

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Stewart Abraham, RN) **VOLUNTARY SURRENDER**
)
License No. 201901324RN) **Reference No. 20-00947**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Stewart Abraham (Licensee) was issued a Registered Nurse license by the Board on February 14, 2019.

On or around September 2019, while on duty at a hospital in Jamestown, North Dakota, as an RN on a travel assignment from World Wide Travel Agency, Licensee made inappropriate comments of a sexual nature to Nurse TM, a female coworker, including mentioning multiple times during a shift that Licensee had a “huge cock”. On September 29, 2019, while on duty at the same hospital, Licensee made inappropriate remarks of a sexual nature to Nurse RF, a female coworker, including that she was giving them a “hard on,” and instructed her to look as they pointed to the outline of Licensee’s penis through their pants, then came up behind her, pushed their crotch against her backside/leg area, and put their nose in her neck area and hair, and told her she was “sexy,” causing Nurse RF to become upset. On January 16, 2020, Licensee underwent a psychological evaluation by a licensed psychologist, who made recommendations including that Licensee be temporarily restricted from the practice of nursing until psychological stabilization is achieved. In March 2020, Licensee’s Arizona RN license was voluntarily surrendered.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(1)(a), (6)(a)(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:

- (1) Conduct related to general fitness to practice nursing:
 - (a) Demonstrated incidents of violent, abusive, intimidating, neglectful or reckless behavior;
- (6) Conduct related to co-workers and health care team members:
 - (a) Engaging in violent, abusive or threatening behavior towards a co-worker; or
 - (b) Engaging in violent, abusive, or threatening behavior that relates to the delivery of safe nursing services.

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 Stewart Abraham 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.

Stewart Abraham, RN

Date

ORDER

**IT IS SO ORDERED:
BOARD OF NURSING FOR THE STATE OF OREGON**

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF REVOCATION**
Maribel Arango, CNA) **BY DEFAULT**
)
Certificate No. 200611462CNA) **Reference No. 20-00660**

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. Maribel Arango (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on July 11, 2006.

This matter was considered by the Board at its meeting on March 11, 2020.

On March 13, 2020, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Maribel Arango was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder was allegedly terminated from her employment when the drug screen conducted by her employer confirmed a positive result for methamphetamine in her system.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Certified Nursing Assistant Certificate in the state of Oregon on July 11, 2006.
2. On or about December 24, 2019, Certificate Holder was reported for allegedly failing drug screen at her employer and was subsequently terminated from employment.
3. On March 11, 2020, the Board voted to issue a Notice of Proposed Revocation of the Nursing Assistant Certificate of Respondent.

4. On March 13, 2020, Board staff mailed a Notice of Proposed Revocation 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.
5. On April 1, 2020, the Board received confirmation that Respondent signed for the Certified mail containing the notice on March 19, 2020.
6. On April 2, 2020, no response or request for hearing had been received by Respondent within the twenty (20) days from the mailing date of the notice.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Maribel Arango, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(f) and OAR 851-063-0090(7)(c) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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:

(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.

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 Maribel Arango is REVOKED.

DATED this ____ day of May, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO: MARIBEL ARANGO:

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 Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Sara Barnes, RN) **SUSPENSION OF LICENSE**
)
License No. 200641759RN) **Reference No. 18-00453**

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

In September of 2017, the Board received a report that Licensee downloaded nursing course content with the intent to distribute the information for financial gain.

In an interview with a Board investigator on December 11, 2017, Licensee acknowledged downloading nursing course content in March of 2017 with the intent to distribute the information for financial gain. Licensee denied distribution of any course content.

In March of 2017, Licensee was a full-time instructor at an Oregon nursing school program.

The Scope of Practice Standards requires licensees to demonstrate honesty and integrity in nursing practice.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), OAR 851-045-0040(3)(i) [cert. ef. 6-24-08], OAR 851-045-0070(2)(n), (4)(b), (6)(g) [cert .ef. 6-1-12], and OAR 851-045-0070(2)(a) [cert. ef. 8-1-17] 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 851-045-0040 Scope of Practice Standards for All Licensed Nurses

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

(i) Demonstrates honesty and integrity in nursing practice;
[cert. ef. 6-24-08]

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:

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

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

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

(6) Conduct related to licensure or certification violations:

(g) Disclosing the contents of the examination or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration;

[cert .ef. 6-1-12]

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;

[cert. ef. 8-1-17]

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 Sara Barnes be SUSPENDED for 90 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.

That Sara Barnes will move to dismiss the pending appellate matter of Sara Barnes v. Oregon State Board of Nursing, A172071. That the motion to dismiss will indicate that the dismissal is with prejudice, that Ms. Barnes will not be seeking costs, and that the dismissal is the result of a negotiated settlement. That Sara Barnes will file the motion to dismiss with the Oregon Court of Appeals within 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 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 Suspension.

Sara Barnes, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Gregory Bauer, CNA

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

Certificate No. 201111733CNA

) **Reference No. 20-00553**

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. Gregory Bauer (CNA) was issued a Nursing Assistant certificate by the Board on July 14, 2011.

This matter was considered by the Board at its meeting on May 06, 2020.

On April 10, 2020, a Notice stating that the Board intended to revoke the Nursing Assistant certificate of Gregory Bauer was sent to CNA via certified and first-class mail to the address of record.

The Notice alleged that CNA engaged in unacceptable behavior towards an elderly resident known to exhibit dementia-related behaviors, while in the presence of another elderly dementia patient and then failed to comply with a Board Order.

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

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

-I-

FINDINGS OF FACT

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

1. CNA was issued a Nursing Assistant certificate in the state of Oregon on July 14, 2011.
2. On or about November 27, 2019, CNA was reported to the Board for allegedly engaging in unacceptable behavior such as using derogatory names and profane language towards an elderly resident while in the presence of another patient. The Board opened an investigation into the matter.

3. On or about November 22, 2019, CNA engaged in unacceptable behavior such as using derogatory names and profane language towards an elderly resident known to exhibit dementia-related behaviors, while in the presence of another elderly dementia patient.
4. On or about March 16, 2020, Board staff mailed a Board Order for Substance Use Disorder Evaluation to CNA's address of record. That Order stated, in part: "You are required to contact a Board-approved evaluator to schedule an appointment with the evaluator within 10 days of the date that this Order is mailed to you. You are required to notify the Board of the name of the evaluator you have selected, along with the date and time of your appointment at least 7 days prior to your evaluation." As of April 8, 2020, CNA had not notified the Board of the name of an evaluator selected or the date and time of an evaluation appointment.
5. On April 10, 2020, Board staff mailed a Notice of Proposed Revocation to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the CNA, Gregory Bauer, and over the subject matter of this proceeding.
2. That CNA's conduct is in violation of ORS 678.442(2)(d)(f) and OAR 851-063-0090(3)(g), (8)(h), (10)(d) 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:

- (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.*
- (f) Conduct unbecoming a nursing assistant in the performance of duties.*

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

- (3) Conduct related to client safety and integrity:*
 - (g) Failing to respect the dignity and rights of the person receiving nursing services, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, other physical attributes, or disability;*
- (8) Conduct related to other federal or state statutes/rule violations:*
 - (h) Engaging in other unacceptable behavior towards or in the presence of the client. Such*

behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language.

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

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

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

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby ORDERED that the Nursing Assistant certificate of Gregory Bauer is REVOKED.

DATED this ____ day of May, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO GREGORY BAUER:

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

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Skyler Bettis, CNA) **REPRIMAND WITH CONDITIONS**
)
Certificate No. 201506505CNA) **Reference No. 20-00460**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Skyler Bettis (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on September 2, 2015.

Between November 2017 and November 2019, Certificate Holder worked as a Certified Nursing Assistant at a long term care facility. In approximately March or April 2019, Certificate Holder admitted that he had disclosed to the resident that he was experiencing some financial stressors, and stated the resident put a check in Certificate Holder's pocket without his knowledge. Certificate Holder admitted that he deposited the check into his bank account. Certificate Holder returned the full amount to the resident within a few weeks.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090 (2)(a), (3)(j) and (8)(l) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

(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.

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

(l) Using one's role or title as a nursing assistant to solicit or borrow money, materials, property or possessions from a client or the client's family for personal gain or sale.

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 Skyler Bettis be reprimanded and that Skyler Bettis complete the following courses within 60 days of the Board's signature on this Order: "Resident Rights in Nursing Homes" and "Professional Boundaries in Nursing."

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

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, he 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 him 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.

Skyler Bettis, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jennifer Cain, RN) **REPRIMAND WITH CIVIL**
) **PENALTY OF LICENSE**
License No. 201809768RN) **Reference No. 20-00760**

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. Jennifer Cain (Licensee) was issued a Registered Nurse License by the Board on October 26, 2018.

On or about January 17, 2020, the Board received information that Licensee Jennifer Cain RN while working at Prestige Post-Acute Care and Rehabilitation Center failed to investigate multiple reports by staff of alleged narcotic diversion, narcotic discrepancies and or documentation of an LPN staff nurse. DHS discovered discrepancies during an annual survey and in response to complaints made to the agency. Prestige Post-Acute Care and Rehabilitation Center was founded by DHS for failure to provide care and services to ensure residents were free from misappropriation of medications noted by the inaction to conduct investigations.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111 (1)(f)(g), ORS 678.117(1), OAR 851-045-0100(2)(f)(D) and OAR 851-045-0070 (2)(a)(3)(b)(e)(8)(f)(g)**

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.

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 678.448** or any rule of the board. No civil penalty shall exceed \$5,000.

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;
 - (e) Failing to clinically supervise persons to whom an assignment has been made;
- (8) Conduct related to other federal or state statute or rule violations:
- (f) Failing to report actual or suspected incidents of client abuse to the appropriate state agencies;
 - (g) Failing to report actual or suspected incidents of client abuse or neglect through the proper channels in the workplace;

OAR 851-045-0100 Imposition of Civil Penalties.

- (2) Civil penalties may be imposed according to the following schedule:
- (f) Conduct derogatory to the standards of nursing \$1,000-\$5,000. The following factors will be considered in determining the dollar amount, to include, but not be limited to:
- (D) Potential danger to the public health, safety and welfare.

Licensee wishes to cooperate with the Board in this matter. Licensee has no disciplinary history prior to this date. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

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

That the Board impose a civil penalty in the amount of \$500.00 and the Registered Nurse License of Jennifer Cain 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 shall make monthly payments of not less than \$25.00 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 26th 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.

This Civil Penalty shall become due and payable within twenty (20) days from the date this Stipulated Order is signed by Licensee.

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 Reprimand with Civil Penalty.

Jennifer Cain, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Wendy Dawdy, RN) **VOLUNTARY SURRENDER**
)
License No. 200943291RN) **Reference No. 20-00860**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Wendy Dawdy (Licensee) was issued a Registered Nurse license by the Board on December 16, 2009.

On or about February 07, 2020, Licensee submitted a renewal application on which they disclosed a December 2018 alcohol-involved incident at work and other related matters. In March 2020, Board staff repeatedly requested that Licensee provide certain documents connected to this matter and schedule a personal interview to discuss the matter further. Licensee failed to provide the requested documents or schedule a personal interview and indicated that they wished to retire.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(10)(a)(c) which provide as follows:

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

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.
 - (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 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) Failing to provide the Board with any documents requested by the Board;

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 Wendy Dawdy be accepted. If, after a minimum of three years, they wish to reinstate their Registered Nurse license, Wendy Dawdy 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.

Wendy Dawdy, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Ada Fisher, RN) **REPRIMAND OF LICENSE**
)
License No. 201705068RN) **Reference No. 20-00355**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Ada Fisher (Licensee) was issued a Registered Nurse license by the Board on July 10, 2017.

The Board was notified that Licensee fell asleep while on duty on night shift of August 9-10, 2020, for a period of approximately 1-2 hours and could not be located, and was unavailable to her assigned patients during that time. During the latter part of that same shift Licensee falsified a patient record when she entered vital signs in the chart which did not correspond to the actual times they were recorded. Further audit of Licensee's practice in a previous 30-day period revealed a pattern of missing vital signs and follow-up documentation when vital signs were not within normal limits.

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

(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;

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

Licensee has since completed a 3-month performance improvement plan with her employer and has demonstrated sustained improvement. Licensee also completed the following continuing education to address the identified issues: Documentation, a Critical Aspect of Client Care; Righting a Wrong - Ethics and Professionalism in Nursing; A Framework for Remediating Professional Ethical Lapses; and Nurse Practice Act – Oregon.

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 Ada Fisher 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.

IT IS SO AGREED:

Ada Fisher, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jennifer Flannery) **CIVIL PENALTY**
)
License No. 200141500RN (expired),) **Reference No. 20-00702**
L201810326RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jennifer Flannery (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on July 31, 2001, and it expired on May 17, 2017.

On October 17, 2018, Licensee submitted a reactivation and a Limited License re-entry application to the Board. Licensee was issued a Limited License by the Board on November 15, 2018, and it was valid for one year.

On November 4, 2019, Licensee began her clinical rotation and completed on December 23, 2019.

On December 30, 2019, the Board received notification that Licensee's Limited License had expired while completing her clinical rotation.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.111(1)(f), ORS 678.117, OAR 851-045-0070(2)(a) and OAR 851-045-0100(2)(f) which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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 678.448 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 678.448 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 851-045-0070 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;

OAR 851-045-0100 Imposition of Civil Penalties

(2) Civil penalties may be imposed according to the following schedule:

- (f) Conduct derogatory to the standards of nursing \$1,000–\$5,000. The following factors will be considered in determining the dollar amount, to include, but not be limited to:
 - (A) Intent;
 - (B) Damage and/or injury to the client;
 - (C) History of performance in current and former employment settings;
 - (D) Potential danger to the public health, safety and welfare;
 - (E) Prior offenses or violations including prior complaints filed with the Board and past disciplinary actions taken by the Board;
 - (F) Severity of the incident;
 - (G) Duration of the incident; and
 - (H) Economic impact on the person.

Licensee wishes to cooperate with the Board in this matter.

Licensee has no disciplinary history with the Board and prior to this incident, Licensee has never practiced with an expired license.

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

Based on the evidence and mitigating factors the Board imposes a civil penalty against Licensee in the amount of \$250.00

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.

This Civil Penalty shall become due and payable within ten (10) days from the date this Stipulated Order is issued by the Board of Nursing. For Stipulated Orders served by certified mail, the Order is issued on the date that it is mailed.

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.

Jennifer Flannery

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Shara Fuller, LPN) **REPRIMAND OF LICENSE**
)
License No. 201804340LPN) **Reference No. 20-00722**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurse. Shara Fuller (Licensee) was issued a Licensed Practical Nurse License/Certificate License by the Board on June 06, 2018.

On or about December 18, 2019, the Board received information that Licensee Shara Fuller while working at Amemere Rehabilitation Center of Newport improperly administered an intramuscular injection and falsified medical records. Licensee Shara Fuller administered a flu vaccination through the shirt of a client without proper site preparation and without acknowledging clear reluctance or authorization from the client. Licensee Shara Fuller falsely documented patient skin audits on medical records that were not completed.

By the above actions, Licensee is subject to discipline pursuant to **678.111 (1)(f)** and **851-045-0070 (3)(k) (4)(b)(c)(B)(k)**

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

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

(f) Conduct derogatory to the standards of nursing.

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

(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:

- (B) Documenting the provision of services that were not provided;
- (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. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Licensed Practical Nurse License/Certificate License of Shara Fuller be reprimanded.

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

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

Shara Fuller, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) STIPULATED ORDER FOR
Joshua Gaffney, RN Reactivation) WITHDRAWAL OF REGISTERED
Applicant) NURSE LICENSE APPLICATION
License No. 200441158RN) Reference No. 20-00795

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Joshua Gaffney (Applicant) was issued an RN license by the Board on July 6, 2004 and it expired on October 12, 2016. On or about December 4, 2016, the Board received an untimely renewal application from Applicant and it was denied by the Board on September 13, 2017.

On or about January 2, 2020, the Board received an application from Applicant for reactivation of his Registered Nurse License.

In that application, Applicant disclosed a history of criminal convictions within the last two years, including Assault IV, Reckless Endangering and Unlawful Possession of a Marijuana Item. Applicant has a substance use background and cannot demonstrate at least two years of sobriety.

On March 8, 2020, Applicant informed Board staff that he wanted to withdraw his application.

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

(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 Joshua Gaffney's application for reactivation of his 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:

Joshua Gaffney, RN Applicant

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Diane Jacobson, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 200310770CNA) **Reference No. 20-00370**

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. Diane Jacobson (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on March 11, 2003.

On or about October 14, 2019, Certificate Holder self-reported termination of her employment because she allegedly committed HIPAA violations. An audit of staff's access to patient records had identified 8 instances in which Certificate Holder accessed parts of patients' charts without a medical need to access those records.

Certificate Holder stated she could not explain the access, but did not seek out information for any malicious purpose.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(1)(f) and OAR 851-063-0090 (8)(m) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

(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:

(m) Violating a person's rights of privacy and confidentiality of information by accessing information without proper authorization to do so or without a demonstrated need to know.

Certificate Holder no longer works as a CNA and 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 voluntary surrender of the Nursing Assistant certificate of Diane Jacobson be accepted. If, after a minimum of three years, Ms. Jacobson wishes to reinstate her Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

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

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 the signing of this Order.

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

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

Diane Jacobson

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Christine Knosp, RN) **REPRIMAND OF LICENSE**
)
License No. 200641952RN) **Reference No. 20-00737**

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. Christine Knosp (Licensee) was issued a Registered Nurse License by the Board on July 13, 2006.

On or about January 9, 2020, the Board received information that Licensee failed to provide oversight of unlicensed staff and monitoring of change in condition of a resident living in her adult foster home "Chris' Comfort Home" resulting in deep tissue injuries on or about May 12, 2019. This was substantiated by Department of Human Services and a letter of determination for abuse was served in November 2019 to Ms. Knosp as the owner and operator of the AFH in addition, a civil penalty of \$1,000.00 for neglect of care for failing to provide additional services necessary to prevent deep tissue injuries.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111** (1)(f) and **OAR 851-045-0070** (2)(a)(3)(b)(c)(d)(e)(4)(c)(C)(8)(d)(e):

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintain clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
(3) Conduct related to the client's safety and integrity:
(b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment;
(c) Failing to develop, implement or modify the plan of care;
(d) Assigning persons to perform functions for which they are not prepared to perform or that

- are beyond their scope of practice, authorized duties, or job functions;
- (e) Failing to clinically supervise persons to whom an assignment has been made;
 - (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:
 - (C) Failing to document information pertinent to a client's care
 - (8) Conduct related to other federal or state statute or rule violations:
 - (d) Abusing a client;
 - (e) Neglecting a client

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

That the Registered Nurse License/Certificate License of Christine Knosp 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.

Christine Knosp, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
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**
Sandra Krieg, RN Endorsement) **WITHDRAWAL OF REGISTERED**
Applicant) **NURSE LICENSE APPLICATION**
) **Reference No. 19-00424**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sandra Krieg (Applicant) submitted an application for a Registered Nurse license to the Board on or about August 04, 2018.

In the application, Applicant disclosed a history of substance use and three arrests for Driving Under the Influence of Intoxicants between 2006 and 2009.

On or about October 29, 2018, Applicant made contact with the Board, and requested to set up an interview at a later date. Several attempts were made to contact the Applicant before and after August 01, 2019.

On March 12, 2020, the applicant was emailed a second interview notice. The applicant responded by stating that her employer no longer needed her to have an Oregon RN license 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 Sandra Krieg'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:

Sandra Krieg, RN Endorsement
Applicant

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Monika Krumenaker, RN) **REPRIMAND OF LICENSE**
)
License No. 090006223RN) **Reference No. 20-00661**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Monika Krumenaker (Licensee) was issued a Registered Nurse License by the Board on April 03, 1990.

On or about January 2, 2020, the Board received information that Licensee was terminated from her employer for multiple practice concerns, including:

- Licensee was dismissed as a Teaching Associate for failure to assure student clinical competencies
- Falsification of documentation for dressing changes as completed without actually performing them
- Inaccurate assessment and documentation of newly admitted resident

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

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

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

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

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

- (a) Failure to accurately document nursing interventions and nursing practice implementation;
- (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;
 - (E) Falsifying data

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

That the Registered Nurse License/Certificate License of Monika Krumenaker 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.

Monika Krumenaker, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Shaun Manning, CNA

)
) **FINAL ORDER OF DENIAL**
) **OF NURSING ASSISTANT**
) **CERTIFICATE BY DEFAULT**
)
) **Reference No. 19-00746**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Certified Nursing Assistants. Shaun Manning (Applicant) applied for a Nursing Assistant Certificate in the state of Oregon on or about December 2018.

The Board considered this matter at its meeting on November 13, 2019.

On November 14, 2019, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged the Applicant disclosed within the application for reactivation, two Driving Under the Influence arrests in October 2017 and February 2018. Applicant was required to enter into a diversion program which included random urinalysis testing. It was also alleged that on or about April 2019, Board staff received documentation that the Applicant was non-compliant with the court ordered diversion treatment and did not complete the requirements of the program. It was noted that the Applicant tested positive for Methamphetamines in September 2018.

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

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

-I-

FINDINGS OF FACT

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

1. On or about December 2018, Applicant disclosed within the application for reactivation, two Driving Under the Influence arrests in October 2017 and February 2018.
2. On or about April 2019, Board staff received documentation that the Applicant was non-compliant with a court ordered diversion treatment and did not complete the requirements of the

program. It was noted that the Applicant tested positive for Methamphetamines in September 2018.

3. On November 13, 2019, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assistant Certificate.

4. On November 14, 2019, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

II CONCLUSIONS OF LAW

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

2. That Applicant's conduct is in violation of ORS 678.442 (2)(c)(f) and OAR 851-063-0090 (1)(a)(2)(a)(7)(c) which read as follows:

ORS 678.442 Certification of nursing assistants; rules. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who:

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

(c) Impairment as defined in ORS 676.303.

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

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

(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;

(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.

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

III

ORDER

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

ORDERED that the Application for a Nursing Assistant Certificate is denied.

Dated this 6th day of May 2020

FOR THE OREGON STATE BOARD OF NURSING

Kathleen Chinn, FNP-BC
Board President

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Traci Moore, LPN) **VOLUNTARY SURRENDER**
)
License No. 201130158LPN) **Reference No. 19-01182**

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. Traci Moore (Licensee) was issued a Licensed Practical Nurse License by the Board on April 14, 2011.

On or about April 1, 2019, the Board received information that Licensee failed to take action on a critical lab value for a patient. In addition, Licensee has failed to complete the required number of monitored practice hours required as a participant in the Health Professionals' Service Program in the time allotted.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(f) and OAR 851-045-0070(2)(a)(3)(b)(4)(f)(10)(e)**.

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

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

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

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

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

(e) Failing to comply with the terms and conditions of Health professionals' Services Program agreements.

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

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

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

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

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

Licensee understands that by signing this Stipulated Order, **Traci Moore** 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.

Traci Moore, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Talisa Myers, CNA**

) **STIPULATED ORDER FOR**
) **SUSPENSION OF NURSING ASSISTANT**
) **CERTIFICATE FOLLOWED BY**
) **PROBATION**
)
) **Reference No. 19-01060**

Certificate No. 200811711CNA

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. Talisa Myers (CNA) was issued a Nursing Assistant certificate by the Board on August 14, 2008.

On or about January 16, 2019, CNA was arrested for Driving Under the Influence of Intoxicants and Reckless Endangerment and was subsequently convicted of both charges. On or about February 21, 2019, CNA came to work while impaired by alcohol. Board staff reviewed various records regarding CNA's conduct and subsequent actions. CNA agrees that a period of probation is appropriate.

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

ORS 678.442 Certification of nursing assistants; rules.

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

- (a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
- (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

- (7) Conduct related to safe performance of authorized duties:
- (b) Performing authorized duties when physical or mental ability to perform is impaired by use

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

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

That the Nursing Assistant certificate of Talisa Myers be SUSPENDED for 30 days. This suspension will commence five business days from the date this Order is signed by the Board. Upon completion of this suspension, the Nursing Assistant certificate of Talisa Myers be placed on Probation. The CNA's compliance with this agreement will be monitored by the Board from date of signature on the Stipulated Order. CNA must complete a twenty-four (24) month period of probation to begin upon CNA's return to performing the duties at the level of a Certified Nursing Assistant. CNA must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where CNA is able to exercise the full extent of scope of duties in order to demonstrate whether CNA is competent. Limited overtime may be approved on occasion.

CNA will not apply for a nursing license while their Nursing Assistant certificate is suspended or on probation.

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

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

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

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

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

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

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

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

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

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

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

CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's treatment provider and release CNA's treatment records to the Board.

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

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

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

20) CNA shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with CNA's employer.

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

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

23) CNA shall cooperate fully with Board staff in the supervision and investigation of CNA's

compliance with the terms and conditions of this Stipulated Order.

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

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

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

CNA 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. CNA acknowledges that no promises, representations, duress or coercion have been used to induce them 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.

Talisa Myers, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Taylor Perkins, NP) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 201350032NP, 201340136RN) **Reference No. 20-00487**

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. Taylor Perkins (Licensee) was issued a Registered Nurse License by the Board on January 11, 2013 and a Nurse Practitioner License by the Board on February 20, 2013.

This matter was considered by the Board at its meeting on May 06, 2020.

On April 20, 2020, a Notice stating that the Board intended to suspend the Registered Nurse License and Nurse Practitioner License of Licensee was sent via certified and first-class mail to Licensee's address of record. The Notice alleged that Taylor Perkins 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 January 11, 2013, and a Nurse Practitioner License on February 20, 2013.
2. On or about November 12, 2019, Licensee was reported to the Board for inappropriate prescribing practices. The Board opened an investigation into the matter.
3. On March 13, 2020, Licensee attended an in-person interview with Board staff. During that interview, Board staff instructed Licensee to provide by March 27, 2020, medical records for two patients Licensee has written prescriptions for. Licensee failed to provide the patient records as instructed.

4. On March 26, 2020, Board staff further instructed Licensee to obtain and sign a release of information form from her former medical provider. Licensee failed to submit a signed release form as instructed.
5. On April 8, 2020, Licensee was given final instructions to provide medical records for the two patients, and to provide the signed release of information form by April 15, 2020. Licensee has failed to produce any of the items requested by Board staff by the deadline provided.
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, Taylor Perkins, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f), OAR 851-045-0070(10) (a) and (c), which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

-III-

ORDER

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

ORDERED that the Registered Nurse License and Nurse Practitioner License of Taylor Perkins 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 Taylor Perkins has fully cooperated with the Board's investigation. Should the Board reinstate the Nurse Practitioner License of Taylor Perkins, the Licensee would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of May, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO: TAYLOR PERKINS:

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Zelia Petty) **PROBATION**
)
Certificate No. 201391532CNA) **Reference No. 20-00673**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants and Nursing Assistant certificate applicants. Zelia Petty (Applicant) was issued a Nursing Assistant certificate by the Board on August 9, 2013.

In December 2014, Applicant was arrested for felony Possession of Methamphetamine and three counts of misdemeanor Endangering the Welfare of a Minor. As a result, Applicant was convicted of three counts of misdemeanor Endangering the Welfare of a Minor. For this and other Nurse Practice Act violations, the Board revoked Applicant's Nursing Assistant certificate on January 13, 2016. In November 2019, the Board received a Nursing Assistant certificate reinstatement application from Applicant.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.442(2)(a)(d) and OAR 851-001-0015(4) and OAR 851-063-0090(7)(c), (8)(e)(i) which provide as follows

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-001-0015 Petition for Reinstatement

A licensee or certificate holder whose license or certificate has been revoked or who voluntarily surrendered the license or certificate in lieu of revocation may seek reinstatement under the following conditions:

- (4) The licensee or certificate holder agrees to additional education/training or other activities necessary to demonstrate competence at the level of licensure/certification for which the applicant is seeking reinstatement.

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.

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

(e) Neglecting a person;

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

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

That the Nursing Assistant certificate of Zelia Petty be placed on Probation. The CNA's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. CNA must complete a twelve (12) month period of probation to begin upon CNA's return to performing the duties at the level of a Certified Nursing Assistant. CNA must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where CNA is able to exercise the full extent of scope of duties in order to demonstrate whether CNA is competent. Limited overtime may be approved on occasion.

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

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

2) CNA shall have twenty-four (24) months from Board's acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.

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

4) CNA shall maintain an active certificate.

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

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

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

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

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

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

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

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

13) Applicant shall not have access to narcotics and controlled substances, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until CNA receives written approval from Board staff.

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

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

16) CNA shall participate in and comply with any treatment recommendations set forth by a

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

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

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

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

20) CNA shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with CNA's employer.

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

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

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

CNA 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.

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

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

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

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

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

IT IS SO AGREED:

Zelia Petty

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Adam Raffel) **PROBATION**
)
License No. RN Applicant) **Reference No. 20-00744**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses.

On October 17, 2019, Adam Raffel (Applicant) submitted an application to the Board for a Registered Nurse license and disclosed a history of substance use and the surrender of his Registered Nurse license in California.

Information gathered through the course of the Board's investigation show that Applicant has a long history of substance abuse. In 2019, Applicant engaged in and successfully completed substance use treatment. Applicant has remained clean and sober since May 17, 2019.

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

(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.

(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;

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

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

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

- 1) Applicant shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Applicant shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
- 3) Applicant shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) Applicant shall maintain an active license.
- 5) Applicant shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Applicant leaves the state and is unable to practice in the state of Oregon, Applicant's probationary status will be re-evaluated.
- 6) Applicant 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) Applicant 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) Applicant will not look for, accept, or begin a new nursing position without prior approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.
- 9) Applicant shall inform current and prospective employers of the probationary status of Applicant's license, the reasons for Applicant's probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Applicant's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Applicant is employed.

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

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

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

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

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

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

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

17) Applicant shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Applicant's immediate removal from nursing practice. Applicant shall submit to observed tests to determine the presence of unauthorized substances immediately upon request by Board staff or Applicant's employer. Applicant shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be

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

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

Adam Raffel

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Sandra Rogers, LPN) **VOLUNTARY SURRENDER**
) **OF PRACTICAL NURSE LICENSE**

License No. 090003248LPN) **Reference No. 20-00927**

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. Sandra Rogers (Licensee) was issued a Practical Nurse License by the Board on November 27, 1990.

On or about March 10, 2020, the Board received information that Licensee displayed signs of significant impairment in the workplace on May 22 and May 23, 2019. Licensee refused to submit to a drug test as required by the employer. Licensee stated she had used marijuana a few days earlier but was not using any drugs at the time of the reported incident. She stated she was suffering from the effects of stress.

On March 11, 2020, Board staff mailed a request to Licensee instructing her to send a statement of explanation and her work history, and to schedule an appointment for an interview. On March 25, 2020, Licensee responded to Board staff that she did not wish to participate in the Board's investigation and that she had retired from working in the health care field.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(f) and OAR 851-045-0070 (7)(a)(B), (c) and (10)(a)**.

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

(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.

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

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

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

Licensee wishes to resolve this matter with the voluntarily surrender of her Practical Nurse license.

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

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

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

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

Licensee understands that by signing this Stipulated Order, Sandra Rogers 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.

Sandra Rogers

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
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**
Barbara Salmons, RN) **REPRIMAND OF LICENSE**
)
License No. 085075232RN) **Reference No. 20-00601**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Barbara Salmons (Licensee) was issued a Registered Nurse License by the Board on August 30, 1985.

On or about December 11, 2019, the Board received information that Licensee failed to take appropriate actions during an emergency involving an eight-year-old child while in her care at school on November 22, 2019.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(f)**, **OAR 851-045-0070(3)(b)(4)(f)**, and **851-045-0060(3)(a)(B)(C)(E)(F)(G)(b)(c)(A)**.

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

(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:

(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

851-045-0060 Scope of Practice Standards for Registered Nurses

(3) Standards related to the RN's responsibility for nursing practice. Through the application of scientific evidence, practice experience, and nursing judgment, the RN shall:

(a) Conduct comprehensive assessments by:

(B) Validating data by utilizing available resources, including interactions with the client, with health care team members, and by accessing scientific literature;

- (C) Distinguishing abnormal from normal data, sorting, selecting, recording, evaluating, synthesizing and communicating the data;
- (E) Identifying signs and symptoms of deviation from current health status;
- (F) Anticipating changes in client status; and
- (G) Evaluating the data to identify problems or risks presented by the client.
- (b) Develop reasoned conclusions that identify client problems or risks;
- (c) Develop a client-centered plan of care based on analysis of the client's problems or risks that:
 - (A) Establishes priorities in the plan of care;

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

That the Registered Nurse License/Certificate License of Barbara Salmons 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.

Barbara Salmons, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Michael Shaffer, CNA

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

Certificate No. 201310881CNA

) **Reference No. 20-00442**

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. Michael Shaffer (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on April 30, 2013.

This matter was considered by the Board at its meeting on May 06, 2020.

On April 10, 2020, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Michael Shaffer was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder subjected Coworkers A and B to unwanted sexual text messages, touch and innuendo while at work.

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 April 30, 2013.
2. On or about on or about December 27, 2018, Certificate Holder subjected Coworker A to an unwanted text message sexual in nature creating a hostile and intimidating work environment.

3. The Board alleges that between January and April 2019, Certificate Holder subjected Coworker A to unwanted, inappropriate touch and comments on her physical appearance creating a hostile and intimidating work environment.
4. The Board alleges that on or about August 9, 2019, Certificate Holder subjected Coworker A to unwanted, inappropriate touch and offensive sexual speech creating a hostile and intimidating work environment.
5. The Board alleges that sometime between July and September 2019, Certificate Holder subjected Coworker B to unwanted pictures of naked women on his cell phone, creating a hostile and intimidating work environment.
6. On April 10, 2020, Board staff mailed a Notice of Proposed Revocation 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, Michael Shaffer, 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(1)(a), (3) and (6)(a)(b) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

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

(3) Conduct related to client safety and integrity:

(j) Engaging in sexual misconduct in the workplace; or

(k) Failing to maintain professional boundaries.

(6) Conduct related to relationships with co-workers and health care team members:

- (a) Engaging in violent, abusive or threatening behavior towards a co-worker; or
- (b) Engaging in violent, abusive or threatening behavior that relates to the performance of safe care to a person.

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 Michael Shaffer is REVOKED.

DATED this ____ day of May, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO: MICHAEL SHAFFER:

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 Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
David Stillman**

)
) **FINAL ORDER OF DENIAL OF**
) **REGISTERED NURSE LICENSE**
) **BY DEFAULT**

RN Applicant

) **Reference No. 20-00260**

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 Registered Nurse license applicants. David Stillman (Applicant) submitted an application for a Registered Nurse license to the Board on or about July 07, 2019.

This matter was considered by the Board at its meeting on May 6, 2020.

On February 21, 2020, a Notice stating that the Board intended to deny the application for Registered Nurse license was sent to Applicant via certified and first-class mail to Applicant's address of record.

The Notice alleged Applicant failed to fully cooperate with the Board during the course of an investigation and failed to provide the Board with documents requested.

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

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

**I
FINDINGS OF FACT**

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

1. On October 11, 2019, Board staff emailed Applicant a request for additional documentation and information regarding their arrest history. Applicant failed to provide the requested documentation and information. On October 18, 2019, Board staff emailed Applicant and left them a voicemail at their telephone number of record, requesting that they contact Board staff. No response was forthcoming. On October 24, 2019, Board staff left Applicant a voicemail at their telephone number of record as well as a telephonic message at their provided place of employment, requesting that they contact Board staff. No response was forthcoming. On

October 25, 2019, Board staff mailed and emailed Applicant a letter requesting that they schedule a telephonic interview. No response was forthcoming.

1. On February 12, 2020, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Registered Nurse License.

3. On February 21, 2020, Board staff mailed a Notice of Proposed Denial of Registered Nurse License to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

II CONCLUSIONS OF LAW

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

2. That Applicant's conduct is in violation of ORS 678.111(1)(f)(g) and OAR 851-045-0070(10)(a)(c) which provide as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

OAR 851-045-0070 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) Failing to provide the Board with any documents requested by the Board;

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

III ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby ORDERED that the Application for Registered Nurse license is denied.

Dated this _____ day of May 2020

FOR THE OREGON STATE BOARD OF NURSING

Kathleen Chinn, FNP-BC
Board President

TO DAVID STILLMAN:

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Dana Tate) **VOLUNTARY SURRENDER**
)
License No. 201704203RN) **Reference No. 19-00317**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Dana Tate (Licensee) was issued a Registered Nurse license by the Board on June 09, 2017.

In 2018, Licensee used alcohol to an extent that such use impaired the ability to practice nursing.

On or about October 19, 2018, Board staff requested that Licensee submit a copy of their work history for the past ten years, with each job in chronological order, listing dates of employment and reasons for leaving. On November 2 and November 4, 2018, the Board received a work history from Licensee that failed to include Licensee's former position as a Registered Nurse for New York State Office for People with Developmental Disabilities (OPWDD), a position from which Licensee was terminated in early 2017.

On January 28, February 20, and May 13, 2019, Board staff requested Licensee release and have provided certain treatment records. Licensee failed to have the records in question released and provided.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(e)(f)(g) and OAR 851-045-0070(1)(b), (7)(c), (10)(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:

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is

conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

(7) Conduct related to impaired function:

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

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

(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;

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

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

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 Dana Tate be accepted. If, after a minimum of three years, Dana Tate 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.

Dana Tate

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, RN, FNP-BC
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**
Donna White, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201702956CNA) **Reference No. 18-01668**

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. Donna White (CNA) was issued a Nursing Assistant Certificate by the Board on April 28, 2017.

On or about May 1 2018, CNA self-reported to the Board that she failed to follow a care plan while working at a skilled nursing facility, which resulted in patient injury. The Board opened an investigation.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0090(3)(b)(d) and (8)(e), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

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

(3) Conduct related to client safety and integrity:

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

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

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

(e) Neglecting a person.

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

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

That the voluntary surrender of the Nursing Assistant certificate of Donna White be accepted. If, after a minimum of three years, Ms. White wishes to reinstate her Nursing

Assistant certificate, she may submit an application to the Board to request reinstatement.

CNA agrees that they will not practice as a 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, 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 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.

Donna White, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF DENIAL**
Nikolina Willingham, CNA Applicant) **OF NURSING ASSISTANT**
) **CERTIFICATE BY DEFAULT**
)
) **Reference No. 18-00643**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Certified Nursing Assistants and Applicants. Nikolina Willingham (Applicant) applied for a Nursing Assistant Certificate in the state of Oregon on April 14, 2010 and it expired on November 12, 2016. On August 4, 2017, Applicant submitted an application to reactivate her Nursing Assistant Certificate.

The Board considered this matter at its meeting on February 12, 2020.

On February 14, 2020, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged Applicant failed to disclose an arrest on her reactivation application.

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

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

**-I-
FINDINGS OF FACT**

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

1. Applicant failed to disclose a 2016 arrest for DUII and Reckless Driving on her reactivation application.
2. November 1, 2017, Board staff mailed a letter to Applicant's address of record requesting that she schedule an interview to discuss the allegations. Applicant was further instructed to send a written statement regarding the arrest and a current work history. Applicant failed to schedule an interview and did not provide the requested documents to the Board.

3. On January 15, 2018, a second letter was mailed to Applicant's address of record requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegation. Applicant was also asked to send a written statement regarding the allegations and provide a current work history. Applicant failed to schedule an interview and did not provide the requested documents to the Board.
4. On February 12, 2020, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assistant Certificate.
5. On February 14, 2020, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

II CONCLUSIONS OF LAW

1. That the Board has jurisdiction over Applicant, Nikolina Willingham, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.442(2)(c)(f) and OAR 851-063-0090(7)(c), (9)(a) and (10)(a),(b) and (c) which read as follows:
ORS 678.442 Certification of nursing assistants; rules.
(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
(c) Impairment as defined in ORS 676.303 (Purposes of health professional regulatory boards).
(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:

(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:

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

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

**III
ORDER**

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

ORDERED that the Application for a Nursing Assistant Certificate is denied.

Dated this _____ day of May 2020

FOR THE OREGON STATE BOARD OF NURSING

Kathleen Chinn, FNP-BC
Board President

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Sean Wisdom, CNA**

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

Certificate No. 200711758CNA

) **Reference No. 20-00341**

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. Sean Wisdom (CNA) was issued a Certified Nursing Assistant Certificate by the Board on August 17, 2007.

This matter was considered by the Board at its meeting on May 6, 2020.

On April 9, 2020, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Sean Wisdom was sent to CNA via certified and first-class mail to the address of record.

The Notice alleged that CNA neglected the care of patients and verbally and physically abused patients.

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

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

-I-

FINDINGS OF FACT

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

1. CNA was issued a Certified Nursing Assistant Certificate in the state of Oregon on August 17, 2007.
2. In 2018 and 2019, CNA neglected care of patients by not performing tasks in a timely manner and that CNA verbally abused patients by making rude and inappropriate comments towards or in the presence of patients.

3. On April 9, 2020, Board staff mailed a Notice of Proposed Revocation to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the CNA, Sean Wisdom, and over the subject matter of this proceeding.
2. That CNA's conduct is in violation of ORS 678.442(2)(f) and OAR 851-063-0090(1)(a), (2)(a), (3)(g) and (8)(d)(e)(h) 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:

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

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

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

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

3) Conduct related to client safety and integrity:

(g) Failing to respect the dignity and rights of the person receiving nursing services, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, other physical attributes, or disability;

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

(d) Abusing a person;

(e) Neglecting a person;

(h) Engaging in other unacceptable behavior towards or in the presence of the client.

Such behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language;

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

-III-

ORDER

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

ORDERED that the Certified Nursing Assistant Certificate of Sean Wisdom is REVOKED.

DATED this _____ day of May, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO: SEAN WISDOM:

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 Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Nancy Zavacki, RN) **CIVIL PENALTY**
)
License No. 077039118RN) **Reference No. 20-00706**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Nancy Zavacki (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on September 14, 1977.

On December 30, 2019, Licensee self-reported to the Board that she had inadvertently allowed a re-entry student to complete a portion of their clinical practice without an active Limited License. An investigation was opened into the matter.

Records show that the student was issued a Limited License by the Board on November 15, 2018, which was valid for one year. The student began completing his/her clinical hours on November 4, 2019, and completed on December 23, 2019. The student obtained 113.25 clinical hours with an expired Limited License.

Licensee failed to ensure that the student maintained an active Limited License throughout the student's entire clinical experience.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.111(1)(f), ORS 678.117, OAR 851-045-0070(2)(a) and OAR 851-045-0100(2)(f) which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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 678.448 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 678.448 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 851-045-0070 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;

OAR 851-045-0100 Imposition of Civil Penalties

(2) Civil penalties may be imposed according to the following schedule:

(f) Conduct derogatory to the standards of nursing \$1,000–\$5,000. The following factors will be considered in determining the dollar amount, to include, but not be limited to:

- (A) Intent;
- (B) Damage and/or injury to the client;
- (C) History of performance in current and former employment settings;
- (D) Potential danger to the public health, safety and welfare;
- (E) Prior offenses or violations including prior complaints filed with the Board and past disciplinary actions taken by the Board;
- (F) Severity of the incident;
- (G) Duration of the incident; and
- (H) Economic impact on the person.

Licensee wishes to cooperate with the Board in this matter.

Licensee has no disciplinary history with the Board, Licensee has never practiced with an expired license, prior to this incidence, Licensee has never allowed a re-entry student to complete their clinical hours without an active license.

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

Based on the evidence and mitigating factors she Board imposes a civil penalty against Licensee in the amount of \$250.00

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.

This Civil Penalty shall become due and payable within ten (10) days from the date this Stipulated Order is issued by the Board of Nursing. For Stipulated Orders served by certified mail, the Order is issued on the date that it is mailed.

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.

Nancy Zavacki, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

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

3 **In the Matter of**) **OAH Case No. 2019-ABC-02697**
4 **IZABELLA ZOBOVA**) **Agency Case No. 19-00165**
5 **License No. 201600075RN**) **STIPULATED ORDER FOR**
6) **VOLUNTARY SURRENDER**

7 The Oregon State Board of Nursing (Board) is the state agency responsible for licensing,
8 regulating and disciplining certain health care providers, including Registered Nurses. Izabella
9 Zobova (Licensee) was issued a Registered Nurse license by the Board on January 6, 2016 and
10 expired on October 1, 2019.

11 In August 2018, Licensee was reported to the Board for alleged physical abuse of a
12 patient. The Board opened an investigation into the matter. The Board alleged in a Notice of
13 Proposed Discipline issued April 17, 2019, that Licensee injured patients with a medical laser
14 and failed to follow employer protocols on occasions from July 2017 through March 2018.

15 The Board additionally alleged that Licensee physically abused a patient with a pen on or
16 about August 3, 2018 or Licensee injured a patient with a pen in multiple areas of their body by
17 recklessly using it to point to different areas of their body. The Board further alleged that
18 Licensee was dishonest about the above-mentioned incident on or about August 3, 2018 when
19 Licensee's supervisor inquired about it. The Board also alleged that on or about August 3, 2018,
20 Licensee received a report of another patient being physically abused and failed to report this
21 incident as required.

22 The Board alleged that the above conduct was in violation of ORS 678.111(1)(b), (d), (f)
23 and (g) and OAR 851-045-0070(1)(a) or (1)(b),(2)(a), (8)(f)(g) or (8)(d) which provide as
24 follows:
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26 Page 1 of 4 – **STIPULATED ORDER FOR VOLUNTARY SURRENDER** (*In the Matter of Izabella
Zobova,*
OAH No. 2019-ABC-02697, Agency No. 19-00165)

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

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

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

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

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

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

17
18 **OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined**

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

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

23 (a) Demonstrated incidents of violent, abusive, intimidating, neglectful or reckless
24 behavior; or

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

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Zobova,*
OAH No. 2019-ABC-02697, Agency No. 19-00165)

- 1 (2) Conduct related to achieving and maintaining clinical competency;
2 (a) Failing to conform to the essential standards of acceptable and prevailing
3 nursing practice.
4 Actual injury need not be established;
5 (8) Conduct related to other federal or state statute or rule violations;
6 (f) Failing to report actual or suspected incidents of client abuse to the appropriate
7 state agencies;
8 (g) Failing to report actual or suspected incidents of client abuse or neglect
9 through the proper channels in the workplace;
10 Or;
11 (8) Conduct related to other federal or state statute or rule violations;
12 (d) Abusing a client.

13
14 Licensee and the Board wish to resolve this matter without an administrative hearing.
15 Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to
16 by Licensee:

17 **That the voluntary surrender of the Registered Nurse license of Izabella Zobova be**
18 **accepted. Izabella Zobova agrees that they will never at any time in the future apply for**
19 **the reinstatement of their Registered Nurse license or any other form of licensure issued**
20 **under the jurisdiction of the Oregon State Board of Nursing.**

21 Licensee agrees that they will not practice in the State of Oregon as a Registered Nurse
22 from the date they sign this Stipulated Order.

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

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26 Page 3 of 4 – **STIPULATED ORDER FOR VOLUNTARY SURRENDER** (*In the Matter of Izabella
Zobova,*
OAH No. 2019-ABC-02697, Agency No. 19-00165)

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

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

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

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10 _____
Izabella Zobova

_____ Date

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ORDER

14 IT IS SO ORDERED:

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

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Kathleen Chinn, FNP-BC
Board President

_____ Date

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