BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of)
Margaret Alexander, NP)
License No. 201350004NP, 200640570RN)
)
)
)
)
Reference No. 21-00435

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Margaret Alexander (Licensee) was issued a Nurse Practitioner License by the Board on January 23, 2013.

On or about November 10, 2020, the Board received information that on September 6, 2020, Licensee discussed with a patient providing incorrect information to an insurance provider to facilitate medication coverage. In addition, on the same date, Licensee provided the patient a sample of a controlled medication out of her office that another patient had left with the Licensee. Licensee did have prescribing but not dispensing privileges at the time of the incident.

On or about November 10, 2020, the Board received information that on October 13, 2020, Licensee instructed a patient to sign Licensee’s name on a lab order. This incident occurred during the COVID-19 pandemic, during which time Licensee was attempting to find ways to meet patient needs while updating remote operating systems.

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)(q).

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

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

(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:
(q) Failing to dispense or administer medications in a manner consistent with state and federal law.

Licensee denies the allegations as stated without further context, but 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 Nurse Practitioner License of Margaret Alexander be reprimanded.**

Licensee understands that the alleged conduct, if proven, would result in the violations of law described in this Order which 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 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.

Margaret Alexander, 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
Regan Anderson, RN ) PROBATION

License No. 201803690RN ) Reference No. 21-01072

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Regan Anderson (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing on May 17, 2018.

On multiple occasions in 2021, Licensee used alcohol 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 and practiced nursing while impaired by alcohol.

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

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

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

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 Regan Anderson be placed on Probation. The Licensee’s compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee’s return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether Licensee is competent. Limited overtime may be approved on occasion.

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

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

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

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

4) Licensee shall maintain an active license.

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

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

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

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

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

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

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

13) Licensee shall not 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 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:

___________________________  __________________________
Regan Anderson, 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

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BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of ) STIPULATED ORDER FOR
Laura Borud, RN ) VOLUNTARY SURRENDER
) Reference No. 22-00002
License No. 097000421RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Laura Borud (Licensee) was issued a Registered Nurse License by the Board on August 06, 1997.

On or about March 5, 2020, the Board received information that Licensee failed to intervene appropriately during an emergency resulting in patient death in February 2020 and a second incident a week later where Licensee failed to recognize and facilitate transfer of a patient to a higher level of care for an evaluation of change in condition. The Board opened an investigation.

On 6/16/20 the Board accepted a Stipulated Order for a 6 month period of Practice Probation monitoring.

Licensee has been unable to obtain employment in the 12 months provided to meet the practice requirement.

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

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

851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(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 Laura Borud be accepted. If, after a minimum of three years, Ms. Borud wishes to reinstate their Registered Nurse license, Laura Borud 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, **Laura Borud** 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.

Laura Borud, 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
Teresa Brunick, RN
License No. 201141724RN
Reference No. 21-00195

) STIPULATED ORDER FOR
) PROBATION

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Teresa Brunick (Licensee) was issued a Registered Nurse License by the Board on July 8, 2011.

In September 2020, the Board received a report alleging that Licensee was witnessed by several coworkers to have practiced impaired on August 7, 2020. At the request of her employer, Licensee submitted to a urine drug screen and the confirmation test result was negative. An investigation was opened into the matter.

In October 2020, Licensee entered into substance use treatment outside of Oregon.

In an interview with Board staff on January 20, 2021, Licensee admitted to illicit drug and alcohol use but denied practicing impaired. Licensee said that when she submitted to the drug screen on August 7, 2020, she provided another person’s urine in an attempt to pass the test. Licensee explained that she entered into substance use treatment in October 2020, and has remained clean and sober since.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(e)(f)(g) and OAR 851-045-0070(1)(b), (7)(b)(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:
(e) Impairment as defined in ORS 676.303.
(f) Conduct derogatory to the standards of nursing.
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(1) Conduct related to general fitness to practice nursing:
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
(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.

Licensee understands that the evidence gathered in the Board’s investigation supports 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 Teresa Brunick 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. Licensee shall also update Board staff of any changes to email.

4) Licensee shall maintain an active license.

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

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

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

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

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

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

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

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

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

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

15) Licensee shall not be a nursing faculty member or an advance practice preceptor.
16) Licensee shall not be approved for enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license.

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

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

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

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

21) Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee’s employer.
22) Licensee shall notify any and all healthcare providers of the nature of Licensee’s diagnoses to ensure that Licensee’s health history is complete before receiving any treatment, including medical and dental. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee’s healthcare providers and release Licensee’s medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.

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

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

Licensee understands that the evidence supports 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:

Teresa Brunick, 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
Lesa Cahill, NP ) REPRIMAND OF LICENSE
)
License No. 200550014NP, 083037711RN ) Reference No. 21-00374

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioner Licenses. Lesa Cahill (Licensee) was issued a Nurse Practitioner License by the Board on January 26, 2005 and a Registered Nurse License by the Board on August 30, 1983.

On or about October 21, 2020, the Board received information that Licensee practiced beyond scope for Family Nurse Practitioner by admitting a mental health patient and also failed to maintain professional boundaries on or about September 2020.

Licensee said working in a rural area with limited mental health resources, she unintentionally diverged from her scope as a FNP by failing to fully adhere to the Hold Process for a Licensed Independent Practitioner described in (ORS 426.231) as the patient was willing to go to the hospital and remain as an inpatient. Licensee acknowledged that she should have made a referral to a psychiatric specialist for this patient for the treatment of her mental health condition as well as to maintain professional boundaries since Licensee knew the family and the patient was a former colleague. According to Licensee, patient was in a manic mental health crisis, however there was no documentation of an appropriate mental health assessment to support the diagnosis once the patient agreed to voluntary hospital admission. Licensee has completed continuing education courses on Ethics and Professional Boundaries in addition to collaborating with her clinic and hospital to implement several process improvements recognizing ongoing mental health needs in the community.

By the above actions, Licensee is subject to discipline pursuant to ORS 676.111(1)(f) and OAR 851-045-0070(2)(a) (b), (3)(o), OAR 851-050-0005(7) (8), ORS 426.231 (1)(a)(b)(c)(2)(a)(b)(c), and (3) which read as follows:

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

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

(2) Conduct related to achieving and maintaining clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established
(b) Performing acts beyond the authorized scope or beyond the level of nursing for which the individual is licensed
(3) Conduct related to the client’s safety and integrity:
(o) Failing to establish or maintain professional boundaries with a client

OAR 851-050-0005 Nurse Practitioner Scope of Practice
(7) The nurse practitioner is responsible for recognizing limits of knowledge and experience, and for resolving situations beyond his/her nurse practitioner expertise by consulting with or referring clients to other health care providers.
(8) The nurse practitioner will only provide health care services within the nurse practitioner’s scope of practice for which he/she is educationally prepared and for which competency has been established and maintained. Educational preparation includes academic coursework, workshops or seminars, provided both theory and clinical experience are included.

ORS 426.231 Hold by licensed independent practitioner
(1) A licensed independent practitioner may hold a person for transportation to a treatment facility for up to 12 hours in a health care facility licensed under ORS chapter 441 and approved by the Oregon Health Authority if:
(a) The licensed independent practitioner believes the person is dangerous to self or to any other person and is in need of emergency care or treatment for mental illness;
(b) The licensed independent practitioner is not related to the person by blood or marriage; and
(c) A licensed independent practitioner with admitting privileges at the receiving facility consents to the transporting.
(2) Before transporting the person, the licensed independent practitioner shall prepare a written statement that:
(a) The licensed independent practitioner has examined the person within the preceding 12 hours;
(b) A licensed independent practitioner with admitting privileges at the receiving facility has consented to the transporting of the person for examination and admission if appropriate; and
(c) The licensed independent practitioner believes the person is dangerous to self or to any other person and is in need of emergency care or treatment for mental illness.
(3) The written statement required by subsection (2) of this section authorizes a peace officer, an individual authorized under ORS 426.233 (Authority of community mental health program director and of other individuals) or the designee of a community mental health program director to transport a person to the treatment facility indicated on the statement.

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 Nurse Practitioner License of Lesa Cahill be reprimanded.
Licensee understands that the conduct alleged to result 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.

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.

_________________________________________  ________________________________
Lesa Cahill, 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
Deana Calver, CNA ) VOLUNTARY SURRENDER

Certificate No. 201606023CNA ) Reference No. 21-00981

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 (CNA). Deana Calver was issued a Certified Nursing Assistant License/Certificate by the Board on August 02, 2016.

On or about December, 2020, the Board received information that CNA was seeking treatment for a Substance Use Disorder.

On February 21, 2021 the Board accepted the Stipulated Order for Probation.

Certificate Holder has requested they be allowed to Voluntarily Surrender their CNA Certificate to pursue another career path.

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

Division 63 STANDARDS AND AUTHORIZED DUTIES FOR THE CERTIFIED NURSING ASSISTANT AND CERTIFIED MEDICATION AIDE

851-063-0010 Purpose of Authorized Duties and Standards
(3) To establish standards and conduct unbecoming for CNAs and CMAs.
(10) Conduct related to the certification holder’s relationship with the Board:
(d) Violating the terms and conditions of a Board order.

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

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

That the voluntary surrender of the Certified Nursing Assistant certificate of Deana Calver be accepted. If, after a minimum of three years, Ms. Calver wishes to reinstate their Certified Nursing Assistant certificate, Deana Calver 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, Deana Calver 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.

_________________________           __________________________
Deana Calver, 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
Theresa Curcio, RN ) REPRIMAND

License No. 201901681RN ) Reference No. 21-00784

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse. Theresa Curcio (Licensee) was issued a Registered Nurse license by the Board on February 28, 2019.

Between approximately September 25 and October 3, 2020, Licensee failed to take appropriate action to ensure a resident received proper care and assessment following a known change in condition of that resident. The situation resulted in patient harm.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(3)(a)(b), (4)(f)(g) 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:
(3) Conduct related to the client’s safety and integrity:
(a) Developing, modifying, or implementing policies that jeopardize client safety;
(b) Failing to take action to preserve or promote the client’s safety based on nursing assessment and judgment;
(4) Conduct related to communication:
(f) Failing to communicate information regarding the client’s status to members of the health care team in an ongoing and timely manner as appropriate to the context of care; or
(g) Failing to communicate information regarding the client’s status to other individuals who are authorized to receive information and have a need to know.

Licensee neither admits nor denies the above allegation but is willing to further their education.
in regard to residential care facilities and wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

**That the Registered Nurse license of Theresa Curcio 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 they engage in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against their license, up to and including revocation of their license to practice as a Registered Nurse.

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

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

__________________________________________
Theresa Curcio, 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
James Fergus, RN ) REPRIMAND OF LICENSE
) Reference No. 21-00931

License No. 201242141RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. James Fergus (Licensee) was issued a Registered Nurse License by the Board on July 13, 2012.

On or about April 23, 2021, the Board received information that Licensee was terminated by his employer for failure to follow the patient identification process as per organization policy by having two patients sign consent forms of each other with incorrect patient name and incorrect procedure listed prior to their routine procedures on or about April 6, 2021. Additionally, it is alleged that this resulted in potential HIPAA violations as they signed another patient’s consent form which contained patient name and name of procedure.

According to the report, when these errors were identified by the Health Information Management Department and Licensee was asked to make corrections, Licensee used “white-out” and hand wrote the correct patient name and procedure instead of seeking clarification on the organization policy for making corrections in the medical record.

Licensee said the consent forms for the two patients were inadvertently mixed up and incorrect patient labels were affixed to the computer generated consent forms that were auto-populated with patient name and procedure. Licensee reported no patient harm occurred and correct procedures were performed on both patients. Licensee acknowledges and takes full responsibility for not following proper patient identification process, not seeking clarification and assistance before making corrections in the medical records. Licensee has completed continuing education modules on Righting a Wrong – Ethics & Professionalism in Nursing, Professional Accountability & Legal Liability, and Sharpening Critical Thinking Skills from the National Council of State Boards of Nursing.

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

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

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

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

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

(4) Conduct related to communication:
   (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records.

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

**That the Registered Nurse License of James Fergus be reprimanded.**

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

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

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

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

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

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

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________  ______________________________
James Fergus, RN            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 ) STIPULATED ORDER FOR
Jennifer Fuller, RN ) CIVIL PENALTY
)

License No. 200440579RN ) Reference No. 21-01080

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jennifer Fuller (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on May 14, 2004.

On or before May 5, 2018, Licensee should have renewed her Registered Nurse license. Licensee failed to timely renew, and the license expired on May 6, 2018. On July 29, 2021, the Board received substantiated information from Licensee establishing that they were practicing nursing a total of 695 days between the dates of May 6, 2018 and May 5, 2021.

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

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117 and OAR 851-045-0100(2)(a) which provide as follows:
ORS 678.117 Procedure for imposing civil penalty; amount; rules.
(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.445 or any rule of the board. No civil penalty shall exceed $5,000.
(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:
(a) The past history of the person incurring the penalty in observing the provisions of ORS 678.010 to 678.445 and the rules adopted pursuant thereto.
(b) The economic and financial conditions of the person incurring the penalty.
(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.
(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.
(5) All penalties recovered under this section shall be credited to the special account described in ORS 678.170.
OAR 851-045-0100 Imposition of Civil Penalties

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

Licensee wishes to cooperate with the Board in this matter.

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

Based on the evidence, Licensee was practicing nursing without a current license a total of 695 days between the dates of May 6, 2018 and May 5, 2021, equaling a total civil penalty of $34,750.00.

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

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

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

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

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

Licensee shall make monthly payments of not less than $400.00 in any one payment, the first payment is to be received by the Board within twenty (20) days from the date Licensee’s signature on this Stipulation and thereafter, a payment on the 4th day of every month until the whole sum is paid. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224.

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

Jennifer Fuller, 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 ) FINAL ORDER OF REVOCATION
David Gizara, RN ) BY DEFAULT

License No. 094006393RN ) Reference No. 18-00686

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. David Gizara (Licensee) was issued a Registered Nurse License by the Board on July 08, 1994.

This matter was considered by the Board at its meeting on June 16, 2021.

On May 5, 2021, a Notice stating that the Board intended to Revoke the Registered Nurse License of David Gizara was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee was reported to the Board for failing to take action based on nursing assessment and failing to promote and preserve patient safety. This patient subsequently died.

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

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

- I -

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on July 08, 1994.

2. On or about October 20, 2017, Licensee was reported to the Board for failing to take action based on nursing assessment and failing to promote and preserve patient safety. This patient subsequently died.

3. On or about July 10, 2019, Licensee entered into a Stipulated Agreement with the
Oregon State Board of Nursing for a One Year Suspension, followed by Two Years of Practice Probation. There were several conditions required to move from Suspension into Probation. These were American Heart Association CPR course for Providers (in person), National Council of State Boards of Nursing courses on Professional Accountability and Legal Liability, Righting a Wrong and Documentation. To date, Licensee has not completed the coursework required.

4. On or about May 5, 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.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, David Gizara, 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(2)(a) and 10(c)(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.
  (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
  (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;
3. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Registered Nurse License of David Gizara is REVOKED.

DATED this _____ day of August, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: DAVID GIZARA:

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

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

If, after a minimum of three (3) years, you wish to reinstate your Registered Nurse License/Certificate, you may submit an application to the Board to request reinstatement.
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of Matthew Hackett, LPN

STIPULATED ORDER FOR REPRIMAND

License No. 201330118LPN

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. Matthew Hackett (Licensee) was issued a Practical Nurse license by the Board on April 10, 2013.

Between approximately September 25 and October 3, 2020, Licensee failed to take appropriate action to ensure a resident received proper care and assessment following a known change in condition of that resident. During this time, Licensee also inaccurately documented care of the resident as being performed by Licensee when it was care reportedly performed by others. The situation resulted in patient harm.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(3)(a)(b), (4)(c)(C)(f)(g), (8)(e) 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:
(3) Conduct related to the client’s safety and integrity:
(a) Developing, modifying, or implementing policies that jeopardize client safety;
(b) Failing to take action to preserve or promote the client’s safety based on nursing assessment and judgment;
(4) Conduct related to communication:
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
(C) Failing to document information pertinent to a client’s care;
(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; or
(g) Failing to communicate information regarding the client’s status to other individuals who are authorized to receive information and have a need to know.
(8) Conduct related to other federal or state statute or rule violations:
(e) Neglecting a client;
Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

**That the Practical Nurse license of Matthew Hackett 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 they engage in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against their license, up to and including revocation of their license to practice as a Practical Nurse.

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

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

Matthew Hackett, 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
Diana Hergenrader, RN

FINAL ORDER OF REVOCATION
AND $5,000.00 CIVIL PENALTY BY DEFAULT

License No. 089000183RN
Reference No. 21-00684

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

This matter was considered by the Board at its meeting on June 16, 2021.

On July 7, 2021, a Notice stating that the Board intended to Revoke the Registered Nurse License of Diana Hergenrader was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee’s employment had been terminated for medication administration and documentation concerns, and that additional practice issues had been discovered after further review.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on August 23, 1989.

2. Between 2016 and 2021, Licensee engaged in, and authorized her staff to participate in the practice of removing unused prescription medication, including controlled
substances, from patients who had passed away or left hospice services, returning the medication to the workplace and falsely documenting that the medications were destroyed or expired.

Licensee authorized staff to return the unused prescription medications to her office for the purpose of having medications available for other hospice patients who had prescriptions but whose medication had not arrived from the pharmacy.

3. The Board alleges that Licensee forged a physician’s signature on COVID-19 testing forms while the physician was on vacation. The Board alleges that Licensee forged a physician’s signature on Hospice Referral forms and Comfort kits. The Board also alleges that Licensee forged a nurse practitioner’s signature by tracing her signature onto new forms to use on Standing Order forms and Crisis Care kits.

4. The Board alleges that Licensee failed to provide RN supervision and oversight to Licensed Practical Nurses and Certified Nursing Assistants during patient admissions and re-certifications.

5. On July 7, 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.

II CONCLUSIONS OF LAW

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

2. That Licensee’s conduct is in violation of ORS 678.111(1)(d)(f)(g) and OAR 851-045-0070(1)(b), (3)(e), (4)(c)(A)(E), (8)(a)(j)(k) which reads as follows:

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

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

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

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.
OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to
conform to legal nursing standards, or fails to conform to accepted standards of the
nursing profession, is conduct derogatory to the standards of nursing. Such conduct
includes, but is not limited to:
(1) Conduct related to general fitness to practice nursing:
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
(3) Conduct related to the client’s safety and integrity:
(e) Failing to clinically supervise persons to whom an assignment has been made;
(4) Conduct related to communication:
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health
record or agency records. This includes but is not limited to:
(A) Documenting nursing practice implementation that did not occur;
(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.

The foregoing are 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.

_Civil Penalty Payment Plan:_
Licensee shall make monthly payments of not less than $208.00 in any one payment, the first payment is to be received by the Board within twenty (20) days from the date Board President’s signature on this Notice 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 971-673-0667.

_Civil Penalty Lump Sum Payment:_
This Civil Penalty shall become due and payable within twenty (20) days from the date this Notice is signed by Board Staff.

Licensee understands that if payment is 60 days overdue from the date due as stated in this Notice, 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.

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.

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**ORDER**

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

ORDERED that the Registered Nurse License of Diana Hergenrader is REVOKED.

DATED this _____ day of August, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President
TO: DIANA HERGENRADER:

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

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

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

In the Matter of ) STIPULATED ORDER FOR
Phoebe McHugh, RN ) REPRIMAND OF LICENSE
) License No. 201906628RN ) Reference No. 20-00470

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse License. Phoebe McHugh (Licensee) was issued a Registered Nurse License by the Board on July 30, 2019.

On or about September 20, 2019, the Board received information that Licensee had been terminated from her position for swearing and touching an employee in an unsolicited fashion.

By the above actions, Licensee maybe subject to discipline pursuant to ORS 678.111(1)(f), and OAR 851-045-0070(6).

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

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

That the Registered Nurse License of Phoebe McHugh be reprimanded.

Licensee understands that the conduct resulting in the violations of law described in this Order is considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.
Licensee understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Registered Nurse License.

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

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

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

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

________________________________________
Phoebe McHugh, RN                       Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________
Kathleen Chinn, FNP-BC                  Date
Board President

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

Page 2 of 2 - Stipulated Order for Reprimand; 20-00470
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Connie Morris, RN

License No. 201407313RN

FINAL ORDER OF REVOCATION
BY DEFAULT

Reference No. 18-00607

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Connie Morris (Licensee) was issued a Registered Nurse License by the Board on October 17, 2014.

This matter was considered by the Board at its meeting on August 18, 2021.

On July 16, 2021, a Notice stating that the Board intended to Revoke the Registered Nurse License of Connie Morris was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee failed to complete the mental health and substance use disorder evaluations ordered by the Board on May 19, 2021.

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:

-1-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on October 17, 2014.

2. On or about October 11, 2017, Licensee was reported to the Board for being terminated from employment at the Oregon Endoscopy Center after ongoing lack of monitoring of her patients during procedures involving conscious sedation.

3. The Board alleges that on or about May 19, 2021, during a regularly scheduled meeting, the Board voted to issue an Order for Licensee to complete mental health and substance use disorder evaluations.
substance use disorder evaluations. The Order for these evaluations was mailed via certified mail to the licensee on May 21, 2021. Licensee failed to complete the ordered evaluations in the timeframe indicated in the Order.

4. On July 16, 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.

-II-

CONCLUSIONS OF LAW

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

2. That Licensee’s conduct is in violation of ORS 678.111(1)(f) and OAR 851-045-0070(10)(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:
(10) Conduct related to the licensee’s relationship with the Board:
(d) Violating the terms or conditions of a Board Order.

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

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

ORDERED that the Registered Nurse License of Connie Morris is REVOKED.

DATED this _____ day of August, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: CONNIE MORRIS:

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

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

If, after a minimum of three (3) years, you wish to reinstate your Registered Nurse License/Certificate, you may submit an application to the Board to request reinstatement.
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of

Jennifer Nygaard, RN

License No. 200642708RN

) STIPULATED ORDER FOR
) REPRIMAND OF LICENSE

) Reference No. 21-00932

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jennifer Nygaard (Licensee) was issued a Registered Nurse License by the Board on September 18, 2006.

On or about April 23, 2021, the Board received information that Licensee was terminated by her employer for failure to follow the patient identification process during her orientation as per organization policy by having two patients sign consent forms of each other with incorrect patient name and incorrect procedure listed prior to their routine procedures on or about April 6, 2021. Additionally, it is alleged that this resulted in potential HIPAA violations as they signed another patient’s consent form which contained patient name and name of procedure.

According to the report, when these errors were identified by the Health Information Management (HIM) Department and Licensee was asked to make corrections, Licensee used “white-out” and hand wrote the correct patient name and procedure instead of seeking clarification on the organization policy for making corrections in the medical record.

Licensee said the consent forms for the two patients were inadvertently mixed up and incorrect patient labels were affixed to the computer generated consent forms that were auto-populated with patient name and procedure. Licensee reported no patient harm occurred and correct procedures were performed on both patients. Licensee was under the impression that she was following instructions from HIM relayed to her and acknowledges and takes full responsibility for not following proper patient identification process, not seeking clarification and assistance before making corrections in the medical records. Licensee has completed continuing education modules on Documentation: A Critical Aspect of Client Care, Righting a Wrong – Ethics & Professionalism in Nursing, Professional Accountability & Legal Liability, and Sharpening Critical Thinking Skills from the National Council of State Boards of Nursing.

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

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(2) Conduct related to achieving and maintain clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
(3) Conduct related to the client’s safety and integrity:
(b) Failing to take action to preserve or promote the client’s safety based on nursing assessment and judgment;
(4) Conduct related to communication:
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records.

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

That the Registered Nurse License of Jennifer Nygaard be reprimanded.

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

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

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

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

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

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

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________  ________________________________________
Jennifer Nygaard, RN                                      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 ) FINAL ORDER OF SUSPENSION BY
Benjamin Oglesby, RN ) DEFAULT FOR FAILURE TO
) COOPERATE

License No. 201908169RN ) Reference No. 21-00857

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing,
regulating and disciplining certain health care providers, including Registered Nurses.
Benjamin Oglesby (Licensee) was issued a Registered Nurse license by the Board on
September 12, 2019.

This matter was considered by the Board at its meeting on August 18, 2021.

On July 27, 2021, a Notice stating that the Board intended to suspend the Registered Nurse
license of Licensee was sent via certified and first-class mail to Licensee's address of record.
The Notice alleged that Benjamin Oglesby failed to cooperate with the Board during the course
of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse license in the state of Oregon on September
   12, 2019.

2. On or about March 30, 2021, Licensee was reported to the Board for receiving
discipline against their Alabama Registered Nurse license. The Board opened an
investigation into the matter.

3. On July 02, 2021, Board staff called Licensee’s telephone number of record and the
   person who answered stated that it was no longer Licensee’s telephone. That same day,
   Board staff mailed and emailed a letter to Licensee’s addresses of record requesting
that they schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. On July 20, 2021, a second letter was mailed to Licensee’s address of record requesting that they contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to provide a current work history and a written statement regarding the allegations. Licensee failed to schedule an interview and did not provide any documents to the Board.

5. On July 27, 2021, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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

-II-

CONCLUSIONS OF LAW

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

2. That Licensee’s failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(10)(a)(c) which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, or any of the following causes:
(f) Conduct derogatory to the standards of nursing.
(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
shall include, but is not limited to, the following:

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

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

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby ORDERED that the Registered Nurse license of Benjamin Oglesby 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 Benjamin Oglesby has fully cooperated with the Board’s investigation. Should the Board reinstate the Registered Nurse license of Benjamin Oglesby, the Licensee would be subject to whatever terms and conditions the Board may impose.

DATED this ______ day of August, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO BENJAMIN OGLESBY:

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 ) FINAL ORDER OF REVOCATION
Simon Patfield, CNA ) BY DEFAULT

Certificate No. 202101591CNA ) Reference No. 21-00955

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. Simon Patfield (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on February 18, 2021.

This matter was considered by the Board at its meeting on August 18, 2021.

On July 15, 2021, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Simon Patfield was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder failed to respond to his probation monitor regarding his Probation Requirements.

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:

-1-

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 February 18, 2021.

2. Certificate Holder failed to respond to requests from their Probation Monitor regarding their probation requirements.

3. On July 15, 2021, Board staff mailed a Notice of Proposed Revocation to Certificate
Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-III-

CONCLUSIONS OF LAW

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

2. That Certificate Holder’s conduct is in violation of ORS 678.442(2)(f) and OAR 851-063-0090 (10)(d) 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:
(d) Violating the terms and conditions of a Board order.

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.
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 Simon Patfield is REVOKED.

DATED this _____ day of August, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: SIMON PATFIELD:

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

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

If, after a minimum of three (3) years, you wish to reinstate your Certified Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Nicole Raniero, CNA

Certificate No. 201212322CNA

) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER
) Reference No. 22-00001

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. Nicole Raniero (Licensee) was issued a Certified Nursing Assistant Certificate by the Board on October 09, 2012.

On or about June 12, 2020, the Board received information that CNA was involved in a custody dispute, which involved reckless behavior with children.

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

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;

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 Nicole Raniero be accepted. If, after a minimum of three years, Ms. Raniero wishes to reinstate their Certified Nursing Assistant certificate, Nicole Raniero may submit an application to the Board to request reinstatement.

Page 1 of 2 - Stipulated Order for Voluntary Surrender; 22-00001
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, Nicole Raniero 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.

_________________________________________  ____________________
Nicole Raniero, 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
Laura Robbins, RN Applicant ) WITHDRAWAL OF REGISTERED
) NURSE LICENSE APPLICATION

Reference No. 20-00872

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. Laura Robbins (Applicant) submitted an application for RN Licensure by Endorsement to the Board on or about January 28, 2020.

In the application, Applicant disclosed a 2018 arrest for DUII, Battery on a Protected Person, and Resisting a Public Officer and said the charges would be reduced. Applicant failed to disclose multiple prior arrests on her application.

On December 30, 2020, Applicant notified the Board that she had been arrested on October 18, 2020, and was incarcerated in Lewis County Jail (Washington) on new charges of DUII, Hit and Run, and Harassment. Applicant was found guilty and sentenced to 364 days in jail.

Applicant notified Board staff that she submitted the Endorsement Application in error and no longer wishes to obtain an Oregon RN license.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(a)(g):

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

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

That Laura Robbins’s application for Registered Nurse License be withdrawn.
Applicant understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

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

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

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

IT IS SO AGREED:

__________________________________________  _______________________________________
Laura Robbins, Applicant                        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
Matthew Robertson, LPN ) PROBATION
License No. 201805675LPN ) Reference No. 21-00969

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Matthew Robertson (Licensee) was issued a Licensed Practical Nurse license by the Oregon State Board of Nursing on July 17, 2018.

On or about May 6, 2021, the Board received information alleging that Licensee had admitted to diverting narcotics for personal use. An investigation was opened into the matter.

On May 12, 2021, Licensee underwent a substance use disorder evaluation and engaged in the recommended treatment.

In an interview with Board staff on June 24, 2021, Licensee admitted that on May 1, 2021, he diverted IV hydromorphone for personal use. Licensee denied any other instances of diversion. Additionally, Licensee disclosed a history of occasional prescribed and non-prescribed substance abuse.

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

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

That the Licensed Practical Nurse license of Matthew Robertson 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 is required to obtain Board approval prior to enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license. The Board will consider Licensee’s compliance with the terms and conditions of this stipulation as well as Licensee’s plan of how the clinical practicum would be monitored.
17) Should Licensee be granted an Oregon Registered Nurse license, all terms and conditions of this probation stipulation will be transferred to the Registered Nurse license.

18) 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.

19) 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.

20) 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 21 below. Licensee shall avoid any over-the-counter products and food items containing alcohol, marijuana and poppy seeds.

21) 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.

22) 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.
23) 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.

24) 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.

25) 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:

Matthew Robertson, 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
Christine Ryan, CNA
Certificate No. 201705663CNA

) STIPULATED ORDER FOR
) REPRIMAND OF CERTIFICATE
) Reference No. 21-01049

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistant Certificates. Christine Ryan (Licensee) was issued a Certified Nursing Assistant Certificate by the Board on July 24, 2017.

On or about June 3, 2021, the Board received information that CNA was logging into her patients medical records, to enter data under a co-workers login and password.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f), and OAR 851-063-0090(4),(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:
(4) Conduct related to communication:
(c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or into agency records. This includes but is not limited to:
(D) Falsifying data;

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

That the Certified Nursing Assistant Certificate of Christine Ryan be reprimanded.

CNA understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.
CNA understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her certificate, up to and including revocation of her certificate to practice as a Certified Nursing Assistant Certificate.

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

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

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

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

______________________________                   ________________________________
Christine Ryan, 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
Steven Sellers, RN ) REPRIMAND OF LICENSE
) )
License No. 200542112RN ) Reference No. 20-01170

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. Steven Sellers (Licensee) was issued a Registered Nurse License by the Board on August 24, 2005.

On or about June 7, 2020, the Board received information that the Licensee failed to take action to promote or preserve the safety of a patient.

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

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

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

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

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

That the Registered Nurse License of Steven Sellers be reprimanded.

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

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

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

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

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

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

_________________________________________  
Steven Sellers, 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
Kristofer Sickles, CNA

FINAL ORDER OF REVOCATION

BY DEFAULT

Certificate No. 201210680CNA

Reference No. 21-00954

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. Kristofer Sickles (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on March 29, 2012.

This matter was considered by the Board at its meeting on August 18, 2021.

On July 15, 2021, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Kristofer Sickles was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder failed to respond to requests to contact their Probation Monitor.

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 March 29, 2012.

2. Certificate Holder failed to respond to requests from their Probation Monitor regarding their probation requirements.

3. On July 15, 2021, Board staff mailed a Notice of Proposed Revocation to Certificate
Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-III-

CONCLUSIONS OF LAW

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

2. That Certificate Holder’s conduct is in violation of ORS 678.442(2)(f) and OAR 851-063-0090 (10)(d) 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:
(d) Violating the terms and conditions of a Board order.

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.
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 Kristofer Sickles is REVOKED.

DATED this _____ day of August, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: KRISTOFER SICKLES:

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

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

If, after a minimum of three (3) years, you wish to reinstate your Certified Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of               ) STIPULATED ORDER FOR
Cynthia Silva, Applicant       ) WITHDRAWAL OF REGISTERED
                               ) NURSE LICENSE APPLICATION

License No. 201401405RN         ) Reference No. 21-00290

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 licensure. Cynthia Silva (Applicant) was issued a Registered Nurse License by the Oregon State Board of Nursing on March 13, 2014. Applicant’s RN license expired in October 2017; she submitted an application to reactivate the license on July 15, 2020.

Applicant disclosed that after she developed a substance use disorder she allowed her RN license to expire in 2017, and in 2018 she was convicted for related offenses. Applicant attended treatment and completed the terms of her court probation in September 2019, and has abstained from substances since that time.

Following submission of her application, Applicant disclosed that she has a medical condition which is currently not well controlled and could interfere with her ability to practice nursing. Applicant has requested to withdraw her application in order to focus on stabilizing her condition.

Applicant is subject to ORS 678.111(1)(e) which reads as follows:

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

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

(e) Impairment as defined in ORS 676.303.

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

That Cynthia Silva’s application for Registered Nurse License be WITHDRAWN.

Applicant understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.
Applicant understands that by signing this Stipulated Order, applicant waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce applicant to sign this Stipulated Order.

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

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

IT IS SO AGREED:

__________________________  ______________________________
Cynthia Silva                     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  
Justin Stephens, RN  
License No. 201701301RN  

) STIPULATED ORDER FOR  
) REPRIMAND OF LICENSE  
) Reference No. 21-00793  

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse License. Justin Stephens (Licensee) was issued a Registered Nurse License by the Board on February 25, 2017.

On or about March 11, 2021, the Board received information that Licensee was placed on Probation and issued a fine by the Florida Board of Nursing after he admitted he falsified timecard documents at his place of work related to timecards and timekeeping using another nurse’s signature and credentials.

On April 06, 2021, Licensee was interviewed by the Oregon State Board of Nursing. Licensee admitted he had falsified his time documents by signing timecards using his former nurse manager’s signature and credentials.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(d)(f):
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:

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

(f) Conduct derogatory to the standards of nursing

OAR 851-045-0070 (1)(b), (9)(f)
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.

(9) Conduct related to licensure or certification violations:
(f) Using another person’s nursing license or certificate for any purpose;

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 Certificate License of Justin Stephens be reprimanded.**

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

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

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

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

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

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

__________________________  ________________________
Justin Stephens, RN            Date

ORDER

IT IS SO ORDERED:

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

__________________________  ________________________
Kathleen Chinn, FNP-BC       Date
BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of

Peter Tomter, RN

STIPULATED ORDER FOR
VOLUNTARY SURRENDER OF
REGISTERED NURSE LICENSE

License No. 202009037RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Peter Tomter (Licensee) was issued a Registered Nurse License by the Board on October 07, 2020.

In 2019 Licensee diverted fentanyl for personal use while working in Washington State. As a result, patients were at risk to not receive their prescribed amount of fentanyl Licensee acknowledged documentation omissions to charts and false entries into patient charts.

In October 2020, Licensee was untruthful on his Oregon Registered Nurse license endorsement application regarding his above-mentioned drug diversion and drug abuse or the investigation from Washington.

On or about December 08, 2020, the Board received information that Licensee was working unmonitored in Oregon and had access to narcotics including fentanyl.

In January 2021, Licensee signed an Interim Consent Order prohibiting him from practicing as a Registered Nurse in any capacity or functioning as a caregiver in any setting.

In April, 2021, Licensee obtained a Substance Use Disorder (SUD) Evaluation. Licensee was recommended to obtain a Mental Health Forensics evaluation based on disclosures made in the SUD evaluation. Licensee did not set up the recommended evaluation.

In August 2021, Licensee intentionally violated the above mentioned Interim Consent Order by becoming employed providing care services for youth impacted by spectrum disorder.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(c)(e)(f): 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:

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

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

OAR 851-045-0070 (1)(a), (2)(a), (3)(b) (8)(d)(j)(k)(l)(q), (9)(a), (10)(d). 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;
(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:
(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: (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;
(l) Unauthorized removal or attempted removal of medications, supplies, property, or money from anyone in the work place;
(q) Failing to dispense or administer medications in a manner consistent with state and federal law;

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

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

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

That the voluntary surrender of the Registered Nurse license of Peter Tomter be accepted. Mr. Peter Tomter agrees to never re-apply for a Registered Nurse License or any other nursing license or certificate in the State of Oregon.

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, Peter Tomter 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.

_________________________________________  ________________________________
Peter Tomter, 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
Melissa Vang, LPN ) CIVIL PENALTY OF LICENSED
) PRACTICAL NURSE LICENSE

License No. 201230619LPN ) Reference No. 21-00942

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurses. Melissa Vang (Licensee) was issued a Licensed Practical Nurse License by the Oregon State Board of Nursing on November 19, 2012.

On or before August 21, 2020, Licensee should have renewed her Licensed Practical Nurse license. Licensee failed to timely renew, and the license expired on August 21, 2020.

From the date Licensee’s license expired on August 21, 2020 until the date the licensee was discovered to be working without a license, Licensee continued to practice nursing at Marquis in Tualatin, Oregon.

On May 27, 2021, Board staff sent a notification letter informing the Licensee of a potential civil penalty for practicing nursing without a current license. At that time, the Board requested additional information from Licensee on which to base the assessment of a $5,000 civil penalty.

On June 18, 2021, the Board received substantiated information from Licensee establishing that Licensee was practicing nursing a total of 240 days between the dates of November 1, 2020 and June 29, 2021.

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

ORS 678.021 License required to practice nursing.

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

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

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

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

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

OAR 851-045-0100 Imposition of Civil Penalties

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

Licensee wishes to cooperate with the Board in this matter.

Licensee was working without a license from August 21, 2020 until October 31, 2020 when the Board ended the emergency authorization regarding the renewal of licenses and certificates. Licensee was not timely in applying for renewal of this license and instead had to apply for reactivation. Licensee was practicing nursing and worked without a license a total of 240 days from November 1, 2020 to June 29, 2021. Licensee has no disciplinary history prior to this date. Licensee is experiencing financial hardship from the COVID-19 Pandemic.

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

Based on the evidence, Licensee was practicing nursing without a current license a total of 240 days between the dates of November 1, 2020 and June 29, 2021, equaling a total civil penalty of $5000.00. Based on the mitigating factors that Licensee has a record of timely of previous renewals, no prior disciplinary actions, and is experiencing financial hardship from the COVID-19 pandemic, the Board has determined that the civil penalty may be reduced by 76% to $1200.00.

That the Board impose a civil penalty against Licensee in the amount of $1200.00.

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 $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.

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.

__________________________  __________________________
Melissa Vang, 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

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BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Barbara Vargas, CNA

) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER

Certificate No. 201110696CNA

) Reference No. 21-00509

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. Barbara Vargas (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on March 11, 2011.

In September 2019, Certificate Holder made verbal threats to a resident and refused to respond to a resident causing the resident to experience a hostile environment and undue psychological stress.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442 (f) Certification of Nursing Assistants; rules. (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

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

OAR 851-063-0090 (1)(a), (3)(a)(b)(d), 8(d)(e)(h) 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 related to general fitness to perform nursing assistant authorized duties:
(a) Demonstrated incidents of violent, abusive, intimidating, neglectful or reckless behavior;

(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;
(b) Failing to implement the plan of care developed by the registered nurse;
(d) Jeopardizing the safety of a person under the CNA’s care;

(8) Conduct related to other federal or state statutes/rule violations:
(d) Abusing a person;
(e) Neglecting a person;
(h) Engaging in other unacceptable behavior towards or in the presence of the client. Such behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language;
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 Barbara Vargas be accepted. If, after a minimum of three years, Ms. Vargas wishes to reinstate their Certified Nursing Assistant certificate, Barbara Vargas 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, Barbara Vargas 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.

_________________________________________  _____________________________
Barbara Vargas, CNA                        Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_________________________________________  _____________________________
Kathleen Chinn, FNP-BC                        Date