

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Tonya Ballam, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 200712708CNA) **Reference No. 19-01268**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nursing Assistant Certificates. Tonya Ballam (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on December 20, 2007.

On or about April 16, 2019, the Board received information that Certificate Holder failed to maintain professional boundaries with a resident while working at a facility.

Certificate Holder met resident while she worked as a CNA at facility. On November 2, 2017, Certificate Holder was verbally counseled by her manager for spending too much time with resident. After resident's release from facility, Certificate Holder remained friends with resident and eventually became roommates with him.

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

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

(3) Conduct related to client safety and integrity:

(k) Failing to maintain professional boundaries.

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

That the Nursing Assistant Certificate of Tonya Ballam be reprimanded.

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

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

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

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

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

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

Tonya Ballam, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Hilary Bishop, Applicant) **WITHDRAWAL OF PRACTICAL**
) **NURSE LICENSE APPLICATION**
License No. 201330059LPN (expired)) **Reference No. 20-00575**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Practical Nurses and Applicants. Hilary Bishop (Applicant) submitted an application for reactivation of her Practical Nurse License to the Board of Nursing on or about November 4, 2019.

In the application, Applicant disclosed a history of alcohol abuse as well as two felony convictions for robbery on February 22, 2017. Application failed to disclose those convictions to the Board within 10 days, as required by the Nurse Practice Act.

Applicant has completed her prison sentence and is currently on post-prison supervision. Applicant wishes to withdraw her application at this time to focus on her recovery.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(a)(f), OAR 061-031-0006 (2)(b) and OAR 851-045-0070(c) and (8)(v)(w) 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:

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

(f) Conduct derogatory to the standards of nursing.

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

(2) Limits on Eligibility:

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

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:

(v) Failure to report to the Board the licensee's arrest for a felony crime within 10 days of the arrest; or

(w) Failure to report to the Board the licensee's conviction of a misdemeanor or a felony crime within 10 days of the conviction.

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 Hilary Bishop's application for Reactivation of Practical 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, she 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 Practical Nurse Reactivation Application.

IT IS SO AGREED:

Hilary Bishop

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)
Kelly Carey, LPN) **FINAL ORDER OF REVOCATION**
) **BY DEFAULT**
)
)
License No. 201602397LPN) **Reference No. 20-00256**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Kelly Carey (Licensee) was issued a Licensed Practical Nurse License/Certificate by the Board on April 12, 2016.

This matter was considered by the Board at its meeting on January 08, 2020.

On November 15, 2019, a Notice stating that the Board intended to Revoke the Licensed Practical Nurse License/certificate of Kelly Carey was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee failed to comply with a Board order.

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 Licensed Practical Nurse License in the state of Oregon on April 12, 2016.
2. On April 13, 2018, Licensee made application for renewal, but failed to disclose an arrest for DUII and other charges that occurred on February 22, 2017. An investigation was opened into this matter.
3. On October 10, 2018, Licensee's LPN license was suspended by the Board for failure to

cooperate during the course of an investigation. Her suspension was ended on November 13, 2018, based on her cooperation with the Board and on April 10, 2019 she was given Board approval to enter into a twenty four (24) month probationary period.

4. Licensee had two (2) positive toxicology tests and one (1) dilute between the dates of June 28, 2019, and July 31, 2019. Licensee also failed to maintain monthly contact with Board staff, and discontinued complying with the toxicology lab, missing daily check in and monthly toxicology testing.

On November 15, 2019, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Kelly Carey, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111 (1)(e)(f), and OAR 851-045-0070, 7(c)10(d).
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 of Kelly Carey is REVOKED.

DATED this ____ day of January, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO: KELLY CAREY:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF REVOCATION**
Ebony Caulkins, LPN) **BY DEFAULT**
AKA: Ebony Fenn)
)
)
License No. 201394683LPN) **Reference No. 19-01215**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Ebony Caulkins (Licensee) was issued a Practical Nurse license by the Board on December 20, 2013.

This matter was considered by the Board at its meeting on January 08, 2020.

On December 12, 2019, a Notice stating that the Board intended to revoke the Practical Nurse license of Ebony Caulkins was sent to Licensee via certified and first-class mail to the address of record. The Notice alleged that Licensee failed to properly administer and document patient medications and treatments. The Notice further alleged that Licensee failed to provide the Board with requested documents.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Practical Nurse license in the state of Oregon on December 20, 2013.
2. On or about April 9, 2019, Licensee was reported to the Board for allegedly failing to properly administer medications and treatments, failing to properly document medication administration and care of patients, possibly diverting unaccounted for medications, and possibly being impaired at work. The Board opened an investigation

into the matter.

3. On at least one date in November 2018, Licensee failed to administer residents' medications. On at least one date in February 2019, Licensee failed to report or chart a patient's fall, administered patients' insulin and treatments late, and failed to administer patients' treatments. On at least one date in March 2019, Licensee failed to properly administer patients' medications and treatments, failed to properly document medication administration and care of patients, and failed to undergo a for-cause drug screen as required by their employer. On or about April 29 and/or 30, 2019, Licensee failed to properly administer medications.
4. On April 26 and 29, 2019, Board staff emailed and mailed, respectively, a letter to Licensee requesting, among other things, a copy of their work history and a written response to some of the above-mentioned allegations. On May 15, 2019, Board staff emailed and mailed a second letter to Licensee requesting, among other things, a copy of their work history and a written response to some of the above-mentioned allegations. Licensee failed to provide the requested documents to the Board.
5. On December 12, 2019, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Ebony Caulkins, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(a), (3)(c), (4)(c)(C), (8)(k), (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:

(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:

(c) Failing to develop, implement or modify the plan of care;

(4) Conduct related to communication:

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

(C) Failing to document information pertinent to a client's care;

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

(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;

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

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

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

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

-III-

ORDER

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

DATED this ____ day of January, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO EBONY CAULKINS:

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

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Melanie Estes, RN) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
License No. 200940437RN) **Reference No. 20-00492**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Melanie Estes (Licensee) was issued a Registered Nurse License by the Board on March 5, 2009.

This matter was considered by the Board at its meeting on January 8, 2020.

On December 19, 2019, a Notice stating that the Board intended to suspend the Registered Nurse License of Licensee was sent via certified and first-class mail to Licensee's address of record. The Notice alleged that Melanie Estes 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 March 5, 2009.
2. On or about November 1, 2019, Licensee's employer terminated her employment for delinquent/missing medications, failing to document patient care, behavior changes and concerns for her ability to safely practice nursing. The Board opened an investigation into the matter.
3. On November 19, 2019, Board staff mailed a letter to Licensee's address 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 December 5, 2019, a second letter was sent to Licensee's address 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 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 December 19, 2019, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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 Licensee is in default on the Notice.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Melanie Estes, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(10)(a)(c), which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, 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 Melanie Estes 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 Melanie Estes has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse License of Melanie Estes, Licensee would be subject to whatever terms and conditions the Board may impose.

DATED this 8th day of January, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO: MELANIE ESTES:

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
David Graf, RN Applicant) **WITHDRAWAL OF REGISTERED**
) **NURSE LICENSE APPLICATION**

License No. 086000184RN (expired)) **Reference No. 20-00456**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Applicants. David Graf (Applicant) submitted an application to reactivate his Registered Nurse License to the Board of Nursing on or about September 14, 2019.

In the application, Applicant disclosed that his Arizona Registered Nurse license received a Decree of Censure when while working at Sonora Behavioral Health Hospital in Arizona on or about January 14, 2016, Applicant failed to ensure the safety of the patients assigned to his care when he left the unit and failed to supervise the behavioral health technician under his direction, which resulted in a poor patient outcome. Applicant also failed to document a nursing assessment, a plan of care or nursing interventions, including the initiation of CPR, for a patient, during his shift. In addition, Applicant left the unit without reporting off to another registered nurse, and without ensuring that patient observations were being completed accurately as required by facility policy.

On December 17, 2019, Applicant contacted Board staff and stated he no longer wished to pursue licensure in Oregon.

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

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

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

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

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

(2) Limits on Eligibility:

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

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 David Graf's application for Registered Nurse License be withdrawn.

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

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

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

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

IT IS SO AGREED:

David Graf

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Shawna Heurgue, RN) **VOLUNTARY SURRENDER**
)
License No. 200441629RN) **Reference No. 19-01064**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Shawna Heurgue (Licensee) was issued a Registered Nurse License by the Board on August 4, 2004.

On or about March 4, 2019, the Board received information that Licensee exhibited impaired behavior while working at a hospital on March 3, 2019. Licensee stated she was not impaired, but fatigued from a physical condition. The Board opened an investigation.

On or about May 31, 2019, Licensee signed an Interim Consent Order voluntarily removing herself from working as a nurse or functioning as a caregiver in any setting pending further Order of the Board.

On December 9, 2019, Licensee informed Board staff she wished to focus on her health and voluntarily surrender her Registered Nurse license.

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

(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.

(B) Psychological or mental impairment as evidenced by documented deterioration of

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Amanda Kunz, LPN

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

License No. 201392145LPN (expired)

) **Reference No. 19-00058**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Amanda Kunz (Licensee) was issued a Practical Nurse license by the Board on September 04, 2013.

This matter was considered by the Board at its meeting on January 08, 2020.

On December 19, 2019, a Notice stating that the Board intended to Revoke the Practical Nurse License of Amanda Kunz was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee diverted narcotics from the workplace and 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 Practical Nurse License in the state of Oregon on September 04, 2013.
2. On or about July 12, 2018, Licensee was reported to the Board for diverting narcotics from the workplace.
3. During the month of July 2018, four alert and oriented patients reported asking Licensee for pain medication but never received them. Licensee documented she pulled

and administered the pain medication to the patients.

4. On July 12, 2018, Licensee was required to submit to a drug screen for alleged diversion of narcotics from the facility, per employer's policy. Licensee submitted to the drug screen and then quit that same evening. Licensee's drug test returned positive for the same narcotics that had gone missing.
5. On October 16 and October 30, 2019, Board staff mailed letters to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was instructed to send a written statement regarding the allegations, and a current work history. She failed to schedule an interview and did not provide the requested documents to the Board.
6. On December 19, 2019, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Amanda Kunz, 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 (1)(b), (2)(a), (3)(b), (4)(c)(E) and (8)(e)(I) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

(3) Conduct related to the client's safety and integrity:

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

(4) Conduct related to communication:

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

(E) Falsifying data.

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

(e) Neglecting a client;

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

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

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

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

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

-III-

ORDER

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

ORDERED that the Practical Nurse License of Amanda Kunz is REVOKED.

DATED this _____ day of January, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

TO: AMANDA KUNZ:

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

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

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Lisa Matlock, NP) **REPRIMAND OF LICENSE**
)
License No. 201050187NP, 093003168RN) **Reference No. 19-01288**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioner License. Lisa Matlock (Licensee) was issued a Registered Nurse License by the Board on July 21, 1994 and a Nurse Practitioner License by the Board on September 22, 2010.

On or about April 29, 2019, the Board received information that Licensee prescribed medication for a co-worker without a patient/provider relationship and without documentation of care. During the subsequent investigation, the Board received additional information that licensee's physician co-worker, unbeknownst to licensee, thereafter used Licensee's DEA number to self-prescribe. The physician was criminally prosecuted.

Licensee admits that she prescribed medication for a physician co-worker on three different occasions, in 2016, based on her belief that the co-worker had an illness that would benefit from the prescribed medication provided.

Licensee has reviewed multiple articles regarding proper prescription practice and reflected on the events giving rise to the investigation. Licensee understands the necessity of both establishing a patient/provider relationship and documenting an assessment and plan that justifies prescribing. Additionally, Licensee understands the importance of protecting her DEA number from misuse.

By the above actions, Licensee is subject to discipline pursuant to ORS 676.111(1)(f)(g) and OAR 851-045-0070(1)(a)(b), (3)(g), (4)(b) and OAR 851-056-0016(1), (2)(c), which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

(1) Conduct related to the client's safety and integrity:

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

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

(3) Conduct related to communication:

(g) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period.

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

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

OAR 851-056-0016 Conduct Derogatory to the Standards for Prescriptive or Dispensing Authority

(1) The Board may deny, suspend or revoke the authority to write prescriptions and/or dispense drugs for the causes identified in ORS 678.111(1) or with proof that the authority has been abused.

(2) The abuse of the prescriptive or dispensing authority constitutes conduct derogatory to nursing standards and is defined as:

(c) Prescribing, dispensing, or distributing drugs to an individual who is not the APRN's client unless written under Expedited Partner Therapy guidelines from the Department of Human Services; or under the Oregon Health Authority Programs to Treat Allergic Response OR Hypoglycemia and Opiate Overdose in ORS 433.800–433.830.

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

That the Nurse Practitioner License of Lisa Matlock be Reprimanded.

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

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

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.

Lisa Matlock, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jenelle Morace, RN) **PROBATION**
)
License No. 200141253RN) **Reference No. 19-01345**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jenelle Morace (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing on July 12, 2001.

During their lunch break on May 6, 2019, Licensee consumed alcohol to an extent or in a manner dangerous to themselves or others. As a result, Licensee failed to complete the rest of their scheduled shift that same day without notifying the appropriate personnel and confirming that nursing assignment responsibilities will be met. On August 7, 2019, Licensee failed to show for their scheduled shift without notifying the appropriate personnel and confirming that nursing assignment responsibilities will be met.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(3)(i), (7)(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:

- (3) Conduct related to the client's safety and integrity:
 - (i) Leaving or failing to complete any nursing assignment, including a supervisory assignment, without notifying the appropriate personnel and confirming that nursing assignment responsibilities will be met;
 - (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 Jenelle Morace be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twelve (12) month period of probation to begin upon their 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 they are able to exercise the full extent of scope of duties in order to demonstrate whether they are competent. Limited overtime may be approved on occasion.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have twenty-four (24) months from Board's acceptance of this Order to complete twelve (12) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, their 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 their license, the reasons for their 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 their practice and provide assistance, and who has taken the required Board approved Monitor/Supervisor training. Licensee shall be employed in a setting where their nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

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

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

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

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

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

16) Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of their 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 their treatment provider and release their treatment records to the Board.

17) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to observed tests to

determine the presence of unauthorized substances immediately upon request by Board staff or their employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Stipulated Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that they are financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

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

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

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

21) Licensee shall notify any and all healthcare providers of the nature of their chemical dependency to ensure that their 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 their healthcare providers and release their medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.

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

23) Licensee shall cooperate fully with Board staff in the supervision and investigation of their 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 their license, up to and including revocation of their 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:

Jenelle Morace, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Melissa Morgan, LPN) **REPRIMAND OF LICENSE**
) **WITH CONDITIONS**
License No. 201030258LPN) **Reference No. 20-00248**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Melissa Morgan (Licensee) was issued a Practical Nurse License by the Board on July 30, 2010.

On or about September 8, 2019, Licensee failed to follow nursing facility resident NJ's care plan by not placing NJ on a higher level of supervision or appropriately and timely reporting to those that need to know that NJ initiated and engaged in a physical altercation with resident TB. Licensee's lack of action following NJ's first physical altercation resulted in NJ attempting to engage in a physical altercation with another resident (RE) about two hours later. There was no adverse outcome to any resident. The Board opened an investigation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), OAR 851-045-0070(3)(c), (4)(f) and (8)(g), 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:

(3) Conduct related to the client's safety and integrity:

(c) Failing to develop, implement or modify the plan of care;

(4) Conduct related to communication:

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

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

(g) Failing to report actual or suspected incidents of client abuse or neglect through the proper channels in the workplace;

Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be

proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Practical Nurse license of Melissa Morgan be reprimanded and that she successfully complete the following National Council for State Boards of Nursing courses within thirty (30) days of the date this Stipulated Order is signed by the Board:

- 1. Righting A Wrong: Ethics and Professionalism in Nursing;**
- 2. Ethics of Nursing Practice; and**
- 3. Sharpening Critical Thinking Skills.**

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 Practical Nurse.

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

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

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

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

IT IS SO AGREED:

Melissa Morgan, LPN

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**
Karen Pleyte, RN) **REPRIMAND OF LICENSE**
)
License No. 201400761RN) **Reference No. 19-00660**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse Licenses. Karen Pleyte (Licensee) was issued a Registered Nurse License by the Board on February 04, 2014.

On November 15, 2018, Licensee submitted a renewal application on which she disclosed she was investigated by DHS in August 2015. Licensee received a finding of child abuse/neglect as a result of a domestic violence incident in which her alcohol use was a factor and which occurred in front of her children.

A review of the DHS report showed that Licensee failed to disclose her history with substance abuse on her initial application to the Board in 2014 and on all subsequent renewal applications. Additionally, Licensee failed to disclose the DHS investigation on her renewal application in 2016.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(c)(f)(g) and OAR 851-045-0070(7)(c), (8)(f), and (10)(b) which reads as follow:

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

(7) Conduct related to impaired function:

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

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

(f) Failing to report actual or suspected incidents of client abuse to the appropriate state agencies.

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

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

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

That the Registered Nurse License of Karen Pleyte 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.

Karen Pleyte, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Michelle Rivera, RN) **VOLUNTARY SURRENDER**
)
License No. 201805528RN) **Reference No. 20-00172**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Michelle Rivera (Licensee) was issued a Registered Nurse License by the Board on July 16, 2018.

On or about August 16, 2019, the Board received a self-report notification from the Licensee that they had enrolled into court mandated treatment following a felony arrest that occurred on April 8, 2019. Licensee confirmed they no longer wish to practice as a Registered Nurse in the State of Oregon while completing treatment.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

- (2) Conduct related to achieving and maintaining clinical competency:
 - (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established;
- (7) Conduct related to impaired function:
 - (B) Psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting or by the assessment of an LIP qualified to diagnose mental conditions or status.

Licensee 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 Michelle Rivera be accepted. If, after a minimum of three years, Ms. Rivera wishes to reinstate their Registered Nurse license, Michelle Rivera may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a Registered Nurse in the State of 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, **Michelle Rivera** waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce the signing of this Order.

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

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

Michelle Rivera, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	FINAL ORDER OF
Wendy Rodriguez, CNA)	REVOCAION
)	OF CNA CERTIFICATE
)	
Certificate No. 201604784CNA)	Reference No. 20-00426

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. Wendy Rodriguez (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on July 06, 2016.

This matter was considered by the Board at its meeting on January 08, 2020.

On 12/18/19, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant License/certificate of Wendy Rodriguez was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee was unable to complete the requirements of Probation.

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 Certified Nursing Assistant License/Certificate in the state of Oregon on July 06, 2016.
2. On October 5, 2016, the Board received an email from Certificate Holder self-reporting that she had been arrested for two felonies. An investigation was opened into the matter.
3. The Board accepted a Stipulated Order for Probation on February 15, 2017 for 12 months of monitored practice to be completed within a 24 month period.

4. The Board alleges that since approval of Certificate Holder's Probation she has been unable to obtain employment.

5. The Board alleges that Certificate Holder has not responded to requests for monthly check-in with her probation Monitor.

V.

1. On 12/18/19, 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, Wendy Rodriguez, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of 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.

851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

3. That 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 Certified Nursing Assistant Certificate of Wendy Rodriguez is REVOKED.

DATED this _____ day of January, 2020

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kathleen Chinn, RN FNP
Board President

TO: WENDY RODRIGUEZ:

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 License/Certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE