

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Amina Agboola, CNA** ) **REPRIMAND OF CERTIFICATE**  
)  
**Certificate No. 201707872CNA** ) **Reference No. 20-00222**

---

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. Amina Agboola (CNA) was issued a Nursing Assistant Certificate by the Board on September 22, 2017.

On or about August 28, 2019, the Board received information that alleging that CNA had slept while on duty as a Certified Nursing Assistant. An investigation was opened into the matter.

In an interview with Board staff on October 9, 2019, CNA explained that she had slept on her lunch break from 0330 to 0400. CNA denied sleeping while on duty. Records obtained through the course of the Board's investigation show that CNA was sleeping at 0311, prior to her lunch break.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(1)(b), (2)(a) and (10)(b) which reads as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

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

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

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

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

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

**That the Nursing Assistant Certificate of Amina Agboola be reprimanded.**

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

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

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

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

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

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

---

Amina Agboola, CNA

---

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**  
**Alicia Alqahtani, LPN** ) **SUSPENSION OF LICENSE**  
)  
**License No. 201800197LPN** ) **Reference No. 20-00482**

---

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. Alicia Alqahtani (Licensee) was issued a Practical Nurse License by the Board on January 12, 2018.

On or about November 7, 2019, the Board received information that Licensee had engaged in a personal relationship with a patient. An investigation was opened into the matter.

In an interview with Board staff on December 12, 2019, Licensee admitted that between June and October of 2019, Licensee failed to maintain professional boundaries by engaging in an intimate relationship with a patient.

In December of 2019, Licensee completed continuing education courses on ethics, professionalism, disciplinary actions, and the Nurse Practice Act and enrolled in an extensive professional boundaries course to be held in February of 2020.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(a), (3)(m)(o) which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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:
- (m) Engaging in or attempting to engage in sexual contact with a client in any setting;
- (o) Failing to establish or maintain professional boundaries with a client;

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

**That the Licensed Practical Nurse license of Alicia Alqahtani be SUSPENDED for 30 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.**

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

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

---

Alicia Alqahtani, LPN

---

Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kathleen Chinn, FNP-BC  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Susan Anderson, RN** ) **VOLUNTARY SURRENDER**  
 )  
**License No. 097006841RN** ) **Reference No. 18-00825**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Susan Anderson (Licensee) was issued a Registered Nurse License by the Board on September 09, 1997.

On or about November 14, 2017, the Board received information that alleged Licensee had exhibited physical and mental impairment that may impact her ability to practice nursing safely.

Licensee requests a voluntary surrender of her Registered Nurse license related to a medical condition.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license pursuant to **ORS 678.111(1)(e)(f)(g) and OAR 851-045-0070(7)(a)(A)(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:

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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

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

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

(7) Conduct related to impaired function:

(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; or

(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 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 Susan Anderson be accepted. If, after a minimum of three years, Ms. Anderson 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 she signs this Order.

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 Voluntary Surrender.

\_\_\_\_\_  
Susan Anderson, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Barbara Turnipseed, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Amanda Baldwin, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 201391219RN** ) **Reference No. 20-00467**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Amanda Baldwin (Licensee) was issued a Registered Nurse License by the Board on July 30, 2013.

On or about On April 9, 2019, Licensee self-reported she diverted Narcotics between March 22-24, 2019 while working at the Samaritan Lebanon Community Hospital (SLCH) for her own use. Baldwin's employment was terminated following this incident.

Licensee was diagnosed with Generalized anxiety disorder, Major depressive disorder, recurrent, mild, Alcohol dependence, uncomplicated and Opioid abuse, uncomplicated, and received recommended Interventions.

On September 9, 2019, the Board approved of entry into the Health Professional Services Program (HPSP) for monitoring.

Licensee was unable to meet the requirements of the HPSP regarding maintaining compliance demonstrated by positive toxicology testing. Licensee was reported for several positive toxicology results during the first two months in the program.

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.

(3) A board that participates in the impaired health professional program shall review reports received from the program. If the board finds that a licensee is substantially noncompliant with a diversion agreement entered into under ORS 676.190, the board may suspend, restrict, modify or revoke the licensee's license or end the licensee's participation in the impaired health professional program.

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

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

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

**ORS 678.112 Impaired health professional program.** Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111. [1991 c.193 §2; 2007 c.335 §1; 2009 c.697 §7; 2009 c.756 §§32,94]

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

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

(7) Conduct related to impaired function:

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

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

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

**OAR 851-070-0100 Substantial Non-Compliance Criteria**

(1) The HPSP will report substantial non-compliance to the Board within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:

(d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing or self report of unauthorized substance use;

(1) Violated any terms of the monitoring agreement;

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

Licensee 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 Amanda Baldwin be accepted. If, after a minimum of three years, Ms. Baldwin wishes to reinstate their Registered Nurse license, Amanda Baldwin 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, **Amanda Baldwin** 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.

---

Amanda Baldwin, 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**  
**Virginia Barksdale, CNA** ) **REPRIMAND OF CERTIFICATE**  
)  
**Certificate No. 201505203CNA** ) **Reference No. 20-00371**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistant Certificates. Virginia Barksdale (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on July 29, 2015.

On or about October 16, 2019, the Board received information that the Certificate Holder was audited by her employer's compliance department. It was found from July 28, 2019 through July 29, 2019, the Certificate Holder had accessed forty nine electronic health records of patients that were not admitted in the unit in which the Certificate Holder was working at the time.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(2)(a)(8)(m)

**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;

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

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

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

**That the Certified Nursing Assistant Certificate of Virginia Barksdale be reprimanded.**

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

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

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

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

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

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

---

Virginia Barksdale, 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**  
**Ronni Barrientos, CNA** ) **REPRIMAND OF CERTIFICATE**  
)  
**Certificate No. 200712029CNA** ) **Reference No. 20-00295**

---

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. Ronni Barrientos (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on September 27, 2007.

On or about September 19, 2019, the Board received information that Certificate Holder was issued a finding of neglect by DHS. The Board opened an investigation.

On July 6, 2019, Certificate Holder failed to maintain physician-ordered close supervision of a patient (visual contact at least every 12 to 15 minutes and knowing where the patient is at all times).

On July 6, 2019, Certificate Holder documented that she completed the patient's final check at 2148 instead of 2140, as noted by time in the video surveillance.

Certificate Holder's failure to perform her duties as required provided the patient the opportunity to have an encounter with a peer which resulted in the patient having "distressing thoughts and feelings of fear, rejection and anger."

By the above actions, CNA is subject to discipline pursuant to ORS 678.442 (2)(d)(f) and OAR 851-063-0090 (2)(a), (3)(d), (4)(c)(A)(D) and (8)(e) which read as follows:

**ORS 678.442 Certification of nursing assistants; rules.**

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

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

**OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

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

**(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:**

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

**(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;

(D) Falsifying data.

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

(e) Neglecting a person.

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.

\_\_\_\_\_  
Ronni Barrientos, 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**  
**Kimberly Bittleston, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 081055026RN** ) **Reference No. 19-01397**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kimberly Bittleston (Licensee) was issued a Registered Nurse License by the Board on September 28, 1982.

On or about November 20, 2017, Licensee was granted entrance into the Health Professionals' Services program. Licensee has chosen not to complete the program as she would like to retire from nursing practice.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license pursuant to **ORS 678.111(1)(f)(g)**.

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

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

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 Kimberly Bittleston be accepted. Licensee has voluntarily chosen to retire from nursing practice and agrees not to practice or re-apply for licensure as a Registered Nurse in Oregon or any other state 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, **Kimberly Bittleston** 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.

---

Kimberly Bittleston, 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**  
**Heidi Brancato, LPN** ) **CIVIL PENALTY**  
)  
**License No. 201802347LPN** ) **Reference No. 20-00638**

---

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. Heidi Brancato (Licensee) was issued a Licensed Practical Nurse License/Certificate by the Board on March 28, 2018.

On or before August 08, 2019, Licensee should have renewed her Licensed Practical Nurse license. Licensee failed to timely renew, and the license expired on August 08, 2019.

From the date Licensee's license expired on August 08, 2019 until the date the license was renewed, she continued to practice nursing at Brighter Smiles in Eugene, Oregon.

On December 20<sup>th</sup>, 2019, Board staff sent Licensee a notification letter informing the Licensee of a potential civil penalty for practicing nursing without a current license which was brought about by an anonymous complaint. At that time, the Board requested additional information from her on which to base the assessment (dollar amount) of the civil penalty.

On January 6, 2020, the Board received substantiated information from Licensee establishing that they were practicing nursing a total of 42 days between the dates of August 08, 2019 and December 20, 2019.

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.

There have been no prior license renewals for this Licensee since first issued on 03/28/2018. Licensee has no disciplinary history prior to this date. Licensee has not worked since December 20, 2019 and declares a 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 of 42 days between the dates of August 08, 2019 and December 20, 2019 equaling a total civil penalty of \$2100.00. Based on the mitigating factors that Licensee, has no prior disciplinary action and is experiencing financial hardship, the Board has determined that the civil penalty may be reduced by 50% to \$1050.00.**

**That the Board impose a civil penalty against Licensee in the amount of \$1050.00.**

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

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

**Licensee shall pay the civil penalty in full the first payment to be received by the Board within twenty (20) days from the date Licensee's signature on this Stipulation. Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224; alternatively, payment may be made by phone at 971-673-0685.**

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

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

---

Heidi Brancato, LPN

---

Date

**ORDER**

IT IS SO ORDERED:

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

---

Kathleen Chinn, FNP-BC  
Board President

---

Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Joel Brown, RN**

**) STIPULATED ORDER FOR  
) SIX MONTH SUSPENSION FOLLOWED  
) BY PROBATION  
) Reference No. 19-01424**

**License No. 201041730RN**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Joel Brown (Licensee) was issued a Registered Nurse License/Certificate by the Oregon State Board of Nursing on July 12, 2010.

On or about June 5, 2019, the Board received information that Licensee had been placed on administrative leave from his employer for numerous narcotics discrepancies in reports and in records for patient administrations. On June 7, 2019, the Board received information that Licensee had come into his work-space on three occasions after being placed on administrative leave by his employer and accessed the PYXIS to remove Fentanyl.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(b)(f)(g) and OAR 851-045-0070(1)(b)(7)(a)(c)(8)(k)(l)

**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:

(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.

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

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

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

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

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

(7) Conduct related to impaired function:

(a) Practicing nursing when unable or unfit due to:

(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 work place;

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

**That the Registered Nurse License/Certificate license of Joel Brown be SUSPENDED for six months with credit for time served on the Interim Consent Order followed by two years of 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 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 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 an evaluation by a Board approved chemical abuse or dependence 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:

\_\_\_\_\_  
Joel Brown, 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 OF FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Dustin Carlson, NP** ) **PROBATION**  
)  
**License No. 201702479NP-PP,** ) **Reference No. 20-00294**  
**201040712RN**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Nurse Practitioners. The Oregon State Board of Nursing issued Dustin Carlson (Licensee) a Registered Nurse license on April 19, 2010, and a Nurse Practitioner Certificate on April 10, 2017.

On or about September 23, 2019, the Board received information that Licensee had been suspected of practicing impaired on or about September 4, 2019. An at cause urine drug screen was conducted and the results were positive for methamphetamine. An investigation was opened into the matter.

On November 7, 2019, Licensee underwent an evaluation and received a substance use diagnoses. Licensee has successfully engaged in the recommended treatment.

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

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

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

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

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

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

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

(7) Conduct related to impaired function:

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

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

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
- 6) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

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

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

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

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

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

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

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

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

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

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

18) 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 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 an evaluation by a Board approved chemical abuse or dependence 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 and/or Nurse Practitioner Certificate.

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:

\_\_\_\_\_  
Dustin Carlson, NP

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Barbara Turnipseed, RN  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
FOR THE  
OREGON STATE BOARD OF NURSING**

IN THE MATTER OF: ) **FINAL ORDER**  
 )  
**IRENA CHERNISH** ) OAH Case No. 2018-ABC-01988  
 ) Agency Case No. 17-01754  
 )  
 )

The Oregon State Board of Nursing (Board), having considered:

- the Administrative Law Judge’s (ALJ’s) Proposed Order issued on July 23, 2019;
- having rejected in part the ALJ’s Proposed Order;
- having issued on November 22, 2019, and served on November 25, 2019, its Amended Proposed Order; and
- having reviewed Respondents *Exceptions* received December 2, 2019

now issues its Final Order in this matter.

**HISTORY OF THE CASE**

On August 17, 2018, the Oregon State Board of Nursing (Board) issued a Notice of Proposed Revocation of Registered Nurse License (Notice) to Irena Chernish (Licensee). On September 5, 2018, Licensee requested a hearing.

On September 7, 2018, the Board referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Jennifer Rackstraw to preside at hearing. On December 11, 2018, Presiding ALJ Monica Whitaker convened a prehearing conference in ALJ Rackstraw’s absence, at which time the parties agreed to hold the hearing on May 30 and 31, 2019. Thereafter, the OAH reassigned the case to ALJ Rick Barber for hearing.

ALJ Barber convened the hearing on May 30, 2019, in the Board’s offices in Portland, Oregon.<sup>1</sup> Licensee, representing herself, appeared and testified. She called no other witnesses. Senior Assistant Attorney General Catriona McCracken represented the Board. The following witnesses testified for the Board: Kristina Brown, D.O.; Kaiser-Permanente Manager Ryan Oster; Adventist Health Director Leah Carter; Business Office Manager Darla Sowa; Board Investigator Dante Messina; Board Compliance Specialist Nikki Blomquist; Physician’s Assistant Merinda Karn-Sterner; and Kaiser-Permanente Manager Jonathan Froeber. The

---

<sup>1</sup> The second day of hearing was not necessary.

hearing record closed on May 30, 2019.

On July 23, 2019 ALJ Barber issued a Proposed Order affirming the Board's Notice in part and reversing the Board's Notice in part. Ms. Chernish did not file any exceptions to the Proposed Order.

The Board, on November 22, 2019, having rejected in part the ALJ's Propose Order, issued its Amended Proposed Order which it then served on Respondent on November 25, 2019.

On December 2, 2019 the Board received timely from Respondent *Exceptions* dated November 27, 2019.

### ISSUES

1. Whether, between May 2015 and July 2017 Licensee used controlled substances in a manner that was dangerous to herself or others, impairing her ability to safely practice nursing, thereby violating Oregon Revised Statute (ORS) 678.111(1)(f)(g) and *former* Oregon Administrative Rule (OAR) 851-045-0070(5)(d).

2. Whether Licensee's October 2017 renewal application failed to truthfully answer the questions raised in the application, thereby violating ORS 678.111(1)(c) and OAR 851-045-0070(9)(a) and (10)(b).

3. Whether, if Licensee violated one or more of the provisions above, her registered nursing license should be revoked.

### EVIDENTIARY RULING

Exhibits A1 through A10, A11a, A11b and A13 through A17, offered by the Board, and Exhibit R1, offered by Licensee, were admitted into evidence without objection.<sup>2</sup>

### FINDINGS OF FACT

1. On December 9, 2016, Irena Chernish (Licensee) was granted an Oregon RN license by endorsement. The Board renewed her license on October 30, 2017, and it is set to expire on October 31, 2019. Licensee studied nursing in her native Uzbekistan and obtained an Associate's Degree in Nursing from El Camino College in California on June 1, 2007. She was licensed as a registered nurse in California from 2007 until 2016. (Ex. A1).

///

---

<sup>2</sup> There was no Exhibit A12, and the two documents, A11a and A11b, replace the initially submitted Exhibit A11.

## History Prior to Licensure in Oregon

2. Licensee has suffered from insomnia since the approximate age of 13, ever since she was abused verbally and physically by her parents and was raped twice, the first time at age 17. When she moved to the United States in 1999, she married her first husband, a man diagnosed with bipolar disorder. The marriage lasted eight years. He verbally and emotionally abused her. At the end of the marriage, Licensee moved out of the home and lived in her car for several weeks. (Ex. R1).

3. Because of her chronic and severe insomnia, her doctors in California prescribed several medications in high doses for Licensee, including Ambien (Zolpidem), Temazepam (a benzodiazepine, or “benzo” medication, also known as Restoril), and Belsomra, all taken at the same time. (Ex. A2 at 2). All are controlled substances. (Test. of Blomquist). California Psychiatrist Ian Tofler, M.D. noted in 2016 that Licensee was taking the following medications: Ambien, temazepam, Belsomra, Buspar, propranolol, and Remeron. (Ex. A2 at 2).

4. Also in 2016, Licensee underwent epidural steroid injections in her low back due to a central L5-S1 disc protrusion or herniation. Because of ongoing low back problems and pain, California physician Nippon Vahedra, M.D. prescribed Tylenol 3 (with codeine) for Licensee. (Ex. A2 at 2).

5. After receiving her RN license in California, Licensee worked at ten or more nursing jobs in California, including:

- November 1, 2010 – April 1, 2012 – Kaiser Permanente (California)
- July 1, 2012 – July 1, 2013 – Prohealth Staffing Agency
- July 1, 2013 – July 1, 2014 – GLA West Los Angeles VA Medical Center
- July 1, 2014 – January 1, 2016 – Southern California Hospital at Culver City

(Ex. A1 at 1). The dates and locations of the other California nursing positions are not part of the record. Licensee was on maternity leave from June through August 2015, and also had an extended medical leave in 2016 because of a back injury. (Test. of Licensee). In November 2016, Licensee and her family moved to Portland, and she obtained her Oregon RN license the following month. (Ex. R1 at 1).

6. During her pregnancy, her physicians in California suggested that Licensee stop taking her medications, including temazepam and Ambien, until the baby was born. Licensee tried to quit the medications, but could not quit taking the Ambien because she needed to be able to sleep. (Ex. A2 at 2).

## Employment after Oregon Licensure

7. In Oregon, Licensee has worked in the following positions and locations:

- December 2016 – March 2017 – Oregon Outpatient Surgery Center (also known

as Surgical Care Affiliates)<sup>3</sup>

- May 2017 – September 2017 – Providence Medical Center
- September 2017 – February 9, 2018 – Kaiser Permanente
- May 2018 – June 2018 – Adventist Medical
- July 2018 – present – VA Women’s Health

(Test. of Licensee).

8. Licensee resigned from Oregon Outpatient Surgery Center, telling Darla Sowa, the business manager, that her husband’s job was changing. Licensee missed some work because of family-related issues, but the employer had no concerns about her performance and saw no evidence of problems regarding Licensee’s using or being under the influence of medications. (Test. of Sowa).

9. Leah Carter is the Director for Perioperative Services at Adventist Health. She hired Licensee on May 1, 2018 and placed her in orientation. She was still in orientation as of June 25, 2018, when Licensee resigned. During that period of employment, Licensee missed 56.2 hours of scheduled time at work due to illness and family issues. She complained to Carter that two of her coworkers had made fun of her. (Test. of Carter).

10. Ryan Oster and Jonathan Froeber were Licensee’s managers at Kaiser Permanente Interstate. When Licensee was hired as a triage nurse, she was placed on probation for a period of training and was placed in orientation. Licensee’s job, along with other coworkers, was to take telephone calls from patients. From the beginning, Licensee did not fit in with the other workers, who reported to Froeber and other managers that Licensee was not doing her share of taking the phone calls. Froeber and the RN team lead met with Licensee several times to explain what was expected of her, but the managers believed she was not improving enough to pass probation. On February 9, 2018, Froeber called Licensee into his office to terminate her employment while still in probation. Licensee knew she was being terminated, but gave Froeber a resignation letter at the beginning of the meeting. Froeber does not remember whether he accepted the letter from Licensee, but he considered it too late in the termination process to accept a resignation. (Test. of Froeber).

11. Licensee’s current employer, the Women’s Clinic at the Portland Veteran’s Affairs Hospital, is highly pleased with Licensee’s work as a Nurse Care Manager (NCM). Nurse Practitioner Kaitlin Haws presented this reference of Licensee for the Board’s consideration:

Primary care is very demanding and can often be a forum for patients to vent frustrations about their medical problems and concerns especially to the NCMs. Irena always handles herself in a professional and empathic manner when talking to and navigating the needs of difficult patients. Women veterans are also a very unique population, who many times require a multifactorial approach to their health care. Irena is consistently respectful and compassionate during her

---

<sup>3</sup> Test. of Darla Sowa.

interactions with veterans.

I have been a primary care provider for close to a decade and I am aware of the importance of having a strong team to function smoothly. Irena is consistently the RN who is asked to take on more responsibilities and tasks as she is efficient and extremely high functioning within her scope as an RN. I have also had the pleasure of running an educational group with Irena and she has been extremely helpful with coordinating and running this support group, which has been paramount to its success.

Irena's exemplary skills as a[n] NCM allows me to focus on my own responsibilities with the reassurance that my patient's needs are being handled in a safe and respectful manner. I cannot speak highly enough of Irena's competency as an RN and as a human being. If there is anything else I can offer on her behalf, please feel free to contact me.

(Ex. A17 at 5).

### **Use of Controlled Substances**

12. Initially after moving to Oregon, Licensee sought medical treatment for her insomnia and other conditions through various Emergency Departments (EDs) because she had not immediately found a primary care provider. In the ED at St. Vincent's Hospital, she was treated for low back and leg pain, stomach flu, a smashed thumb and chest pain. Although she was looking for a primary care physician close by, Licensee's husband (who worked for Providence) convinced her to seek primary care through Providence. (Ex. R1). During this period without a primary care physician, Licensee filled some prescriptions in Oregon from her previous doctors in California. (Ex. A17; Ex. A13).

13. From December 9, 2016 through April 2, 2017, Licensee filled the following prescriptions in Oregon for Zolpidem (Ambien), a controlled substance:

- 12/9/16 – Ambien 5 mg – 60 tabs – Mt. Scott Kaiser Permanente
- 12/27/16 – Ambien 10 mg – 45 tabs – Dr. Eiseman (California)
- 1/10/17 – Ambien 10 mg – 10 tabs – Providence Milwaukie
- 1/21/17 – Ambien 10 mg – 60 tabs – Dr. Moravec
- 2/19/17 – Ambien 10 mg – 60 tabs – Dr. McAnulty
- 3/14/17 – Ambien 10 mg – 60 tabs – Providence Milwaukie
- 3/21/17 – Ambien 10 mg – 10 tabs – Dr. Moravec
- 3/29/17 – Ambien 10 mg – 14 tabs – Dr. Eiseman (California)
- 4/2/17 – Ambien 10 mg – 31 tabs – Dr. Eiseman (California)

(Ex. A13).

14. From December 9, 2016 through April 2, 2017, Licensee filled the following

prescriptions in Oregon for Temazepam (Restoril), a controlled substance:

- 12/9/16 – Temazepam 30 mg – 120 tabs – Mt. Scott Kaiser Permanente
- 12/27/16 – Temazepam 30 mg – 22 tabs – Dr. Eiseman (California)
- 1/10/17 – Temazepam 15 mg – 10 tabs – Providence Milwaukie
- 1/21/17 – Temazepam 30 mg – 60 tabs – Dr. Moravec
- 2/19/17 – Temazepam 30 mg – 60 tabs – Dr. McAnulty
- 3/14/17 – Temazepam 15 mg – 60 tabs – Providence Milwaukie
- 3/21/17 – Temazepam 30 mg – 10 tabs – Dr. Moravec
- 3/29/17 – Temazepam 30 mg – 45 tabs – Dr. Eiseman (California)

(Ex. A13).

15. Licensee filled prescriptions for Tylenol #3 and Tylenol #2 during the same approximate time period as follows:

- 1/19/17 – Tylenol #3 – 120 tabs – Dr. Moravec
- 2/16/17 – Tylenol #2 – 16 tabs – Dr. Moreno, Oregon Emergency Physicians
- 2/28/17 – Tylenol #3 – 120 tabs – Dr. McAnulty
- 3/13/17 – Tylenol #3 – 120 tabs – Dr. Moravec
- 4/19/17 – Tylenol #3 – 60 tabs – Dr. Vadehra (California)

(Ex. A13).

16. On February 20, 2017, Licensee treated with Kristina Brown, D.O., reporting ongoing chronic low back pain and sciatica as well as chronic insomnia.<sup>4</sup> When taking a history from Licensee, Dr. Brown found out that Licensee had treated with Dr. Moravec previously. Because Dr. Brown knew Dr. Moravec, she contacted his office to find more background on Licensee. Dr. Moravec's office told Dr. Brown that he had weaned her off of several medications she had been taking in California (three tricyclic antidepressants (TCAs), Lyrica, mirtazapine, Belsomra and temazepam), and had tapered her medications to the point where she took only the Ambien, temazepam and gabapentin. (Ex. A2 at 3). Dr. Brown understood from Licensee that she was changing physicians to Dr. Brown, and she intended to further wean Licensee off the sleep medications through counseling and other medications. (Ex. A11a at 1). Licensee did not think she could taper off of Ambien or temazepam, the dosage of which had been gradually increased over the previous ten years. (*Id.* at 2).

17. On March 13, 2017, one of Dr. Brown's staff spoke with a pharmacist at Walgreens and wrote a note that states in part:

I called Walgreens pharmacy and spoke with Abby, PharmD. Abby PharmD said [patient] picked above Gabapentin Rx on 02/26/17, I confirmed dose, sig, and qty.

---

<sup>4</sup> Licensee also reported other medical issues on this visit, but those conditions are not relevant to the issues here and need not be listed.

Also, [she] said pt was asking for refills on [Tylenol #3], temazepam and zolpidem. [She] said [Tylenol #3] is being prescribed by Dr. David McAnulty. Gabapentin, Temazepam and Zolpidem last filled on 02/20/17. [Tylenol #3] entered as a “Historical Med” on 12/26/16. Abby PharmD said by law, pt isn’t able to pick up above controlled meds until tomorrow (03/14/17). Abby PharmD said she’s concerned pt requesting all three controlled meds early.

(Ex. A11a at 4).<sup>5</sup>

18. On March 14, 2017, Dr. Brown’s office received a call from Dr. Moravec. The staff member provided the following note after the call:

Received a call from Dr. Matt Moravec who reports he had originally seen the patient in a transfer of care from CA. She had arrived to NW Primary Care on 3 different TCAs [tricyclic antidepressants], lyrica, doxepin, mirtazapine, valsamra [Belsomra] and temazepam and DR. Moravec weaned her down to just ambien and temazepam and gabapentin. She was still actively seeing Dr. Moravec and the pharmacy called Dr. Moravec with concerns about multiple benzodiazepine refills.

Their clinic reached out to patient who reportedly only wants to see Dr. Brown. There may have been some overlapping rxs for [temazepam] and/or ambien prescriptions.

Consider OPDMP check and frequent UDSs and be aware that she has recently been tapered off of multiple sedating medications. This behavior may represent a substance use disorder and it may be worth having her consult with BH [behavioral health] or Providence Chemical Dependency for an evaluation.

(Ex. A11a at 6).

19. On that same day, another of Dr. Brown’s staff took a call from Licensee. Licensee indicated that she knew this was her last prescription fill from Dr. Brown, and that she was planning on seeing a psychiatrist as Dr. Brown had suggested. The staff member’s note stated in part:

Pt states her last rx was from a different Dr and she has not filled the rx’s given to her last month from Dr. Brown. *Pt does state that she sometimes takes extra temazepam and zolpidem. She states her young daughter has been waking her up at night about 4 hours after she goes to sleep.* Let her know that this was an early refill per the pharmacy and would need to get authorization from PCP.

(*Id.* at 7; emphasis added). Licensee called the doctor’s office again a couple of hours after this phone call, telling the staff member that “she has been without medication for 2 days and is prone to seizures when off of medication.” (*Id.* at 8).

<sup>5</sup> I interpret “pt” to be patient, and “rx” to be prescription. “Sig” is signature, and “qty” is quantity.

20. Dr. Brown reviewed the records on March 15, 2017 and was concerned that Licensee was engaging in drug-seeking behavior. She called Licensee, letting her know that she needed to taper off the medications she was taking and would not be obtaining controlled substances from the clinic. She also did a search of Licensee's prescription history through the PDMP (Prescription Drug Monitoring Program). (*Id.* at 9). This was Licensee's first realization that physicians thought she was engaging in drug-seeking behavior. (Test. of Licensee).

21. In March 2017, Dr. Brown referred Licensee to Cedar Hills Hospital to taper off of the medications she was taking. Hospital staff noted that "[she] is aware her record suggests doctor shopping but is adamant she has never done that. Denies current or past substance abuse." (Ex. A8 at 2). Devin Jones, MS, QMHP, met with Licensee on March 29, 2017, by which point Licensee had quit taking the Ambien and temazepam:

Writer met with pt in the pain group room for MI session and to inform of this Clinic's PMHNP's decision to not prescribe narcotic rx to this pt. Pt was observed leaning back in a chair with her arms folded over her chest; she became tearful during this conversation. Writer [explained contact from a pharmacy that] notified this pt that this Clinic has learned she was obtaining narcotic rx at various EDs and Urgent Care facilities in the area. \* \* \* We discussed the potential benefits [of] behavior change, coping strategies, and non-narcotic rx for this pt. We also reviewed sx of withdrawal, and *Writer reminded pt of the option for detoxification should she experience further withdrawal sx, although PMHNP does not believe pt is in withdrawal due to half-life of temazepam. Writer encouraged pt to try this Program for a week, to see if she may learn new strategies to cope with stress and pain.* Assessment: Given pt's guarded body language, limited insight into the problem of medication noncompliance, and unwillingness to consider alternative treatment options, *she likely presents at a pre-contemplative stage of change.*

(*Id.* at 1; emphasis added). At the end of the assessment form, the clinic recommended an intensive outpatient program (IOP) for Licensee. (*Id.* at 9).

22. In April 2017, Licensee sought treatment from Physician's Assistant Melinda Karn-Sterner at the Sellwood Clinic. Ms. Karn-Sterner reviewed Licensee's medications with her, and explained that she would not continue prescribing controlled medications to Licensee, prescribing Doxepin and Trazodone instead. Ms. Karn-Sterner was willing to "swap out" the Ambien by prescribing Belsomra, another controlled medication. Licensee had earlier stopped taking the Belsomra due to expense, but the clinic had coupons to help Licensee with the cost. (Ex. A11b at 6-9). The treatment at the Sellwood Clinic, and the alternative non-controlled medications Licensee began to take, enabled her sleep pattern to normalize. (Test. of Licensee).

23. The last time that Licensee took Ambien or Temazepam was no later than in the

prescription filled in April 2017.<sup>6</sup> The last time that Licensee took Tylenol #3 was in June or July 2018. (Test. of Licensee; Ex. A13).

24. In approximately May 2017, the Board received a complaint against Licensee, contending that she was abusing prescription medications. On May 24, 2017, Board Investigator Shannon Rahimi interviewed Licensee. Licensee described her trouble sleeping, and told Rahimi that she had taken an extra dose of Ambien and Temazepam for about two weeks when her daughter kept waking her at night. (Ex. A4 at 4). Rahimi ended the statement with Licensee by asking her to provide further medical releases and indicating she would “shoot for two weeks” to talk to Licensee again. (*Id.* at 7).

25. In October 2017, Licensee’s RN license came up for renewal. As part of the on-line renewal process, Licensee answered the following questions with a “No” response:

1a. Since the date of your last renewal, have you used alcohol or any drugs in a way that could impair your ability to practice nursing or perform nursing assistant duties with reasonable skill and safety?

1b. Since the date of your last renewal, have you been diagnosed with or treated for an alcohol or any drug-related conditions?

1c. Since the date of your last renewal, have you used any illegal drugs, or prescription drugs in a manner other than prescribed?

\* \* \* \* \*

4. Since the date of your last renewal, have you been part of an investigation for any type of abuse or mistreatment, in any state or jurisdiction? Include any pending investigations.

(Ex. A1 at 2-3). At the time Licensee renewed her license, she did not believe she was still under investigation by the Board. Ms. Rahimi had not contacted her after the previous interview, and Licensee had called the Board in early October 2017, leaving a message for Ms. Rahimi to call her. She did not receive a return call from the Board. Licensee did not contact the Board to seek information about whether she was still under investigation in October 2017. (Test. of Licensee).

26. In June 2018, Board Investigator Dante Messina met with Licensee to take another statement from her. In that interview, Messina asked Licensee about the Cedar Hills recommendation of an intensive outpatient program (IOP):

Messina: \* \* \* I’ve read the statements that you’ve provided us, there was one discrepancy in the record though, I needed to speak with you about and that was

---

<sup>6</sup> The Cedar Hills record indicates that Licensee stopped taking temazepam a week before her consultation at their facility. The April 2017 prescriptions were after that consultation. It is unclear whether Licensee ever used the temazepam from that later prescription.

Cedar Hills.

Chernish: Mhm.

Messina: Around the end of March of 2017 you had mentioned or indicated that they had pretty much cleared you and didn't need to be admitted for any tapering, withdrawal or drug abuse, that kind of thing—

Chernish: Mhm.

Messina: But according to the records we received from them, they had recommended an intensive outpatient program which you did not participate in at that location which is of course your right. You don't need to do what they say, you don't need to agree with them, but my question is: well, I have a couple of questions. One is, did after March of 2017 did you under – did you enroll in any intensive outpatient treatment?

Chernish: No, I have not and actually well the information I gave you was exactly what they told me here. Because I went there for the in-person evaluation uh for three days in a row and by the end of the second day they told me that they don't see any need for me to go through any tapering because that was the whole reason why I went because they provided me I believe that's the one who reviewed the complaint, Dr. Chris O'Donnell they wanted me to go to Cedar Hills and you know tapering of Temazepam, *so I went there and they told me cause I stop taking it by the time and I have taken for about a week and that's about the time they take for the withdrawals and I don't have any symptoms. So they told me at that time I did not need any tapering but if I was interested in doing group therapy just to help me with my final back pain that I was you know more than welcome to do that.* However, to take twenty-five hundred dollars cash out of my pocket for fun to be had, might help me with my insomnia because I don't have any drug addictions, I never have. Just for me it didn't make any sense because first of all I was working full time which means if I had enrolled into this program I would have to quit my job, I would have no income and to do it for something they think I might want to do or but I didn't have to.

(Ex. A4 at 12; emphasis added). Licensee explained to Messina that she was unaware that physicians believed she had a drug problem until Dr. Brown brought it to her attention, that she had found a new doctor at the Sellwood Clinic that had helped her get off of the controlled medications, and she was now sleeping fine. She indicated that the larger number of doctors was because of “change in the employer, change of the insurance as I have explained previously.” (*Id.* at 13). Licensee told Messina that she still has a prescription for Tylenol #3, for back pain, and she would take no more than one tablet per day when her low back condition was acting up. (*Id.* at 15).

27. During the June 2018 interview, Messina asked Licensee about the circumstances of her leaving the Kaiser Permanente job:

Messina: So you wrote to me um that you had resigned from Kaiser Permanente in February, February 9<sup>th</sup> of this year due to a hostile work environment?

Chernish: Yes.

Messina: Can you tell me what you meant by that?

Chernish: Exactly what I said, there were several other co-workers that were very unprofessional, they just didn't treat me, didn't treat me professionally. They would make, it was, it became very personal. They just didn't like me for whatever reason and they just made it very difficult for me to stay there.

Messina: So your personnel record from Kaiser shows that you were involuntary terminated, you're not eligible for rehire and that it was for failure to pass the probationary period.

Chernish: I had resigned.

Messina: Right, did you hear what I said, though?

Chernish: Yes, I did so I have no, I don't know why that was said, and I resigned.

Messina: Alright.

Chernish: On Friday, February 9<sup>th</sup> I resigned.

(*Id.* at 15-16).

28. On August 17, 2018, the Board issued its notice in this case. (Notice).

29. On December 5, 2018, Licensee underwent a psychiatric evaluation with Katy Powell, PMHNP, at the Board's request. After taking an extensive history from Licensee, Ms. Powell presented her assessment:

Ms. Chernish has a trauma history beginning in childhood that is extensive. It is common for people who have lived in such stressful circumstances to have sleep difficulty. *Ms. Chernish was prescribed high doses [of] Ambien and temazepam from a provider in CA in a manner and with combinations that are not typical or commonly used due to concerns of abuse and potential risk. Ms. Chernish either was not properly educated about the risk associated with these medications or chose to not attend to the risk. Overall, it does seem like this was a case of poorly managed care by her original provider in California.* Her efforts to continue these medications in Oregon with seemingly little knowledge that they were not typical or deemed risky by some providers indicates that she was either minimizing the risk education she had been given or had not been adequately

educated. Ms. Chernish's behaviors mimic what is commonly seen as drug seeking behavior and they are also indicative of a person who is trying to get their standard medications prescribed to allow for continued functioning. *In my assessment, Ms. Chernish has more evidence of being a patient trying to seek pain and sleep regulation than she does for a person who is seeking to abuse their medication.* The one piece of information that may point to her sleep medications and opioid medication having negative cognitive impact would be the lack of her meeting an employer's expectations for a standard of nursing care during a probationary period. This could also be explained due to a poor fit position and concurrent stress with parenting a young child who is not sleeping through the night. *Overall, Ms. Chernish's insight into her behaviors early in this investigation were limited though they have improved. She is demonstrating good judgment at this time by working with a provider who is not prescribing hypnotics, benzodiazepines or opioids and she expresses a commitment to remain off of these medications.*

(Ex. A14 at 7; emphasis added). Ms. Powell diagnosed Licensee with Anxiety (and possible PTSD) and Insomnia, currently managed. She suggested that requiring random monthly drug screens might be appropriate for "complete transparency and increased ongoing monitoring." (*Id.*).

30. Licensee believed it was inappropriate to second-guess her doctor's prescription of medications, because "he is the doctor." (Test. of Licensee).

### CONCLUSIONS OF LAW

1. Between May 2015 and July 2017 Licensee used controlled substances in a manner that was dangerous to herself or others.
2. Licensee's October 2017 renewal application failed to truthfully answer the questions raised in the application.
3. Licensee's registered nursing license should not be revoked.<sup>7</sup>

### RESPONDENT'S EXCEPTIONS FILING

Respondent was advised that any exceptions filing must comply with the following

---

<sup>7</sup> Pursuant to ORS 183.650(2) and (3) and OAR 137-003-0665(3) and (4) the Board hereby notes that while it agrees with the ALJ that Respondent's license should not be revoked at this time it nonetheless disagrees with the ALJ as to the proposed sanction. It is the Board's position that it is within the Board's discretion to choose from a list of prescribed sanctions and impose those sanctions appropriate to the situation. ORS 678.111(1); OAR 851-045-0070. As discussed infra, the Board finds that the appropriate sanction for Respondent Licensee is a 90-day suspension followed by two-years of probation in lieu of revocation.

instructions:

- a. The exceptions shall be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding, and shall be based only on grounds that:
  - 1) A necessary finding of fact is omitted, erroneous, or unsupported by the preponderance of the evidence in the record;
  - 2) A necessary legal conclusion is omitted or is contrary to law or the Board's rules or written policies;
  - 3) Prejudicial procedural error occurred.
- b. The exceptions shall be numbered and shall specify the disputed findings, opinions or conclusions, identified by page and line number of the proposed order. The nature of the suggested error shall be specified and the alternative or corrective language provided.

Respondent's *Exceptions* filing was timely received upon December 2, 2019 and is discussed and responded to below. *Exceptions # 1* appears to be related to Issue #1, Conclusion #1 and the Board's analysis related thereto. *Exception # 2* appears to be related to Issue #2, Conclusion #2 and the Board's analysis related thereto.

***Exception #1.*** Respondent objects to an alleged statement made by the Board related to her "intentional" abuse of prescription medications. Issue No. 1. in this matter reads:

1. Whether, between May 2015 and July 2017 Licensee used controlled substances in a manner that was dangerous to herself or others, impairing her ability to safely practice nursing, thereby violating Oregon Revised Statute (ORS) 678.111(1)(f)(g) and former Oregon Administrative Rule (OAR) 851-045-0070(5)(d).

The corresponding Conclusion Of Law reads:

1. Between May 2015 and July 2017 Licensee used controlled substances in a manner that was dangerous to herself or others.

The word "intentional" is used once during the Amended Proposed Order in the section on Sanctions – Summary of Violations. Therein the Board states:

The Board has established that, for a short period of time, Licensee was taking her medications beyond what had been prescribed and that she was a danger to herself at that time. Her ***intentional*** overuse of prescription medications during the short period of time in 2016-2017 constituted conduct derogatory to the practice of nursing.

Respondent cites to page 17 of the Amended Proposed Order. Page 17 contains the Opinion section of the Amended Proposed Order and analysis of Issue #1. Respondent does not quote any specific sentence from page 17 verbatim but claims that a statement she made, with regard to her ingestion of medication, was taken out of context.<sup>8</sup> Respondent states in *Exception #1* “I had taken an extra dose of the medication only during a brief period in March 2017, to be able to go back to sleep, when my daughter was very ill and would not sleep through the night. I had not taken extra doses of my medications at any other time.” Thus Respondent again admits to purposefully (intentionally) taking more than she was prescribed for a period of time but seems to want to assure the Board that she only took more medication than prescribed for a short period of time.

We compare the above statement in her *Exceptions* filing to the statements recorded in the Amended Proposed Order Findings of Fact, and the Exhibits cited therein, and set that information forth below.

The ALJ found in Finding of Fact No. 7 that Respondent had worked from December 2016 to March 2017 at the Oregon Outpatient Surgery Center. In Finding of Fact No. 12 the ALJ found that initially after moving to Oregon, Licensee sought medical treatment for her insomnia through various Emergency Departments because she had not immediately found a primary care provider. In Finding of Fact No. 13 the ALJ listed out the prescriptions she had filled in Oregon including for March and April 2017. The first two of those prescriptions were written by Oregon doctors. The latter two were written by California doctors and all were for Ambien. The same was largely true of her March and April Temazepam prescriptions – the first two were written by Oregon doctors and the third by a California doctor. Of the March and April 2017 prescriptions for Tylenol #3, discussed in Finding of Fact # 15, the first one was written by an Oregon doctor and the second by a California doctor. Findings of Fact #16 to 22 deal with multiple provider’s concerns regarding her prescriptions and the filling thereof. And in Finding of Fact # 23 the ALJ finds that the last time that Licensee took Ambien or Temazepam was no later than in the prescription filled in April 2017 but he notes (see footnote 7 to the Amended Proposed Order) that the Cedar Hills record indicates that Licensee stopped taking temazepam a week before her consultation at their facility. The April 2017 prescriptions were however filled after that consultation but it was unclear to the ALJ if she took the prescriptions after filling them. When Respondent was interviewed by the Board she described her trouble sleeping and told the investigator that she had taken an extra dose of Ambien and Temazepam for about two weeks when her daughter kept waking her at night. (Ex A4 at 4.)

Review of Ex A4 page 4 demonstrates that the statements were taken from a recorded and transcribed interview between the Board’s Investigator Shannon Rahimi and Respondent. The exact statements are as follows:

---

<sup>8</sup> Respondent appears to believe that she was being accused of taking more medications than prescribed at other times as well – for purposes of this order it does not matter whether she was or wasn’t taking more medications than prescribed at other times. Admission of one violation of taking more medications than prescribed is sufficient to show the relevant rule(s) were violated.

**Rahimi:** So you noted that when you contracted Dr. Brown about getting a refill at which I think only happened one time that you around that time had been using like extra pills or you know taking additional medications, by that do you mean that you were taking more than had been prescribed at the time?

**Chernish:** And I explain the reason why, because my daughter was sick.

**Rahimi:** Mhm.

**Chernish:** And catch up on some sleep while she was sick. And it probably only happened for a week or two at the most. But it besides that I have never really taken more than prescribed.

The Board sees no conflict between the facts in the record, the ALJ's Findings of Fact, or the Board's statements on page 17 of the Amended Proposed Order. Respondent did not claim that she accidentally took the medication. Rather she stated that she took more medication than she had been prescribed for a week or two so that she could sleep. Respondent intentionally took more medication than she was prescribed so that she could sleep for a period of time in 2017. Respondent's *Exception # 1* fails.

**Exception #2.** Respondent is objecting to an alleged statement made by the Board related to her "intentional" failure to truthfully and fully answer questions on her license renewal. Issue No. 2 in this matter reads:

2. Whether Licensee's October 2017 renewal application failed to truthfully answer the questions raised in the application, thereby violating ORS 678.111(1)(c) and OAR 851-045-0070(9)(a) and (10)(b).

The corresponding Conclusion of Law reads:

2. Licensee's October 2017 renewal application failed to truthfully answer the questions raised in the application.

As noted above, the word "intentional" is used only once in the Amended Proposed Order and not in relation to the answer of questions on the renewal application form. In fact, the ALJ specifically found I the Opinion section of the Amended Proposed Order during his Analysis of the Issues, specifically Issue No. 2:

Licensee had a duty to answer the questions truthfully and completely, and to seek clarification from the Board if she did not understand the question. She did not seek further clarification. She failed to truthfully answer questions on the renewal application. Therefore, although there is no indication of intent to misrepresent on the renewal application,<sup>9</sup> Licensee violated the rule.

---

<sup>9</sup> The ALJ attributed the incorrect answers on the application to be based on sloppiness rather than an intent to deceive the Board. Nevertheless, Licensee had a responsibility to present full and complete answers to the Board and did not do so.

In other words the ALJ found that “intent” was not a necessary part of that rule. Neither does the Board find that “intent” is a required part of the rule and thus *Exception #2* also fails.

Just to recap, when Respondent was interviewed by the Board she described her trouble sleeping and told the investigator that she had taken an extra dose of Ambien and Temazepam for about two weeks when her daughter kept waking her at night. (Ex A4 at 4.)

Review of Ex A4 page 4 demonstrates that the statements were taken from a recorded and transcribed interview between the Board’s Investigator Shannon Rahimi and Respondent. The exact statements are as follows:

**Rahimi:** So you noted that when you contracted Dr. Brown about getting a refill at which I think only happened one time that you around that time had been using like extra pills or you know taking additional medications, by that do you mean that you were taking more than had been prescribed at the time?

**Chernish:** And I explain the reason why, because my daughter was sick.

**Rahimi:** Mhm.

**Chernish:** And catch up on some sleep while she was sick. And it probably only happened for a week or two at the most. But it besides that I have never really taken more than prescribed.

The Board sees no conflict between the facts in the record, the ALJ’s Findings of Fact, or the Board’s statements on page 17 of the Amended Proposed Order. Fact, when Licensee renewed her RN license in October 2017, she answered “no” to questions about whether she had used any drugs that could impair her ability to practice nursing, and also whether she had used medications in a manner other than prescribed. Fact, Respondent stated that she had not been part of any investigation for abuse or mistreatment. Fact, Respondent also contrarily stated in her interview with Investigator Rahimi prior to filling out her renewal application that she had taken more medication than prescribed for a short period of time. Based upon the above the Board could, as it did, find that “[w]hile there is no evidence that her use of these drugs would impair her ability to practice nursing, they were a danger to her and the failure to apprise the Board of her overuse of those sleeping medications on the application was a violation.” “Similarly, Licensee’s failure to note the ongoing investigation into her use of medications, an investigation started in 2017 with the Rahimi investigation, was a violation.”

Respondent’s apparent contention that having answered the investigation questions “truthfully” she should not be found in violation for failing to answer the renewal application questions truthfully is unacceptable. As the ALJ found, and the Board adopted, “Licensee had a duty to answer the questions truthfully and completely, and to seek clarification from the Board if she did not understand the question. She did not seek further clarification. She failed to truthfully answer questions on the renewal application. Therefore, although there is no indication of intent to misrepresent on the renewal application, Licensee violated the rule.” (internal footnote reference omitted). Respondent’s *Exception # 1* fails.

## OPINION

The Board contends that Licensee's RN license should be revoked based upon four allegations of misconduct. The Board bears the burden of proving its allegations by a preponderance of the evidence. ORS 183.450(2) and (5); *Reguero v. Teachers Standards and Practices Commission*, 312 Or 402, 418 (1991) (burden is on Commission in disciplinary action); *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (in administrative actions, the standard of proof that generally applies in agency proceedings, including license-related proceedings, is the preponderance standard.) Proof by a preponderance of the evidence means that the fact finder is convinced that the facts asserted are more likely true than false. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

### The Legal Standard<sup>10</sup>

All of the allegations the Board has made against Licensee are based in ORS 678.111 and OAR 851-045-0070. ORS 678.111, a portion of the Nurse Practice Act, states in part:

**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.

\* \* \* \* \*

(4) A license or certificate in retired status may be denied or suspended or revoked for any cause stated in subsection (1) of this section.

The applicable administrative rule defining "conduct derogatory to nursing" is based

---

<sup>10</sup> Original issues numbers three (3) and four (4) are withdrawn by the Board and so all reference to and analysis of original issues number three (3) and four (4) was also withdrawn.

upon this statute. The *current* rule<sup>11</sup> states in part:

**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:

\* \* \* \* \*

(9) Conduct related to licensure or certification violations:

\* \* \* \* \*

(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;

The Board’s allegations concerning Licensee’s drug use are covered by the *former* version of the same administrative rule, which stated in part:

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:

\* \* \* \* \*

(5) Conduct related to impaired function:

\* \* \* \* \*

(d) Use of drugs, alcohol or mind-altering substances *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 for which the licensee is licensed.

(Former OAR 851-045-0070; emphasis added).

---

<sup>11</sup> The Board has based its allegations on the current version of OAR 851-045-0070 on all of the violations except those referring to the use of drugs, which is based on the rule in effect at the time of the drug use at issue here. I agree with the Board’s analysis of the applicable rules.

As the analysis of the alleged violations below indicates, the Board established two of the violations.

### **Analysis of the Issues**

**1. Use of Controlled Substances.** Licensee's life presented a series of "red flags" to pharmacies and medical providers that concerned them. She saw a number of physicians after she moved to Oregon, and filled several prescriptions from several providers. Looking more closely, the Board noted that Licensee changed jobs frequently—another possible red flag for drug issues.

The evidence in the record, including Licensee's own freely-offered admission, indicates that there was a short period of time in 2017 where she was overmedicating herself with her prescribed medications when her infant child would continually interrupt her sleep. Licensee's overuse of the medications placed her at risk, and potentially placed her child at risk.

A preponderance of the evidence indicates that Licensee on at least one short period, overused her medications when her daughter would not let her sleep. She put herself in danger at that point, and violated the Board's rules at the same time. The Board proved a violation.

Licensee was for a short time taking her medications beyond the prescription, and the potential harm to herself, and perhaps others, was great. Licensee violated *former* OAR 851-045-0070(5)(d), and as a result committed an act derogatory to the standards of nursing.

**Issue 2: Failure to Truthfully Answer Questions on Application.** When Licensee renewed her RN license in October 2017, she answered "no" to questions about whether she had used any drugs that could impair her ability to practice nursing, and also whether she had used medications in a manner other than prescribed. She also indicated she had not been part of any investigation for abuse or mistreatment.

By Licensee's own admission, there was a short period of time in which she took extra doses of sleep medication because her infant child kept waking her in the middle of the night. While there is no evidence that her use of these drugs would impair her ability to practice nursing, they were a danger to her and the failure to apprise the Board of her overuse of the sleeping medications on the application was a violation.

Similarly, Licensee's failure to note the ongoing investigation into her use of medications, an investigation that started in 2017 with the Rahimi investigation, was a violation.

Licensee testified that she answered the "investigation" question the way she did because she did not interpret "abuse or mistreatment" in question 4 to refer to *drug* abuse or to the investigation that Ms. Rahimi had opened several months earlier. She also testified that she attempted to contact Ms. Rahimi in early October 2017 (before the renewal) to find out the status of the investigation but did not receive a return call.

Although there is some logic to these reasons for Licensee's "no" response on the renewal application, they are insufficient. Licensee had a duty to answer the questions truthfully and completely, and to seek clarification from the Board if she did not understand the question. She did not seek further clarification. She failed to truthfully answer questions on the renewal application. Therefore, although there is no indication of intent to misrepresent on the renewal application,<sup>12</sup> Licensee violated the rule.

## The Sanctions

**Summary of Violations.** The Board has established that, for a short period of time, Licensee was taking her medications beyond what had been prescribed and that she was a danger to herself at that time. Her intentional overuse of prescription medications during the short period of time in 2016-2017 constituted conduct derogatory to the practice of nursing.

The Board has also shown that Licensee violated the requirement to be truthful and fully answer questions posed by the Board.

The Board wishes to revoke Licensee's nursing license as a result of these violations, and has the right to do so based upon these violations.

While Licensee is no longer taking the medications at issue as Ms. Blomquist testified the stopping of a medication does not necessarily mean an addiction is gone thus the Board should require random drug testing for at least two years. This recommendation corresponds with Ms. Powell's advice as well, and works to assure the Board of Licensee's compliance regarding the use of medications.

The ALJ recommended to the Board that Licensee's RN license be suspended for one year, with the imposition of that sanction to be stayed pending two years of probation in which Licensee will be subject to random drug testing at her own expense. The ALJ noted the Board could also add a requirement for additional training, if it deemed that training necessary. And the ALJ added the editorial comment that the evidence suggested Licensee will not have any further problems with the medications at issue here, but that he recognized the overarching requirement that the Board needs to be sure, for the sake of the public and for Licensee's sake as well, that there is no further overuse of medications. The ALJ is correct that the Board needs to be satisfied, for the sake of the public and for Licensee's own sake as well, that there is no further overuse of medications. The Board using its inherent discretion to impose Board sanctions, and relying on its prior experience with these matters, hereby determines that Respondent should be subject to a 90-day suspension followed by two-years of probation during which time Respondent shall concurrently undergo a total of two years of random drug testing at her own expense.

///

---

<sup>12</sup> The ALJ attributed the incorrect answers on the application to be based on sloppiness rather than an intent to deceive the Board. Nevertheless, Licensee had a responsibility to present full and complete answers to the Board and did not do so.

## ORDER

The Oregon State Board of Nursing, proposes to issue the following order:

The Board's Notice, with regards to original issues 1 and 2, is **AFFIRMED**. Original issues and Conclusions numbers three (3) and four (4) were withdrawn. With the renumbering caused by withdrawal of original issues three (3) and four (4) original issue number 5 is renumbered now as issue number 3 and the ALJ's conclusion to issue number three (3) is **REJECTED** because, under the law and based upon the preponderance of the evidence, the Board is permitted to choose to revoke Respondent Licensee's license. That said, the Board has determined in lieu of revocation to instead subject Respondent Licensee to a lesser sanction - a 90 day suspension followed by two years of probation. This sanction is entered because the Board established that Licensee overused her prescription medications for a period of time in 2016-2017, and that she did not provide full and complete information to the Board in her renewal application, both matters being violations of the Nurse Practice Act.

Licensee's license is **suspended for 90 days** to be followed by **two years of probation** under the Terms Of Probation set forth below. Licensee will submit to random drug testing during the two years of probation.

### Terms Of Probation

The Registered Nurse license of Irena Chernish is placed on Probation. The Licensee's compliance with these Terms Of Probation will be monitored by the Oregon State Board of Nursing. 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.

In addition to the above, Licensee must comply with all of the following numbered Terms 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 Final Order in this matter 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 of Probation or of any other concern there may be regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.

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

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

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

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

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

17) Licensee shall participate in the Board's random 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 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 of Probation. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence 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 these Terms of Probation.

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

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

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

21) Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information

necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with these Terms of Probation.

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

23) Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the above set forth Terms of Probation.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of the Terms of Probation 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.

IT IS SO ORDERED:

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

---

Kathleen Chinn, FNP-BC  
Board President

---

Date

### **NOTICE OF RIGHT TO JUDICIAL REVIEW**

You have the right to appeal this Order to the Oregon Court of appeals pursuant to ORS 183.482. To appeal you must file a petition for judicial review with the court of Appeals within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was mailed not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Rebecca Dodds Clark, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 200941220RN** ) **Reference No. 20-00266**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Rebecca Dodds Clark (Licensee) was issued a Registered Nurse License/Certificate by the Board on June 12, 2009.

On or about October 19, 2018, the Board received information that Licensee was investigated by her employer, Oregon Health Sciences University (OHSU) for suspected diversion of medications. The Licensee provided an assessment from Serenity Lane and no diagnoses was given.

The Board accepted a Stipulated Order for Probation for 12 months of monitored practice at their meeting on March 13, 2019.

Licensee has not been able to complete the Probation Requirements.

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

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

- (1) (f) Conduct derogatory to the standards of nursing.
- (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:
  - (a) Failure to accurately document nursing interventions and nursing practice implementation;
  - (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:

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

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

- (a) Failure to accurately document nursing interventions and nursing practice implementation;
- (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
  - (C) Failing to document information pertinent to a client's care;
- (10) Conduct related to the licensee's relationship with the Board:
  - (d) Violating the terms and conditions of a Board order;

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

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

**That the voluntary surrender of the Registered Nurse license of Rebecca Dodds Clark be accepted. If, after a minimum of three years, Ms. Dodds Clark wishes to reinstate their Registered Nurse license, Rebecca Dodds Clark 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, **Rebecca Dodds Clark** 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.

\_\_\_\_\_  
Rebecca Dodds Clark, 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**  
**Dory Dunn, LPN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 092005198LPN** ) **Reference No. 20-00291**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Practical Nurses. Dory Dunn (Licensee) was issued a Practical Nurse License by the Board on September 23, 1992.

On or about September 23, 2019, Licensee self-reported to the Board that she was impaired at work and tested positive for alcohol in a for-cause drug screen on September 19, 2019. The Board also received a separate complaint related to the same incident.

Licensee is under the care of healthcare professionals related to various diagnoses.

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

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

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

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

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

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

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

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

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

Licensee understands that by signing this Stipulated Order, 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.

\_\_\_\_\_  
Dory Dunn, LPN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kathleen Chinn, FNP-BC  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Ada Fisher, RN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 201705068RN** ) **Reference No. 20-00355**

---

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

This matter was considered by the Board at its meeting on February 12, 2020.

On January 9, 2020, a Notice stating that the Board intended to suspend Licensee's Registered Nurse License was sent via certified and first-class mail to Licensee's address of record. The Notice alleged that Ada Fisher 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 July 10, 2017.
2. On or about August 25, 2019, Licensee was reported to the Board for alleged patient abandonment. The Board opened an investigation into the matter.
3. On October 17, 2019, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was instructed to send a statement regarding the allegations, and her work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. On November 1, 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 January 9, 2020, 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 is in default.

## II. CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Ada Fisher, 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 Ada Fisher 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 Ada Fisher has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse License of Ada Fisher, the Licensee would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_ day of February, 2020

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

---

Kathleen Chinn, FNP-BC  
Board President

TO: ADA FISHER:

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  
Jolene Genn**

)  
) **FINAL ORDER OF DENIAL**  
) **OF NURSING ASSISTANT**  
) **CERTIFICATE BY DEFAULT**  
)  
) **Reference No. 20-00279**

**CNA Applicant**

---

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. Jolene Genn (Applicant) applied for a Nursing Assistant Certificate in the state of Oregon on or about June 18, 2019.

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

On November 15, 2019, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant failed to cooperate with the Board's investigation.

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 June 18, 2019, Applicant applied for Nursing Assistant Certificate in the state of Oregon, and disclosed an arrest history. The Board opened an investigation into the matter.
2. On or about September 26, 2019, Board staff mailed a letter to Applicant's address of record requesting that she schedule an interview to discuss her arrest history. Applicant was further instructed to send a written statement regarding her arrest and substance use history, a copy of court documents and one police report. Applicant failed to schedule an interview and did not provide any documents to the Board.

3. On or about October 23, 2019, 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 her arrest history. Applicant was also instructed to send a written statement regarding her arrest and substance use history, a copy of court documents and one police report. Applicant failed to schedule an interview and did not provide any documents to the Board.

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

5. On November 15, 2019, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

## II CONCLUSIONS OF LAW

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

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

ORS 678.442 Certification of nursing assistants; rules. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who:  
(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:  
(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.

**III**  
**ORDER**

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

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

Dated this \_\_\_\_\_ day of February 2020

FOR THE OREGON STATE BOARD OF NURSING

---

Kathleen Chinn, FNP-BC  
Board President

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Jason Gilliland, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 201602606RN** ) **Reference No. 20-00695**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jason Gilliland (Licensee) was issued a Registered Nurse License/Certificate by the Board on April 20, 2016.

On February 21, 2019, the Board received a complaint from Licensee's employer that on February 14, 2019, while caring for patient's, Licensee reported having chest pain He was sent to the Emergency Department and later admitted to the hospital for observation. On February 16, 2019, a relief nurse in the observation unit reported to the Nursing House Supervisor concerns about Licensee after he admitted to drinking up to 15 drinks a day and cocaine use. The Board opened an investigation.

On March 13, 2019, Licensee underwent an evaluation and was diagnosed with Alcohol Use Disorder-Severe. Licensee reported he had been alcohol free since February 13, 2019. It was recommended that Licensee attend 12 weeks of outpatient chemical dependency group counseling sessions multiple times per week, individual counseling sessions every 1-3 weeks for a minimum of 12 weeks, and random urine drug screens.

On June 12, 2019, Licensee was placed on twenty-four (24) months of probation.

On July 13, 2019, Licensee admitted himself back to a 30-day in patient treatment because he had relapsed on alcohol. This was not reported to the Board.

Board staff was unable to reach Licensee until an e-mail was received on July 22, 2019 stating that Licensee was in a treatment facility for having relapsed on alcohol. Licensee informed Board staff that he was on track to complete his treatment on August 14, 2019.

After being released, Licensee resumed probation and outpatient treatment. Board staff received negative toxicology results from Licensee's treatment provider during this time.

While on a vacation in October 2019, Licensee failed to check in with the lab daily and missed one scheduled toxicology test, and another upon his return. He stated he had left his phone in an Uber cab and did not retrieve it until the end of his trip.

Upon his return Licensee approached his employer and requested a leave of absence. Licensee admitted himself back into in-patient treatment stating that he thought he may be susceptible to another relapse, when he already had relapsed.

Board staff removed him from practice until his case went back before the Board in February 2020.

Since being released from treatment, Licensee has changed providers. On January 23, 2020, Licensee's current treatment provider stated that he has not been to treatment since January 9, 2020 and has missed concurrent toxicology tests. Licensee has also missed numerous check-ins with Affinity Labs and multiple toxicology tests. Licensee remains out of compliance with his Board probation.

Licensee requests a voluntary surrender of his license.

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

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

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

(e) Impairment as defined in ORS 676.303

(f) Conduct derogatory to the standards of nursing

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

Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is limited to:

(7) Conduct related to impaired function:

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

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

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

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

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

**That the voluntary surrender of the Registered Nurse license of Jason Gilliland be accepted. If, after a minimum of three years, Mr. Gilliland wishes to reinstate their Registered Nurse license, Jason Gilliland 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, **Jason Gilliland** 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.

\_\_\_\_\_  
Jason Gilliland, 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**  
**Sandra Griffith, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 085080762RN** ) **Reference No. 19-00558**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Sandra Griffith (Licensee) was issued a Registered Nurse License by the Board on November 06, 1985.

On or about October 28, 2018, the Board received information that Licensee had practiced nursing beyond her RN scope.

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

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

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

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

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

- (2) Conduct related to achieving and maintaining clinical competency:
- (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.
- (3) Conduct related to the client's safety and integrity:
- (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
- (8) Conduct related to other federal or state statute or rule violations:
- (q) Failing to dispense or administer medications in a manner consistent with state and federal law.

Licensee 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 Sandra Griffith 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.

\_\_\_\_\_  
Sandra Griffith, 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**  
**Julianne Hill, CNA** ) **PROBATION**  
)  
**Certificate No. 200812809CNA,** )  
**LPN Applicant** ) **Reference No. 20-00368**

---

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's. Julianne Hill (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on December 16, 2008.

On or about November 5, 2018, CNA submitted an incomplete application for LPN licensure by examination. The application was held until CNA provided additional information.

On or about October 15, 2019, the Board received information that beginning in April of 2018, CNA had been investigated by Oregon Child Protective Services. CNA was found to have a substance use disorder resulting CNA neglecting her child. An investigation was opened into the matter.

A review of CNA's applications submitted to the Board show that CNA had answered "no" to questions asking if CNA had a substance use disorder or if CNA had ever been investigated for abuse and/or neglect.

In July of 2019, CNA underwent a substance use disorder evaluation and treatment was recommended. CNA engaged in treatment and has remained clean and sober since.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(1)(a)(b), (7)(b)(c), (8)(e), (9)(a), and (10)(b) which reads as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

- (a) Demonstrated incidents of violent, abusive, neglectful or reckless behavior; or
- (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

(7) Conduct related to safe performance of authorized duties:

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

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

- (e) Neglecting a person;

(9) Conduct related to certification violations:

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

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

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

CNA admits that the above allegations occurred and constitute violations of the Nurse Practice Act. CNA 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 CNA:

That the Certified Nursing Assistant certificate of Julianne Hill be placed on Probation. If CNA passes the NCLEX-PN and is issued a Practical Nurse License while on probation, the terms of the probation will transition to the Practical Nurse License. The CNA's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. CNA must complete a twenty-four (24) month period of probation to begin upon CNA's return to performing the duties at the level of a Certified Nursing Assistant. CNA must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where CNA is able to exercise the full extent of scope of duties in order to demonstrate whether or not CNA is competent. Limited overtime may be approved on occasion.

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

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

- 2) CNA shall have thirty-six (36) months from Board's acceptance of this Stipulated Order to complete twenty-four (24) months of monitored practice.
- 3) CNA shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) CNA shall maintain an active certificate (or license if applicable).
- 5) CNA shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If CNA leaves the state and is unable to work in the state of Oregon, CNA's probationary status will be re-evaluated.
- 6) CNA shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) CNA shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) CNA will not look for, accept, or begin a new nursing assistant position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) CNA shall inform current and prospective employers of the probationary status of CNA's certification, the reasons for probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of CNA's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when CNA is employed.
- 10) Direct observation: CNA shall work under the direct observation of another licensed healthcare professional functioning at a higher level of licensure. If probation is occurring under a Practical Nurse License, observation must be conducted by another licensed healthcare professional at the same or higher level of licensure. In either case, the observer must be aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe CNA's work and provide assistance and who has taken the required Board approved Monitor/Supervisor training. CNA shall be employed in a setting where CNA's supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, CNA may be restricted from performing the duties of a nursing assistant.
- 11) Between quarterly reporting periods, the Nurse Executive or a person designated by CNA's employer shall inform Board staff of any instance of CNA's non-compliance with the terms and conditions of this Stipulated Order or of any other concern there may be regarding

CNA's work-related conduct or personal behavior that may affect CNA's ability to perform the duties of a nursing assistant.

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

13) CNA shall not 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.

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

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

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

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

18) CNA may take medication for a documented medical condition, provided that CNA obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. CNA will notify Board staff within 72 hours in the event CNA is

prescribed such medication, and shall sign a release of information authorizing the prescribing person to communicate with Board staff about CNA's medical condition. CNA shall produce the medical records pertaining to the medical condition and medication use. CNA will discard any unused prescription medications when it is no longer needed or expired.

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

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

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

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

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

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

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

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

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

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

signs this Stipulated Order.

IT IS SO AGREED:

\_\_\_\_\_  
Julianne Hill, CNA

\_\_\_\_\_  
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**  
**Mark Johnson, RN** ) **PROBATION**  
 )  
**License No. 200743086RN** ) **Reference No. 20-00457**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Mark Johnson (Licensee) was issued a Registered Nurse License by the Board on September 5, 2007.

On or about November 5, 2019, Licensee self-reported to the Board that he was impaired while at work on October 25, 2019. The Board opened an investigation.

On or about November 13, 2019, the Board received a complaint reporting the same October 25, 2019 incident.

Licensee is actively engaged in treatment.

Licensee has a diagnosis which meets the Board's criteria for monitoring.

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

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

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

(7) Conduct related to impaired function:

- (b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance; or
- (c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering

substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.

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

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

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

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

probation. If there is a Nurse Executive, that person is to be informed of Licensee's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.

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

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

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

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

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

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

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

17) Licensee shall participate in the Board's random 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 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 an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

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

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

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

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

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

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

Licensee understands that the conduct resulting in the violations of law described in this



**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Caitlin Kelly, CNA**

)  
) **FINAL ORDER OF DENIAL**  
) **OF NURSING ASSISTANT**  
) **CERTIFICATE BY DEFAULT**  
)  
) **Reference No. 20-00296**

---

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. Caitlin Kelly (Applicant) applied for a Nursing Assistant Certificate in the state of Oregon on or about April 16, 2019.

The Board considered this matter at its meeting on November 15, 2019.

On November 15, 2019, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant failed to respond to the Board regarding disclosures on her application.

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

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

**-I-  
FINDINGS OF FACT**

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

1. On or about September 30, 2019, a letter requesting Applicant submit a written statement and schedule an interview with the Board within 14 days was sent to Applicant's address of record with the Board. No response was received.
2. On or about October 16, 2019, a second letter requesting Applicant submit a written statement and schedule an interview within 5 days with the Board was sent to Applicant's address of record with the Board. No response was received.

3. On or about October 22, 2019, the second letter requesting applicant submit a written statement and schedule an interview with the Board was returned to the Board marked by the USPS as "Return to Sender-No Such Number-Unable to Forward."

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

5. On November 15, 2019, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

## II CONCLUSIONS OF LAW

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

2. That Applicant's conduct is in violation of ORS 678.442(f) and OAR 851-063-0090(10)(a)(c)

### **ORS 678.442 Certification of nursing assistants; rules.**

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

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

### **OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

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

(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; or

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

**III**

**ORDER**

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

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

Dated this \_\_\_\_\_ day of February 2020

FOR THE OREGON STATE BOARD OF NURSING

---

Kathleen Chinn, FNP-BC  
Board President

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Kim Kephart, LPN** ) **PROBATION**  
)  
**License No. 201130263LPN** ) **Reference No. 19-01309**

---

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. Kim Kephart (Licensee) was issued a Practical Nurse License by the Oregon State Board of Nursing on June 3, 2011.

On or about October 7, 2019, the Board received a statement from Licensee in which she acknowledged that she had sought treatment for a substance use disorder stemming from extended use of prescribed pain medication.

Investigation determined that Licensee used opiates and other substances which were not prescribed to her. Licensee's work performance was affected by attendance issues related to the disorder.

By the above actions, Licensee is subject to discipline pursuant to By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(e)(f) and OAR 851-045-0070 (2)(a), (7)(c) and (8)(k) which read as follows:

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

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

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

**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;

**(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[.]

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

That the Licensed Practical Nurse license of Kim Kephart 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 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 continue to 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 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 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 an evaluation by a Board approved chemical abuse or dependence 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:

\_\_\_\_\_  
Kim Kephart, LPN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kathleen Chinn, FNP-BC  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Mary Kern, RN** ) **PROBATION**  
)  
**License No. 093000530RN** ) **Reference No. 19-00074**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Mary Kern (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on September 29, 1993.

On or about August 7, 2018, the Board received information Licensee was placed on supervised preceptorship related to unsafe practice concerns while working on a cardiac unit. While under supervised preceptorship, further observation of below acceptable critical thinking, assessment, cardiac medication knowledge, critical care nursing and documentation skills resulted in corrective action leading to permanent removal from current work position. Licensee subsequently was granted an unpaid medical leave of absence to complete an evaluation to determine to what degree the Licensee can safely function within the scope of a registered nurse and later terminated due to lack of obtaining evaluation. Evaluation completed in late 2019 and the results included recommended restrictions outlined in the probation stipulation below.

Note: Licensee had transferred from a successful 15-year psychiatric field to a cardiac unit due to hospital attrition and closing of the psychiatric unit in 2017. Licensee required medical treatment related to an unreported head injury prior to corrective action and preceptor observation of unsafe practice concerns.

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)(f)(4)(b)(f)(7(a)(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:

- (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;
  - (f) Assuming duties and responsibilities within the practice of nursing when competency has not been established or maintained;
- (4) Conduct related to communication:
  - (b) Failure to document nursing interventions and nursing practice implementation in a timely, accurate, thorough, and clear manner. This includes failing to document a late entry within a reasonable time period;
  - (f) Failing to communicate information regarding the client's status to members of the health care team in an ongoing and timely manner as appropriate to the context of care;
- (7) Conduct related to impaired function:
  - (a) Practicing nursing when unable or unfit due to:
    - (B) Psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting or by the assessment of an LIP qualified to diagnose mental conditions or status.

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 Mary Kern of be placed on nursing practice Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twelve (12) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of eight (8) hours per week and no more than one (1.0) FTE. Must avoid a night shift position, in a setting where Licensee has experience, previous nursing competency and is able to exercise the full extent of scope of duties as outlined below in order to demonstrate whether or not Licensee is competent and practices safe nursing.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have twenty-four (24) months from Board acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.

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

4) Licensee shall maintain an active license.

5) Licensee shall complete the following courses:

- NCSBN Sharpening Critical Thinking Skills
- NCSBN Professional Accountability & Legal Liability for Nurses
- NCSBN Documentation: A Critical Aspect of Client Care

All courses shall be pre-approved by Board staff, and Licensee shall provide proof of completion of each course either through certificates of completion or transcripts. Should Licensee fail to complete these courses within the required time of twelve (12) months, Licensee shall be referred back to the Board for consideration of further disciplinary action.

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

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

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

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

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

11) Licensee shall work under the direct supervision 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, 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 received timely, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

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

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

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

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

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

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

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

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

\_\_\_\_\_  
Mary Kern, 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**  
**Jessica Killian, RN** ) **PROBATION**  
 )  
**License No. 200740650RN** ) **Reference No. 20-00208**

---

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 Killian (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing on March 19, 2007.

On or about August 29, 2019, Licensee practiced nursing while impaired by alcohol.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

(7) Conduct related to impaired function:

(b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance; or

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

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

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

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
- 6) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without prior approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of Licensee's license, the reasons for Licensee's probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.
- 10) Licensee shall work under the direct observation of another licensed healthcare professional, who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Licensee's practice and provide assistance and who has taken the required Board approved

Monitor/Supervisor training. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

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

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

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

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

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

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

17) Licensee shall participate in the Board's random 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 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 an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in

good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Jessica Killian, 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**  
**Patricia Lancaster, LPN** ) **2 WEEK**  
 ) **SUSPENSION OF LICENSE**  
**License No. 200030137LPN** ) **Reference No. 19-01408**

---

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. Patricia Lancaster (Licensee) was issued a Licensed Practical Nurse License by the Board on September 01, 2000.

On or about June 3, 2019, the Board received information that Licensee administered the wrong dose of a controlled medication to a patient and allegedly failed to assess and document for a patient who sustained a fall.

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

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

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

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

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

- (2) Conduct related to achieving and maintaining clinical competency:
- (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.
- (3) Conduct related to the client's safety and integrity:
- (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgement;
- (c) Failing to develop, implement or modify the plan of care.
- (4) Conduct related to communication:
- (a) Failure to accurately document nursing interventions and nursing practice implementation;

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

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

**That the Licensed Practical Nurse license of Patricia Lancaster be SUSPENDED for FOURTEEN days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.**

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

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

\_\_\_\_\_  
Patricia Lancaster, LPN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kathleen Chinn, FNP-BC  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Cheryl McDaniel, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 086006750RN** ) **Reference No. 20-00109**

---

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. Cheryl McDaniel (Licensee) was issued a Registered Nurse License by the Board on September 24, 1986.

On or about July 16, 2019, the Board received information that Licensee practiced nursing while impaired from a lack of sleep.

Licensee cannot recall the events of her shift on November 7, 2018, but understands that there was a medication discrepancy identified for a resident in her care.

Licensee admits that her nursing practice did not meet standards while working this day; putting both herself and resident's at risk.

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

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

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

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

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

(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:

(a) Developing, modifying, or implementing policies that jeopardize client safety

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

(4) Conduct related to communication:

(a) Failure to accurately document nursing interventions and nursing practice implementation;

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

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 Cheryl McDaniel be Reprimanded.**

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

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

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

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

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

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

\_\_\_\_\_  
Cheryl McDaniel, 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 REVOCATION**  
**Sarah Merrill, CNA** ) **BY DEFAULT**

)  
)

**Certificate No. 200911417CNA** ) **Reference No. 20-00494**

---

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. Sarah Merrill (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on May 29, 2009.

This matter was considered by the Board at its meeting on February 12, 2020.

On January 9, 2020, a Notice was mailed to Certificate Holder's address of record stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Sarah Merrill. The Notice was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder received a DHS finding of neglect resulting in abuse for failing to administer pain medication to residents. DHS determined that Certificate Holder was diverting narcotics from the workplace.

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 May 29, 2009.
2. On or about November 18, 2019, Certificate Holder was reported to the Board by DHS and received a finding of neglect resulting in abuse for failing to administer pain medications to residents.
3. During the month of March 2019, there were over one hundred (100) narcotic pills unaccounted for that were signed out by Certificate Holder. Five (5) alert and oriented

residents were interviewed and denied receiving the narcotic medication that Certificate Holder documented as administering. At least two (2) residents suffered in pain because they ran out of pain medication prematurely.

4. The facility where Certificate Holder was employed received a medication shipment from a pharmacy on March 15, 2019, which contained narcotic medication that Certificate Holder received and signed for. It was discovered on March 17, 2019, that a portion of the narcotic medication was unaccounted for. Certificate Holder was interviewed by the facility and responded she administered the medication to residents and suggested she forgot to document it.
5. On January 9, 2020, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

**-II-**

**CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, Sarah Merrill, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(f) and OAR 851-063-0090(1)(b), (3)(d), (4)(a)(c)(D), (8)(j) 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:

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

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

(3) Conduct related to client safety and integrity:

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

(4) Conduct related to communication:

(a) Failing to accurately document nursing assistant activities and tasks;

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

(D) Falsifying data;

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

(j) Unauthorized removal or attempted removal of any drugs, supplies, property, or

money from any person or setting;

(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 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 Sarah Merrill is REVOKED.

DATED this \_\_\_\_ day of February, 2020

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

---

Kathleen Chinn, FNP-BC  
Board President

TO: SARAH MERRILL:

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

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Kymerli Miller, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 200542067RN** ) **Reference No. 20-00177**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kymerli Miller (Licensee) was issued a Registered Nurse license by the Board on August 22, 2005.

On or about September 3, 2019, the Board received information that Licensee may have mental health issues that could interfere with her ability to safely practice nursing. The Board opened an investigation.

On December 16, 2019, Licensee informed Board staff she wished to 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)(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:

(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 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 Kymberli Miller be accepted. If, after a minimum of three years, Kymberli Miller wishes to reinstate her Registered Nurse license, Kymberli Miller 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, Kymberli Miller 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.

\_\_\_\_\_  
Kymberli Miller, 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 A 5 MONTH**  
**Ryan Nelson, RN** ) **SUSPENSION FOLLOWED BY**  
 ) **24 MONTHS OF PROBATION**

**License No. 201143309RN** ) **Reference No. 20-00004**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Ryan Nelson (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on November 9, 2011.

On December 20, 2016, the Board placed Licensee's Registered Nurse License on a twenty-four (24) month period of probation after the Board received information that Licensee was convicted in Lane County Circuit Court of Driving Under the Influence of Intoxicants and Recklessly Endangering Another Person on or about March 2, 2016. Per the terms and conditions of the stipulated order, Licensee was required to complete 24 months of monitored practice within thirty-six (36) months. Licensee was also required to participate and comply with the Board's random urine drug testing program.

Since beginning probation, Licensee has missed multiple tests or not taken the tests on the days selected. Licensee also tested positive for ETG, a metabolite of alcohol, on May 28, 2019. Licensee admitted to consuming alcohol. Licensee has also been unable to complete the monitored practice within a 36 month period of time.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f), OAR 851-045-0070 (10) (d) and OAR 851-070-0100 (3) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

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

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

OAR 851-070-0100 Substantial Non-Compliance Criteria

(3) For Board Ordered discipline, violation of any of the conditions of the final order is considered non-compliance and will be investigated and the appropriate sanction will be determined up to and including revocation of license or certificate.

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 Ryan Nelson be suspended for five (5) months. Suspension is deemed served by the period of time Licensee was unemployed following his relapse in May 2019. In addition, Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation.** Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee is competent. Limited overtime may be approved on occasion.

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

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

institution.

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

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

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

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

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

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

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

16) Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. If Licensee participates in a treatment program at any point during probation, Licensee shall sign a release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.

17) Licensee shall participate in the Board's random drug testing program which includes

urine, hair, and blood testing. 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 will 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 substance use disorder evaluator. Licensee is financially responsible for any and all costs related to testing and evaluating. **Failure to comply with drug testing shall result in Licensee's referral back to the Board for consideration of disciplinary action. Compliance includes: No missed testing, testing on the day scheduled, requesting monitoring interruptions through the Board's lab vendor three business days in advance, contact Board staff or the Board's lab vendor during business hours if there is an issue with testing, checking in with the lab Monday through Friday, and maintain an account in good standing with the Board's lab vendor.**

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:

\_\_\_\_\_  
Ryan Nelson, 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**  
**Devareaux Page, LPN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 201509318CNA, 201904341LPN** ) **Reference No. 20-00101**

---

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 and Certified Nursing Assistants. Devareaux Page (Licensee) was issued a Nursing Assistant Certificate on December 15, 2015, and a Practical Nurse License on June 5, 2019.

On or about July 27, 2019, Licensee was on a staffing agency assignment as a CNA at a nursing facility. She was assigned to provide care to 6 residents.

Licensee acknowledged that while working at the nursing facility on July 27, 2019, a patient became angry and berated Licensee in the presence of others. Licensee became upset and left the facility without notifying a supervisor at the facility. Licensee further acknowledged she had failed to review the patient's care plan and that she left without documenting the incident and the care she provided that patient while on duty as a CNA.

There have been no complaints against Licensee in her role as a Licensed Practical Nurse.

Licensee has successfully completed 6 continuing education courses (22.40 contact hours) to improve her practice and prevent future lapses: Enhancing your Communication and Conflict Resolution Skills; Communication & Teamwork; Patient- & Family-Centered Care; Evidence-based Practice; Quality Improvement; and Documentation: A Critical Aspect of Client Care.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.442 (2)(f), OAR 851-063-0090 (3)(a)(b)(e) and (4)(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**

**(3) Conduct related to client safety and integrity:**

(a) Failing to take action to preserve or promote a person's safety based on nursing assistant knowledge, skills, and abilities;

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

(e) Leaving or failing to complete a nursing assistant assignment without properly notifying appropriate supervisory personnel.

**(4) Conduct related to communication:**

(a) Failing to accurately document nursing assistant activities and tasks.

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 and Nursing Assistant Certificate of Devareaux Page 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 certificate and license, up to and including revocation of her credentials to practice as a Certified Nursing Assistant and Licensed 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.

\_\_\_\_\_  
Devareaux Page, LPN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kathleen Chinn, FNP-BC  
Board President

\_\_\_\_\_  
Date

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of**

**Joshua Riddle, CNA Applicant**

)  
) **FINAL ORDER OF DENIAL**  
) **OF NURSING ASSISTANT**  
) **CERTIFICATE BY DEFAULT**  
)  
) **Reference No. 19-01368**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Certified Nursing Assistants and Applicants. Joshua Riddle (Applicant) was originally issued a Nursing Assistant Certificate on May 6, 2005.

On or about April 13, 2019, Applicant allowed his certificate to expire. On May 17, 2019, Applicant submitted a renewal application on which he disclosed a substance use problem.

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

On November 15, 2019, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant used drugs, alcohol or mind-altering substances in a manner dangerous or injurious to himself.

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 May 17, 2019, Applicant submitted an application on which he disclosed a substance abuse problem.
2. On or about June 12, 2019, Applicant was asked to provide additional records to the Board and to schedule an interview with Board staff. Applicant did not provide any records to the Board and failed to schedule an interview.

3. On or about September 5, 2019, Applicant was asked to provide additional records to the Board and to schedule an interview with Board staff. Applicant did not provide any records and has failed to cooperate with the Board's investigation.

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

5. On November 15, 2019, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

**-II-  
CONCLUSIONS OF LAW**

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

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

**ORS 678.442 Certification of nursing assistants; rules.**

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

(c) Impairment as defined in ORS 676.303 (Purposes of health professional regulatory boards).

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

**OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

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

**(7) Conduct related to safe performance of authorized duties:**

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

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

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

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

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

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

**-III-**

**ORDER**

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

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

Dated this \_\_\_\_\_ day of February 2020

FOR THE OREGON STATE BOARD OF NURSING

---

Kathleen Chinn, FNP-BC  
Board President

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Luis Sanchez, NP** ) **PROBATION**  
)  
**License No. 201707519NP-PP** ) **Reference No. 19-01217**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Luis Sanchez (Certificate Holder) was issued a Nurse Practitioner Certificate by the Oregon State Board of Nursing on September 13, 2017.

On or about April 10, 2019, the Board received information that Certificate Holder had allegedly failed to accurately assess and diagnose patients while employed in a primary care setting. It was also alleged that Certificate Holder failed to appropriately document assessments and clinical decision making.

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

**ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of Certificate Holder.** 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 Certificate Holder may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
- (f) Conduct derogatory to the standards of nursing.

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

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

- (2) Conduct related to achieving and maintaining clinical competency:
- (a) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.
- (3) Conduct related to the client's safety and integrity:
- (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
- (4) Conduct related to communication:
- (b) Failure to document nursing interventions and nursing practice implementation in a timely, accurate, thorough, and clear manner. This includes failing to document a late entry within a

reasonable time period.

Certificate Holder admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Certificate Holder 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 Certificate Holder:

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

Certificate Holder must comply with the following terms and conditions of probation:

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

2) Certificate Holder shall have thirty-six (36) months from Board acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.

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

4) Certificate Holder shall maintain an active license.

5) Certificate Holder shall complete the following courses by the National Council of State Boards of Nursing: *Documentation: A Critical Aspect of Client Care and Sharpening Critical Thinking Skills*. Certificate Holder shall provide proof of completion of each course either through certificates of completion or transcripts. Should Certificate Holder fail to complete these courses within the required time of twelve (12) months, Certificate Holder shall be referred back to the Board for consideration of further disciplinary action.

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

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

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

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

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

11) Certificate Holder 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 Certificate Holder's practice and provide assistance and who has taken the required Board approved Monitor/Supervisor training. Certificate Holder shall be employed in a setting where Certificate Holder'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, Certificate Holder may be restricted from practicing as a nurse.

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

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

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

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

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

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

18) Certificate Holder shall cooperate fully with the Board in the supervision and investigation of Certificate Holder's compliance with the terms and conditions of this Stipulated Order.

Certificate Holder 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.

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

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

Certificate Holder understands that by signing this Stipulated Order, Certificate Holder 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 Certificate Holder to sign this Stipulated Order.

Certificate Holder understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

\_\_\_\_\_  
Luis Sanchez, NP

\_\_\_\_\_  
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 SUSPENSION**  
**Lorena Seunninga, RN** ) **BY DEFAULT FOR**  
**AKA: Lorena Carlin** ) **FAILURE TO COOPERATE**  
)  
**License No. 200842244RN** ) **Reference No. 19-01032**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Lorena Seunninga (Licensee) was issued a Registered Nurse license by the Board on August 04, 2008.

This matter was considered by the Board at its meeting on February 12, 2020.

On January 13, 2020, a Notice stating that the Board intended to suspend the Registered Nurse license of Licensee was sent via certified and first-class mail to their address of record. The Notice alleged that Lorena Seunninga 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 August 04, 2008.
2. On or about March 09, 2018, Licensee was arrested for Driving Under the Influence of Intoxicants (DUII). As a result, Licensee was convicted of DUII on or about June 05, 2018. On or about January 25, 2019, Licensee submitted a Registered Nurse license renewal application to the Board and untruthfully responded "No" to the following question on that application: "Other than a traffic ticket, since the date of your last

renewal, have you been arrested, cited, or charged with an offense that has not been previously investigated by the Board?" The Board opened an investigation into the matter.

3. On December 18, 2019, 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 documents to the Board as requested.
4. On January 02, 2020, 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 documents to the Board as requested.
5. On January 13, 2020, 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, Lorena Seunninga, 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 Lorena Seunninga 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 Lorena Seunninga has fully cooperated with the Board's investigation. Should the Board reinstate the Registered Nurse license of Lorena Seunninga, the Licensee would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_\_ day of February, 2020

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

---

Kathleen Chinn, FNP-BC  
Board President

TO LORENA SEUNNINGA:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Kimberlee Shoop Lockett, CNA** ) **PROBATION**  
)  
**Certificate No. 201403761CNA** ) **Reference No. 19-00793**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nursing Assistants. Kimberlee Shoop Lockett (CNA) was issued a Nursing Assistant certificate by the Board on June 25, 2014.

On or about December 20, 2018, the Board received a complaint alleging CNA was arrested on August 13, 2018 for a DUII with other charges. On August 13, 2018, CNA was traveling westbound in the eastbound travel lane with her three children in her vehicle when she struck a semi truck towing two trailers nearly head on, causing injury to the semi truck driver. CNA exhibited signs of impairment. The Board opened an investigation.

On January 29, 2019, CNA pled guilty to and was convicted of the following misdemeanors: Driving Under the Influence of Intoxicants, Reckless Driving, four counts of Recklessly Endangering Another Person and Assault in the Fourth Degree.

CNA successfully completed substance use treatment.

CNA has a diagnosis which meets the Board's criteria for monitoring.

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

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

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

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

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

(7) Conduct related to safe performance of authorized duties:

(c) Using a prescription or non-prescription drug, alcohol, or a mind-altering substance to

an extent or in a manner dangerous or injurious to the nursing assistant or others, or to an extent that such use impairs the ability to perform the authorized duties safely.

CNA admits that the above allegations occurred and constitute violations of the Nurse Practice Act. CNA 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 CNA:

**That the Nursing Assistant certificate of Kimberlee Shoop Lockett be placed on Probation. Certificate Holder's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Certificate Holder must complete a twenty-four (24) month period of probation to begin upon Certificate Holder's return to performing the duties at the level of a Certified Nursing Assistant. Certificate Holder must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Certificate Holder is able to exercise the full extent of scope of duties in order to demonstrate whether or not Certificate Holder is competent. Limited overtime may be approved on occasion.**

Certificate Holder shall comply with the following terms and conditions of probation:

- 1) Certificate Holder shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Certificate Holder shall have thirty-six (36) months from Board's acceptance of this Stipulated Order to complete twenty-four (24) months of monitored practice.
- 3) Certificate Holder shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) Certificate Holder shall maintain an active certificate.
- 5) Certificate Holder shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Certificate Holder leaves the state and is unable to work in the state of Oregon, Certificate Holder's probationary status will be re-evaluated.
- 6) Certificate Holder 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) Certificate Holder 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) Certificate Holder 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) Certificate Holder shall inform current and prospective employers of the probationary status of Certificate Holder'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 Certificate Holder's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Certificate Holder is employed.

10) Certificate Holder 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 Certificate Holder's work and provide assistance and who has taken the required Board approved Monitor/Supervisor training. Certificate Holder shall be employed in a setting where Certificate Holder'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, Certificate Holder may be restricted from performing the duties of a nursing assistant.

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

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

13) Certificate Holder 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.

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

15) Certificate Holder 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, Certificate Holder shall submit to Board staff a copy Certificate Holder's completion certificate or discharge summary. Certificate Holder shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with Certificate Holder's treatment provider and release Certificate Holder's treatment records to the Board.

16) Certificate Holder 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 Certificate Holder's immediate removal from working as a nursing assistant. Certificate Holder shall submit to observed tests to determine the presence of unauthorized substances immediately upon request by Board staff or Certificate Holder's employer. Certificate Holder 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, Certificate Holder shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Certificate Holder understands that Certificate Holder is financially responsible for any and all costs related to testing and evaluating. Certificate Holder's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Stipulated Order.

17) Certificate Holder 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 18 below. Certificate Holder shall avoid any over the counter products and food items containing alcohol, marijuana and poppy seeds.

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

19) Certificate Holder 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 Certificate Holder's employer.

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

21) Certificate Holder 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.

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

Certificate Holder 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.

Certificate Holder understands that in the event Certificate Holder 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 Certificate Holder's certificate, up to and including revocation of Certificate Holder's certification to perform the duties of a Certificate Holder.

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Kimberlee Shoop Lockett, 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**  
**Donald Shumate, RN** ) **PROBATION**  
)  
**License No. 200940298RN** ) **Reference No. 20-00232**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Donald Shumate (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on February 10, 2009.

On or about September 6, 2019, the Board received information from Licensee who was reporting that he had been placed on administrative leave from his employer for possessing cocaine at work. Licensee was identified via security camera showing the bag had fallen out of his pocket while at work. During the employer investigation, Licensee admitted to his employer that the cocaine was his.

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

(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.

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

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

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

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

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

(7) Conduct related to impaired function:

(a) Practicing nursing when unable or unfit due to:

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

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
- 6) Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

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

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

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

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

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

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

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

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

16) Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics

Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.

17) Licensee shall participate in the Board's random 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 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 an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

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

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

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

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

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

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

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

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

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Donald Shumate, 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**  
**Raub Slack, RN** ) **SUSPENSION AND PROBATION**  
 )  
**License No. 201406979RN** ) **Reference No. 19-01430**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Raub Slack (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on October 3, 2014.

On or about June 10, 2019, the Board received a complaint about Licensee's practice. During the course of the investigation, the Board received reports that Licensee was responsible for some unprofessional conduct while on duty, including participating in discussions of sexual topics in the presence of co-workers; mock touching or actual touching of co-workers on three occasions; yelling at or attempting to embarrass two new staff in the presence of others.

Licensee reportedly violated infection prevention and hygiene practices on two occasions, by failing to wear gloves when picking up soiled surgical sponges and human tissue after a surgery, and placing a piece of human tissue in a co-worker's scrubs pocket.

Witnesses noted that there was a culture of "coarseness" and "horseplay" in the surgical unit. Licensee stated that he was unaware that his behavior had been offensive and he had not intended to harass or intimidate anyone. He expresses his regret for having participated in or enabled it to the detriment of anyone. Licensee acknowledges that physical contact in the workplace is not appropriate, and that he is responsible for maintaining professional conduct in the workplace, toward patients and co-workers.

Licensee has completed the course "Maintaining Ethics, Boundaries and Professionalism in Nursing" (Professional Boundaries, Inc.).

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070 (2)(a), (3)(k) and (6)(a) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

(k) Failing to respect the dignity and rights of clients, inclusive of social or economic status, age, race, religion, gender, gender identity, sexual orientation, national origin, nature of health needs, physical attributes, or disability;

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

(a) Engaging in violent, abusive or threatening behavior towards a co-worker[.]

Licensee admits that if proven, the above allegations would constitute grounds for discipline. 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 Raub Slack be SUSPENDED for thirty (30) days. Upon completion of the suspension, Mr. Slack's License shall be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twelve (12) month period of probation to begin upon Licensee's return to supervised nursing practice at the level of a Registered Nurse. During probation, Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Licensee is able to exercise the full extent of scope of duties in order to demonstrate whether or not Licensee is competent. Limited overtime may be approved on occasion.**

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have twenty- four (24) months from Board acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be re-evaluated.

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 a 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 the 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 the Licensee's non-compliance with the terms and conditions of this Stipulated Order, or of any other concern there may be regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to practice as a nurse.

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

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

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

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

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

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

IT IS SO AGREED:

\_\_\_\_\_  
Raub Slack, 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**  
**Leslie Sturgis, CRNA** ) **VOLUNTARY SURRENDER OF RN AND**  
 ) **CRNA LICENSE**  
 )  
**License No. 087006090CRNA,** ) **Reference No. 18-01126**  
**087006090RN**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Registered Nurse Anesthetists. Leslie Sturgis (Licensee) was issued a Registered Nurse License by the Board on February 11, 198 by endorsement and a Certified Registered Nurse Anesthetist License by the Board on September 2, 1998.

On or about January 22, 2018, the Board received information that Licensee failed to safely administer medication during a dental procedure on June 19, 2014, resulting in a patient hospitalization.

Licensee has intermittent recall of the events on June 19, 2014, due to current side effects of a medical condition.

On October 25, 2019, Licensee stated that they had not practiced as an RN or CRNA since approximately fall of 2014, due to a medical condition that impacts his ability to practice safely.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(f)(g)(i) and OAR 851-045-0070 (4)(b) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

(i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

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

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

(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

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender their Registered Nurse license and Certified Registered Nurse Anesthetist 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 and Certified Registered Nurse Anesthetist license of Leslie Sturgis be accepted. If, after a minimum of three years, Mr. Sturgis wishes to reinstate his Registered Nurse License and/or Certified Registered Nurse Anesthetist License, Leslie Sturgis may submit an application to the Board to request reinstatement.**

Licensee agrees that they will not practice as a Registered Nurse or Certified Registered Nurse Anesthetist 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, **Leslie Sturgis** 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.

\_\_\_\_\_  
Leslie Sturgis, CRNA

\_\_\_\_\_  
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  
Monica Sweeney**

)  
) **FINAL ORDER OF DENIAL OF**  
) **REACTIVATION APPLICATION**  
) **BY DEFAULT**  
)

**License No. 200130075LPN (expired) ) Reference No. 19-01311**

---

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. Monica Sweeney (Applicant) was issued a Practical Nurse License by the Board on March 29, 2001. On December 4, 2018, Applicant's Practical Nurse License expired.

This matter was considered by the Board at its meeting on November 13, 2019.

On November 15, 2019, a Notice stating that the Board intended to deny the reactivation application for Practical Nurse License was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant was dishonest on her applications and during the Board's investigation.

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 March 25, 2019, Applicant submitted an application for the reactivation of her Practical Nurse License and was dishonest by answering "no" to all disclosure questions. A review of the applications disclosure questions show that Applicant should have disclosed the 2017 suspension of her Practical Nurse License and her arrest history, as it had not been previously disclosed to the Board.

2. On or about September 9, 2019, Applicant was dishonest during an interview with the Board staff when Applicant denied being intoxicated during an altercation with her then husband on December 24, 2014. Records show that on or about December 24, 2014, Applicant was noted by police officers to have been intoxicated during an altercation with her then husband.

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

4. On November 15, 2019, Board staff mailed a Notice of Proposed Denial of Reactivation Application 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, Monica Sweeney, and over the subject matter of this proceeding.

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

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

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

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

(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.

(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;

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

**III  
ORDER**

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

ORDERED that the Application for Reactivation of Practical Nurse License is denied.

Dated this \_\_\_\_\_ day of February 2020

FOR THE OREGON STATE BOARD OF NURSING

---

Kathleen Chinn, FNP-BC  
Board President

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

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

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Ronda Taylor, RN** ) **PROBATION**  
)  
**License No. 099003020RN** ) **Reference No. 17-01462**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Ronda Taylor (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on November 17, 1999.

The Board received a complaint that Licensee was terminated from a nursing position in 2017 for practice issues, including missing documentation or failure to perform nursing duties, and falsifying a patient record by documenting care which did not occur. The Board received a second complaint alleging erratic behavior and possible diversion of medications by Licensee.

Licensee acknowledged that she did use controlled substances without a prescription and that she diverted medications from the workplace for her personal use.

Licensee underwent a Board-approved evaluation and engaged in treatment and follow-up care for a substance use disorder. Licensee meets the criteria for returning to monitored practice.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), (851-045-0070 (2)(a), (3)(c), (4)(a)(c), (7)(b) and (8)(k)(1) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

**(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:**

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

(B) Documenting the provision of services that were not provided;

**(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;

**(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 work place.

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 Ronda Taylor 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 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 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 an evaluation by a Board approved chemical abuse or dependence 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:

\_\_\_\_\_  
Ronda Taylor, 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**  
**Jessica Williams, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 201709137RN** ) **Reference No. 20-00065**

---

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 Williams (Licensee) was issued a Registered Nurse License by the Board on October 28, 2017.

On or about July 3, 2018, Licensee was assigned to conduct an assessment and provide home health care services to “Client A” as a nurse and case manager. About six weeks after Client A’s discharge from home health care services, he and Licensee developed a personal relationship, and became engaged in March 2019. Between February and May 2019, Licensee received approximately \$7,000 in gifts and loans from the Client A. Licensee ended the engagement around May 2019.

While working as a home health care nurse with “Client B” Licensee made a brief video of Client B talking to the camera about Licensee, and identifying Licensee as her nurse. She transmitted this video to Client A.

Licensee has completed a continuing education course, *Professional Boundaries in Nursing*.

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

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

(o) Failing to establish or maintain professional boundaries with a client;

**(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 of Jessica Williams be reprimanded.**

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

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

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

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

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

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

IT IS SO AGREED:

\_\_\_\_\_  
Jessica Williams, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kathleen Chinn, FNP-BC  
Board President

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Kiyah Williams, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 201341254RN** ) **Reference No. 19-01191**

---

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. Kiyah Williams (Licensee) was issued a Registered Nurse License by the Board on May 14, 2013.

On or about March 29, 2019, the Board received information that Licensee administered a medication to a patient without a Licensed Independent Practitioner order.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070 (2)(b), (3)(a)(b), (4)(f) and (8)(q) 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 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.

(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:

(a) Developing, modifying, or implementing policies that jeopardize client safety.

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

(4) Conduct related to communication:

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

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

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

Licensee 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 Kiyah Williams 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 concerning 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.

\_\_\_\_\_  
Kiyah Williams, 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**  
**Angela Yow, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 200542074RN** ) **Reference No. 20-00100**

---

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/Certificates. Angela Yow (Licensee) was issued a Registered Nurse License/Certificate License by the Board on August 23, 2005.

On or about July 25, 2019, the Board received a self-report from Licensee that Licensee was impaired at work on July 18, 2019. Licensee's employer also reported that Licensee was showing signs of impairment on the day in question and licensee agreed to a "for cause" drug screen. The drug screen showed a positive result for narcotic medications not prescribed to her. Licensee explained to her employer that she had mistakenly taken her husband's narcotic medications the previous evening, thinking they were her own prescribed narcotic medications. Licensee was allowed to return to work after her administrative leave.

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

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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

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

7) Conduct related to impaired function:

(a) Practicing nursing when unable or unfit due to:

(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 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 Angela Yow be reprimanded.**

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

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

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

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

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

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

\_\_\_\_\_  
Angela Yow, 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**  
**Georgina Zinn, RN** ) **REPRIMAND OF LICENSE**  
)  
**License No. 200340229RN** ) **Reference No. 18-01386**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Georgina Zinn (Licensee) was issued a Registered Nurse License by the Board on February 18, 2003.

On or about March 5, 2018, the Board received information that Licensee allegedly falsified medical records on more than one occasion.

By the above actions, Licensee may be subject to discipline pursuant to **ORS 678.111(1)(f) and OAR 851-045-0070(2)(a)(4)(a)(c)(A)(B)(D)(E)**

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

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

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

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

- (2) Conduct related to achieving and maintaining clinical competency:
- (a) Failure to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.
- (4) Conduct related to communication:
- (a) Failure to accurately document nursing interventions and nursing practice implementation;
- (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or agency records. This includes but is not limited to:
- (A) Documenting nursing practice implementation that did not occur;
- (B) Documenting the provision of services that were not provided;
- (D) Charting someone else's charting omissions or signing someone else's name
- (E) Falsifying data.

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

**That the Registered Nurse License of Georgina Zinn 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.

\_\_\_\_\_  
Georgina Zinn, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kathleen Chinn, FNP-BC  
Board President

\_\_\_\_\_  
Date