BEFORE THE OREGON
STATE BOARD OF NURSING

) STIPULATED ORDER FOR
Eldon Acord, CNA ) SUSPENSION OF CERTIFICATE
) AND CIVIL PENALTY
Certificate No. 200212884CNA ) Reference No. 18-01857

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. Eldon Acord (Licensee) was issued a Certified Nursing Assistant Certificate by the Board on October 28, 2002.

On or about June 6, 2018, the Board received information that CNA Acord had talked negative about a patient, did not assist a patient when their call light had been on for a substantial amount of time, and failed to be truthful during a Board’s investigation.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(f), and OAR 851-063-0090(1)(a),(b), (2)(a), (3)(a), (8)(e), and (10)(b).

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, negligent or reckless behavior; or
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

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

(3) Conduct related to client safety and integrity:
(a) Failing to take action to preserve or promote a person’s safety based on nursing assistant knowledge, skills, and abilities;
(8) Conduct related to other federal or state statutes/rule violations:
(e) Neglecting a person;

(10) Conduct related to the certification holder’s relationship with the Board:
(b) Failing to answer truthfully and completely any question asked by the Board on an application for certification, renewal of certification, during the course of an investigation, or any other question asked by the Board;

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

ORS 678.117 Procedure for imposing civil penalty; amount; rules.
(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.445 or any rule of the board. No civil penalty shall exceed $5,000.
(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
(a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.
(b) The economic and financial conditions of the person incurring the penalty.
(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.
(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.
(5) All penalties recovered under this section shall be credited to the special account described in ORS 678.170.

OAR 851-045-0100 Imposition of Civil Penalties
(2) Civil penalties may be imposed according to the following schedule:
(a) Practicing nursing as a Licensed Practical Nurse (LPN), Registered Nurse (RN), Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA) or Clinical Nurse Specialist (CNS) without a current license or certificate or Board required concurrent national certification; or prescribing, dispensing, or distributing drugs without current prescription writing authority, due to failure to renew and continuing to practice: $50 per day, up to $5,000.

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

That the Board impose a civil penalty against Licensee in the amount of $500.00, and the Certified Nursing Assistant certificate of Eldon Acord be SUSPENDED for 30 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.

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 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.

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, he 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 him to sign this Order.

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

Licensee shall make monthly payments of not less than $100.00 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 5th day of every month until the whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224; alternatively, payment may be made by phone at 971-673-0685.

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

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

______________________________  ________________________________
Eldon Acord, CNA                      Date
ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________  _______________________
Kathleen Chinn, FNP-BC          Date
Board President

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

In the Matter of  )  STIPULATED ORDER FOR
Hannah Bampton, NP  )  PROBATION of REGISTERED NURSE
)  AND NURSE PRACTITIONER LICENSES
License No. 202001472NP-PP,  )  Reference No. 21-00512
202001466RN

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. On February 13, 2020, the Oregon State Board of Nursing (Board) issued Registered Nurse and Nurse Practitioner licenses by endorsement from California.

On December 4, 2020, the Board learned that Licensee was investigated by the California Board of Registered Nurses in May 2019, for impairment in the workplace. On or about July 18, 2019, Licensee entered the California Board’s Intervention Program, a confidential monitoring program.

On May 4, 2020, Licensee was terminated from the California Board’s confidential Intervention Program for failure to comply with the requirements of the program, out of concern for public safety. On September 20, 2020, the California Board issued a notice proposing to revoke Licensee’s California Registered Nurse license. Licensee did not respond to the notice, and Licensee’s California Registered Nurse license was revoked by default on December 4, 2020.

On December 15 and 19, 2019, Licensee submitted initial applications for Registered Nurse and Nurse Practitioner licenses by endorsement to the Oregon State Board of Nursing. Licensee inaccurately answered “No” to the application questions asking about impairment by use of alcohol or use of prescription drugs; whether she had been in treatment for substance use disorder; and whether she had been part of any confidential monitoring program. Licensee also answered “No” to the application question asking whether she had ever been investigated for any alleged violation of any state or federal law, rule, or practice standard regulating a health care profession, including pending investigations.

On October 2, 2020, Licensee submitted renewal applications for her Oregon RN and NP licenses. Licensee failed to answer accurately to the questions about use of substances within the past two years, and about past or pending investigations. Licensee stated that she was unaware of the ongoing investigation by the California Board and of their proposed disciplinary actions.

In November and December 2020 Licensee experienced relapses with alcohol. Licensee has obtained an assessment by a Board-approved evaluator and hereby agrees to engage in treatment as recommended.
By the above actions, Licensee is subject to discipline pursuant to 678.111 (e)(f)(h) and 851-045-0070 (7)(c) and (10)(b) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
   (e) Impairment as defined in ORS 676.303.
   (f) Conduct derogatory to the standards of nursing.
   (h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of such revocation or suspension.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
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:
   (b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board[.]

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

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

Page 2 of 6 - Stipulated Order for Probation; 21-00512
Licensee must comply with the following terms and conditions of probation:

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

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

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

4) Licensee shall maintain an active license.

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

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

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

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

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

10) Licensee shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Licensee’s practice and provide assistance and who has taken the required Board approved Monitor/Supervisor training. Licensee shall be employed in a setting where Licensee’s nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11) Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee’s employer, shall inform Board staff of any instance of Licensee’s non-compliance with the terms and conditions of this Stipulated Order or of any other concern there may be regarding Licensee’s work-related conduct or personal behavior that may affect Licensee’s ability to perform the duties of a nurse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

_________________________________________  _______________________________
Hannah Bampton, NP                  Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_________________________________________  _______________________________
Kathleen Chinn, FNP-BC                  Date
Board President

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

In the Matter of ) STIPULATED ORDER FOR
Connie Buck, NP ) PROBATION

License No. 201901366NP-PP, ) Reference No. 21-00287
201900804RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners and Registered Nurses. Connie Buck (Licensee) was issued a Nurse Practitioner License by the Board on February 20, 2019 and was issued a Registered Nurse License on January 01, 2019.

On or about October 2, 2020, the Board received information that Licensee pled no contest in Wyoming in August 2020 to one count of felony stalking and one count of misdemeanor identity theft. Licensee pled guilty in Wyoming in October 2015 to misdemeanor stalking.

Subsequently, the Board obtained information that Licensee prescribed medications to herself on one occasion.

On February 9, 2021, Licensee entered into a probation agreement with the Wyoming Board of Nursing. On March 16, 2021, Licensee entered into a probation agreement with the Montana Board of Nursing. On May 5, 2021, Licensee entered into a probation agreement with the Iowa Board of Nursing. As of June 21, 2021, Licensee has unencumbered Registered Nurse and Advanced Registered Nurse Practitioner licenses in Washington.

Licensee’s conduct implicates the following statutes and rules:

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:
(a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
(f) Conduct derogatory to the standards of nursing.

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:

(1) Conduct related to general fitness to practice nursing:
(a) Demonstrated incidents of violent, abusive, intimidating, neglectful or reckless behavior; or
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

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

(8) Conduct related to other federal or state statute or rule violations:
(k) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled medications to any person, including self, except as directed by a person authorized by law to prescribe medications;
(q) Failing to dispense or administer medications in a manner consistent with state and federal law;

(11) Conduct related to advanced practice nursing:
(b) Prescribing for or dispensing medications to one’s self;

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

The Nurse Practitioner License and Registered Nurse License of Connie Buck be placed on Probation. Licensee’s compliance with this agreement will be monitored by the Board from the date of the Board’s signature.

On February 9, 2021, Licensee entered into a one-year probation agreement with the Wyoming Board of Nursing. While on probation with Wyoming, Licensee must comply with the following terms and conditions of probation with this Board:

1.1 Licensee must comply with her probation agreement with the Wyoming Board of Nursing. Licensee agrees that any violation of the Wyoming probation agreement constitutes a violation of this agreement and could be a basis for further discipline in Oregon.

1.2 Licensee shall immediately report any allegation of non-compliance with the Wyoming probation agreement to Board staff.
1.3 Licensee shall ensure that the Oregon State Board of Nursing receives quarterly updates from Wyoming regarding Licensee’s compliance with the Wyoming probation agreement.

1.4 While on probation with the Wyoming Board of Nursing, Licensee must not prescribe for Oregon residents.

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

1.6 Successful completion of the Wyoming probation will be considered successful completion of this probation. Licensee must provide proof of successful completion of the Wyoming probation to Oregon State Board of Nursing staff.

1.7 Licensee shall cooperate fully with Oregon State Board of Nursing staff in the supervision and investigation of Licensee’s compliance with the terms and conditions of this Stipulated Order.

If Licensee returns to practice in Oregon prior to successfully completing probation with Wyoming, Licensee must provide the Board with fourteen (14) calendar days’ advance notice and must comply with the following terms and conditions of probation:

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

2.2 Licensee shall have twenty-four (24) months from the date she begins practicing in Oregon to complete twelve (12) months of monitored practice.

2.3 Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period. This includes notifying Board staff when there is a change in status of employment, including resignations and terminations.

2.4 Licensee shall maintain active Registered Nurse and Nurse Practitioner licenses.

2.5 Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee is competent. Limited overtime may be approved on occasion.

2.6 Licensee shall appear in person, by phone, or by email, 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.

2.7 Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
2.8 Licensee will not look for, accept, or begin a new nursing position without prior approval from Board staff. This includes changes of the employer itself, or changes within the facility or institution.

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

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

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

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

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

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

2.15 Licensee shall participate in and comply with any treatment recommendations set forth by Licensee’s current treatment provider. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee’s completion certificate or discharge summary.

2.16 Licensee shall not prescribe for Oregon residents while on probation. After six (6) months of successful compliance with this probation agreement, Licensee may
petition Board staff to be able to prescribe. The determination of whether to grant Licensee’s petition requesting to resume prescribing shall be at the discretion of the Board staff.

2.17 Licensee shall cease practicing as a nurse if there are concerns about Licensee’s ability to safely practice, or at the request of Board staff because of non-compliance with the terms and conditions of the Board Order. Practice may resume only when approved in writing by Board staff, in consultation with Licensee’s employer.

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

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

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

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

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

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

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

Licensee understands that this Stipulated Order is a document of public record.
IT IS SO AGREED:

Connie Buck, NP  
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC  
Board President  
Date

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

In the Matter of                         ) STIPULATED ORDER FOR
Kate DeBellis, RN                         ) PROBATION
                                             )
License No. 201909221RN ) Reference No. 21-00810

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

In January and February 2021, Licensee removed and wasted prescription medications unnecessarily/inappropriately, often without first inquiring with patients if they needed “as needed” medications and did not return (as oppose to waste) medications when appropriate.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(a)(c), (3)(b), (8)(k) which provide as follows:

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintaining clinical competency:
   (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
   (c) Accepting an assignment when individual competency necessary to safely perform the assignment have not been established or maintained.
(3) Conduct related to the client’s safety and integrity:
   (b) Failing to take action to preserve or promote the client’s safety based on nursing assessment and judgment;
(8) Conduct related to other federal or state statute or rule violations:
   (k) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled medications to any person, including self, except as directed by a person authorized
by law to prescribe medications;

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

That the Registered Nurse license of Kate DeBellis of be placed on Probation. The Licensee’s compliance with this agreement will be monitored by the Board from date of signature on the Stipulated Order. Licensee must complete a twelve (12) month period of probation to begin upon Licensee’s return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether Licensee is competent. Limited overtime may be approved on occasion.

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

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

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

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

4) Licensee shall maintain an active license.

5) Licensee shall complete the following course: “Ethics of Nursing Practice”. The course shall be pre-approved by Board staff, and Licensee shall provide proof of completion of the course either through a certificate of completion or transcript. Should Licensee fail to complete the course within 30 days of the date this Stipulated Order is approved by the Board, Licensee shall be referred back to the Board for consideration of further disciplinary action.

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

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

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

9) Licensee will not look for, accept, or begin a new nursing position without the approval of Board staff. This includes changes of the employer itself or changes within the facility or
10) Licensee shall inform current and prospective employers of the probationary status of Licensee’s license, the reasons for Licensee’s probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee’s probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.

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

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

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

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

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

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

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

18) Licensee shall participate in the Board’s random drug testing program for a minimum of 180 days and until Licensee receives written approval from Board staff to no longer participate. Failure to comply with random urine, blood, hair, nail, or any other requested drug
test shall result in Licensee’s immediate removal from nursing practice. Licensee shall submit to observed tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee’s employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Stipulated Order. Upon request of Board staff, Licensee shall obtain a substance use disorder evaluation by a Board approved third party evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee’s failure to maintain an account in good standing with the Board’s laboratory vendor shall be considered a violation of this Stipulated Order.

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

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

21) Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee’s healthcare providers and release Licensee’s medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.

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

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

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

Licensee also understands that in the event Licensee engages in future conduct resulting in violations of the law or terms of probation the Board may take further disciplinary action against Licensee’s license, up to and including revocation of Licensee’s license to practice as a Registered Nurse.
Licensee understands that this Stipulated Order will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

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

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

__________________________________________
Kate DeBellis, RN

__________________________________________
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________
Kathleen Chinn, FNP-BC
Board President

__________________________________________
Date

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

In the Matter of ) STIPULATED ORDER FOR
Randall Foster, RN ) REPRIMAND OF LICENSE
) AND CIVIL PENALTY
License No. 201706423RN ) Reference No. 21-00723

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse Licenses. Randall Foster (Licensee) was issued a Registered Nurse License by the Board on August 10, 2017.

Between January 2017 and February 2021, Licensee was employed at a rural hospice facility providing nursing services to hospice patients.

On or about February 5, 2021, the Board received information that Licensee had engaged in the practice of removing unused prescription medication, including controlled substances, from patients who had passed away or left hospice services, returning the medications to her workplace and falsely documenting that the medications were expired or wasted.

The returned medications were stored in the Executive Director’s office for the purpose of having medications available to provide to other hospice patients who had prescriptions for a certain medication but whose medication had not arrived from the pharmacy.

The practices described above were based on direction from the facility’s Executive Director. Licensee acknowledges engaging in the practice described above. Licensee did not raise concerns about the practices to the appropriate parties.

Licensee will complete the following education from National Council of State Boards of Nursing by July 12, 2021:

- Documentation: A Critical Aspect of Client Care;
- End-of-Life Care & Pain Management;
- Ethics of Nursing Practice;
- Professional Accountability & Legal Liability for Nurses;
- Righting A Wrong – Ethics & Professionalism in Nursing; and,
- Sharpening Critical Thinking Skills.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f) and OAR 851-045-0070(1)(b), (2)(a), (3)(j), (4)(a)(c)(E) and (8)(j)(k)(q) which reads as follows:

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(1) Conduct related to general fitness to practice nursing:
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
(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:
(j) Failing to report through proper channels, facts known regarding the incompetent, unethical, unsafe or illegal practice of any health care provider pursuant to ORS chapter 676.
(4) Conduct related to communication:
(a) Failure to accurately document nursing interventions and nursing practice implementation
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
(E) Falsifying data;
(8) Conduct related to other federal or state statute or rule violations:
(a) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of nurses or other health care providers;
(j) Stealing money, property, services or supplies from the client;
(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;
(q) Failing to dispense or administer medications in a manner consistent with state and federal law.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117 (1), (2)(a)(b), (3), (4) and (5) and OAR 851-045-0100 (2)(f)(A)(F)(G) which provide as follows:

ORS 678.117 Procedure for imposing civil penalty; amount; rules.
(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.445 or any rule of the board. No civil penalty shall exceed $5,000.
(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
(a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.
(b) The economic and financial conditions of the person incurring the penalty.
(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and
conditions as the board considers proper and consistent with the public health and safety.
(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.
(5) All penalties recovered under this section shall be credited to the special account described
in ORS 678.170.

**OAR 851-045-0100 Imposition of Civil Penalties**

(2) Civil penalties may be imposed according to the following schedule:
(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;
(F) Severity of the incident;
(G) Duration of the incident.

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

**That the Board impose a Civil Penalty against Licensee in the amount of $2,500.00, and
the Registered Nurse License of Randall Foster be reprimanded.**

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

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

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

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

**For Civil Penalty Payment Plan:**
Licensee shall make monthly payments of not less than $105.00 in any one payment, the first
payment is to be received by the Board within twenty (20) days from the date Licensee’s
signature on this Stipulation and thereafter, a payment on the 15th day of every month until the
whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at
17938 SW Upper Boones Ferry Road, Portland, OR 97224; alternatively, payment may be
made by phone at 971-673-0685.
**For Civil Penalty Lump Sum Payment:**
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

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 and Civil Penalty.

______________________________  ________________________________  
Randall Foster, RN                      Date

**ORDER**

**IT IS SO ORDERED:**

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

______________________________  ________________________________  
Kathleen Chinn, FNP-BC           Date

Board President
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Victoria Gentry, LPN ) CIVIL PENALTY
) Reference No. 19-01223

License No. 201390707LPN

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. Victoria Gentry (Licensee) was issued a Licensed Practical Nurse License by the Oregon State Board of Nursing on July 15, 2013.

On or about April 11, 2019, the Board received a complaint alleging Licensee failed to properly administer methadone while working at Cedar Sinai Park.

On March 13, 2020, the Board issued Licensee a Final Order of Suspension for Failure to Cooperate with the Board during an investigation. It was also learned that the Licensee practiced nursing a total of three days after the Final Order of Suspension was issued.

Licensee has agreed to a Stipulated Order for $500 Civil Penalty for practicing nursing with a suspended license, in addition to the practice concerns found during the investigation.

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

ORS 678.021 License required to practice nursing. It shall be unlawful for any person to practice nursing or offer to practice nursing in this state or to use any title or abbreviation, sign, card or device to indicate the person is practicing either practical or registered nursing unless the person is licensed under ORS 678.010 to 678.410 at the level for which the indication of practice is made and the license is valid and in effect.

STATUTES AND RULES RELATED TO THIS CASE
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.
(a) Resorting to fraud, misrepresentation or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, obtaining initial licensure or certification, or renewal of licensure or certification;

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

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

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

(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.445 or any rule of the board. No civil penalty shall exceed $5,000.
(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
(a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.
(b) The economic and financial conditions of the person incurring the penalty.
(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.
(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.
(5) All penalties recovered under this section shall be credited to the special account described in ORS 678.170.

OAR 851-045-0100 Imposition of Civil Penalties
(2) Civil penalties may be imposed according to the following schedule:
(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;
(F) Severity of the incident;
(G) Duration of the incident.

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:

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

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

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

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

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

Licensee shall make monthly payments of not less than $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 20th day of every month until the whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224.

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 Civil Penalty.
ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________  _________________________________________
Victoria Gentry, LPN                                      Date

________________________________________  _________________________________________
Kathleen Chinn, FNP-BC                                      Date
Board President

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

In the Matter of
Aletha Gibson, LPN

) STIPULATED ORDER FOR
) REPRIMAND OF LICENSE

License No. 202005504LPN ) Reference No. 21-00824

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. Aletha Gibson (Licensee) was issued a Licensed Practical Nurse License by the Board on July 07, 2020.

On or about March 24, 2021, the Board received information that Licensee had requested that a medication tech working the night shift pre-pour and store the morning medications the licensee was scheduled to administer the following morning. The licensee administered the pre-poured medications to residents with no way to verify what medications were being administered.

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

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 judgement

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

**That the Licensed Practical Nurse License of Aletha Gibson 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 serious nature and, if continued, constitutes a danger to public health and safety.

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

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

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

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

__________________________  ____________________________
Aletha Gibson, LPN                    Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________  ____________________________
Kathleen Chinn, FNP-BC            Date
Board President

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

In the Matter of ) STIPULATED ORDER FOR
Megan Griffin, RN ) PROBATION
)

License No. 201242022RN ) Reference No. 21-00767

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

On or about March 02, 2021, the Board received information that Licensee was impaired in the workplace and failed to dispense medication to patients according to orders. Licensee’s employer asked her to submit to a “for cause” drugs screening which she declined to provide.

On April 09, 2021, Board staff met with Licensee who admitted she abuses Dextromethorphan and was impaired in her workplace. She agreed to obtain a new Substance Use Disorder evaluation and obtain treatment in accordance with the treatment provider’s recommendation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (e)(f) and OAR 851-045-0070 (1)(a), (7)(b)(c), (8)(q) Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee.

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

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

(1) Conduct related to general fitness to practice nursing:
(a) Demonstrated incidents of violent, abusive, intimidating, neglectful, or reckless behavior.

(7) Conduct related to impaired function:
(b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance; or
(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering
substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.

(8) Conduct related to other federal or state statute or rule violations:
(q) Failing to dispense or administer medications in a manner consistent with state and federal law;

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

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

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

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

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

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

4) Licensee shall maintain an active license.

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

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

7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8) Licensee will not look for, accept, or begin a new nursing position without prior approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

__________________________________________  __________________________
Megan Griffin, RN  Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Nancy Kalvelage, NP ) REPRIMAND OF LICENSES
( )

License No. 000030095N7, 000030095RN ) Reference No. 21-00071

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. Nancy Kalvelage (Licensee) was issued a Registered Nurse license by the Board on August 31, 1972 and a Nurse Practitioner license by the Board on April 28, 1977.

On or about July 18, 2020, the Board received reports alleging that Licensee had conducted unnecessary exams. An investigation was opened into the matter.

Through the course of the Board’s investigation, several patient records were reviewed. The records showed that Licensee was not following the most recent practice guidelines in caring for her patients which resulted in unnecessary examinations and tests and not documenting vital signs.

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

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintaining clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
(4) Conduct related to communication:
(C) Failing to document information pertinent to a client’s 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 and Nurse Practitioner licenses of Nancy Kalvelage 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 Nurse Practitioner License.

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

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

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

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

_________________________  __________________________
Nancy Kalvelage, NP        Date
ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_________________________________________  ________________________________
Kathleen Chinn, FNP-BC                Date
Board President

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

In the Matter of ) STIPULATED ORDER FOR
Steven Kennimer, RN ) PROBATION

License No. 200241434RN ) Reference No. 21-00943

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 Applicants for Registered Nurse (RN) license. Steven Kennimer was issued an RN license by the Oregon State Board of Nursing on June 27, 2002. The license expired on March 18, 2009. On January 12, 2021, Steven Kennimer (Licensee) applied for reinstatement of the RN license by endorsement from Texas.

Licensee disclosed arrests for Driving Under the Influence of Intoxicants (DUII) in Oregon in 2007 and in Texas in 2015, and completed diversion programs with treatment for alcohol use. Licensee entered a non-disciplinary monitoring program for the Texas Board of Nursing in 2016, but failed to fully comply with the monitoring agreement, and in 2017 Licensee’s Texas RN license was placed on probation. While on probation, Licensee tested positive for methamphetamine twice in October 2017. As a result, his Texas RN license was placed on indefinite suspension in March 2018.

Licensee moved to Oregon in 2018 and subsequently entered treatment for substance use disorder. The Board has obtained documentation of treatment, rehabilitation and sustained abstinence from substances since June 21, 2019, and documented evidence of a lifestyle which prioritizes abstinence and recovery support.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(h) 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:
   (h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of such revocation or suspension.
Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

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

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

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

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

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

4) Licensee shall maintain an active license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23) Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee’s compliance with the terms and conditions of this Stipulated Order.
Licensee understands that the conduct resulting in the violations of law described in this Stipulated Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

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

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

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

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

IT IS SO AGREED:

________________________________________________________________________
Steven Kennimer, RN
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________________________________________
Kathleen Chinn, FNP-BC
Board President
Date

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

In the Matter of ) STIPULATED ORDER FOR
Jamie Macdonald, CNA ) VOLUNTARY SURRENDER

Certificate No. 202003341CNA ) Reference No. 21-01035

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. Jamie Macdonald (Licensee) was issued a Certified Nursing Assistant Certificate by the Board on May 06, 2020.

On or about May 28, 2021, the Board received information that CNA Macdonald had physically abused a patient and caused injury requiring EMS.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(f) and OAR 851-063-0090(1)(a) and (8)(d).

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; or

(8) Conduct related to other federal or state statutes/rule violations:
(d) Abusing a person;

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

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:
That the voluntary surrender of the Certified Nursing Assistant certificate of Jamie Macdonald be accepted. If, after a minimum of three years, Ms. Macdonald wishes to reinstate their Certified Nursing Assistant certificate, Jamie Macdonald may submit an application to the Board to request reinstatement.

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

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

CNA understands that by signing this Stipulated Order, Jamie Macdonald 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.

__________________________________________
Jamie Macdonald, CNA                Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________
Kathleen Chinn, FNP-BC                Date
Board President

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

In the Matter of Ashley Malone, CNA ) STIPULATED ORDER FOR
Certificate No. 202007802CNA ) REPRIMAND

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Ashley Malone (CNA) was issued a Nursing Assistant certificate by the Board on August 28, 2020.

On multiple occasions in 2021, CNA verbally abused residents who were deaf and/or suffered from dementia.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(d)(f) and OAR 851-063-0090(1)(a), (3)(g), (8)(d)(h) 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:
(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
(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;
(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

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

**That the Nursing Assistant certificate of Ashley Malone be reprimanded.**

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

CNA understands that in the event 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 Nursing Assistant.

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

CNA understands that by signing this Stipulated Order, 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 for Reprimand.

---

Ashley Malone, CNA
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President
Date

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

In the Matter of) FINAL ORDER OF SUSPENSION
Rebecca Marr, CNA) OF NURSING ASSISTANT
) CERTIFICATE BY DEFAULT FOR
) FAILURE TO COOPERATE

Certificate No. 202101955CNA) Reference No. 21-00912

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. Rebecca Marr (CNA) was issued a Nursing Assistant certificate by the Board on March 02, 2021.

This matter was considered by the Board at its meeting on July 14, 2021.

On May 28, 2021, a Notice stating that the Board intended to suspend the Nursing Assistant certificate of CNA was sent to the address of record via certified and first-class mail. The Notice alleged that Rebecca Marr failed to cooperate with the Board during the course of an investigation.

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 March 02, 2021.

2. On or about April 19, 2021, CNA was reported to the Board for alleged patient abandonment, patient neglect, and exhibiting general poor performance of duties including missing or inadequate documentation. The Board opened an investigation into the matter.
3. On May 06, 2021, Board staff emailed and mailed a letter to CNA’s addresses of record requesting that an interview be scheduled to discuss the allegations. CNA was further instructed to send a written statement regarding the allegations and a current work history. CNA failed to schedule an interview and did not provide any documents to the Board.

4. On May 21, 2021, a second letter was mailed to CNA’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to provide a current work history and a written statement regarding the allegations. CNA failed to schedule an interview and did not provide any documents to the Board.

5. On May 28, 2021, Board staff left CNA a voicemail at their telephone number of records asking to be contacted and for CNA comply with the above-mentioned previous requests. CNA failed to contact Board staff or schedule an interview and did not provide any documents to the Board.

6. On May 28 2021, Board staff mailed a Notice of Proposed Suspension of Nursing Assistant Certificate to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

7. CNA failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, CNA’s opportunity to request a hearing has expired resulting in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the CNA, Rebecca Marr, and over the subject matter of this proceeding.

2. That CNA’s failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(d)(f) and OAR 851-063-0090(10)(a)(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:
(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:

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

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 Rebecca Marr 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 Rebecca Marr has fully cooperated with the Board’s investigation. Should the Board reinstate the Nursing Assistant certificate of Rebecca Marr, the CNA would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of July, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO REBECCA MARR:

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 Cheryle Marshall, CNA

) FINAL ORDER OF SUSPENSION
) OF NURSING ASSISTANT
) CERTIFICATE BY DEFAULT FOR
) FAILURE TO COOPERATE

Certificate No. 200910128CNA ) Reference No. 21-00461

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. Cheryle Marshall (CNA) was issued a Nursing Assistant certificate by the Board on January 15, 2009.

This matter was considered by the Board at its meeting on July 14, 2021.

On June 24, 2021, a Notice stating that the Board intended to suspend the Nursing Assistant certificate of CNA was sent to the address of record via certified and first-class mail. The Notice alleged that Cheryle Marshall failed to cooperate with the Board during the course of an investigation.

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 January 15, 2009.

2. On November 16, 2020, the Board received a Nursing Assistant certificate renewal application from CNA on which they disclosed a pending criminal charge of Driving Under the Influence of Intoxicants (DUII). The Board opened an investigation into the matter.
3. On March 26, 2021, Board staff mailed and emailed a letter to CNA’s addresses of record requesting that an interview be scheduled to discuss the allegations. CNA was further instructed to send a current work history. CNA failed to schedule an interview and did not provide any documents to the Board.

4. On April 23, 2021, a second letter was sent to CNA’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to provide a current work history. CNA failed to schedule an interview and did not provide any documents to the Board.

5. On April 30, 2021, Board staff called CNA who verbally agreed to schedule a telephonic interview the following week. CNA failed to schedule an interview and did not provide any documents to the Board.

6. On June 24, 2021, Board staff mailed a Notice of Proposed Suspension 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.

7. CNA failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, CNA’s opportunity to request a hearing has expired resulting in default.

- II -

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the CNA, Cheryle Marshall, and over the subject matter of this proceeding.

2. That CNA’s failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(d)(f) and OAR 851-063-0090(10)(a)(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:
(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:

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

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 Cheryle Marshall 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 Cheryle Marshall has fully cooperated with the Board’s investigation. Should the Board reinstate the Nursing Assistant certificate of Cheryle Marshall, the CNA would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of July, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO CHERYLE MARSHALL:

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
Kathleen McLean, RN ) VOLUNTARY SURRENDER
) Reference No. 21-01074

License No. 200741034RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kathleen McLean (Licensee) was issued a Registered Nurse License by the Board on April 26, 2007.

On August 29, 2018, the Board received a reactivation from Licensee wanting to reactivate her Registered Nurse license after it was revoked in 2015. Along with the application, she provided documentation of chemical dependency treatment and sustained sobriety.

On July 10, 2019, her registered Nurse license was issued and placed on twenty four (24) months of probation. She was given thirty six (36) months to acquire the 24 months of employer quarterly reports to successfully complete. Licensee has not been able to obtain a nursing position and has come to the end of her thirty six (36) months without the needed employer quarterly reports.

Licensee’s registered nurse license expires on June 23, 2021, and she does not have the 960 hours, needed to renew her license. Licensee requests to voluntarily surrender her license.

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

ORS-678-111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such conditions as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.
OAR 851-045-0070 Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepting standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to the following:
(10) Conduct related to the Licensee’s relationship with the Board.
(d) Violating the terms and conditions of a Board order.
Licensee wishes to cooperate with the Board in this matter and voluntarily surrender their Registered Nurse license.

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

That the voluntary surrender of the Registered Nurse license of Kathleen McLean be accepted. If, after a minimum of three years, Ms. McLean wishes to reinstate their Registered Nurse license, Kathleen McLean 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, Kathleen McLean 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.

______________________________  ________________________________
Kathleen McLean, RN             Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________  ________________________________
Kathleen Chinn, FNP-BC          Date
Board President

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

In the Matter of ) STIPULATED ORDER FOR
Flora Meisner, RN ) REPRIMAND OF LICENSE
) AND CIVIL PENALTY
License No. 088000566RN ) Reference No. 21-00724

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse Licenses. Flora Meisner (Licensee) was issued a Registered Nurse License by the Board on August 29, 1988.

Between January 2017 and February 2021, Licensee was employed at a rural hospice facility providing nursing services to hospice patients.

On or about February 5, 2021, the Board received information that Licensee had engaged in the practice of removing unused prescription medication, including controlled substances, from patients who had passed away or left hospice services, returning the medications to her workplace and falsely documenting that the medications were expired or wasted.

The returned medications were stored in the Executive Director’s office for the purpose of having medications available to provide to other hospice patients who had prescriptions for a certain medication but whose medication had not arrived from the pharmacy.

The practices described above were based on direction from the facility’s Executive Director. Licensee acknowledges engaging in the practice described above. Licensee did not raise concerns about the practices to the appropriate parties.

Licensee will complete the following education from National Council of State Boards of Nursing by July 12, 2021:

- Documentation: A Critical Aspect of Client Care;
- End-of-Life Care & Pain Management;
- Ethics of Nursing Practice;
- Professional Accountability & Legal Liability for Nurses;
- Righting A Wrong – Ethics & Professionalism in Nursing; and,
- Sharpening Critical Thinking Skills.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f) and OAR 851-045-0070(1)(b), (2)(a), (3)(j), (4)(a)(c)(E) and (8)(j)(k)(q) which reads as follows:

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

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

(1) **Conduct related to general fitness to practice nursing:**
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

(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:**
(j) Failing to report through proper channels, facts known regarding the incompetent, unethical, unsafe or illegal practice of any health care provider pursuant to ORS chapter 676.

(4) **Conduct related to communication:**
(a) Failure to accurately document nursing interventions and nursing practice implementation
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
(E) Falsifying data;

(8) **Conduct related to other federal or state statute or rule violations:**
(a) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of nurses or other health care providers;
(j) Stealing money, property, services or supplies from the client;
(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;
(q) Failing to dispense or administer medications in a manner consistent with state and federal law.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117 (1), (2)(a)(b), (3), (4) and (5) and OAR 851-045-0100 (2)(f)(A)(F)(G) which provide as follows:

ORS 678.117 Procedure for imposing civil penalty; amount; rules.
(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.445 or any rule of the board. No civil penalty shall exceed $5,000.
(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
(a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.
(b) The economic and financial conditions of the person incurring the penalty.
(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and
conditions as the board considers proper and consistent with the public health and safety.
(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.
(5) All penalties recovered under this section shall be credited to the special account described
in ORS 678.170.

OAR 851-045-0100 Imposition of Civil Penalties
(2) Civil penalties may be imposed according to the following schedule:
(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;
(F) Severity of the incident;
(G) Duration of the incident.

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

That the Board impose a Civil Penalty against Licensee in the amount of $1,250.00 and
the Registered Nurse License of Flora Meisner 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.

For Civil Penalty Payment Plan:
Licensee shall make monthly payments of not less than $42.00 in any one payment, the first
payment is to be received by the Board within twenty (20) days from the date Licensee’s
signature on this Stipulation and thereafter, a payment on the 15th day of every month until the
whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at
17938 SW Upper Boones Ferry Road, Portland, OR 97224; alternatively, payment may be
made by phone at 971-673-0685.
For Civil Penalty Lump Sum payment:
The 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 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 and Civil Penalty.

______________________________  ________________________________
Flora Meisner, RN                     Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

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

In the Matter of ) STIPULATED ORDER FOR
Michelle Muri, RN ) VOLUNTARY SURRENDER
 )
License No. 202104550RN ) Reference No. 21-01004

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses (RN). Michelle Muri (Licensee) was issued an Oregon RN license by endorsement from Montana on May 18, 2021.

Licensee submitted her application to the Board on May 30, 2020. Licensee signed a Stipulated Order with the Montana Board of Nursing, effective July 20, 2020, and enrolled in the Montana Professional Assistance Program for monitoring. As a result, she did not pursue arrangements to reside or practice nursing in Oregon.

Licensee failed to disclose information about the Montana investigation on her Oregon application.

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

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

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:
   (b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board[.]
Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

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

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

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

__________________________________________________________________________
Michelle Muri                                              Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________________________________________
Kathleen Chinn, FNP-BC                                           Date
Board President

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

In the Matter of Brandi Quinn, RN

License No. 201902894RN

STIPULATED ORDER FOR VOLUNTARY SURRENDER

Reference No. 21-01027

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Brandi Quinn (Licensee) was issued a Registered Nurse License by the Board on April 16, 2019.

On November 7, 2017, Brandi Quinn submitted an application for RN by endorsement from New Mexico. Ms. Quinn made several disclosures on her application, including that she had a mental health condition, that she had been arrested, and had disciplines in Louisiana, Colorado and New Mexico. Her application was referred for investigation which revealed that Ms. Quinn would not have the 960 hours of practice needed to endorse her nursing license into Ore and needed to enter a reentry program before being issued a Registered Nurse license.

Ms. Quinn signed a stipulation for probation agreeing to enroll in Health and Education Consultants within 21 days, meet the terms and conditions of a probation agreement, and satisfactorily complete the re-entry program in order to receive full RN licensure.

On 6/13/2018, the Board met in executive session and accepted the stipulation for 24 months of Board probation upon issuance of her Limited License to complete her reentry program. Licensee was given 36 months to obtain 24 months of Employer Quarterly Reports needed to complete her probation.

Ms. Quinn did complete her reentry program however, on 7/25/21, her license will expire without her being able to obtain the employment needed to successfully meet her probation requirements. On 5/20/21, Ms. Quinn agreed to voluntarily surrender her nursing license.

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

ORS 678-111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed by ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such conditions as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, for any of the following causes:
(f) Conduct derogatory to the standards of nursing.

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

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

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

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

That the voluntary surrender of the Registered Nurse license of Brandi Quinn be accepted. If, after a minimum of three years, Ms. Quinn wishes to reinstate their Registered Nurse license, Brandi Quinn 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, **Brandi Quinn** waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce the signing of this Order.

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

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

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Brandi Quinn, RN Reentry Limited  
Date
ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

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

In the Matter of
Catherine Roberts, LPN

License No. 201030260LPN

FINAL ORDER OF REVOCATION
BY DEFAULT
Reference No. 21-00868

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. Catherine Roberts (Licensee) was issued a Practical Nurse license by the Board on July 30, 2010.

This matter was considered by the Board at its meeting on July 14, 2021.

On June 18, 2021, a Notice stating that the Board intended to revoke the Practical Nurse license of Catherine Roberts was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee physically and verbally abused a disabled patient, destroyed a client or agency record to conceal a record of care, and failed to fully cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Practical Nurse license in the state of Oregon on July 30, 2010.

2. On or about April 2, 2021, Licensee was reported to the Board for physically abusing a patient. The Board opened an investigation into the matter.

3. On or about March 31 and/or April 1, 2021, Licensee physically and verbally abused a disabled patient in response to patient behavior which are a part of the nature of patient’s health needs/disability. When Licensee was confronted that same day about
this behavior, they destroying a client or agency record to conceal a record of care.

4. On April 2, 2021, Board staff left Licensee a voicemail at their telephone number of record asking them to call. No response was forthcoming. On April 5, 2021, Board staff emailed and mailed a letter to Licensee’s addresses of record requesting that Licensee schedule an interview and provide a work history as well as a written response to the allegation in question. No response was forthcoming. On May 3, 2021, Board staff again mailed a letter to Licensee’s address of record requesting that Licensee schedule an interview and provide a work history as well as a written response to the allegation in question. No response was forthcoming.

5. On June 18, 2021, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-III-

CONCLUSIONS OF LAW

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

2. That Licensee’s conduct is in violation of ORS 678.111(1)(f)(g) and OAR 851-045-0070(1)(a), (3)(k), (4)(d), (8)(h), (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:
(1) Conduct related to general fitness to practice nursing:
(a) Demonstrated incidents of violent, abusive, intimidating, neglectful or reckless behavior;
(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:
(d) Destroying a client or agency record to conceal a record of care;
(8) Conduct related to other federal or state statute or rule violations:
(h) Engaging in other unacceptable behavior towards or in the presence of a client. Such
conduct includes but is not limited to using derogatory names, derogatory gestures or profane
language;
(10) Conduct related to the licensee’s relationship with the Board:
(a) Failing to fully cooperate with the Board during the course of an investigation, including
but not limited to, waiver of confidentiality privileges, except client-attorney privilege;
(c) Failing to provide the Board with any documents requested by the Board;

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

-III-
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully
advised in the premises, it is hereby ORDERED that the Practical Nurse license of Catherine
Roberts is REVOKED.

DATED this ______________ day of July, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO CATHERINE ROBERTS:

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 Practical Nurse license, 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
Melinda Sanfilippo, NP ) REPRIMAND OF LICENSE

License No. 201408826NP-PP,
077037831RN ) Reference No. 20-01248

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioner Certificates and Registered Nurse Licenses. Melinda Sanfilippo (Licensee) was issued a Registered Nurse License on April 1, 1977, and Nurse Practitioner Certificate on December 31, 2014.

On or about June 25, 2020, the Board received information that Licensee had allegedly allowed a current patient (SJ) to live in Licensee’s home. An investigation was opened into the matter.

Information gathered in the Board investigation shows that from December 2019, to at least October 2020, Licensee allowed SJ to reside in Licensee’s home.

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

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(3) Conduct related to the client’s safety and integrity:
(o) Failing to establish or maintain professional boundaries with a client;

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

That the Registered Nurse License and Nurse Practitioner Certificate of Melinda Sanfilippo be reprimanded. Additionally, Licensee agrees to complete one of the following courses: PROBE Ethics & Boundaries Course, hosted by CPEP or Professional Boundaries and Ethics hosted by PBI Education by August 1, 2021.

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 and Nurse Practitioner 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.

________________________________________________________________________
Melinda Sanfilippo, NP

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
Katie Spowehn, CNA

Certificate No. 201910876CNA

FINAL ORDER OF SUSPENSION
BY DEFAULT

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. Katie Spowehn (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on December 5, 2019.

This matter was considered by the Board at its meeting on July 14, 2021.

On June 4, 2021, a Notice stating that the Board intended to Suspend the Certified Nursing Assistant Certificate of Katie Spowehn was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder failed to cooperate with the Board’s investigation into the allegation of impairment while on duty as a Certified Nursing Assistant.

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 December 5, 2019.

2. On or about May 6, 2021, the Board learned that Certificate Holder showed signs of impairment while on duty and tested positive for alcohol. An investigation was opened.
3. On May 10, 2021, a letter was sent to Certificate Holder requesting that she schedule an appointment for an interview and provide a written statement and her work history to Board staff by May 24, 2021. Certificate Holder did not respond.

4. On May 24, 2021, a second letter was sent to Certificate Holder with a final notice, requesting that she contact Board staff within 5 business days to schedule an interview and submit her written statement and work history. Certificate Holder did not respond within the allotted time.

5. On June 4, 2021, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail, for failure to cooperate with a Board investigation. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

6. On June 8, 2021, Certificate Holder scheduled an interview for June 22, 2021. On June 22, 2021, Certificate Holder failed to attend the interview without prior notice, and has not responded to an offer to reschedule the interview. Certificate Holder has not submitted her written statement or work history.

- II -

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Katie Spowehn, and over the subject matter of this proceeding.

2. That Certificate Holder’s conduct is in violation of ORS 678.442(4) and OAR 851-063-0090 (10)(a)(c), which read as follows:

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant
A CNA, regardless of job location, responsibilities, or use of the title “CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:
(10) Conduct related to the 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 provide the Board with any documents requested by the Board [.]
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Certified Nursing Assistant Certificate of Katie Spowehn is SUSPENDED for a minimum of 14 days, commencing five business days from the date this Order is signed, and until she fully cooperates with the Board’s requests.

DATED this __________ day of July, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: KATIE SPOWEHNN:

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
Vickie Thun, LPN ) REPRIMAND OF LICENSE

License No. 087005156LPN ) Reference No. 21-00407

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. Vickie Thun (Licensee) was issued a Licensed Practical Nurse License by the Board on October 07, 1987.

On or about October 27, 2020, the Board received information that Licensee instructed unlicensed staff to restrain a resident’s hands so that a blood sugar could be obtained while employed as a LPN at a memory care facility. This facility had a policy that residents are not to be restrained.

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)(8)(d).

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(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.
(8) Conduct related to other federal or state statute or rule violations:
(d) Abusing 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 Licensed Practical Nurse License of Vickie Thun 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 serious nature and, if continued, constitutes a danger to public health and safety.

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

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

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

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

Vickie Thun, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

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

In the Matter of Sherene Tolle, RN

) STIPULATED ORDER FOR PROBATION

License No. 200241022RN ) Reference No. 21-01033

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sherene Tolle (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on April 29, 2002.

On October 14, 2018, the Oregon State Board of Nursing (Board) received an online self-report from Sherene Tolle in which she reported treatment and rehabilitation for alcohol use. The Board opened an investigation.

Licensee requested and was approved by the Board for entry into the Health Professional Services Program (HPSP) on 12/12/18. Reports were received from the HPSP that Licensee was Substantially Non-Compliant by missing toxicology testing on 5 occasions.

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

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

ORS 678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111. [1991 c.193 §2; 2007 c.335 §1; 2009 c.697 §7; 2009 c.756 §§32,94]
(c) A board may adopt rules establishing additional requirements for licensees referred to the impaired health professional program established under ORS 676.190 or a program with which the board has entered into a contract or designated to deliver therapeutic services under subsection (1) of this section.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(10) Conduct related to the licensee’s relationship with the Board:
(e) Failing to comply with the terms and conditions of Health Professionals’ Services Program agreements.

Page 1 of 5 - Stipulated Order for Probation; 21-01033
OAR 851-070-0100 Substantial Non-Compliance Criteria
(1) The HPSP will report substantial non-compliance to the Board within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:
   (i) Violated any terms of the monitoring agreement;

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

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

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

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

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

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

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

4) Licensee shall maintain an active license.

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

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

7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8) Licensee will not look for, accept, or begin a new nursing position without prior approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.

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

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

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

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

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

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

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

16) Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee’s completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of
17) Licensee shall participate in the Board’s random drug testing program. Failure to comply with random urine, blood, hair, nail, or any other requested drug test shall result in Licensee’s immediate removal from nursing practice. Licensee shall submit to observed tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee’s employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Stipulated Order. Upon request of Board staff, Licensee shall obtain a substance use disorder evaluation by a Board approved third party evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee’s failure to maintain an account in good standing with the Board’s laboratory vendor shall be considered a violation of this Stipulated Order.

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

______________________________                ______________________________
Sherene Tolle, RN                                      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________                ______________________________
Kathleen Chinn, FNP-BC                                      Date
Board President

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

In the Matter of  )  STIPULATED ORDER FOR
Eric Wahlstrom, CNA  )  VOLUNTARY SURRENDER

Certificate No. 000020404CNA  )  Reference No. 21-00421

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. Eric Wahlstrom (Licensee) was issued a Certified Nursing Assistant Certificate by the Board on May 27, 1992.

On or about October 29, 2020, the Board received information that CNA Wahlstrom had verbally assaulted a patient and had been disruptive in the workplace environment.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(f), and OAR 851-063-0090(3)(g), and (6)(b).

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: (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;

(6) Conduct related to relationships with co-workers and health care team members: (b) Engaging in violent, abusive or threatening behavior that relates to the performance of safe care to a person.

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

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:
That the voluntary surrender of the Certified Nursing Assistant certificate of Eric Wahlstrom be accepted. If, after a minimum of three years, Mr. Wahlstrom wishes to reinstate their Certified Nursing Assistant certificate, Eric Wahlstrom may submit an application to the Board to request reinstatement.

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

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

CNA understands that by signing this Stipulated Order, Eric Wahlstrom 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.

________________________________________________________________________
Eric Wahlstrom, CNA Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________________________________________
Kathleen Chinn, FNP-BC Date
Board President

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

In the Matter of Nancy Wanetick, RN

License No. 201043445RN

) STIPULATED ORDER FOR
) PROBATION

Reference No. 20-00501

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 Wanetick (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on December 10, 2010.

On or about October 20, 2019, the Board received information that Licensee had failed to complete documentation in a timely manner and failed to communicate information about patients to the healthcare team on multiple occasions and with more than one employer.

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

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

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

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

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

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

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

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

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

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

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

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

4) Licensee shall maintain an active license.

5) Licensee shall complete the following courses: NCSBN modules on *Documentation: A Critical Aspect of Patient Care and Sharpening Critical Thinking Skills*. Licensee shall provide proof of completion of each course either through certificates of completion or transcripts. Should Licensee fail to complete these courses within the required time of six months from the date the stipulation is signed by the Board President, Licensee shall be referred back to the Board for consideration of further disciplinary action.

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

7) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
8) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

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

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

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

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

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

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

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

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

17) Licensee shall cease practicing as a nurse if there are concerns about Licensee’s ability to practice safely or at the request of Board staff. Practice may resume when approved by the
18) Licensee shall cooperate fully with the Board in the supervision and investigation of Licensee’s compliance with the terms and conditions of this Stipulated Order.

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

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

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

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

Licensee understands that this Stipulated Order is a public record.
Licensee has read this Stipulated Order, understands the Stipulated Order completely, and freely signs the Stipulated Order.

IT IS SO AGREED:

______________________________  ________________________________
Nancy Wanetick, RN                      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________  ________________________________
Kathleen Chinn, FNP-BC                      Date
Board President

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

In the Matter of
) STIPULATED ORDER FOR
Elizabeth Zehrung, LPN
) REPRIMAND OF LICENSE
) AND CIVIL PENALTY
License No. 200630030LPN
) Reference No. 21-00696

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 Licenses. Elizabeth Zehrung (Licensee) was issued a Practical Nurse License by the Board on February 7, 2006.

Between January 2017 and February 2021, Licensee was employed at a rural hospice facility providing nursing services to hospice patients.

On or about February 5, 2021, the Board received information that Licensee had engaged in the practice of removing unused prescription medications, including controlled substances, from patients who had passed away or left hospice services, returning the medications to her workplace and falsely documenting that the medications were expired or wasted.

The returned medications were stored in the Executive Director’s office for the purpose of having medications available to provide to other hospice patients who had prescriptions for a certain medication but whose medication had not arrived from the pharmacy.

The practices described above were based on direction from the facility’s Executive Director. Licensee acknowledges engaging in the practice described above. Licensee did not raise concerns about the practices to the appropriate parties.

Licensee will complete the following education from National Council of State Boards of Nursing by July 12, 2021:

- Documentation: A Critical Aspect of Client Care;
- End-of-Life Care & Pain Management;
- Ethics of Nursing Practice;
- Professional Accountability & Legal Liability for Nurses;
- Righting A Wrong – Ethics & Professionalism in Nursing; and,
- Sharpening Critical Thinking Skills.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f) and OAR 851-045-0070(1)(b), (2)(a), (3)(j), (4)(a)(c)(E) and (8)(j)(k)(q) which reads as follows:

Page 1 of 4 - Stipulated Order for Reprimand and Civil Penalty; 21-00696
ORS 678.111 (1)(f) Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

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

(f) Conduct derogatory to the standards of nursing.

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

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

(1) Conduct related to general fitness to practice nursing:
   (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

(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:
   (j) Failing to report through proper channels, facts known regarding the incompetent, unethical, unsafe or illegal practice of any health care provider pursuant to ORS chapter 676.

(4) Conduct related to communication:
   (a) Failure to accurately document nursing interventions and nursing practice implementation
   (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
   (E) Falsifying data;

(8) Conduct related to other federal or state statute or rule violations:
   (a) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of nurses or other health care providers;
   (j) Stealing money, property, services or supplies from the client;
   (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;
   (q) Failing to dispense or administer medications in a manner consistent with state and federal law.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117 (1), (2)(a)(b), (3), (4) and (5) and OAR 851-045-0100 (2)(f)(A)(F)(G) which provide as follows:

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

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

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

OAR 851-045-0100 Imposition of Civil Penalties
(2) Civil penalties may be imposed according to the following schedule:
(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;
(F) Severity of the incident;
(G) Duration of the incident.

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

That the Board impose a Civil Penalty against Licensee in the amount of $1,000.00, and the Practical Nurse License of Elizabeth Zehring be reprimanded.

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

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

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

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

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

For Civil Penalty Payment Plan:
Licensee shall make monthly payments of not less than $42.00 in any one payment, the first payment is to be received by the Board within twenty (20) days from the date Licensee’s signature on this Stipulation and thereafter, a payment on the 15th day of every month until the
whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224; alternatively, payment may be made by phone at 971-673-0685.

For Civil Penalty Lump Sum payment:
The 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 and Civil Penalty.

___________________________________________
Elizabeth Zehrung, LPN

__________
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

___________________________________________
Kathleen Chinn, FNP-BC
Board President

__________
Date