.
4. On or about May 19, 2017, The California Board of Registered Nursing mailed Licensee a letter of "Accusation." On January 22, 2018, Licensee, when asked in his Oregon renewal application "since the date of your last renewal, have you been investigated for any alleged violation of any state or federal law, rule, or practice standard regulating a health care profession" answered "no."
5. On October 7, 2019, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Bradley Patrick, and over the subject matter of this proceeding.

That Licensee's conduct is in violation of ORS 678.111(1)(f)(g)(h) and OAR 851-045-0070 (2)(a), (3)(a)(b), (4)(f) and (10)(b) and OAR 851-052-0100 ((1)(2)(4), which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

(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:

(a) Developing, modifying, or implementing policies that jeopardize client safety;

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

(4) Conduct related to communication:

(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

(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;

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

-III-

ORDER

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

ORDERED that the Registered Nurse License and Certified Registered Nurse Anesthetist License of Bradley Patrick is REVOKED.

DATED this _____ day of November, 2019

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

TO: BRADLEY PATRICK:

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

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

If, after a minimum of three (3) years, you wish to reinstate your Certified Registered Nurse Anesthetist License/Certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR PRACTICE**
Scott Pecora, NP) **PROBATION**
)

License No. 200150056NP, 092006299RN) Reference No. 19-00996

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Scott Pecora (Licensee) was issued a Registered Nurse License by Endorsement by the Oregon State Board of Nursing on April 22, 1992 and a Nurse Practitioner Certificate by the Oregon State Board of Nursing on July 2, 2001.

On or about February 12, 2019, the Board received information that Licensee failed to maintain professional boundaries, by raising inappropriate topics for discussion in therapy, with two female inmates while working as a Psychiatric Mental Health Nurse Practitioner.

Records indicate that Licensee had completed Prison Rape Elimination Act (PREA) training on August 15, 2018.

Medical records revealed setbacks in treatment of one inmate as a result of the interaction with Licensee.

Licensee acknowledges his interactions with two female inmates was not therapeutic. Licensee completed continuing education on Diversity and Sensitivity in the Workplace as a means of understanding his behavior and ensuring it will not occur in the future.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070 (2)(a), (3)(a)(n)(o), and (8)(h) which read as follows:
ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

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

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 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;
- (3) Conduct related to the client's safety and integrity:
 - (a) Developing, modifying, or implementing policies that jeopardize client safety
 - (n) Engaging in sexual misconduct with a client in the workplace.
 - (o) Failing to establish or maintain professional boundaries with a client
- (8) Conduct related to other federal or state statute or rule violations
 - (h) Engaging in other unacceptable behavior towards or in the presence of a client. Such conduct includes but is not limited to using derogatory names, derogatory gestures or profane language

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 Nurse Practitioner Certificate of Scott Pecora of 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 Practice Probation to begin upon Licensee's return to supervised nursing practice at the level of a Nurse Practitioner. 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 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 address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.

5) Licensee shall inform Board staff in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be re-evaluated.

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

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

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

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

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

11) Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer, shall inform 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 or 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 has read this Stipulated Order, understands the Stipulated Order completely,
and freely signs the Stipulated Order.

IT IS SO AGREED:

Scott Pecora, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Clarissa Rowley, RN¹) **PROBATION**
)
License No. 200641157RN) **Reference No. 18-00988**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Clarissa Pitts (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on June 7, 2006.

On or about October 26, 2017, Licensee self-reported to the Board a mental health condition that could impact her ability to practice nursing. An investigation was opened into the matter.

Information obtained through the course of the Board's investigation evidenced the following:

In January of 2017 Licensee stole thirty (30) oxycodone tablets from a family member and then ingested all of tablets during a mental health crisis.

In July of 2017, Licensee diverted insulin from her employer and then administered the insulin to herself during a mental health crisis. During the same mental health crisis Licensee made several additional attempts on her own life.

In June of 2018, Licensee experienced another mental health crisis, resulting in Licensee again making an attempt on her own life, and was unable to practice for three (3) weeks.

In June of 2019, Licensee experienced a deterioration of functioning in the practice setting and was sent home for the day.

In September 2019, Licensee underwent a neuro-psychological evaluation which resulted in specific recommendations being made to Ms. Pitts with regards to ongoing treatment. On the understanding that Ms. Pitts will follow through with, and abide by, those recommendations, the Board is willing to enter into this Stipulated Order For Probation with Ms. Pitts.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(f)(i)(7)(a)(B) which reads as follows:

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

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

¹ During the course of this proceeding Clarissa Rowley divorced and changed her surname to "Pitts" which is now her name of record with the Board. For purposes of this pleading, other than the caption, the name used will be Clarissa Pitts.

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

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

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

(f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

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

(7) Conduct related to impaired function:

(a) Practicing nursing when unable or unfit due to:

(B) Psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting or by the assessment of an LIP qualified to diagnose mental conditions or status.

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 Clarissa Pitts 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 acceptance of this Stipulated Order to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be reevaluated.

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

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

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

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

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

11) Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer, shall inform the Board of any instance of the Licensee's non-compliance with the terms and conditions of this Stipulated Order, or of any other 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 the Board staff when there is a change in status of employment including resignations or terminations.

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

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

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

16) Licensee shall participate in and comply with all treatment recommendations as set forth in the most recent third party neuro-psychological evaluation report approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to the Board a copy of Licensee's completion certificate or discharge summary. If Licensee experiences a mental health crisis and/or there are signs of impairment in the workplace, Licensee agrees to obtain a new third party evaluation by a Board approved evaluator upon request by Board staff. Licensee shall sign any release of

information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.

17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol while on probation except as provided in **section 18** below. Licensee shall avoid any over the counter products and food items containing alcohol, marijuana and poppy seeds.

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

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

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

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

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

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

Clarissa (Rowley) Pitts, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Ryan Reeder, CNA) **OF NURSING ASSISTANT**
) **CERTIFICATE BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
Certificate No. 201709317CNA) **Reference No. 19-01463**

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. Ryan Reeder (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on November 03, 2017.

This matter was considered by the Board at its meeting on November 13, 2019.

On October 14, 2019, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to the address of record via certified and first-class mail. The Notice alleged that Ryan Reeder 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 November 03, 2017.
2. On or about November 11, 2018, Certificate Holder reported himself to the Board for being arrested for the Unlawful Possession of Methamphetamine and Assault. The Board opened an investigation into the matter.

3. On July 23, 2019, Board staff mailed a letter to Certificate Holders' address of record requesting that an interview be scheduled to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On August 12, 2019, a second letter was sent to Certificate Holders's address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On September 4, 2019, 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.

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, Ryan Reeder, 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; or

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 Ryan Reeder 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 Ryan Reeder has fully cooperated with the Board's investigation. Should the Board reinstate the Nursing Assistant Certificate of Ryan Reeder, the Certificate Holder would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of November, 2019

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

TO: RYAN REEDER:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Pamela Reyne, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 000044271CNA) **Reference No. 17-00746**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistant Certificates. Pamela Reyne (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on October 05, 1999.

On or about October 11, 2016, the Board received information that the Certificate Holder had been terminated following an investigation by her employer where it was alleged that the Certificate Holder failed to discourage sexual advances from a resident of the facility. It was reported the Certificate Holder was viewed on video surveillance sitting in close proximity with the resident displaying her cellphone. Certificate Holder acknowledged during the investigation that she failed to discourage inappropriate behaviors of the resident.

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

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

(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.

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

That the Certified Nursing Assistant Certificate of Pamela Reyne be reprimanded.

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

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

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

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

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

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

Pamela Reyne, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Molly Rodden, NP) **CIVIL PENALTY**
)
License No. 201705273NP-PP,) **Reference No. 19-01233**
201902719NP-PP, 201705272RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Molly Rodden (Licensee) was issued a Registered Nurse License on July 14, 2017, a Nurse Practitioner Certificate (FNP) on July 14, 2017, and a Nurse Practitioner Certificate (PMHNP) by the Oregon State Board of Nursing on April 10, 2019.

On or before April 10, 2019, Licensee Practiced as a Psychiatric Mental Health Nurse Practitioner (PMHNP) prior to being issued that Certificate by the Board as evidenced by a signature block that included both Family Nurse Practitioner (FNP) and PMHNP.

On September 23, 2019, 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 October 1, 2019, the Board received substantiated information from Licensee establishing that they were practicing nursing a total of two years between 2017 to 2019.

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 a total of two years between 2017 and 2019, equaling a total civil penalty of \$5,000.00

That the Board impose a civil penalty against Licensee in the amount of \$5,000.00

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 \$209.00 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 **15th 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; alternatively, payment may be made by phone at 971-673-0685.**

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

Molly Rodden, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Tammy Satre, RN) **REPRIMAND OF LICENSE**
)
License No. 201042510RN) **Reference No. 17-01813**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Tammy Satre (Licensee) was issued a Registered Nurse License by the Board on August 18, 2010.

On or about March 24, 2017, the Board received information that Licensee failed to assess a patient with a reported change in condition. Licensee's failure to assess resulted in a delay in initiating basic life support measures for the patient.

Licensee has taken accountability for the Nurse Practice Act violations identified and has completed the NCSBN education modules on *Professional Accountability and Legal Liability for Nurses* and *Sharpening Critical Thinking Skills*.

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

(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.

(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.

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 Tammy Satre be reprimanded.

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

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

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

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

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

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

Tammy Satre, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Diana Schweitzer, RN) **PROBATION**
)
License No. 095000482RN) **Reference No. 19-01401**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Diana Schweitzer (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on July 20, 1995.

On or about May 29, 2019, the Board received a report alleging that Licensee was witnessed sleeping while providing in-home care to a medically fragile child patient. An investigation was opened into the matter.

Only July 17, 2019, Licensee underwent a sleep study test and was diagnosed with severe sleep apnea.

In an interview with Board staff on August 26, 2019, Licensee admitted to falling asleep while care for the patient on more than one occasion. Licensee attributed her excessive drowsiness to the sleep apnea and the lack of stimulation on nightshift in-home care.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(1)(a)(2)(a)(7)(a)(A) which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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:

(a) Demonstrated incidents of violent, abusive, intimidating, 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 practice. Actual injury need not be established;
- (7) Conduct related to impaired function:
- (a) Practicing nursing when unable or unfit due to:
 - (A) Physical impairment as evidenced by documented deterioration of functioning in the practice setting or by the assessment of an LIP qualified to diagnose physical condition or status;

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 Diana Schweitzer of 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 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 address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall complete the following NCSBN courses: *Professional Accountability & Legal Liability for Nurses* and *Righting a Wrong – Ethics & Professionalism In Nursing*. 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 3 months from date of signature on this agreement, Licensee shall be referred back to the Board for consideration of further disciplinary action.
- 6) Licensee shall inform Board staff in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be re-evaluated.

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

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

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

10) 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.

11) 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.

12) 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.

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

14) 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.

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 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.

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

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

Diana Schweitzer, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR PRACTICE**
Amy Silici, RN) **PROBATION**
)
License No. 099007675RN) **Reference No. 19-00300**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Amy Silici (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on February 7, 2000.

On or about September 6, 2018, the Board received information that Licensee falsified documentation and failed to follow physician orders while working in home care.

On or about June 19, 2019, the Board received an additional information that Licensee falsified documentation at an additional home health position that resulted in termination.

Licensee admits to providing inaccurate or incomplete documentation while working for two different home health agencies.

Licensee has completed continuing education on Professional Accountability as recommended.

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

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

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

- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

(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:

- (a) Developing, modifying, or implementing policies that jeopardize client safety;
 - (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;
 - (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;
 - (D) Documenting someone else's charting omissions or signing someone else's name

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 Amy Silici of be placed on Practice Probation for Two (2) Years. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee is competent. Limited overtime may be approved on occasion.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulated Order to complete twenty- four (24) months of monitored practice.

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

4) Licensee shall maintain an active license.

5) Licensee shall inform Board staff in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be re-evaluated.

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

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

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

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

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

11) Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer, shall inform 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 or 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 has read this Stipulated Order, understands the Stipulated Order completely, and freely signs the Stipulated Order.

IT IS SO AGREED:

Amy Silici, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Jordan Slayton, RN) **BY DEFAULT FOR FAILURE TO**
) **COOPERATE**
)
License No. 201807805RN) **Reference No. 19-01464**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jordan Slayton (Licensee) was issued a Registered Nurse license by the Board on September 13, 2018.

This matter was considered by the Board at its meeting on November 13, 2019.

On October 22, 2019, a Notice stating that the Board intended to suspend the Registered Nurse license of Licensee was sent via certified and first-class mail to Licensee's address of record. The Notice alleged that Jordan Slayton failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse license in the state of Oregon on September 13, 2018.
2. On or about June 17, 2019, Licensee was reported to the Board for allegedly abusing controlled substances, being impaired at work, and falsely documented treating a patient. The Board opened an investigation into the matter.
3. On June 24, 2019, Board staff left Licensee a voicemail at their telephone number of

record asking to be called. No response was forthcoming. On June 24 and 25, 2019, Board staff emailed and mailed, respectively, a letter to Licensee's address of record requesting that they schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history as well as have certain other documents provided to the Board. Licensee failed to schedule an interview and did not provide/have provided any documents to the Board. Licensee failed to schedule an interview and did not provide/have provided any documents to the Board.

4. On October 14, 2019, a second letter was sent to Licensee's address of record, requesting that they contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history as well as have certain other documents provided to the Board. Licensee failed to schedule an interview and did not provide/have provided any documents to the Board. Licensee failed to schedule an interview and did not provide/have provided any documents to the Board.
5. On October 22, 2019, 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, Jordan Slayton, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(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 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:

(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 Registered Nurse license of Jordan Slayton 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 Jordan Slayton has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse license of Jordan Slayton, the Licensee would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of November, 2019

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

TO JORDAN SLAYTON:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Deborah Taylor, RN) **PROBATION**
)
License No. 201243519RN) **Reference No. 19-01306**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Deborah Taylor (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on November 1, 2012.

On or about January 8, 2015, the Board received information that Licensee diverted insulin from work with the intent of harming herself but returned the insulin to her workplace the following day.

In September 2015, the Board approved of Licensee's entry into the Health Professional Services Program (HPSP) but Licensee was unable to find work. Licensee voluntarily surrendered her nursing license in March 2016.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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 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 Deborah Taylor 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 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 address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be reevaluated.
- 6) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without the approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of Licensee's license, the reasons for Licensee's probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.
- 10) Licensee shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, who is working in the same

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

11) Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer, shall inform the Board of any instance of the Licensee's non-compliance with the terms and conditions of this Stipulated Order, or of any other 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 the Board staff when there is a change in status of employment including resignations or terminations.

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

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

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

16) Licensee shall participate in and comply with any treatment recommendations as set forth by a third party evaluator approved by the Board. Within fourteen (14) days of discharge, Licensee shall submit to the Board a copy of Licensee's discharge summary.

17) Licensee shall cease practicing as a nurse if there are concerns about Licensee's ability to practice safely or at the request of Board staff. Practice may resume when approved by Board staff, in consultation with Licensee's employer and/or mental health therapist/psychiatrist. Licensee shall agree to undergo a mental health evaluation if requested to do so by Board staff. Licensee is financially responsible for any costs associated with the evaluation.

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

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

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

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

Deborah Taylor, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Veronica Villarreal, RN) **REPRIMAND OF LICENSE**
)
License No. 201393717RN) **Reference No. 18-00913**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse licenses. Veronica Villarreal (Licensee) was issued a Registered Nurse license by the Board on November 04, 2013.

In November 2017, Licensee altered a date on a copy of a pre-employment physical examination Licensee had undergone in October 2016 to make it appear as if the examination was conducted in October 2017. In 2018, Board staff asked Licensee about the above-mentioned information and Licensee untruthfully responded that she had not altered the document in question.

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

(4) Conduct related to communication:

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

(F) Altering or changing words or characters within an existing document to mislead the reader;

(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 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 Veronica Villarreal be reprimanded.

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

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

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

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

Licensee understands that this Order is a document of public record. Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

Veronica Villarreal, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Randi Wilson, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201602375CNA) **Reference No. 19-01466**

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. Randi Wilson (CNA) was issued a Certified Nursing Assistant Certificate by the Board on April 11, 2016.

On or about June 18, 2019, the Board received information that CNA had pled guilty to three (3) counts of felony Making a False Claim for Health Care Payment. An investigation was opened into the matter.

On or about August 15, 2019, CNA was arrested on five (5) counts of Making a False Claim for Health Care Payment and five (5) counts of Theft in the First Degree, all felony charges.

Records reviewed through the course of the Board's investigation show that in June of 2015, CNA began providing care for her nephew (patient) as a Personal Service Worker (PSW). Records show that between November 1, 2016, and August 19, 2017, CNA repeatedly submitted timesheets to the Oregon Department of Human Services for payment of services, attesting to the dates, times and hours that she provided to the patient as a PSW. Records show that between November 1, 2016, and August 19, 2017, CNA had been working as a Central Sterile Technician during the same dates and times that she claimed to have been providing patient care as a PSW.

Court records show that on or about January 15, 2019, CNA waived her right to a hearing and pled guilty to (3) counts of felony Making a False Payment for Health Care Payment. CNA was ordered to pay restitution to the Oregon Department of Human Services in the amount of \$25,565.21. All other charges were dismissed.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(a)(f) and OAR 851-063-0090(1)(b)(2)(a) and (8)(j)(n)(o) 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:

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

(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:

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

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

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

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

(j) Unauthorized removal or attempted removal of any drugs, supplies, property, or money from any person or setting;

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

(o) Failure to report to the Board the CNA's conviction of a misdemeanor or a felony crime within ten days of the conviction.

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 Randi Wilson be accepted. If, after a minimum of three years, Ms. Wilson wishes to reinstate their Certified Nursing Assistant certificate, Randi Wilson 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, **Randi Wilson** 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 has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Randi Wilson, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
John Zierden, RN) **PROBATION**
)
License No. 200041213RN) **Reference No. 18-01009**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. John Zierden (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on October 10, 2000.

On or about December 22, 2017, the Board received information that alleged Licensee obtained controlled substances in the workplace for which he did not have a valid patient order, inaccurately documented controlled substances in patient records, improperly wasted controlled substances and falsified documentation in a medical record.

It was also alleged that on or about April 3, 2018, Licensee failed to accurately document narcotic administration and waste per facility policy and was witnessed exhibiting physical and mental impairment in the practice setting. Licensee tested positive for a controlled substance during a facility drug screen.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(f)(g) and OAR 851-045-0070(20(a)(3)(b)(4)(a)(c)(A)€(7)(a)(b)(c)(8)(l)(q)(10)(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;
 - (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.

- (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;
 - (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;
 - (E) Falsifying data
- (7) Conduct related to impaired function:
- (a) Practicing nursing when unable or unfit due to:
 - (b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance; or
 - (c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.
- (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 work place;
 - (q) Failing to dispense or administer medications in a manner consistent with state and federal law.
- (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 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 John Zierden 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 address or employment setting during the probation period.

4) Licensee shall maintain an active license.

5) Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.

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

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

8) Licensee will not look for, accept, or begin a new nursing position without prior approval of 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 and terminations.

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

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

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

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

17) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to 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 an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

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

19) Licensee may take medication for a documented medical condition, provided that Licensee obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify Board staff within 72 hours in the event Licensee is prescribed such medication, and shall sign a release of information authorizing the prescribing person to communicate with Board staff about Licensee's medical condition.

Licensee shall produce the medical records pertaining to the medical condition and medication use. Licensee will discard any unused prescription medications when it is no longer needed or expired.

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

John Zierden, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY OF FILE IN BOARD OFFICE