BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of
Jennifer Alvarado, LPN

) FINAL ORDER OF SUSPENSION
) BY DEFAULT FOR
) FAILURE TO CooperATE

License No. 200630431LPN ) Reference No. 18-00972

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jennifer Alvarado (Licensee) was issued a Licensed Practical Nurse License by the Board on December 13, 2006.

This matter was considered by the Board at its meeting on March 17, 2021.

On February 23, 2021, a Notice stating that the Board intended to suspend the Licensed Practical Nurse License of Licensee was sent via certified and first-class mail to Licensee’s address of record. The Notice alleged that Jennifer Alvarado 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:

-1-

FINDINGS OF FACT

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

1. Licensee was issued a Licensed Practical Nurse License in the state of Oregon on December 13, 2006.

2. On or about December 2017, Licensee was reported to the Board for being observed sleeping at work and falsifying the documentation of care provided at the time the Licensee was observed sleeping. The Board opened an investigation into the matter.

3. On August 20, 2020, Board staff mailed a letter to Licensee’s address of record
requesting that they schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

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

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

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

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Jennifer Alvarado, 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 Licensed Practical Nurse License/Certificate of Jennifer Alvarado 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 Jennifer Alvarado has fully cooperated with the Board’s investigation. Should the Board reinstate the Licensed Practical Nurse License/Certificate of Jennifer Alvarado, the Licensee would be subject to whatever terms and conditions the Board may impose.

DATED this 17th day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President
TO: JENNIFER ALVARADO:

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 Delia Anderson, CNA ) STIPULATED ORDER FOR
Certificate No. 200111786CNA ) VOLUNTARY SURRENDER
) Reference No. 21-00332

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. Delia Anderson (CNA) was issued a Nursing Assistant certificate by the Board on August 10, 2001.

On multiple occasions in September/October 2020, CNA used an electronic benefits transfer card belonging to one of their clients to make purchases for themself without lawful authority to do so.

By the above actions, CNA is subject to discipline pursuant to ORS 670.280(3) and ORS 678.442(2)(d)(f) and OAR 851-063-0090(1)(b), (3)(k), (8)(j)(l) which provide as follows:

ORS 670.280 Denial, suspension or revocation of license based on criminal conviction; denial of license or imposition of discipline for conduct substantially related to fitness and ability of applicant or licensee.
(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or agency may deny an occupational or professional license or impose discipline on a licensee based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards.

ORS 678.442 Certification of nursing assistants; rules.
(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
(d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
(f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant
A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not
limited to:
(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:
(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
(3) Conduct related to client safety and integrity:
(k) Failing to maintain professional boundaries.
(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;
(l) Using one’s role or title as a nursing assistant to solicit or borrow money, materials, property or possessions from a client or the client’s family for personal gain or sale;

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

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

That the voluntary surrender of the Nursing Assistant certificate of Delia Anderson be accepted. If, after a minimum of three years, they wish to reinstate their Nursing Assistant certificate, Delia Anderson may submit an application to the Board to request reinstatement.

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

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

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

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

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

Delia Anderson, CNA  Date
ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________  ______________________________
Kathleen Chinn, FNP-BC                       Date
Board President

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

In the Matter of ) STIPULATED ORDER FOR
Helen Banuelos, LPN ) REPRIMAND OF LICENSE
)
License No. 083042738LPN ) Reference No. 19-01011

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurse License. Helen Banuelos (Licensee) was issued a Licensed Practical Nurse License by the Board on November 22, 1983.

On or about February 3, 2019, the Board received information that Licensee failed to initiate CPR timely.

Licensee has completed continuing education on initiating CPR if resuscitation status in not known, to ensure a similar event will not occur in the future.

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

(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;

(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;

(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

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

(e) Neglecting a client

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

That the Licensed Practical Nurse License of Helen Banuelos be Reprimanded.

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

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

Helen Banuelos, LPN
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

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

In the Matter of ) STIPULATED ORDER FOR
Stacy Belvin ) WITHDRAWAL OF REGISTERED
) NURSE LICENSE APPLICATION

License No. 200840822RN ) Reference No. 21-00422

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Registered Nurse license applicants. Stacy Belvin (Applicant) was issued a Registered Nurse license by the Board on May 15, 2008 which expired in July 2020. Applicant applied for reactivation of their Registered Nurse license in the state of Oregon on or about November 04, 2020.

From 2018 to early 2020, Applicant, who held a Wisconsin Registered Nurse license at the time, was under investigation by Wisconsin Department of Safety and Professional Services (DSPS) for allegations of fraudulently or abusively billing a client as much as $16,000.00 for services not provided. The Wisconsin case was closed only after the voluntary surrender of Applicant’s Wisconsin Registered Nurse license was accepted in May 2020. On or about November 04, 2020, Applicant submitted an Oregon Registered Nurse license reactivation application on which they responded “No” to the following questions:
“Since the date of your last renewal, have you been investigated for any alleged violation of any state or federal law, rule, or practice standard regulating a health care profession? Include any pending investigations.”
“Since the date of your last renewal, has an agency taken action against any healthcare license or certificate you have held in any other state or jurisdiction?”
“Since the date of your last renewal, have you withdrawn an application or surrendered a license or certificate to avoid any of the actions listed above?”

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(c)(d)(f)(g) and OAR 851-031-0006(2)(c) and OAR 851-045-0070(1)(b), (9)(a), (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.
(d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice.
(f) Conduct derogatory to the standards of nursing.
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-031-0006 General Eligibility, Limits on Eligibility, and Requirements
(2) Limits on Eligibility:
(c) If the applicant has past, current or pending disciplinary action in another licensing jurisdiction, the Board shall investigate and may deny licensure.

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.
(9) Conduct related to licensure or certification violations:
(a) Resorting to fraud, misrepresentation or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, obtaining initial licensure or certification, or renewal of licensure or certification;
(10) Conduct related to the licensee’s relationship with the Board:
(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;

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

That Stacy Belvin’s application for Registered Nurse License be withdrawn.

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

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

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

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

IT IS SO AGREED:

Stacy Belvin  Date
ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________  __________________________
Kathleen Chinn, FNP-BC          Date
Board President

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

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

Certificate No. 200910730CNA ) Reference No. 21-00546

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. Patty Benedict (Certificate Holder) was issued a Nursing Assistant Certificate by
the Board on March 20, 2009.

