BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Brandie Alverson, CNA

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

Certificate No. 201900512CNA ) Reference No. 20-00570

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. Brandie Alverson (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on January 22, 2019.

This matter was considered by the Board at its meeting on September 15, 2021.

On August 24, 2021, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to the address of record via certified and first-class mail. The Notice alleged that Brandie Alverson failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on January 22, 2019.

2. In December 2019, the Board opened an investigation based on Certificate Holder’s answers to disclosure questions on her renewal application.
3. On June 14, 2021, Board staff mailed a letter to Certificate Holders’ address of record requesting that an interview be scheduled to discuss the disclosure responses. Certificate Holder was further instructed to send a written statement regarding the disclosures and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

4. On June 29, 2021, a second letter was sent to Certificate Holder’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the disclosure responses. Certificate Holder was also asked to provide a current work history and a written statement regarding the disclosures. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

5. On August 24, 2021, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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

-Il-

CONCLUSIONS OF LAW

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

2. That Certificate Holder’s failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(10)(a) and (c), which read as follows:

ORS 678.442(2)(f) Certification of nursing assistants; rules:

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

OAR 851-063-0090(10)(a)(c) Conduct Unbecoming a Nursing Assistant:

A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that the Nursing Assistant Certificate of Brandie Alverson 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 Brandie Alverson has fully cooperated with the Board’s investigation. Should the Board reinstate the Nursing Assistant Certificate of Brandie Alverson, the Certificate Holder would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

______________________________
Kathleen Chinn, FNP-BC
Board President

TO: BRANDIE ALVERSON:

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

Kevin Bates, RN

License No. 201801380RN

) STIPULATED ORDER FOR
) REPRIMAND OF LICENSE

Reference No. 21-00972

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. Kevin Bates (Licensee) was issued a Registered Nurse License/Certificate License by the Board on February 23, 2018.

On or about May 20, 2020, the Board received information that Licensee was having inappropriate physical contact with coworkers, and inappropriate verbal comments to coworkers. Licensee was counseled by his supervisors and continued with his inappropriate behavior.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.11(1)(f), and OAR 851-045-0070(6)(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:
6) Conduct related to co-workers and health care team members:
(a) Engaging in abusive behavior towards a co-worker.

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 Kevin Bates 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.

__________________________________________________________
Kevin Bates, 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
Crystal Berru, RN ) VOLUNTARY SURRENDER
) Reference No. 20-01131

License No. 201910249RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Crystal Berru (Licensee) was issued a Registered Nurse License by the Board on November 19, 2019.

On or about May 20, 2020, the Board received information that Licensee allegedly attempted self-harm. In February 2021, the Board issued an Order for Licensee to undergo substance use and mental health evaluations by March 20, 2021. Licensee failed to show up for her evaluations.

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

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

(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 and conditions of a Board order.

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

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

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

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

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

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

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

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

________________________________________________________________________
Crystal Berru, RN                             Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

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

In the Matter of  )  STIPULATED ORDER FOR
Kassandra Dyer, CNA  )  REPRIMAND OF CNA CERTIFICATE
                     )  WITH CONDITIONS

Certificate No. 201910767CNA  )  Reference No. 21-00904

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 (CNA) Certificates. Kassandra Dyer (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on December 3, 2019.

On or about April 15, 2021, the Board learned that Certificate Holder’s employment was terminated on March 26, 2021, during her trial period as a CNA in a hospital medical-surgical unit.

The employer reported Certificate Holder was hired on January 4, 2021. The employer received several complaints about Certificate Holder’s performance as a CNA from peers and patients, and provided a corrective action on March 5, 2021, with coaching and a performance improvement plan.

Following receipt of additional complaints, an audit of patient charts identified several instances where Certificate Holder failed to document vital signs, entered inaccurate vital signs data, or entered patient weights and vital signs she had not obtained herself. It was also documented that Certificate Holder failed to consistently respond timely to patient requests for assistance, and repeatedly failed to place bed alarms and complete assigned patient care duties.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442 (2)(f) and OAR 851-063-0090 (2)(a), (3)(a) and (4)(c)(A) which read as follows:

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant
A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:
(2) **Conduct related to achieving and maintaining clinical competency:**
(a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;

(3) **Conduct related to client safety and integrity:**
(a) Failing to take action to preserve or promote a person’s safety based on nursing assistant knowledge, skills, and abilities;

(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:
(A) Documenting the provision of services that were not provided[.]

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

**That the Certified Nursing Assistant Certificate of Kassandra Dyer be reprimanded.**

The following conditions must also be met within 30 days of the effective date of this Order:
1) Certificate Holder will complete a review of CNA scope and performance standards (Oregon Nurse Practice Act); and
2) Certificate Holder will provide evidence of successful completion of the online continuing education course, “Medical Record Documentation and Legal Aspects Appropriate to Nursing Assistants” from cnaZone.com.

Certificate Holder understands that failure to comply with the two conditions stated above may result in further disciplinary action against her CNA Certificate.

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

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

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

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

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

_________________________________________  __________________________________________
Kassandra Dyer, CNA                          Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_________________________________________  __________________________________________
Kathleen Chinn, FNP-BC                        Date
Board President

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

In the Matter of                                                   )  FINAL ORDER OF SUSPENSION
Katherine Emry, CNA                                              )  OF NURSING ASSISTANT

)  CERTIFICATE BY DEFAULT FOR
)  FAILURE TO COOPERATE

Certificate No. 200711746CNA )  Reference No. 21-00591

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. Katherine Emry (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on August 14, 2007.

This matter was considered by the Board at its meeting on September 15, 2021.

On August 23, 2021, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to the address of record via certified and first-class mail. The Notice alleged that Katherine Emry failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on August 14, 2007.

2. On or about December 30, 2020, Certificate Holder submitted an application for renewal of Certified Nursing Assistant Certificate. Certificate Holder failed to respond truthfully to background information questions on the application. The Board opened an investigation into the matter.

3. On June 17, 2021, Board staff mailed a letter to Certificate Holder’s address of record
requesting that an interview be scheduled to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

4. On July 30, 2021, a second letter was sent to Certificate Holder’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

5. On August 23, 2021, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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

---II---

CONCLUSIONS OF LAW

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

2. That Certificate Holder’s failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(10)(a) and (c), which read as follows:

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

OAR 851-063-0090(10)(a)(c) Conduct Unbecoming a Nursing Assistant:
A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:
(10) Conduct related to the certificate holder's relationship with the Board:
(a) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to waiver of confidentiality, except attorney-client privilege.
(c) Failing to provide the Board with any documents requested by the Board.[.]

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

-III-

ORDER

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

ORDERED that the Nursing Assistant Certificate of Katherine Emry 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 Katherine Emry has fully cooperated with the Board’s investigation. Should the Board reinstate the Nursing Assistant Certificate of Katherine Emry, the Certificate Holder would be subject to whatever terms and conditions the Board may impose.

DATED this ___ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

________________________________________
Kathleen Chinn, FNP-BC
Board President

TO: KATHERINE EMRY:

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 Jeannette Gailey, RN

) STIPULATED ORDER FOR
) CIVIL PENALTY

License No. 077038612RN ) Reference No. 21-00695

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

On or before February 10, 2017, Licensee should have renewed her Registered Nurse license. Licensee failed to timely renew. The license expired on February 10, 2017 and Licensee continued to practice as a Registered Nurse.

In January 2021, Licensee made contact with the Board regarding the status of her license. At this time the Board learned Licensee had not renewed her license timely.

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

On May 03, 2021, after an investigation, the Board received substantiated information from Licensee establishing that they were practicing nursing a total in excess of 100 days between the dates of February 10, 2017 and May 05, 2020.

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.

This is the only documented occurrence of Licensee failing to renew her license timely. Additionally Licensee has never been investigated by the Board for any reason prior to this occurrence. Licensee provided evidence of financial hardship.

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 in excess of 100 days between the dates of February 10, 2017 and May 05, 2020, equaling a total civil penalty of $5000.00. Based on the mitigating factors that Licensee has a record of timely renewals, no prior disciplinary action and is experiencing financial hardship, the Board has determined that the civil penalty may be reduced by 80% to $1,000.

That the Board impose a civil penalty against Licensee in the amount of $1000.

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 $50 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. Licensee may elect to pay the Civil Penalty or any remaining balance thereof in full at any time. 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.

__________________________________________________________  ________________________________
Jeannette Gailey, 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 Elisha Gonzales, RN)
( ) STIPULATED ORDER FOR
( ) VOLUNTARY SURRENDER
( ) Reference No. 22-00045

License No. 201500054RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Elisha Gonzales (Licensee) was issued a Registered Nurse License/Certificate by the Board on January 06, 2015.

On or about October 2, 2019, the Board received a self-report from Licensee that she had received two (2) recent DUIs.

The Board opened an investigation and on February 11, 2020, the Board approved entry into the HPSP monitoring program. Licensee was non-compliant with her HPSP agreement by receiving reports for positive toxicology tests on three (3) occasions.

On November 18, 2020, the Board reviewed her case and placed Licensee on a twenty-four (24) month period of probation.

Licensee was employed for a short time from May 8, 2021, to July 1, 2021. She resigned in order to care for her ailing parents. Licensee will not be able to comply with her Board agreement as she will be unemployed and unable to fulfill the supervised work requirement of her probation, and not able to financially afford the toxicology testing.

Licensee wishes to voluntary surrender her license.

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

ORS 678-111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for 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 place 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.

Page 1 of 3 - Stipulated Order for Voluntary Surrender; 22-00045
(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 Elisha Gonzales be accepted. If, after a minimum of three years, Ms. Gonzales wishes to reinstate their Registered Nurse license, Elisha Gonzales 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, **Elisha Gonzales** 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.

______________________________   ________________________
Elisha Gonzales, 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 ) STIPULATED ORDER FOR
Bang Phi Hoang, RN ) REPRIMAND OF LICENSE
) Reference No. 21-00709
License No. 201606196RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Bang Phi Hoang (Licensee) was issued a Registered Nurse License by the Board on August 08, 2016.

On or about February 10, 2021, the Board received information that Licensee worked outside of scope by completing a nursing assessment and recommending treatment for a patient who had recently discharged from Licensee’s unit at Providence St. Vincent Medical Center. The patient was not admitted to the hospital where Licensee was working at the time Licensee provided the assessment and recommendations. Licensee failed to obtain provider’s orders for the recommended treatment and failed to document the nursing care provided.

Licensee self-reported the above incident to management and while conduct occurred because Licensee was attempting to help the patient, Licensee understands the patient safety risks associated with the practice decisions made and takes accountability for her actions. Licensee has completed education from NCSBN on Righting a Wrong – Ethics and Professionalism in Nursing, Professional Accountability and Legal Liability for Nurses, Professional Boundaries in Nursing, Ethics of Nursing Practice and Sharpening Critical Thinking Skills in order to improve her practice and prevent any similar future occurrence.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(a)(b)(3)(b)(4)(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
facts of the professional nursing society's practice standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

(2) Conduct related to achieving and maintaining clinical competency:
   (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
   (b) Performing acts beyond the authorized scope or beyond the level of nursing for which the individual is licensed.

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

(4) Conduct related to communication:
   (a) Failure to accurately document nursing interventions and nursing practice implementation.

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 Bang Phi Hoang be reprimanded.**

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

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

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

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

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

_________________________________________        ________________________________
Bang Phi Hoang, 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
Dana Landis, RN ) REPRIMAND OF LICENSE
) Reference No. 21-00488
License No. 087003132RN

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

On or about September 11, 2020, the Board received information that Licensee Dana Landis while working at Asante Rogue Regional Medical Center, improperly restrained a behavioral health patient by authorizing a “hands on” by security to obtain a blood glucose. The patient had a voluntary legal status and the right to refuse treatment. Licensee Dana Landis failed to document in the patient record the incident date, time, the occurrence of “hands on”, and the patient’s response and outcome.

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

STATUTES AND RULES RELATED TO THIS CASE

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

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

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

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

Page 1 of 3 - Stipulated Order for Reprimand; 21-00488
(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. 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

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 Dana Landis 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.

________________________________________  
Dana Landis, 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
Suzanne Larsen, RN )  VOLUNTARY SURRENDER
)  Reference No. 21-01011
License No. 202009041RN

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Suzanne Larsen (Licensee) was issued a Registered Nurse License by the Board on October 7, 2020. This license expired on June 11, 2021.

On or about May 21, 2021, the Board received information that Licensee, who is also licensed as a registered nurse in Idaho, was impaired by alcohol while on duty while working in Idaho. The Board opened an investigation.

Licensee reported that she completed treatment for alcohol use disorder, is engaged in ongoing recovery support activities and has maintained sobriety.

Licensee does not intend to live or practice nursing in Oregon, and has not applied for reactivation of her Oregon RN license.

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

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

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

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

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

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

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

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

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

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

______________________________  __________________________
Suzanne Larsen  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

Jessica Recore, RN

) ) FINAL ORDER OF SUSPENSION

) ) BY DEFAULT FOR

) ) FAILURE TO COOPERATE

) )

License No. 201902367RN ) ) Reference No. 21-00916

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jessica Recore (Licensee) was issued a Registered Nurse License by the Board on March 26, 2019.

This matter was considered by the Board at its meeting on September 15, 2021.

On August 11, 2021, a Notice stating that the Board intended to Suspend the Registered Nurse License of Jessica Recore was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee’s North Carolina Registered Nurse license was reprimanded and placed on probation as a result of an investigation into allegations of impairment in the workplace and diversion of controlled substances. The Notice further alleged that Licensee failed to cooperate with the Oregon Board’s 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 March 26, 2019.

2. On or about April 20, 2021, the Board learned that effective April 19, 2021, Licensee’s North Carolina Registered Nurse license was reprimanded and placed on probation as a result of an investigation into allegations of impairment in the workplace and diversion of controlled substances. The Board opened an investigation into the matter.

3. On July 14, 2021, Board staff mailed a letter to Licensee’s mailing and email addresses of record requesting that she schedule an interview to discuss the allegations. Licensee
was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. On July 30, 2021, a second letter was sent to Licensee’s addresses of record requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

5. On August 11, 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.

---

**CONCLUSIONS OF LAW**

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

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

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

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

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

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

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

-III-

ORDER

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

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

DATED this _____ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

__________________________
Kathleen Chinn, FNP-BC
Board President

TO: JESSICA RECORE:

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
Melissa Sales, CNA

FINAL ORDER OF DENIAL
OF NURSING ASSISTANT
CERTIFICATE BY DEFAULT
Reference No. 21-00874

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. Melissa Sales (Applicant) applied for a Nursing Assistant Certificate in the state of Oregon on or about September 11, 2020.

The Board considered this matter at its meeting on September 15, 2021.

On June 23, 2021, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant’s address of record. The Notice alleged Applicant failed to cooperate with an investigation after she disclosed she had been investigated for abuse from another regulatory agency.

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

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

-I-
FINDINGS OF FACT

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

1. On or about September 11, 2020, Applicant applied and disclosed facts related to an investigation for abuse from another regulatory agency

2. On or about April 12, 2021, Board staff mailed a letter to applicant's address of record requesting that she schedule an interview to discuss the disclosure. Applicant was further instructed to send a written statement regarding the allegations and a current work history. Applicant failed to schedule an interview and did not provide any documents to the Board.

3. On or about April 28, 2021, a second letter was sent to Applicant’s address of record requesting that she contact the Board within five (5) business days to schedule an interview to
discuss the disclosure. Applicant was also asked to send a written statement regarding the allegations and provide a current work history. Applicant failed to schedule an interview and did not provide any documents to the Board.

4. On June 16, 2021, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assistant Certificate.

5. On June 23, 2021, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

II
CONCLUSIONS OF LAW

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

2. That Applicant’s conduct is in violation of the following Statues and administrative rules:

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant. A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:
(10) Conduct related to the certification holder’s relationship with the Board:
(a) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to waiver of confidentiality, except attorney-client privilege.
(c) Failing to provide the Board with any documents requested by the Board.

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

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

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

Dated this ___________day of September 2021

FOR THE OREGON STATE BOARD OF NURSING

___________________________________________
Kathleen Chinn, FNP-BC
Board President

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

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

In the Matter of ) STIPULATED ORDER FOR
Lisa Schmidt ) PROBATION

Certificate No. 000008279CNA ) Reference No. 21-00922

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Applicant. Lisa Schmidt (Applicant) was issued a Nursing Assistant certificate by the Board which subsequently expired. Applicant submitted a complete Nursing Assistant certificate reactivation application to the Board in April 2021.

In 2021, Applicant used alcohol and cannabis to an extent or in a manner dangerous or injurious to themself or others.

By the above actions, Applicant is subject to discipline pursuant to ORS 670.280 which provides as follows:

ORS 670.280 Denial, suspension or revocation of license based on criminal conviction; denial of license or imposition of discipline for conduct substantially related to fitness and ability of applicant or licensee.

(1) As used in this section:
(a) “License” includes a registration, certification or permit.
(b) “Licensee” includes a registrant or a holder of a certification or permit.
(2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing board, commission or agency may not deny, suspend or revoke an occupational or professional license solely for the reason that the applicant or licensee has been convicted of a crime, but it may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific occupational or professional standards in determining the fitness of the person to receive or hold the license.
(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or agency may deny an occupational or professional license or impose discipline on a licensee based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards.

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

**That the Nursing Assistant certificate of Lisa Schmidt be placed on Probation.** The Applicant’s compliance with this agreement will be monitored by the Board from date their Nursing Assistant certificate is reactivated. Applicant must complete a six (6) month period of probation to begin upon Applicant’s return to performing the duties at the level of a Certified Nursing Assistant. Applicant must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Applicant is able to exercise the full extent of scope of duties in order to demonstrate whether Applicant is competent. Limited overtime may be approved on occasion.

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

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

2) Applicant shall have twelve (12) months from Board’s acceptance of this Stipulated Order to complete six (6) months of monitored practice.

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

4) Applicant shall maintain an active certificate.

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

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

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

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

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

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

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

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

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

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

16) Applicant shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Applicant shall submit to Board staff a copy Applicant’s completion certificate or discharge summary. Applicant shall sign any release of information necessary to allow Board staff to communicate with Applicant’s treatment provider and release Applicant’s treatment records to the Board.

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

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

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

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

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

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

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

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

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

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. 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.

IT IS SO AGREED:

________________________________________________________________________
Lisa Schmidt                                          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 )
Megan Scott, RN ) FINAL ORDER OF REVOCATION
) BY DEFAULT

License No. 200542383RN ) Reference No. 20-00715

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Megan Scott (Licensee) was issued a Registered Nurse License by the Board on October 06, 2005.

This matter was considered by the Board at its meeting on September 15, 2021.

On August 20, 2021, a Notice stating that the Board intended to Revoke the Registered Nurse License of Megan Scott was sent to Licensee via certified mail to the address of record.

The Notice alleged that Licensee exhibited practice issues and had medical issues that were also affecting her practice while employed with the VA.

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 06, 2005.

2. On a 2019-2020 proficiency review completed by the VA, it was identified that Licensee, while employed in a primary care setting, was not able to meet the expectations for a Nurse II and was found to be unsatisfactory in her performance. Specific deficits were identified in Licensee’s triage skills and critical thinking.

3. VA records show that Licensee was not recommended to be promoted to a higher grade
and step scale through the VA, due to not meeting practice requirements in 2015, 2016, 2017 and 2018.

4. Licensee was placed on a Performance Improvement Plan by the VA in October, 2019, after concerns were identified regarding Licensee’s basic nursing care and critical thinking skills. Licensee did not successfully complete this Performance Improvement Plan.

5. On or about May 6, 2019, a fitness for duty evaluation was requested by Licensee’s supervisor with the VA, due to concerns with the accuracy of Licensee’s work related to public safety. The evaluator found deficits with Licensee’s vision that would affect her ability to perform her role in the Endoscopy Unit, Licensee’s home unit at the time the evaluation was requested.

6. On August 20, 2021, Board staff mailed a Notice of Proposed Revocation to Licensee via 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, Megan Scott, 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(2)(a)(3)(b)(7)(a)(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.
(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.
(7) Conduct related to impaired function:
   (a) Practicing nursing when unable or unfit due to:
   (A) Physical impairment as evidenced by documented deterioration of functioning in the practice setting or by the assessment of an LIP qualified to diagnose physical condition or status.

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 Megan Scott is REVOKED.

DATED this _____ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: MEGAN SCOTT:

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
Janet Scurlock, LPN

License No. 201030149LPN

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 Licensed Practical Nurse License in the state of Oregon on June 03, 2010.

2. December 18, 2019, Licensee was placed on a 24 month period of probation after the Board received a report that Licensee improperly administered oxycodone and failed to document the administration, waste, or return of the oxycodone logged out. Also, Licensee illicitly purchased oxycodone online without a prescription, and answered disclosure questions on renewal applications untruthfully.
3. On or about February 14, 2020 through May 13, 2021, Licensee missed 11 toxicology tests.


5. On or about April 20, 2021, Licensee failed to provide requested chain of custody forms for toxicology tests on April 6, 2021 and April 15, 2021.

6. Licensee also failed to comply with third-party recommendations for ongoing counseling treatment.

7. Licensee has failed to maintain monthly contact with Board staff.

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.

-III-

CONCLUSIONS OF LAW

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

2. That Licensee’s conduct is in violation of ORS 678.111 (1)(f), OAR 851-045-0070 (10)(d), OAR 851-070-0100 (3)

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 Licensed Practical Nurse License/Certificate of Janet Scurlock is REVOKED.

DATED this _____ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: JANET SCURLOCK:

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 Licensed Practical 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 ) STIPULATED ORDER FOR
Veronica Sharp, RN ) PROBATION
)
License No. 200441667RN ) Reference No. 18-01156

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Veronica Sharp (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on August 9, 2004.

On or about January 30, 2018, the Board received information that Licensee had been terminated by her employer for showing signs of impairment at work. Licensee did not cooperate with her employer when asked to submit to a urine drug screen.

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

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

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

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

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

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

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

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

4) Licensee shall maintain an active license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

_________________________________________  ________________________________
Veronica Sharp, 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 )  FINAL ORDER OF SUSPENSION
Mandy Shinn, RN)  BY DEFAULT FOR
)  FAILURE TO COOPERATE
)
License No. 201243233RN )  Reference No. 21-01087

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Mandy Shinn (Licensee) was issued a Registered Nurse License by the Board on October 04, 2012.

This matter was considered by the Board at its meeting on September 15, 2021.

On August 17, 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 Mandy Shinn 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 October 4, 2012.

2. On or about June 15, 2021, Licensee was reported to the Board for a finding of neglect through substance abuse by another regulating agency. The Board opened an investigation into the matter.

3. On June 21, 2021, Board staff mailed a letter to Licensee’s address of record requesting that they schedule an interview to discuss the allegations. Licensee was further
instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. On August 03, 2021, a second letter was sent to Licensee’s address of record, requesting that they contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was 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 August 17, 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, Mandy Shinn, and over the subject matter of this proceeding.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

-III-
ORDER

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

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

DATED this _____ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President
TO: MANDY SHINN:

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

Patrick Simoes

) STIPULATED ORDER FOR
) WITHDRAWAL OF REGISTERED
) NURSE LICENSE APPLICATION

License No. 201607043RN ) Reference No. 21-01041

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Registered Nurse license applicants. Patrick Simoes (Applicant) was issued a Registered Nurse license by the Board in 2016 which expired in 2017. Applicant submitted a Registered Nurse license reactivation application to the Board on or about November 16, 2020.

In March 2021, Applicant’s Registered Nurse license in Georgia was disciplined related to the 2019 diversion of controlled substances and impairment on duty. As a result, Applicant’s Registered Nurse licenses in Nevada and Indiana were both disciplined in June 2021.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-031-0006(1)(c) and OAR 851-045-0070(7)(c), (8)(k)(l) 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 851-031-0006 General Eligibility Requirements for All Initial Applications for License, License Renewal, and License Reactivation
(1) Limits on Eligibility:
(c) If the applicant has past, current or pending disciplinary action in another licensing jurisdiction, the Board must investigate and may deny or otherwise discipline including possible revocation of licensure.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:
(7) Conduct related to impaired function:
(c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.
(8) Conduct related to other federal or state statute or rule violations:
(k) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled medications to any person, including self, except as directed by a person authorized by law to prescribe medications;
(l) Unauthorized removal or attempted removal of medications, supplies, property, or money from anyone in the workplace;

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 Patrick Simoes’ application for Registered Nurse License be withdrawn.

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

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

Applicant understands that this Stipulated Order is a document of public record. Applicant has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Withdrawal of Registered Nurse License Application.

IT IS SO AGREED:

Patrick Simoes, 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
Katie Spowehn, CNA

Certificate No. 201910876CNA

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Katie Spowehn (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on December 5, 2019.

This matter was considered by the Board at its meeting on September 15, 2021.

On August 23, 2021, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Katie Spowehn was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder was impaired by alcohol while on duty as a CNA, and failed to cooperate with the Board’s investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Certified Nursing Assistant Certificate in the state of Oregon on December 5, 2019.

2. On April 16, 2021, Certificate Holder exhibited signs of impairment while on duty as a CNA.
3. On April 16, 2021, Certificate Holder underwent toxicology testing for suspicion of substance use. The test was conducted several hours into Certificate Holder’s shift, and resulted positive for 0.08% alcohol content.

4. June 22, 2021, Certificate Holder failed to attend a scheduled interview with Board staff. Certificate Holder did not notify Board staff that she would not attend the interview, and did not respond to phone calls or email messages offering to reschedule the interview. Certificate Holder also failed to submit a written statement and work history, as instructed.

5. On August 23, 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.

-II-

CONCLUSIONS OF LAW

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

2. That Certificate Holder’s conduct is in violation of ORS 678.442 (2)(f) and OAR 851-063-0090 (2)(a), (7)(b)(c) and (10)(a)(c) which read as follows:

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

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

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

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

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

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

-III-

ORDER

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

ORDERED that the Certified Nursing Assistant Certificate of Katie Spowehn is REVOKED.

DATED this ____ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: KATIE SPOWEHN:
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.
The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Lisa Spring (Licensee) was issued a Registered Nurse license by the Board on July 02, 2004.

This matter was considered by the Board at its meeting on September 15, 2021.

On August 25, 2021, a Notice stating that the Board intended to revoke the Registered Nurse license of Lisa Spring was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee failed to properly document patients’ pain and failed to cooperate with this Board 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:

-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 July 02, 2004.

2. On or about June 4, 2021, Licensee was reported to the Board for allegedly being impaired at work, diverting controlled substances from work, and failing to properly document patients’ pain. The Board opened an investigation into the matter.

3. On June 7, 2021, Board staff left Licensee a voicemail at her telephone number of record requesting to be contacted. That same day, Board staff sent Licensee an email requesting that to be contacted. No response was forthcoming. On June 08, 2021,
Board staff mailed a letter to Licensee’s address of record requesting that they schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board. On June 23, 2021, a second letter was sent to Licensee’s address of record, requesting that they contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was 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.

4. On August 18, 2021, the Board voted to issue a Notice of Proposed Revocation to Licensee.

5. On August 25, 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, Lisa Spring, 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(4)(c)(C), (10)(a)(c) which provide as follows:

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

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

DATED this _____ day of September, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO LISA SPRING:

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 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
Linda Walker, RN

) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER
)

License No. 090001005RN) Reference No. 21-01121

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Linda Walker (Licensee) was issued a Registered Nurse License/Certificate by the Board on September 11, 1990.

On or about 9/16/20, the Board received information that Licensee self-reported that they received a DUI after consuming alcohol and then driving her car. Licensee reported she got her second DUI.

That same day the Board received an online complaint that on 9/14/20 Licensee reportedly abandoned her nursing duties and delegations.

Licensee was allowed entry into the Health Professional Services Program (HPSP) by the Board on 4/14/21. Licensee has been reported as Non-Compliant on multiple occasions regarding toxicology testing, failing to meet that requirement.

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

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

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

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

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

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

(10) Conduct related to the licensee’s relationship with the Board:
(e) Failing to comply with the terms and conditions of Health Professionals’ Services Program agreements.

Substantial Non-Compliance Criteria
851-070-0100
(d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing or self-report of unauthorized substance use
(l) Violated any terms of the monitoring agreement; or

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 Linda Walker be accepted. If, after a minimum of three years, Ms. Walker wishes to reinstate their Registered Nurse license, Linda Walker 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, Linda Walker 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.

Linda Walker, RN 09/01/21
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
Dana Wheeler, RN ) REPRIMAND OF LICENSE
 )
License No. 082010255RN ) Reference No. 21-01056

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. Dana Wheeler (Licensee) was issued a Registered Nurse License by the Board on September 28, 1982.

On or about June 4, 2021, the Board received information that Licensee had posted an image on social media, which displayed private patient information. The licensee was cooperative with the Board, and agreed that this allegation had occurred.

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

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

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

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

That the Registered Nurse License/Certificate License of Dana Wheeler 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.

______________________________
Dana Wheeler, 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
David Wilken, RN)SUSPENSION AND PROBATION
)OF LICENSE

License No. 201406762RN Reference No. 21-00632

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 Wilken (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on September 29, 2014.

On or about January 20, 2021, the Board received information that Licensee resigned in lieu of termination for misconduct with co-workers. Licensee agrees that this was directly linked to his substance use disorder.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), and OAR 851-045-0070(6)(a), and (7)(c).

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

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

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:
That the Registered Nurse License of David Wilken be placed on Probation, and be Suspended for 30 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.

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 in the State of Oregon, 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 employment and/or any move from Oregon employment 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) BLANK.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

__________________________________________  ______________________________
David Wilken, 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