This matter was considered by the Board at its meeting on March 17, 2021.

On January 27, 2021, a Notice stating that the Board intended to suspend the Nursing Assistant
Certificate of Certificate Holder was sent to the address of record via certified and first-class
mail. The Notice alleged that Patty Benedict failed to cooperate with the Board during the
course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on
March 20, 2009.

2. On or about December 18, 2020, Certificate Holder was reported to the Board for
borrowing money from a resident. The Board opened an investigation into the matter.
3. On December 23, 2020, Board staff mailed a letter to Certificate Holders’ address of record requesting that an interview be scheduled to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

4. On January 13, 2021, a second letter was sent to Certificate Holders’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

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

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

II-

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

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

-III-

ORDER

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

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

DATED this _____ day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President
TO: PATTY BENEDICT:

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 Nichole Bosma, RN

License No. 200941155RN

) STIPULATED ORDER FOR
) REPRIMAND OF LICENSE
)

Reference No. 19-00709

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Nichole Bosma (Licensee) was issued a Registered Nurse License by the Board on June 05, 2009.

On or about November 21, 2018, the Board received information that Licensee, while employed in a supervisor role as a Registered Nurse, allowed an unlicensed staff member to administer an intramuscular injection to another staff member.

Licensee has taken responsibility for the Nurse Practice Act violations and has completed NCSBN education on Professional Accountability & Legal Liability for Nurses and Righting a Wrong – Ethics & Professionalism in Nursing.

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

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:

(g) Improperly delegating the performance of a nursing procedure to a UAP.

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 Nichole Bosma 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.

______________________________    ___________________________
Nichole Bosma, RN                   Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________    ___________________________
Kathleen Chinn, FNP-BC               Date
Board President

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

In the Matter of
Josiah Byers, CNA

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

Certificate No. 201806967CNA ) Reference No. 21-00618

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. Josiah Byers (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on August 20, 2018.

This matter was considered by the Board at its meeting on March 17, 2021.

On February 18, 2021, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to the address of record via certified and first-class mail. The Notice alleged that Josiah Byers failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on August 20, 2018.

2. On or about January 12, 2021, Certificate Holder was reported to the Board for exhibiting signs of impairment while he was at work. Certificate Holder submitted to a “For Cause” drug screening and was placed on administrative leave. Not enough urine was collected for the employer to obtain results. The Employer alleged Certificate
Holder refused to come back and submit another sample and he resigned from his position. The Board opened an investigation into the matter.

3. On January 13, 2021, Board staff mailed a letter to Certificate Holders’ address of record requesting that an interview be scheduled to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

4. On February 05, 2021, a second letter was sent to Certificate Holder’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

5. On February 18, 2020, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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

-II-

CONCLUSIONS OF LAW

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

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

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

OAR 851-063-0090(10)(a)(c) Conduct Unbecoming a Nursing Assistant:
A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant
profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

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

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

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

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

DATED this _____ day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO: JOSIAH BYERS:

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

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

In the Matter of ) STIPULATED ORDER FOR
Kayla Connelly, RN ) REPRIMAND OF LICENSE

License No. 202005747RN ) Reference No. 21-00504

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. Kayla Connelly (Licensee) was issued a Registered Nurse License by the Board on July 10, 2020.

On or about December 2, 2020, the Board received information that Licensee administered wrong medication; administered Morphine instead of Phenobarbital to a patient resulting in hospitalization and subsequent death on or about November 6, 2020. Licensee reported to the Board that about a month after completing orientation, Licensee floated to a new unit. Unfamiliar with the new unit and with new patient population, Licensee admitted to feeling stressed, anxious, and falling behind on administering medications and treatments. Toward the end of her shift, Licensee admitted to not following the five rights of medication administration by failing to check the medication label, dose, and patient name. As a result, the patient received another patient’s Morphine instead of his Phenobarbital as ordered (20mg/5ml give 12.5 ml). When the patient was found by the next shift nurse with periods of apnea, he was transferred to the hospital. Initially the patient responded well to Narcan but remained unresponsive and family decided to transition him to comfort measures. According to the medical record, the immediate cause of death is noted as respiratory failure due to suspected unintentional narcotic overdose.

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 maintain clinical competency:
(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice; Actual injury need not be established;
(3) Conduct related to the client’s safety and integrity:
(b) Failing to take action to preserve or promote the client’s safety based on nursing
assessment and judgment;
(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 Kayla Connelly be reprimanded.**

Licensee understands that the conduct described in this Order is sufficient for the Board to find
a violation of the laws cited, is considered by the Board to be of a grave nature and, if
continued, constitutes a serious danger to public health and safety.

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

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

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

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

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

_________________________________________  ____________________________
Kayla Connelly, RN                                Date
ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________
Kathleen Chinn, FNP-BC
Board President

__________________________________________

Date

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

In the Matter of)              )  FINAL ORDER OF REVOCATION
Anglee Davis, CNA)              )  BY DEFAULT

Certificate No. 200311856CNA)    )  Reference No. 21-00014

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. Anglee Davis (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on June 24, 2003.

This matter was considered by the Board at its meeting on February 17, 2021.

On February 18, 2021, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Anglee Davis was sent to Certificate Holder via certified and first-class mail to the address of record. The Notice alleged the following:

On or about July 06, 2020, Certificate Holder was reported to the Board via letters dated April 08, 2020, for findings of child neglect and threat of harm by the Department of Human Services (DHS) after she admitted to using methamphetamine, engaging in a Domestic altercation while caring for minor children, and posting personal information about the children on a public website that put the minor children at risk for their safety. The Board opened an investigation into the matter.

On April 07, 2020, Certificate Holder Applied for re-activation of her Nursing Assistant Certificate and misrepresented facts on her application by answering “No” to questions related to recent use of illegal drugs, as well as since the date of her last renewal, whether she had been a part of an investigation for any type of abuse or mistreatment, in any state or jurisdiction.

On August 20, 2020, Board staff held a telephone interview with Certificate Holder. She disclosed she had used illegal drugs in the past however, she misrepresented facts and told Board staff she had not been part of a DHS investigation. Certificate Holder explained the DHS information was falsified by a family member and denied the findings by DHS. During the interview Certificate Holder voluntarily agreed to obtain a Substance Use Dependency (SUD) evaluation and a Mental Health (MH) Evaluation. Board staff sent a list of approved providers and information on how to obtain a SUD and MH evaluation.

Board staff continued to follow up with her for several months through phone and email communication trying to obtain status updates regarding the SUD and MH evaluation she had agreed to obtain. Certificate Holder did not obtain a SUD or MH evaluation. Certificate Holder
discontinued communication with the Board and Board staff has not received communication from Certificate Holder since December 23, 2020.

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 June 24, 2003.

2. On or about April 08, 2020, Certificate Holder was founded by DHS for child neglect and threat of harm for using Methamphetamines while caring for minor children and posting personal information about the children’s whereabouts on social media.

3. On April 07, 2020, Certificate Holder misrepresented facts in her online application for renewal of her Nursing Assistant Certificate.

4. On April 20, 2020, Certificate Holder Misrepresented facts while talking with an investigator from the Board.

5. On February 17, 2021, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

6. On March 10, 2021, the deadline to respond to the Notice passed. Certificate Holder made no attempt to contact the Board and request a hearing.
CONCLUSIONS OF LAW

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

2. That Certificate Holder’s conduct is in violation of ORS 678.442 (2)(c)(f), and OAR 851-063-0090 (1)(a), (2)(a), 10(a)(c) which read as follows:

ORS 678.442(2)(c)(f) Certification of nursing assistants; rules.
(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
(c) Impairment as defined in ORS 676.303.
(f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 (1)(a), (10)(a)(c) Conduct Unbecoming a Nursing Assistant:
A CNA, regardless of job location, responsibilities, or use of the title “CNA,” whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

(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.

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

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

DATED this _____ day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

__________________________
Kathleen Chinn, FNP-BC
Board President

TO:  ANGLEE DAVIS:

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 Allyson Fennimore, LPN)

) STIPULATED ORDER FOR

) REPRIMAND OF LICENSE

License No. 201908137LPN ) Reference No. 21-00073

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurse License. Allyson Fennimore (Licensee) was issued a Licensed Practical Nurse License by the Board on September 11, 2019.

On or about July 20, 2020, the Board received information that Licensee practiced nursing, out of scope, by providing cosmetic injections to clients without Licensed Independent Practitioner oversight.

Licensee admits that she failed to ensure initial consult prior to injecting medication, for the majority of her cosmetic clients, despite having an agreement with a Licensed Independent Practitioner.

Licensee was provided additional information of cosmetic procedures and requirements, to ensure this will not occur in the future.

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

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

(3) Conduct related to the client’s safety and integrity:
(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;
(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 Allyson Fennimore be Reprimanded.

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

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

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

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

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

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

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Allyson Fennimore, LPN
Date

Kathleen Chinn, FNP-BC
Board President
Date

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

In the Matter of
Mina Luna Ferrer, CNA
Certificate No. 200611374CNA

) STIPULATED ORDER FOR
) REPRIMAND OF CERTIFICATE
) Reference No. 21-00151

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. Mina Luna Ferrer (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on June 28, 2006.

On or about August 12, 2020, the Board received information that Certificate Holder failed to follow a patient’s care plan for a two-person assist for transfers. Certificate Holder attempted to transfer a patient into the patient’s bed by herself which resulted in the patient falling.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(3)(a)(b)(d) 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:
(3) Conduct related to client safety and integrity:
(a) Failing to take action to preserve or promote a person’s safety based on nursing assistant knowledge, skills, and abilities;
(b) Failing to implement the plan of care developed by the registered nurse;
(d) Jeopardizing the safety of a person under the CNA’s care.

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

That the Certified Nursing Assistant Certificate of Mina Luna Ferrer be reprimanded.

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

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

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

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

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

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

________________________________________
Mina Luna Ferrer, CNA                          Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________
Kathleen Chinn, FNP-BC                          Date
Board President

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

In the Matter of Nicholas Hargreaves, LPN

STIPULATED ORDER FOR VOLUNTARY SURRENDER

License No. 201603970LPN

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. Nicholas Hargreaves (Licensee) was issued a Licensed Practical Nurse License by the Board on June 10, 2016.

On or about January 18, 2018, the Board received information that Licensee arrived to work impaired and refused to take a drug test. During the course of the investigation, Licensee did submit to a drug test and tested positive for ETG/ETS, both metabolites of alcohol. Licensee submitted to a third party evaluation and received a diagnosis for a Substance Use Disorder and Mental Disorder. Licensee was referred to the Health Professionals’ Services Program (HPSP) in August 2018.

Since entering HPSP, Licensee has been reported non-compliant for missed drug testing and a positive drug test. He was also reported for altering a doctor’s note. Licensee has made the decision to voluntarily surrender his license at this time.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(d)(f)(g), ORS 678.112, OAR 851-045-0070 (1)(b)(10)(e) and OAR 851-070-0100 (1)(d)(l)(2) 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:
(d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice;
(f) Conduct derogatory to the standards of nursing;
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

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. 851-070-0100 Substantial Non-Compliance Criteria.
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:
(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;
(l) 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 Licensed 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 Licensed Practical Nurse license of Nicholas Hargreaves be accepted. If, after a minimum of three years, Mr. Hargreaves wishes to reinstate their Licensed Practical Nurse license, Nicholas Hargreaves may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a Licensed 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, Nicholas Hargreaves 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.

_____________________________  ______________________________
Nicholas Hargreaves, LPN      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

_____________________________  ______________________________
Kathleen Chinn, FNP-BC        Date
Board President

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

In the Matter of Amanda Heade, LPN

STIPULATED ORDER FOR PROBATION

License No. 201403513LPN

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 Applicants. Amanda Heade (Applicant) was issued a Practical Nurse License by the Oregon State Board of Nursing on June 17, 2014.

On or about November 3, 2016, the Board received information that Applicant displayed erratic behavior while she was on duty at a nursing facility. Applicant underwent a drug screen which was positive for methylenedioxy-methamphetamine (MDMA), also known as Ecstasy. Throughout the investigation, Applicant failed to be honest with about her substance use. Applicant ceased communication with the Board and her license was revoked on December 13, 2017.

On January 4, 2021, Applicant submitted an application to reactivate her license. Applicant successfully completed substance use treatment and continues to engage in sober living. Applicant has remained clean and sober since February 2018.

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

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

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

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

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

That the Practical Nurse License of Amanda Heade 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 thirty-six (36) month period of probation to begin upon Licensee’s return to supervised nursing practice at the level of a Licensed Practical 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 forty-eight (48) months from Board’s acceptance of this Order to complete thirty-six (36) 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
9) Licensee shall inform current and prospective employers of the probationary status of Licensee’s license, the reasons for Licensee’s probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee’s probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Licensee is employed.

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

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

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

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

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

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

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

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

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

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

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

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

22) Licensee shall notify any and all healthcare providers of the nature of Licensee’s chemical dependency to ensure that Licensee’s health history is complete before receiving any treatment including medical and dental. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee’s healthcare providers and release Licensee’s medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.
23) Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.

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

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

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

_________________________________  __________________________
Amanda Heade, 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
Krystle Herrera, CMA, CNA ) VOLUNTARY SURRENDER
) Reference No. 20-01195
Certificate No. 200720025CMA,
200510386CNA

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Medication Aides and Certified Nursing Assistants. Krystle Herrera (Licensee) was issued a Certified Medication Aide Certificate by the Board on March 05, 2007, and was issued a Certified Nursing Assistant Certificate on February 15, 2005.

On or about June 10, 2020, the Board received information that CNA/CMA Herrera diverted narcotic medications from her patients. Patient medical records showed they had received the narcotic medications from the licensee, but tested negative on urine drug screens. CNA/CMA Herrera tested positive for the patient’s medications on her urine drug screen. CNA/CMA plead guilty to felony tampering with drug records, and failed to notify the Board. Licensee failed to respond to the Board's investigation notices.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(f), OAR 851-063-0090(1)(b), (4)(c), (A), (D), (7)(o)(c), (8)(h)(f), (10)(a)(c), and OAR 851-630-0100(1),(2),(3), and (5).

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.
(4) Conduct related to communication:
(e) 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;
(7) Conduct related to safe performance of authorized duties:
   (o) Failure to report to the Board the CNA’s conviction of a misdemeanor or a felony crime within ten days of the conviction.
   (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:
   (i) Possessing, obtaining, attempting to obtain, furnishing or administering prescription or controlled drugs to any person, including self, except as directed by a LIP authorized by law to prescribe drugs;
   (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; or

OAR 851-063-0100
Conduct Unbecoming a Certified Medication Aide
A certified medication aide is subject to discipline as a CNA as described in these rules. In addition, a CMA is subject to discipline for conduct unbecoming a medication aide. Such conduct includes but is not limited to:
(1) Failing to administer medications as ordered by a LIP;
(2) Failing to document medications as administered, medications withheld or refused and the reason a medication was withheld or refused.
(3) Altering or falsifying medication administration record;
(5) Diverting drugs for use by self or others;

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

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

That the voluntary surrender of the Certified Nursing Assistant and Certified Medication Aide certificate of Krystle Herrera be accepted. If, after a minimum of three years, Ms. Herrera wishes to reinstate their Certified Nursing Assistant or Certified Medication Aide certificate, Krystle Herrera may submit an application to the Board to request reinstatement.

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

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

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

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

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**Krystle Herrera, CMA**  
Date

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**ORDER**

**IT IS SO ORDERED:**

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

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**Kathleen Chinn, FNP-BC**  
Board President  
Date

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

In the Matter of
Micaela Horning, LPN

FINAL ORDER OF REVOCATION
BY DEFAULT

License No. 201507604LPN  Reference No. 20-01057

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. Micaela Horning (Licensee) was issued a Practical Nurse license by the Board on October 05, 2015 which was indefinitely suspended in October 2020.

This matter was considered by the Board at its meeting on March 17, 2021.

On February 22, 2021, a Notice stating that the Board intended to revoke the Practical Nurse license of Micaela Horning was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee failing to cooperate with the Board’s and failed to report her felony arrest to Board.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Practical Nurse license in the state of Oregon on October 05, 2015.

2. On or about April 24, 2020, Licensee was reported to the Board for allegedly injecting the wrong patient with insulin and initially denying making the error. On or about June 5, 2020, Licensee was reported to the Board for allegedly working while impaired. The Board opened an investigation into both matters.

3. On May 1, 2020, Board staff mailed a letter to Licensee’s address of record requesting
that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board. On June 12, 2020, a second letter was sent to Licensee’s address of record requesting that she contact the Board within five business days to schedule an interview to discuss the allegations. This letter was also sent by email. Licensee was also asked to send a written statement regarding the allegations and provide a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.

4. In May 2020, Licensee was arrested and charged with Resisting Arrest, three counts of Recklessly Endangering Another Person, Reckless Driving, and felony Fleeing or Attempting to Elude a Police Officer. Licensee failed to report her felony arrest to Board, as required.

5. On February 22, 2021, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

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

2. That Licensee’s conduct is in violation of ORS 678.111(1)(f)(g) and OAR 851-045-0070(8)(v), (10)(a)(c) which provide as follows:

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

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined. Conduct that adversely affects the health, safety, and welfare of the public, fails to conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following: (8) Conduct related to other federal or state statute or rule violations; (v) Failure to report to the Board the licensee’s arrest for a felony crime within 10 days of the
arrest;

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

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

-III-

ORDER

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

DATED this ____ day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO MICAELA HORNING:

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

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

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

In the Matter of ) STIPULATED ORDER FOR
Shandra Krieger, CNA ) REPRIMAND OF CERTIFICATE

Certificate No. 201709615CNA ) Reference No. 20-01154

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. Shandra Krieger (Licensee) was issued a Certified Nursing Assistant Certificate by the Board on November 17, 2017.

On or about June 3, 2020, the Board received information that CNA Krieger became involved in a verbal dispute with a co-worker in the presence of a patient. CNA later returned to the patient to get her involved, to side with CNA Krieger about the dispute.

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

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:

(8) Conduct related to other federal or state statutes/rule violations:
(h) Engaging in other unacceptable behavior towards or in the presence of the client. Such behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language;

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

That the Certified Nursing Assistant Certificate of Shandra Krieger 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.

________________________________________  _____________________________
Shandra Krieger, CNA                      Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

________________________________________  _____________________________
Kathleen Chinn, FNP-BC                      Date
Board President

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

In the Matter of Cheryl Maccarone, RN

) STIPULATED ORDER FOR
) REPRIMAND OF LICENSE
)

License No. 091000161RN ) Reference No. 20-01029

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including the Registered Nurse. Cheryl Maccarone (Licensee) was issued a Registered Nurse License by the Board on August 20, 1991.

On November 6, 2019 Licensee, while working as the Director of Nursing at Avamere, improperly directed the administration of an intermuscular flu vaccine to another nurse employee. Licensee was present when the vaccine was administered and did not acknowledge the reluctance of the nurse employee to receive the shot. Licensee failed to advocate for the rights of the nurse employee.

The relevant statutes and rules, as alleged above, are set forth below; ORS 678.111 (1)(f)(g) and OAR 851-045-0070 (2)(k)

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(f) Conduct derogatory to the standards of nursing.
(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:
(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;

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 Maccarone 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.

Page 1 of 2 - Stipulated Order for Reprimand; 20-01029
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.

__________________________________________
Cheryl Maccarone, RN Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________
Kathleen Chinn, FNP-BC Date
Board President

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

In the Matter of )     FINAL ORDER OF DENIAL OF
Danielle McKaskle, LPN )     LICENSED PRACTICAL NURSE
)     LICENSE BY DEFAULT
)     Reference No. 21-00256

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurses. Danielle McKaskle, LPN applied for a Licensed Practical Nurse in the state of Oregon on or about September 9, 2020.

This matter was considered by the Board at its meeting on March 17, 2021.

On December 9, 2020, a Notice stating that the Board intended to deny the application for Licensed Practical Nurse was sent to Applicant via certified and first-class mail to Applicant’s address of record.

The Notice alleged that on September 9, 2020 the Board received a complaint regarding Applicant and her alleged submission of a forged BLS card. The Board opened an 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 September 9, 2020 the Board received a complaint regarding Applicant and her alleged submission of a forged BLS card. The Board opened an investigation.

2. On or about September 30, 2020, the Board sent a letter to Applicant at the address of record requesting that she submit a written statement and schedule a telephone interview with the Board. No response was received.

3. On or about October 28, 2020, the Board sent another letter to Applicant at another address listed in the records requesting that she submit a written statement and schedule a telephone interview with the Board. No response was received.

Page 1 of 3 - Final Order of Denial of Licensed Practical Nurse License by Default; 21-00256
4. On November 18, 2020, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Licensed Practical Nurse.

5. On November 23, 2020, Board staff mailed a Notice of Proposed Denial of Licensed Practical Nurse 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, Danielle McKaskle, and over the subject matter of this proceeding.

2. That Applicant’s conduct is in violation of ORS 678.111(1)(c)(d)(f)(g)(2) and OAR 851-0045-0070(1)(b)(2)(a)(10)(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:
(c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal thereof.
(d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice.
(f) Conduct derogatory to the standards of nursing.
(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.
(2) A license may be denied or suspended or revoked for the reasons stated in subsection (1) of this section.

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

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

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

Dated this ___________day of March 2021

FOR THE OREGON STATE BOARD OF NURSING

_________________________________________________________
Kathleen Chinn, FNP-BC
Board President

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

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

In the Matter of ) STIPULATED ORDER FOR
Leslie Nicholson, CNA ) REPRIMAND OF CERTIFICATE
)
Certificate No. 200710920CNA ) Reference No. 21-00585

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistant (CNA) Certificates. Leslie Nicholson (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on May 07, 2007.

On or about December 28, 2020, the Board received information that Certificate Holder exceeded the scope of CNA authorized duties when she administered pain medication to a hospice patient receiving home care services. Certificate Holder failed to document the administration of medications into the patient’s medical record. Certificate Holder failed to communicate the patient’s pain status to members of the health care team.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(2)(b), (4)(c)(B) and (f) 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:
(2) Conduct related to achieving and maintaining clinical competency:
(b) Performing acts beyond the authorized duties except for as allowed for in these rules;
(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:
(B) Failing to document information pertinent to the person’s care;
(f) Failing to communicate information regarding a person’s status to the supervising nurse or other appropriate member of the healthcare team in an on-going and timely manner and as appropriate to the context of care.
Certificate Holder wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

That the Certified Nursing Assistant Certificate of Leslie Nicholson be reprimanded.

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

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

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

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

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

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

Leslie Nicholson, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

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

In the Matter of Megan Osmon, CNA

FINAL ORDER OF DENIAL OF NURSING ASSISTANT CERTIFICATE BY DEFAULT

Reference No. 18-01904

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. Megan Osmon (Applicant) applied for a Nursing Assistant Certificate in the state of Oregon on or about February 16, 2018.

The Board considered this matter at its meeting on March 17, 2021.

On January 14, 2021, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant’s address of record. The Notice alleged the applicant asked for money from her patients and never paid them back. Applicant was also convicted of unlawful possession of methamphetamine on December 13, 2019.

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 December 13, 2019 the applicant plead guilty to unlawful possession of methamphetamine.

2. On or about June 18, 2018, the applicant had borrowed money from patients and never paid them back.

3. On or about June 17, 2020 the Board informed the applicant of the investigation. Applicant responded by email that she wanted to comply. On July 1, 2020, a second notice was sent by mail and email to the address of record. No response was received at the Board.
4. On January 13, 2021, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assistant Certificate.

5. On January 14, 2021, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

II
CONCLUSIONS OF LAW

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

2. That Applicant’s conduct is in violation of ORS 670.280,(2),(3), and OAR 851-062-0030(2), and(5).

670.280 Denial, suspension or revocation of license based on criminal conviction; denial of license or imposition of discipline for conduct substantially related to fitness and ability of applicant or licensee. (1) As used in this section:

(2) Except as provided in ORS 342.143 (3) or 342.175 (3), a licensing board, commission or agency may not deny, suspend or revoke an occupational or professional license solely for the reason that the applicant or licensee has been convicted of a crime, but it may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific occupational or professional standards in determining the fitness of the person to receive or hold the license.

(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or agency may deny an occupational or professional license or impose discipline on a licensee based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards.

OAR 851-062-0030 Limits on Eligibility for Certification
(2) If an applicant has been arrested, charged or convicted of any criminal offense, a demonstrable relationship to the performance of nursing assistant duties, in which case certification may be denied.
(5) The Board shall be the sole judge of eligibility for certification.
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 March 2021

FOR THE OREGON STATE BOARD OF NURSING

________________________________________________________
Kathleen Chinn, FNP-BC
Board President

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

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

In the Matter of Patricia Paulus, RN LICENSE NO. 094000610RN

FINAL ORDER OF REVOCATION BY DEFAULT

Reference No. 20-01058

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Patricia Paulus (Licensee) was issued a Registered Nurse License by the Board on August 18, 1994.

This matter was considered by the Board at its meeting on March 17, 2021.

On February 18, 2021, a Notice stating that the Board intended to Revoke the Registered Nurse License of Patricia Paulus was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee On or about April 27, 2020 crashed her car into a parked vehicle and was under the influence of opiate medications. Licensee illegally possessed opiate prescriptions in other people’s names. Licensee stated that she bought the narcotics from friends who had narcotic prescriptions. On or about 4/27/20 RN Paulus was mailed an investigation notice letter. On 5/11/20 a second letter was mailed out for her to respond within 5 business days. On 5/26/20 RN Paulus contacted the Board and reported that she had been in treatment and wanted an extension. RN Paulus never scheduled an interview and never responded to the Boards request for information. On or about June 8, 2020, Licensee completed 30 days of substance use disorder treatment and was discharged from treatment. Licensee’s evaluation showed a severe substance abuse disorder for opiates. Licensee failed to continue with her treatment as recommended by her provider, and has not responded to the Boards request.

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/Certificate in the state of Oregon on August 18, 1994.

2. On or about April 27, 2020 crashed her car into a parked vehicle and was under the influence of opiate medications. Licensee illegally possessed opiate prescriptions in other people’s names. Licensee stated that she bought the narcotics from friends who had narcotic prescriptions.

3. On or about 4/27/20 RN Paulus was mailed an investigation notice letter. On 5/11/20 a second letter was mailed out for her to respond within 5 business days. She failed to respond.

4. On or about June 8, 2020, Licensee completed 30 days of substance use disorder treatment and was discharged from treatment. Licensee’s evaluation showed a severe substance abuse disorder for opiates.

5. Licensee failed to continue with her treatment as recommended by her provider, and has not responded to the Boards request.

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

-II-

CONCLUSIONS OF LAW

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

2. That Licensee’s conduct is in violation of ORS 678.111(1),(f), and OAR 851-045-0070(7)(b), (c), (8)(k), and (10)(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:
(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.

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

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

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

-III-

ORDER

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

ORDERED that the Registered Nurse License of Patricia Paulus is REVOKED.

DATED this _____ day of March, 2021
TO: PATRICIA PAULUS:

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

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

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

In the Matter of ) STIPULATED ORDER FOR
Jennifer Powers, RN ) REPRIMAND OF LICENSE
) Reference No. 20-00367
License No. 200242392RN

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. Jennifer Powers (Licensee) was issued a Registered Nurse License by the Board on August 30, 2002.

On or about October 4, 2019, the Board received information that Licensee was terminated for multiple practice concerns. It was alleged and later substantiated that the Licensee caused injury to both legs of a patient while performing wound care.

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

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

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;

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

**That the Registered Nurse License of Jennifer Powers 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.

Jennifer Powers, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

Date

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

In the Matter of
Andrea Prendergast, CNA

Certificate No. 201807281CNA

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. Andrea Prendergast (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on August 24, 2018.

This matter was considered by the Board at its meeting on March 17, 2021.

On February 13, 2021, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Andrea Prendergast was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder failed to change the under garments of her incontinent patients during her shift. Certificate Holder failed to cooperate with the Board’s investigation, and worked as a CNA when suspended by the Board.

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 August 24, 2018.

2. On or about August 16, 2019, Certificate Holder was reported to the Board for failing to provide needed patient services, by not changing her patient’s soiled garments. The Board opened an investigation into the matter.

3. On March 12, 2020, Board staff mailed a letter to Certificate Holders’ address of record requesting that an interview be scheduled to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

4. On March 24, 2020, a second letter was sent to Certificate Holder’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board. April 1, 2020 Board staff contacted Certificate Holder and she reported that she wanted to cooperate. The first two letters were forwarded to her as attachments. Follow up emails and phone calls were made, and CH never responded.

5. On April 27, 2020, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

6. Certificate Holder failed to respond to the Notice. On June 10, 2020, the Board issued a Final Order of Suspension of Nursing Assistant Certificate by Default for Failure To Cooperate. Certificate Holder's opportunity to request a hearing has expired.

7. On February 14, 2021, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default. 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.

8. On September 30, 2020, Certificate Holder started a new CNA job, when she knew her certificate was suspended for failing to cooperate. She worked as a CNA at this job, until Board investigator was able to confirm her employment on January 4, 2021.
CONCLUSIONS OF LAW

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

2. That Certificate Holder’s conduct is in violation of ORS 678.422(2)(f) and OAR 851-063-0090 (1)(a), (8)(e), (9)(b), (10)(a), (c), and (d) which read as follows:

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

OAR 851-063-0090 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;

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

(9) Conduct related to certification violations:
(b) Functioning as a certified nursing assistant without current certification as a nursing assistant;

(10) Conduct related to the certificate holder’s relationship with the Board:
(a) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to waiver of confidentiality, except attorney-client privilege.
(c) Failing to provide the Board with any documents requested by the Board; or
(d) Violating the terms and conditions of a Board order.

-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 Andrea Prendergast is REVOKED.
DATED this _____ day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

________________________________________
Kathleen Chinn, FNP-BC
Board President

TO: ANDREA PRENDERGAST:

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
Rebecca Pulito, RN

STIPULATED ORDER FOR
CIVIL PENALTY OF
REGISTERED NURSE LICENSE

License No. 201141099RN
Reference No. 16-00671

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 Pulito (Licensee) was issued a Registered Nurse License by the Board on May 26, 2011.

Licensee enrolled in the Heath Professionals’ Services Program (HPSP) in early 2015. After her enrollment, the Board received information that Licensee was substantially non-compliant with the requirements of HPSP. The Board opened an investigation.

Between June 2015 and May 2016, Licensee engaged in multiple violations of the HPSP requirements, including failing to present for toxicology testing and failing to check in with her agreement monitor.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), ORS 678.112, ORS 676.200(3), OAR 851-045-0070(7)(b) and (e), OAR 851-045-0100(2)(f), OAR 851-070-0080(1)(i) and (j), and OAR 851-070-0100(1)(g),(k),(l) and (2), which provide as follows:¹

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.

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.

¹ Oregon Administrative Rules Chapter 851 Division 45 was amended effective August 2017. This order refers to and quotes the prior versions of the Division 45 rules, which were in effect at the time of the conduct. Oregon Administrative Rules Chapter 851 Division 70 was amended effective August 2016. None of the Division 70 rule provisions cited in this order were changed in August 2016.
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 678.448 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 678.448 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.

676.200 Board participation in program; rules.
(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.

851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Nurses, regardless of role, whose behavior fails to confirm 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 the licensee’s relationship with the Board.
(e) Failing to comply with the terms and conditions of the Nurse Monitoring Program agreements.

851-045-0100 Imposition of Civil Penalties
(2) Civil penalties may be imposed according to the following schedule:
(f) Conduct derogatory to the standards of nursing $1,000-$5,000. The following factors will be considered in determining the dollar amount, to include, but not be limited to:
(A) Intent;
(B) Damage and/or injury to the client;
(C) History of performance in current and former employment settings;
(D) Potential danger to the public health, safety and welfare;
(E) Prior offenses including prior complaints filed with the Board and past disciplinary actions taken by the Board;
(F) Severity of the incident;
(G) Duration of the incident; and
(H) Economic impact on the person.
OAR 851-070-0080 Licensee Responsibilities
(1) All licensees must:
(i) Submit to random drug or alcohol testing;
(j) Report at least weekly to the HPSP regarding the licensee’s compliance with the monitoring agreement;

OAR 851-070-0100 Substantial Non-Compliance Criteria
(1) The HPSP will report substantial non-compliance within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:
(g) entered into a diversion agreement, but failed to participate in the HPSP;
(k) violated any provisions of OAR 851-070-0080;
(l) violated any terms of the diversion 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. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

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

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.

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

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kathleen Chinn, FNP-BC
Board President

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

In the Matter of
Jennifer Rice, RN

) STIPULATED ORDER FOR
) PROBATION

License No. 201407264RN

) Reference No. 20-00363

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jennifer Rice (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on October 16, 2014.

On or about October 14, 2019, the Board received information that Licensee had failed to accurately and thoroughly complete a medication reconciliation and had failed to accurately and thoroughly document a nursing assessment.

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)(b)(c)(A)(C)(f).

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

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

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

(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;
(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;

(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.

(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;

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

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

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

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

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

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

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

4) Licensee shall maintain an active license.

5) Licensee shall complete the following courses: NCSBN: Documentation – A Critical Aspect of Patient Care and Critical Thinking
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 six 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. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.

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

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

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

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

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

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

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

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

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

17) Licensee shall cease practicing as a nurse if there are concerns about Licensee’s ability to practice safely or at the request of Board staff. Practice may resume when approved by the 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 the Stipulated Order completely, and freely signs the Stipulated Order.

IT IS SO AGREED:

______________________________  ______________________________
Jennifer Rice, RN                     Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

______________________________  ______________________________
Kathleen Chinn, FNP-BC               Date
Board President

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

In the Matter of ) STIPULATED ORDER FOR
Kenneth Schaffer, RN ) VOLUNTARY SURRENDER
)
License No. 201701360RN ) Reference No. 21-00651

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kenneth Schaffer (Licensee) was issued a Registered Nurse License by the Board on March 01, 2017.

On August 8, 2018, the Board accepted a signed Stipulated Order for a six (6) month suspension followed by twenty-four (24) month probation. In February 2018, the Board received a report that Licensee appeared impaired while working as a Registered Nurse. A for-cause drug test resulted positive. Licensee admitted to taking syringes from work and using morphine without a prescription. Licensee was also convicted of driving under the influence of alcohol.

Since being placed on probation in February 2019, Licensee has been unable to gain employment as a Registered Nurse; therefore unable to complete two years of monitored practice within three years. Also due to finances, it became increasing difficult to pay for the required urine drug testing. In December and January, Licensee failed to submit to testing. Licensee has decided to voluntarily surrender his license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f)(g) and OAR 851-045-0070 (10)(d) 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:
(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 Kenneth Schaffer be accepted. If, after a minimum of three years, Mr. Schaffer wishes to reinstate their Registered Nurse license, Kenneth Schaffer 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, Kenneth Schaffer 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.

__________________________________________________________  
Kenneth Schaffer, RN  
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

__________________________________________________________  
Kathleen Chinn, FNP-BC  
Board President  
Date

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

In the Matter of
Blair Steinfeld, RN

FINAL ORDER OF SUSPENSION
FOR 120 DAYS BY DEFAULT

License No. 200842347RN
Reference No. 21-00330

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Blair Steinfeld (Licensee) was issued a Registered Nurse License by the Board on August 08, 2008.

This matter was considered by the Board at its meeting on February 17, 2021.

On February 18, 2021, a Notice stating that the Board intended to Suspend the Registered Nurse License of Blair Steinfeld for one hundred twenty (120) days was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged the following:

On October 13, 2020 the Board received a report alleging Licensee had text messaged one of her co-workers and explained she had tried multiple illegal drugs which had little to no effect on her. The text message explained she tried the following illegal drugs: Mushrooms/psilocybin, THC, THC Ethanol, MDMA, LSD/ACID. When Licensee arrived at work the following day, she was asked to submit to a "for cause" drug screen. The screen was positive for THC and Amphetamine.

On October 30, 2020, Licensee met with Board staff and admitted she had sent the text messages. She explained she does not use any of the drugs mentioned in the text. She explained the night she sent the text message, she was under the influence of alcohol. Licensee agreed to obtain a Substance Use Disorder (SUD) evaluation.

On November 30, 2020, Licensee attended a SUD evaluation with a Board approved evaluator. In the report explained Licensee used MDMA as recent as the past summer and that she also acknowledged use of Adderall as recent as October without a prescription. The report explained Licensee consumed alcohol on the night she sent the text messages. The evaluator rendered a diagnosis and recommended treatment and monitoring. Licensee declined monitored practice.

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.

Page 1 of 4 - Final Order of Suspension for 120 days by Default; 21-00330
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 08, 2008.

2. On or about October 12, 2020, Licensee text messaged a co-worker and disclosed that she had used multiple illegal drugs.

3. On or about October 13, 2020, Licensee arrived at work and submitted to a “For cause” UDS which tested positive for Marijuana and Amphetamines.

4. On or about October 30, 2020, Licensee admitted to Board staff she was under the influence of alcohol when she sent the text message to her co-worker.

5. On November 30, 2020, Licensee attended a Substance Use Disorder Evaluation and was given a diagnosis and recommended to treatment.

6. On February 17, 2021, the case was brought before the Board. The Board voted to issue a Notice of Proposed Suspension for one hundred twenty (120) days of Licensee’s Registered Nurse License.

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

8. On March 09, 2021, the deadline to request a hearing had passed and Licensee defaulted on the notice.

-II-

CONCLUSIONS OF LAW

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

That Licensee’s conduct is in violation of ORS 678.111(1)(e)(f) and OAR 851-045-0070(1)(a), and (7)(c).

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

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
(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 shall include, but is not limited to, the following:

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

2. 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 Blair Steinfeld is SUSPENDED for 120 days, commencing five business days from the date this Order is signed.

DATED this _____ day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
TO: BLAIR STEINFELD:

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
Jessica Stoica

FINAL ORDER OF REVOCATION
BY DEFAULT

Certificate No. 201011468CNA
Reference No. 21-00018

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. Jessica Stoica (CNA) was issued a Nursing Assistant certificate by the Board on June 25, 2010 which expired on August 12, 2020.

This matter was considered by the Board at its meeting on March 17, 2021.

On February 22, 2021, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Jessica Stoica was sent to CNA via certified and first-class mail to the address of record.

The Notice alleged that CNA Stoica consumed methadone without a prescription and failed to cooperate with the Board’s investigation.

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

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

-I-

FINDINGS OF FACT

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

1. CNA was issued a Nursing Assistant certificate in the state of Oregon on June 25, 2010.

2. In June 2020, CNA Stoica consumed methadone without a prescription.

3. On July 7, 2020, Board staff mailed a letter to CNA’s address of record requesting that an interview be scheduled to discuss the allegations. CNA was further instructed to send a written statement regarding the allegations and a current work history. CNA failed to schedule an interview and did not provide any documents to the Board. On
August 20, 2020, a second letter was sent to CNA’s address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to provide a current work history and a written statement regarding the allegations. CNA failed to schedule an interview and did not provide any documents to the Board.

4. On February 22, 2021, Board staff mailed a Notice of Proposed Revocation to CNA via first-class and certified mail. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

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

2. That CNA’s conduct is in violation of ORS 678.442(2)(d)(f) and OAR 851-063-0090(7)(c), (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:
(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:
(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.
(c) Failing to provide the Board with any documents requested by the Board;

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

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby ORDERED that the Nursing Assistant certificate of Jessica Stoica is REVOKED.

DATED this _____ day of March, 2021

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_______________________________
Kathleen Chinn, FNP-BC
Board President

TO JESSICA STOICA:

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

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

If, after a minimum of three (3) years, you wish to reinstate your 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
Christine Ulibarri, RN )  VOLUNTARY SURRENDER
( Licensee )  OF REGISTERED NURSE LICENSE

License No. 200240976RN )  Reference No. 20-01159

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Christine Ulibarri (Licensee) was issued a Registered Nurse License by the Board on April 24, 2002.

On or about June 04, 2020, it was alleged that Licensee was terminated for violation of organizational policies when she was reported to be intoxicated while working from home and tested positive for alcohol after submitting to a “for cause” breath and UDS test. The Board opened an investigation. Licensee cooperated with the Board during investigation and admitted she had consumed alcohol while working from home.

On November 20, 2020, Licensee voluntarily obtained a substance use evaluation. The evaluation recommended the Licensee receive treatment and monitoring.

On January 13, 2021, the Board voted to allow Licensee into the Health Professionals Services Program and receive monitoring from the Board.

On January 28, 2021, Licensee attended a PEnth exam and tested positive for Alcohol. The Board opened an investigation into the failed exam.

On February 25, 2021, Licensee requested to voluntarily surrender her license after she had additionally tested positive for Marijuana use. The Board received the results from the test the following day and confirmed she had tested positive.

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.

(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.

Page 1 of 3 - Stipulated Order for Voluntary Surrender of Registered Nurse License; 20-01159
(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 Licensee’s relationship with the Board.
   (e) Failing to comply with the terms and conditions of Health Professionals’ Services Program agreements.

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

_________________________________________  ____________________________
Christine Ulibarri, RN                                          Date

**ORDER**

**IT IS SO ORDERED:**

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

_________________________________________  ____________________________
Kathleen Chinn, FNP-BC                                          Date
Board President

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

In the Matter of
Michelle Zenith, RN

) STIPULATED ORDER FOR
) PROBATION

License No. 200441354RN

) Reference No. 20-00360

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Michelle Zenith (Licensee) was issued a Registered Nurse License by the Oregon State Board of Nursing on July 12, 2004.

On or about October 2, 2019, the Board received information that practice issues related to documentation and critical thinking were identified during Licensee’s employment with Providence St. Vincent Medical Center in the PACU.

On or about October 20, 2020, the Board received information that Licensee was terminated from her position in the PACU with Kaiser after practice issues related to time management and critical thinking were identified.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(a)(3)(b)(4)(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 judgement.
(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 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 Michelle Zenith of is agreed to by Licensee:

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

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

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

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

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

4) Licensee shall maintain an active license.

5) Licensee shall complete the following courses: NCSBN courses – Documentation: A Critical Aspect of Client Care and Sharpening Critical Thinking Skills. Licensee shall provide proof of completion of each course either through certificates of completion or transcripts. Should Licensee fail to complete these courses within the required time of 3 months from the date this Order is signed by the Board President, Licensee shall be referred back to the Board for consideration of further disciplinary action.

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

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

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

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

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

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

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

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

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

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

16) Licensee shall not be approved for enrollment in clinical practicum hours for the purposes of obtaining an additional degree or license.
17) Licensee shall cease practicing as a nurse if there are concerns about Licensee’s ability to practice safely or at the request of Board staff. Practice may resume when approved by the 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 the Stipulated Order completely, and freely signs the Stipulated Order.

IT IS SO AGREED:

__________________________
Michelle Zenith, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON
Kathleen Chinn, FNP-BC
Board President

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING