

- 1.3 Certificate Holder included with her June 2011 application a brief explanation of her “yes” answers but before the Board would process her application more information was required.
- 1.4 On August 15, 2011, Board staff mailed Certificate Holder a letter requesting additional information. The letter to Certificate Holder requested that she provide the Board with a complete explanation, detailing each of her crimes, arrests and convictions including details about why she had engaged in the behaviors. Board staff also requested that Certificate Holder provide copies of police reports and other pertinent court documents. Finally, Board staff asked Certificate Holder to provide information regarding what she had done to change her behavior for the future. Certificate Holder did not respond to that request.
- 1.5 The U.S. Postal Service returned the letter mailed to Certificate Holder on August 15, 2011, to the Board. The letter was marked as unable to forward due to Certificate Holder’s failure to leave a forwarding address.
- 1.6 Board staff attempted to contact Certificate Holder via telephone. The phone number on file is not a working number.

II

CONCLUSIONS OF LAW

- 2.1 The Oregon State Board of Nursing has jurisdiction over Certificate Holder, Charlene Arce, and over the subject matter of this proceeding.
- 2.2 There are grounds for denial of certification pursuant to ORS 678.442 (2) (f); and OAR 851-062-0120 (2) (a) and (b); 851-063-0080 (4) and (6); and 851-063-0090 (9) (a) and (c).
- 2.3 Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted 60 days and as a result, pursuant to ORS 183.310 to 183.750, the Board may enter a Final Order by Default in this case.

III
ORDER

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

ORDERED that Certificate Holder's application for renewal of nursing assistant certification be denied.

DATED this ____ day of May 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: Charlene L. Arce:

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**
Tanya Arcouette Melnikoff, RN) **VOLUNTARY SURRENDER OF**
) **REGISTERED NURSE LICENSE**
)
License No. 078010299RN) **Reference No. 12-02024**

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of Registered Nurses (RN) in the State of Oregon. Tanya Arcouette Melnikoff (Licensee) is a Registered Nurse in the State of Oregon. The Board issued Licensee a Registered Nurse license by examination on March 20, 1985.

Licensee came to the attention of the Board when a complaint from a Nurse Practitioner (NP) reported that Licensee tested positive for Morphine. The NP had Licensee on a pain contract as she was prescribing Licensee Tylenol #4. Board staff requested Licensee complete a chemical dependency evaluation. During the investigation it was discovered Tylenol #4 contains Codeine. Morphine can be a metabolite of Codeine. The NP informed Board staff that regardless, Licensee tested positive and would not continue to receive pain medication from the NP.

On February 15, 2011, Board staff received Licensee's chemical dependency assessment. According to the assessment, Licensee was diagnosed with Alcohol Dependence and recommended to enter treatment. On April 21, 2011, the Board dismissed the case against Licensee and allowed her to enter the Health Professional Services Program (HPSP).

On or about March 20, 2012, the Board received a non-compliance report from HPSP noting that Licensee failed to follow a recommendation that she make an appointment with her primary care physician to transition to a non-opiate treatment for her pain. Licensee declined to switch her medication at this time. The Board was also notified by HPSP that Licensee resigned from her current nursing position and reported to HPSP that she no longer wanted to participate in the program.

Board staff contacted Licensee who confirmed that she has no plans to look for another nursing job and no longer wants to continue in the four year monitoring program. She has stopped random drug testing with HPSP since she will no longer be able to afford the tests.

By the above actions, Ms. Arcouette Melnikoff is subject to discipline pursuant to violations of ORS 678.112, OAR 851-070-0080 (i) (j), and OAR 851-070-0100 (g) (k) (l).

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.

851-070-0080 Licensee Responsibilities

- (i) Submit to random drug or alcohol testing;
- (j) Report at least weekly to the HPSP regarding the licensee's compliance with the agreement;

851-070-0100 Substantial Non-compliance

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement 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 HPSP;
- (k) Violated any provisions of OAR 851-070-0080,
- (l) Violated any terms of the diversion agreement.

Licensee admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary problem. She has elected to voluntarily surrender her Registered Nursing license.

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

That the Voluntary Surrender of the Registered Nurse license of Tanya Arcouette Melnikoff be accepted. If, after a minimum of three years, she wishes to reinstate her Registered Nurse license, Ms. Arcouette Melnikoff may appear before the Board to request reinstatement of her license as a Registered Nurse. She shall provide evidence that she is safe to practice nursing. Should the Board reinstate the Registered Nurse license of Ms. Arcouette Melnikoff, she will be subject to whatever terms and conditions the Board may impose.

Licensee understands that this Stipulation will be submitted to the Board of Nursing for their approval and is subject to the Board's confirmation. Licensee understands that if approved, the Board will issue a Final Order adopting the Stipulation.

Licensee understands that this Stipulation will become a public record at such time as the Board issues an Order adopting it.

Licensee understands that by signing this Stipulated Agreement she waives any and all rights to an administrative hearing under ORS 183.310 to 183.550.

Licensee has read the Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

Licensee agrees that she will not practice as a Registered Nurse from the date of her signature on this Stipulation.

Licensee, by her signature below, attests that she has read and understood this Stipulation for Voluntary Surrender, and declares that no promises, representations, duress, or coercion have been used to induce her to sign it.

IT IS SO AGREED:

Tanya Arcouette Melnikoff, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	STIPULATION FOR VOLUNTARY
)	SURRENDER OF REGISTERED
Suzette M. Burris, RN)	NURSE LICENSE
)	
License No. 085075508RN)	Case No. 12-02197

Ms. Burris was issued a Registered Nurse License by endorsement in the State of Oregon on March 17, 1986,

On October 13, 2009, Ms. Burris came to the attention of the Board when she disclosed on her RN renewal application that she had been arrested on December 25, 2008 for DUII. This charge was dismissed upon her successful completion of court ordered diversion at DePaul Treatment Centers on February 17, 2010.

On October 13, 2011, Ms. Burris came to the attention of the Board again when she disclosed on her RN renewal application that she had been arrested on April 13, 2010 for DUII. She was convicted of this charge, sentenced to probation, and was then arrested on December 15, 2010 and February 16, 2011 for having consumed alcohol in violation of the probation.

On January 26, 2011 Ms. Burris went into treatment at DePaul Treatment Centers, she was diagnosed with Alcohol Dependence, and she successfully completed treatment at DePaul on May 2, 2011.

On March 21, 2012 the Board placed Ms. Burris on 24 months of Probation.

On the afternoon of her initial meeting with her Probation Monitor, Board staff received a telephone call from Ms. Burris stating that she would not be attending her meeting and did not wish to participate in Probation. Board staff spoke with Ms. Burris and asked if she wished to Voluntarily Surrender her license at this time to which Ms. Burris replied, "yes".

Ms. Burris is in violation of the Terms and Conditions of her Board Order.

The above conduct constitutes the practice of nursing in a substandard manner and is a violation of the provisions of ORS 678.111 (1) (a) (e) (f), OAR 851-045-0070 (5) (d), which provides as follows:

ORS 678.111 (1) (a) (e) (f)

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

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be

placed on probation for a period specified by the Oregon State Board of Nursing and subject to condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, for any of the following causes:

- (a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
- (e) Impairment as defined in ORS 676.303.
- (f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 (5) (d)

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

- (5) Conduct related to impaired function:
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others to an extent that such impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary problem. She has elected to voluntarily surrender her Registered Nurse License.

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

That the Voluntary Surrender of the Registered Nurse License of Suzette M. Burris be accepted. If, after a minimum of three (3) years, she wishes to reinstate her license to perform the duties of a Registered Nurse, she may petition to appear before the Board to make such a request. At the time of the request for reinstatement, she shall provide evidence of her ability to safely return to the performance of duties as a Registered Nurse. Should the Board reinstate the Registered Nursing License of Suzette M. Burris, she would be subject to whatever terms and conditions the Board may impose.

Licensee agrees that she will not perform the duties of a Registered Nurse from the date of signature on this Stipulation.

Licensee understands that this Stipulation will be submitted to the Board for approval and is subject to the Board's confirmation.

Licensee understands that she has the right to a contested case hearing under the Administrative Procedures Act (Chapter 183 Oregon Revised Statutes). Licensee understands that by signing this Stipulated Agreement she fully and finally waives the right to an administrative hearing.

Licensee understands that this Stipulation will be a public document.

Licensee states no promises, representations, duress or coercion have been used to induce her to sign this Stipulation.

Licensee has read this Stipulation and understands the Stipulation completely and freely signs the Stipulation.

Dated this _____ day of _____, 2012

Suzette M. Burris, RN

IT IS SO ORDERED:

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Christopher Carlson, RN

)

)

) **FINAL ORDER BY DEFAULT**

)

)

License No. 200842909RN

) **Reference No. 12-01729**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Christopher Lee Carlson (Licensee) is a Registered Nurse (RN) in the State of Oregon.

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on April 18, 2012.

On April 23, 2012, a Notice stating that the Board intended to revoke the Registered Nurse license of Christopher Lee Carlson was sent to Licensee by certified and regular mail to his address of record. The Notice alleged that Licensee had failed to cooperate with the Board during the course of an investigation and exhibited psychological impairment. The Notice granted to Licensee an opportunity for hearing, if requested, within 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 the records and files of the Board 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:

- 1.1 On December 14, 2011, the Board received information that Licensee had reportedly demonstrated a pattern of impaired judgment and unprofessional conduct. The Board opened an investigation into the matter.

- 1.2 On March 14, 2012, the Board received a new complaint alleging that Licensee had admitted to sending threatening letters, containing an unknown white powder, to members of the United States Congress. The Board opened an investigation into the matter.
- 1.3 On February 27, 2012, Board staff sent Licensee a letter, to his address of record, instructing him to contact the Board within ten (10) business days to schedule an interview to discuss the allegations. Licensee did not schedule an interview.
- 1.4 On March 12, 2012, Board staff sent a second letter, to Licensee's address of record, instructing him to contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee did not schedule an interview.
- 1.5 On March 27, 2012, Licensee submitted a signed Interim Order by Consent, voluntarily removing himself from the practice of nursing, until further ordered by the Board. Licensee still did not schedule an interview to discuss the matter.

II

CONCLUSIONS OF LAW

- 2.1 That the Board has jurisdiction over Licensee and over the subject matter of this proceeding.
- 2.2 That Licensee's conduct involving failure to cooperate with the Board during the course of an investigation and exhibition of psychological impairment is subject to discipline pursuant to violations of ORS 687.111 (1) (f) and OAR 851.045.0070 (5) (b) (c) and (7) (c).
- 2.3 That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and as a result, pursuant to ORS 183.310 to 183.550, 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 Christopher Lee Carlson is **REVOKED**. Should the Board reinstate the nursing license of Mr. Carlson, he would be subject to whatever

terms and conditions the Board may impose.

DATED this ____ day of May, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
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 REPRIMAND**
Angel Luella Ellen Goetzinger, CNA) **WITH CONDITIONS**
)
Certificate No. 200212570CNA) **Reference No. 11-03236**

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensing and regulation of Certified Nursing Assistant Certificates in Oregon. Angel Goetzinger, hereinafter referred to as "Certificate Holder", received certification by examination on September 25, 2002.

On December 17, 2010, Certificate Holder was arrested for failing to obtain immediate medical attention when she discovered that her 8-month-old infant had been physically abused by the infant's father and had sustained bruises.

Certificate Holder was convicted on June 29, 2011, on one count of Criminal Mistreatment 2, a misdemeanor.

Certificate Holder admits that by her conviction, she is in violation of the provisions of ORS 678.442 (2)(b).

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:

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

Certificate Holder admits to the above violation and wishes to cooperate with the Board in resolving the present disciplinary problems.

Therefore the following will be proposed to the Board and is agreed to by Certificate Holder:

That the Certified Nursing Assistant Certificate of Angela Luella Ellen Goetzinger be reprimanded, with conditions.

Certificate Holder understands that the conduct resulting in the violations of law described in this stipulation are considered by the Board to be of 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 as a Certified Nursing Assistant.

Certificate Holder understands that this Stipulation will be submitted to the Board of Nursing for

their approval and is subject to the Board's acceptance. Certificate Holder understands that if this Stipulation is accepted, the Board will issue a Final Order based thereon. Certificate Holder understands that this Stipulation will become a matter of public record at such time as the Board issues a Final Order adopting it.

Certificate Holder understands that by signing this Stipulation she waives any and all rights to notice and contested case hearing under the Oregon Administrative Procedures Act (ORS Chapter 138), and any and all rights to appeal or otherwise challenge this Stipulation and any Final Order issued based thereon. She acknowledges that no promises or representations have been made or used to induce her to sign this Stipulation.

Certificate Holder has fully read this Stipulation, understands this Stipulation completely and freely and voluntarily signs this Stipulation.

Certificate Holder has fully read this Stipulation and understands it completely.

Licensee understands that this Stipulation for Reprimand will become a public record when the Board issues an order implementing it.

THEREFORE, the following will be proposed to the Board and is agreed to by Licensee:

That the certified nursing assistant certificate of Angel Goetzinger will be reprimanded, and that she will comply with the following conditions:

Certificate Holder shall review the State of Oregon Department of Human Services policy on reporting child abuse, including the Mandatory Reporting guidelines, and demonstrate understanding of those guidelines by submitting a written explanation of the policy and guidelines to the Board.

Licensee shall complete the required reading and provide the written explanation to the Board by June 13, 2012.

IT IS SO AGREED:

Angel Goetzinger, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Leaha Michelle Howard, RN

)

)

) **FINAL ORDER BY DEFAULT**

)

)

License No. 200040578RN

) **Reference No. 11-02324**

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 in the State of Oregon. Leaha Michelle Howard (Licensee) is a Registered Nurse in the State of Oregon.

The Oregon State Board of Nursing considered this matter on April 19, 2012. The Licensee did not appear personally.

On April 25, 2012, a Notice stating that the Board intended to revoke the Registered Nurse license of Licensee was sent to the Licensee by certified mail and regular mail to her address of record. The Notice alleged that Licensee had failed to comply with the terms and conditions of the Health Professional Services Program and was unable to conduct safely the practice for which the licensee was licensed. Both are violations of the Nurse Practice Act.

The Notice further granted to the Certificate Holder an opportunity for hearing, if requested within 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.

I

FINDINGS OF FACT

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

- 1.1 Licensee obtained a chemical dependency evaluation and was referred to a private therapist. The psychologist diagnosed Licensee with Opioid Abuse, Major Depressive Disorder, and Post Traumatic Stress Disorder. Licensee agreed to enter the Nurse Monitoring Program, now known as Health Professional Services Program (HPSP), on February 13, 2008.
- 1.2 On February 2, 2011, Board staff received a substantial non-compliance report from HPSP noting that Licensee had failed to test on January 24, 2011. Licensee had not called the toxicology Inter-active Voice Response (IVR) line since January 11, 2011. Prior to this, Licensee had been reported as substantially non-compliant for missing a test in November of 2010 and for missing several calls to the toxicology IVR line in December of 2010 due to a hospitalization. Licensee reported having a flare-up of Lupus which had caused a lot of pain, but Licensee believed it was improving. However, because of Licensee's medications, Licensee's doctor did not want Licensee driving. Licensee stated that she did not always have transportation to the collection site.

- 1.3 On or about February 23, 2011, Board staff received a substantial non-compliance report from HPSP noting that Licensee had missed a test. Licensee stated she was unable to get to the collection site before it closed.
- 1.4 Based upon Licensee's chronic pain, continued narcotic prescriptions, and the hospitalization in December of 2010 related to a reaction to fentanyl, HPSP and Board staff required Licensee to complete a pain management and chemical dependency evaluation. Licensee was given until January 31, 2012 to complete the evaluation. To date Licensee has been unable to obtain the required evaluation.
- 1.5 Board staff have continued to receive substantial noncompliance reports from HPSP for Licensee's failures to test on December 28, 2011, December 30, 2011, January 27, 2012, February 1, 2012, February 13, 2012, February 27, 2012, March 2, 2012, and March 6, 2012.
- 1.6 In December of 2011, Licensee's physician stated to the HPSP agreement monitor that Licensee had "acute renal insufficiency" that was temporary. On January 8, 2012, Licensee was hospitalized for dizziness and weakness. Records note that Licensee had been having ongoing health issues likely related to Lupus.
- 1.7 On February 13, 2012 Licensee left a message for Board staff stating she was selected for testing, but would not take it because she could not afford to pay for another test.
- 1.8 On March 15, 2012, HPSP reported Licensee as substantially non-compliant because Licensee failed to test on March 14, 2012. Licensee indicated to Licensee's HPSP agreement monitor that she intended to surrender her license.
- 1.9 Licensee reported being hospitalized in March and April of 2012 for continuing problems with low blood pressure and her kidneys. Licensee reported having ongoing issues with malnutrition and dehydration. According to hospital records, her symptoms are related to gastroparesis which was diagnosed in 2008. 7
- 1.10 On or about April 10, 2012, HPSP reported Licensee as substantially non-compliant. According to the report, Licensee had not called the toxicology IVR line since March 14, 2012.
- 1.11 Because Licensee stopped calling the toxicology IVR line Licensee missed scheduled tests on March 22, 2012 and April 9, 2012.
- 1.12 On or about April 25, 2012, Board staff mailed a Notice of Proposed Revocation of Registered Nurse License to Licensee via regular and certified mail. The Notice granted Licensee 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. No such request for hearing has been received by the Board.

II

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

2.1 That the Board has jurisdiction over the Licensee, Leaha Michelle Howard, and over the subject matter of this proceeding.

2.2 That Licensee's behavior in regards to her failure to comply with the terms and conditions of the Health Professional Health Services and her physical condition making the licensee unable to safely practice are grounds for disciplinary action pursuant to ORS 676.200 (3); ORS 678.111 (1) (i); 678.112; 851-070-0080 (1) (b) (i) (n); and OAR 851-070-0100 (1) (k) (1) (2) which reads as follows:

676.200 Board participation in program; rules.

(3) A board that participates in the impaired health professional program shall investigate reports received from the monitoring entity established under ORS 676.195. If the board finds that a license is substantially non-compliant with a diversion agreement entered into under ORS 676.190, the board may suspend, restrict, modify or revoke the licensee's license or end the licensee's participation in the impaired health professional program.

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

(1) Issuance of the license to practice nursing, whether by examination or by 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 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:

(i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

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.

851-070-0080 Licensee Responsibilities

(1) All licensees must:

(b) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;

(i) Submit to random drug or alcohol testing

(n) Agree to be responsible for the cost of evaluations, toxicology testing and treatment;

851-070-0100 Substantial Non-Compliance Criteria

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

(k) Violated any provisions of OAR 851-070-0080;

(l) Violated any terms of the diversion agreement; or

(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.

2.3 That Licensee defaulted on the Notice by not requesting a hearing within the allotted 20 days and as a result, pursuant to ORS 183.750, the Board may enter a Final Order by default.

III

ORDER

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

ORDERED that Leaha Michelle Howard's Registered Nurse license is revoked.

According to OAR 851-001-0015 Licensee will be eligible for reinstatement after three years. If at a future date Licensee wishes to reinstate her Registered Nurse license, she may appear before the Board to make such a request. Should the Board reinstate Licensee's Registered Nurse license, she would be subject to whatever terms and conditions the Board may impose, including a period of probation.

DATED this ____ day of May, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
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**
Phillip Huber, LPN) **VOLUNTARY SURRENDER**
)
License No. 201130495LPN) **Reference No. 12-02093**

Philip Huber, hereinafter referred to as "Licensee," is a Licensed Practical Nurse (LPN) in the State of Oregon. Licensee was issued a LPN license in Oregon on September 29, 2011.

Through the application process for licensure, Licensee addressed his arrest history, which included an arrest on December 31, 2009, for Driving Under the Influence of Intoxicants (DUI). Licensee had been previously arrested for DUI in 1991, 2002 and 2004.

Licensee obtained a chemical dependency evaluation in March 2010 and was diagnosed with Alcohol Abuse. He completed an outpatient substance abuse treatment program. Following his completion of treatment, Licensee remained active in an after-care program.

On or about September 6, 2011, Licensee signed an Agreement to Enter the Health Professionals' Services Program (HPSP). By his signature, Licensee agreed to enter into a confidential monitoring program for nurses with a substance use disorder, and to comply with the terms and conditions of that program.

Licensee enrolled in HPSP in October 2011 and has been compliant with the terms of the program to date.

On or about March 26, 2012, Licensee contacted Board staff and stated that he no longer wants to participate in HPSP. Licensee explained that he has been unable to find employment as a LPN in a setting that would be approved by the monitoring program. Licensee further stated that he is unable to meet the monetary costs of complying with HPSP, including the cost of frequent toxicology testing.

Licensee does not intend on participating in HPSP from this point forward. Licensee wishes to voluntarily surrender his LPN license at this time.

WHEREAS by the above actions, Phillip Huber is subject to disciplinary action pursuant to ORS 678.111(1)(g), ORS 678.112 and OAR 851-070-0080(1)(b), (i) & (n), which provide as follows:

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

In the manner prescribed in ORS chapter 183 for a contested case:

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

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

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.

OAR 851-070-0080 Licensee Responsibilities

(1) All licensees must:

- (b) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;
- (i) Submit to random drug or alcohol testing;
- (n) Agree to be responsible for the cost of evaluations, toxicology testing and treatment.

Licensee admits to the above violations and wishes to cooperate with the Board in resolving the present matter. He has elected to voluntarily surrender his 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 Phillip Huber be accepted. If after a minimum of three years, he wishes to reinstate his practical nurse license, Mr. Huber may appear before the Board to request reinstatement of his license as a practical nurse. Should the Board reinstate the practical nurse license of Mr. Huber, he would be subject to whatever terms and conditions the Board may impose.

Licensee agrees that he will not practice as a Licensed Practical Nurse from the date of signature on this Stipulated Order.

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

Licensee understands that by signing this stipulated agreement he waives the right to an

administrative hearing. He acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Stipulated Order.

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

IT IS SO AGREED:

Phillip Huber

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Neoma J. Keeler, RN) **PROBATION**
)
License No. 200340207RN) **Reference No. 12-01838**

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of Registered Nurses (RN) in the State of Oregon. Neoma J. Keeler (Licensee) is a Registered Nurse in the State of Oregon. The Board issued Licensee a Registered Nurse license by examination on February 11, 2003.

Licensee notified the Board in September of 2008 that she was arrested in California, July of 2008, for Driving Under the Influence of Intoxicants (DUII). Licensee reported that she entered treatment before she was legally mandated to do so. She completed Level II intensive outpatient treatment (IOP) which was confirmed by treatment documents. On August 20, 2009, the Board dismissed the case against Licensee and allowed her entry into the Nurse Monitoring Program (NMP).

On November 1, 2010 Board staff received a substantial non-compliance report from HPSP noting that Licensee tested positive on October 25, 2010 for ETG. Licensee admitted to her HPSP agreement monitor that she had 1.5 glasses of wine with her husband the night before celebrating his birthday.

On January 6, 2012, Board staff received a substantial non-compliance report from HPSP noting that Ms. Keeler had a positive ETG. Licensee admitted to drinking wine with her husband. Licensee was referred for a third party evaluation. The evaluator recommended Licensee enter Level 1 outpatient treatment.

On or about April 10, 2012, HPSP notified the Board that Licensee had failed to enter treatment to date.

The above conduct is grounds for disciplinary action pursuant to ORS676.200 (3); ORS 678.112; OAR 851-070-0080 (b) (c) (e); and OAR 851-070-0100 (1) (d) (k) (l) and (2) which reads as follows:

676.200 Board participation in program; rules.

(3) A board that participates in the impaired health professional program shall investigate reports received from the monitoring entity established under ORS 676.195. If the board finds that a license 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.

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.

851-070-0080 Licensee Responsibilities

(b) Comply continuously with her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;

- (c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by HPSP and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;
- (e) Participate in a treatment plan approved by a third party.

851-070-0100 Substantial Non-Compliance Criteria

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement 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;

(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 admits that the above allegations occurred and constitute violation of the Nurse Practice Act. She 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 the Licensee:

That the Registered Nurse license of Ms. Keeler 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 Final Order. Licensee must complete a twenty-four (24) month period of probation to begin upon her 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 she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Any period in which Licensee does not practice in the State of Oregon will not count toward the probationary period.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete twenty- four (24) months of monitored practice.
- 3) Licensee shall notify the Board, 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 the Board 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, her probationary status will be re-evaluated.
- 6) Licensee shall present herself, 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 the Board 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 the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her 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 copies of the Stipulation for Probation and Board Order when Licensee is employed.
- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her 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 nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.
- 11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to practice nursing.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Licensee shall have access to narcotics, carry the keys to narcotics storage, and administer narcotics in the workplace.
- 14) Licensee shall not work in any practice setting in which on-site supervision 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 participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of treatment completion, she shall submit to the Board a copy of her completion certificate or discharge summary. Licensee shall attend NA, AA (or a similar 12-step program) on a weekly basis and provide proof of attendance to Board staff.

- 16) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with the random urine drug testing program will result in an immediate removal from the performance of nursing duties. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or the 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 Stipulation. Licensee will obtain an evaluation by a Board approved chemical dependence evaluator upon request of Board staff. Licensee understands that she will be financially responsible for any costs related to testing and evaluation. Failure to keep the account with the Board's lab vendor in good standing will be considered a violation of this agreement.
- 17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol during the period of probation. Licensee shall avoid any over the counter products and food items containing alcohol and poppy seeds.
- 18) Licensee may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her 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.
- 19) 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 when approved by Board staff, in consultation with Licensee's employer.
- 20) Licensee will notify any healthcare providers of the nature of her chemical dependence diagnosis to ensure that her health history is complete before receiving any treatment, including medical and dental treatment. Licensee will provide a copy of this Stipulation to the healthcare provider. Licensee further agrees to provide the Board with the names of any health care providers, sign releases of information with the providers, and provide the Board with documentation of the health care provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the Stipulation.
- 21) Licensee shall notify the Board at least three (3) business days prior to leaving town or going on vacation with the exception of a family emergency.
- 22) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation 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 she engages in future conduct resulting in violations of the

law or terms of probation 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 Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Neoma Keeler, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Diana Lockwood, RN) **PROBATION OF REGISTERED**
) **NURSE LICENSE**
License No. 200740540RN) **Reference No. 12-01043**

The Oregon State Board of Nursing is the agency responsible for licensing and regulating Registered Nurses in the State of Oregon. Diana Lockwood (Licensee) is a registered nurse in the State of Oregon. Licensee obtained her registered nurse license in Oregon in March 2007.

Licensee originally came to the attention of the Board in March 2007, after being investigated for possible diversion of narcotics from her place of employment. She received a chemical dependency evaluation and was assigned the diagnoses of Major Depression, Alcohol Dependence (in remission), Social Phobia and Anorexia Nervosa. Licensee denied diverting from the workplace, but disclosed that she was an alcoholic and had been sober for approximately three years. Licensee entered the Board's monitoring program and began working at Rogue Valley Medical Center on April 21, 2007, and continued to work there for several years, while being mostly compliant in the monitoring program. In 2007, Licensee entered into the new monitoring program, Health Professionals' Services Program (HPSP).

While being monitored by the Board, in July 2010, Licensee again came to the Board's attention when it was reported that she was under investigation in her workplace for suspicion of narcotics diversion. According to her supervisor, on July 8, 2010, Licensee charted that she had given pain medication to two patients. However when the nurse on the next shift asked the patients if the medication had effectively relieved their pain, they each denied ever asking for, or receiving pain medication. Following an investigation, the Board entered into a stipulated agreement with Licensee for a reprimand of her license at the September 21, 2011 Board meeting. Licensee continued to be monitored through HPSP.

In November 2011, Board staff received a report from HPSP that Licensee was not compliant with the terms and condition of her monitoring contract, by failing to call the Interactive Voice Response (IVR) for urine drug screening. While looking into this matter, Board staff was notified of further non-compliance; she had multiple relapses with alcohol.

Licensee voluntarily removed herself from practice and on December 1, 2011 successfully completed 23 days of inpatient treatment. Licensee maintained compliance with aftercare/relapse prevention and co-occurring disorders treatment services.

The Board considered this matter at a regular Board meeting on April 18, 2012 and discussed the possibility of allowing Licensee to be placed on Probation. The matter was discussed with Licensee and she stated her wishes to cooperate with the Board in resolving the present disciplinary matter.

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

(f), ORS 678.112, OAR 851-045-0070 (5) (d) and OAR 851-070-0100 (1) (d) and (k) and (2) of the Nurse Practice Act, which provide as follows:

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 conditions 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.

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

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

(5) Conduct related to impaired function:

(d) Use of drugs, alcohol or mind-altering substances to the extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Substantial Non-Compliance Criteria 851-0070-0100

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement 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;

(k) Violated any terms of the diversion agreement 851-070-0080.

(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.

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

That the Registered Nurse license of Diana Lockwood (Licensee) 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 Final Order. Licensee must complete a twenty-four (24) month period of probation to begin upon her 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 she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Any period in which Licensee does not practice in the State of Oregon will not count toward the probationary period.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify the Board, 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 the Board 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, her probationary status will be re-evaluated.
- 6) Licensee shall present herself, 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 the Board 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 the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her 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 copies of the Stipulation for Probation and Board Order when Licensee is employed.

- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her 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 nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.
- 11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to perform the duties of a nurse.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Licensee shall /shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until she receives written approval from Board staff.
- 14) Licensee shall not work in any practice setting in which on-site supervision 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 participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of treatment completion, she shall submit to the Board a copy of her completion certificate or discharge summary. Licensee shall attend NA, AA (or a similar 12-step program) on a weekly basis and provide proof of attendance to Board staff.
- 16) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with the random urine drug testing program will result in an immediate removal from the performance of nursing duties. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or the 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 Stipulation. Licensee will obtain an evaluation by a

Board approved chemical dependence evaluator upon request of Board staff. Licensee understands that she will be financially responsible for any costs related to testing and evaluation. Failure to keep the account with the Board's lab vendor in good standing will be considered a violation of this agreement.

- 17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol during the period of probation. Licensee shall avoid any over the counter products and food items containing alcohol and poppy seeds.
- 18) Licensee may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her 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.
- 19) 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 when approved by Board staff, in consultation with Licensee's employer.
- 20) Licensee will notify any healthcare providers of the nature of her chemical dependence diagnosis to ensure that her health history is complete before receiving any treatment, including medical and dental treatment. Licensee will provide a copy of this Stipulation to the healthcare provider. Licensee further agrees to provide the Board with the names of any health care providers, sign releases of information with the providers, and provide the Board with documentation of the health care provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the Stipulation.
- 21) Licensee shall notify the Board at least three (3) business days prior to leaving town or going on vacation with the exception of a family emergency.
- 22) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation 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 she engages in future conduct resulting in violations of the law or terms of probation 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 Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Diana Lockwood, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Cynthia Moran, RN License No. 200540023RN) STIPULATED ORDER FOR) PROBATION OF) REGISTERED NURSE LICENSE) Reference No. 12-00974
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The Oregon State Board of Nursing is responsible for the regulation of health care providers, including Registered Nurses in the State of Oregon. Cynthia Moran, hereinafter referred to as "Licensee" is a Registered Nurse in the State of Oregon.

On October 25, 2011, Licensee was reported to the Board for allegedly diverting Vicodin from a patient under her care at High Desert Hospice. According to the report, Licensee obtained the medication by having it delivered to the workplace rather than the patient's home. The patient was not using Vicodin at the time of the diversion, and her pain was adequately controlled by other medications. There was no report of patient harm.

Licensee acknowledged that she had diverted the medication, and expressed remorse for her actions. She stated that she had developed an addiction to Vicodin following an injury to her leg in 2006, and had used the medication intermittently since that time.

Licensee attended a chemical dependency evaluation on March 6, 2012. She received the diagnoses of Major Depression and Opioid Abuse, short-term remission. Licensee is currently engaged in counseling and treatment for her diagnoses.

The above conduct constitutes conduct derogatory to the standards of nursing in violation of: ORS 678.111 (1) (f) and (g); and OAR 851-045-0070 (1) (a), (2) (f) and (i), (4) (b) and (5) (d) of the Nurse Practice Act, 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 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, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

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

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

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

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

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

(f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

(i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

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

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

(5) Conduct related to impaired function:

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee admits to the above violations and wishes to cooperate with the Board in settling the present disciplinary matter. Therefore the following will be proposed by the Board, and is agreed to by Licensee:

That the Registered Nurse license of Ms. Moran, 200540023RN 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 Final Order. Licensee must complete a twenty-four (24) month period of probation to begin upon her 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 she is able to exercise the full extent of scope of duties in

order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Any period in which Licensee does not practice in the State of Oregon will not count toward the probationary period.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify the Board, 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 the Board 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, her probationary status will be re-evaluated.
- 6) Licensee shall present herself, 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 the Board 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 the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her 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 copies of the Stipulation for Probation and Board Order when Licensee is employed.
- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her 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 nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact

the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.

- 11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to perform the duties of a nurse.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until she receives written approval from Board staff.
- 14) Licensee shall not work in any practice setting in which on-site supervision 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 participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of treatment completion, she shall submit to the Board a copy of her completion certificate or discharge summary. Licensee shall attend NA, AA (or a similar 12-step program) on a weekly basis and provide proof of attendance to Board staff.
- 16) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with the random urine drug testing program will result in an immediate removal from the performance of nursing duties. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or the 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 Stipulation. Licensee will obtain an evaluation by a Board approved chemical dependence evaluator upon request of Board staff. Licensee understands that she will be financially responsible for any costs related to testing and evaluation. Failure to keep the account with the Board's lab vendor in good standing will be considered a violation of this agreement.
- 17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol during the period of probation. Licensee shall avoid any over the counter products and food items containing alcohol and poppy seeds.
- 18) Licensee may take medication for a documented medical condition, provided that

she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her 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.

- 19) 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 when approved by Board staff, in consultation with Licensee's employer.
- 20) Licensee will notify any healthcare providers of the nature of her chemical dependence diagnosis to ensure that her health history is complete before receiving any treatment, including medical and dental treatment. Licensee will provide a copy of this Stipulation to the healthcare provider. Licensee further agrees to provide the Board with the names of any health care providers, sign releases of information with the providers, and provide the Board with documentation of the health care provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the Stipulation.
- 21) Licensee shall notify the Board at least three (3) business days prior to leaving town or going on vacation with the exception of a family emergency.
- 22) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation 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 she engages in future conduct resulting in violations of the law or terms of probation 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 Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Cynthia Moran, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

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In the Matter of)
Brent Nasset) **FINAL ORDER BY DEFAULT**
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)
)
License No. CNA APPLICANT) **Reference No. 12-00487**

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 (CNAs) in the State of Oregon. On or about August 11, 2011, Brent Nasset (Applicant) applied to the Board for certification as a CNA in the State of Oregon.

This matter was considered by the Board at an interim teleconference board meeting on May 16, 2012. Applicant did not appear personally.

On February 27, 2012, a Notice stating that the Board intended to deny Brent Nasset's application for CNA certification was sent to Applicant by both certified and first class mail to his address of record. The Notice alleged that Applicant had a history of drug and alcohol abuse and did not provide documentation to the Board showing he successfully completed treatment.

The Notice further granted to Applicant an opportunity for hearing, if requested within 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 the records and files of the Board 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:

- 1.1 On or about August 11, 2011, the Board received Applicant's application for CNA certification by examination. On that application, Applicant disclosed the following:
"For a number of years I Brent Nasset had abused prescription pills and alcohol. On June

18th of 2010 I went to rehab for my problems and have been clean ever since."

- 1.2 Board staff requested that Applicant provide documentation of any alcohol and/or drug treatment program he had attended.
- 1.3 Applicant provided documentation showing that he was enrolled in residential chemical dependency treatment from June 23, 2010 to July 12, 2010. Applicant was diagnosed with Opioid Dependence, Alcohol Dependence, Cocaine Dependence and Cannabis Dependence.
- 1.4 According to the treatment records, Applicant did not successfully complete treatment and was discharged early for violating program rules. At the time of his discharge, Applicant still met the American Society of Addiction Medicine (ASAM) criteria for residential treatment.
- 1.5 On February 27, 2012, a Notice of Proposed Denial of Application for Certified Nursing Assistant Certificate was sent by certified mail and first class mail to Applicant's address of record.
- 1.6 Applicant did not request a hearing within the allotted 60 days.

-II-

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

- 2.1 That the Board has jurisdiction over the Applicant, Brent Nasset, and over the subject matter of this proceeding.
- 2.2 That Applicant's conduct is grounds for denying his application pursuant to ORS 678.442(2)(c) & (d) and OAR 851-063-0080(3).
- 2.3 That Applicant defaulted on the Notice by not requesting a hearing within the allotted 60 days and as a result, pursuant to ORS 183.310 to 183.750, the Board may enter a Final Order by default.

-III-

ORDER

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

ORDERED that Brent Nasset's application for certification as a Certified Nursing Assistant in the State of Oregon is denied.

DATED this ____ day of May, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: BRENT NASSET:

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
Steven Nelson**

)
)
) **FINAL ORDER BY DEFAULT**
)
)

License No. LPN APPLICANT

) **Reference No. 12-00421**

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 in the State of Oregon. On or about August 9, 2011, Steven Nelson (Applicant) submitted an application for Licensed Practical Nurse (LPN) licensure by examination in the State of Oregon.

This matter was considered by the Board at an interim teleconference board meeting on May 16, 2012. Applicant did not appear personally.

On February 27, 2012, a Notice stating that the Board intended to deny Steven Nelson's application for Licensed Practical Nurse licensure was sent to Applicant by both certified and first class mail to his address of record. The Notice alleged that Applicant has a history of arrests and convictions over an extended period of time, and Applicant made false statements regarding the circumstances surrounding his arrests for theft in 2005 and 2009.

The Notice further granted to Applicant an opportunity for hearing, if requested within 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 the records and files of the Board 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:

- 1.1 On or about August 9, 2011, the Board received Applicant's application for Licensed Practical Nurse licensure by examination. On that application, Applicant disclosed a

number of arrests in his history.

1.2 A criminal background check conducted on Applicant revealed the following arrests:

- December 31, 1990 – Assault 4 (no complaint filed)
- July 7, 1991 – Theft 1 (dismissed), Unauthorized Use of a Motor Vehicle (convicted)
- February 3, 1992 – Probation Violation (convicted)
- January 26, 1993 – Failure to Appear on Minor in Possession (no disposition reported)
- March 13, 1993 – Unlawful Possession of Firearm (dismissed)
- May 20, 1994 – Theft 2 (convicted)
- February 20, 1996 – Probation Violation on Theft 2 (no disposition reported), Assault 4 (convicted), Harassment (dismissed)
- October 23, 1996 – Failure to Appear (warrant served)
- May 20, 1997 – Assault 4 (convicted), Harassment (dismissed)
- June 3, 1997 – Failure to Appear (warrant served)
- February 19, 1999 – Theft 1 (dismissed), Probation Violation on Assault 4 (convicted)
- May 25, 1999 – Failure to Appear-Contempt of Court (warrant served)
- July 11, 2000 – Probation Violation on Assault 4 (convicted)
- May 12, 2005 – Theft 3 (no disposition reported), Carrying Concealed Weapon (convicted)
- September 23, 2006 – Harassment-Domestic Abuse (acquitted)
- March 24, 2007 – Theft 2 (convicted), Theft of Services (convicted)
- May 19, 2009 – Theft 2 (convicted)

1.3 In Applicant's written explanation of his arrest history, Applicant made false statements regarding the circumstances surrounding his arrests for theft in 2005 and 2009.

1.4 On February 27, 2012, a Notice of Proposed Denial of Licensed Practical Nurse License was sent by certified mail and first class mail to Applicant's address of record.

1.5 Applicant did not request a hearing within the allotted 60 days.

-II-

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

2.1 That the Board has jurisdiction over the Applicant, Steven Nelson, and over the subject matter of this proceeding.

2.2 That Applicant's conduct is grounds for denying his application pursuant to ORS 678.111(1)(a) & (f), OAR 851-045-0070(7)(b) and OAR 851-045-0080(2).

2.3 That Applicant defaulted on the Notice by not requesting a hearing within the allotted 60 days and as a result, pursuant to ORS 183.310 to 183.750, the Board may enter a Final Order by default.

-III-

ORDER

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

ORDERED that Steven Nelson's application for Licensed Practical Nurse license in the State of Oregon is denied.

DATED this ____ day of May, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO STEVEN NELSON:

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**

)
)
) **FINAL ORDER BY DEFAULT**
)
)
) **Reference No. 12-01398**

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. Rochelle Petitt (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This matter was considered by the Board at an interim teleconference meeting in Portland, Oregon on May 16, 2012. Certificate Holder did not appear personally.

On April 2, 2012, a Notice stating that the Board intended to suspend the nursing assistant certificate of Certificate Holder was sent to Certificate Holder via certified and first-class mail to her address of record. The Notice alleged that Ms. Petitt failed to cooperate with the Board during the course of an investigation.

The Notice granted Certificate Holder an opportunity for hearing if requested within 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:

- 1.1 Certificate Holder was issued a Certified Nursing Assistant certificate in the state of Oregon on March 3, 2011.
- 1.2 On or about December 29, 2011, Certificate Holder was reported to the Board for failure to follow care plan procedures. The Board opened an investigation into the matter.

- 1.3 On January 6, 2012, Board staff mailed a letter to Certificate Holder's address of record requesting that she schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a copy of her current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
- 1.4 On January 24, 2012, a second letter was sent to Certificate Holder's address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a copy of her 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.
- 1.5 On April 2, 2012, Board staff mailed a Notice of Proposed Suspension of Certified Nursing Assistant Certificate to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder 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

- 2.1 That the Board has jurisdiction over the Certificate Holder, Rochelle Petitt, and over the subject matter of this proceeding.
- 2.2 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), OAR 851-063-0080(6) and OAR 851-063-0090(9)(a) and (c).
- 2.3 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 Rochelle Petitt 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 Ms. Petitt has fully cooperated with the Board's investigation. Should the Board reinstate the nursing assistant certificate of Ms. Petitt, she would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of May, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: ROCHELLE PETITT:

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**
Karen Rabb, RN) **PROBATION**
)
License No. 095003035RN) **Reference No. 12-00569**

The Oregon State Board of Nursing is responsible for the regulation of health care providers, including Registered Nurses in the State of Oregon. Karen Rabb, hereinafter referred to as "Licensee" is a Registered Nurse in the State of Oregon.

On September 14, 2011, Licensee self-reported to the Board that she had arrived to work as a nurse after consuming a large amount of alcohol over the weekend, up until 9:00 pm the night before her shift. Upon arrival at work, co-workers detected the smell of alcohol on her breath. Licensee submitted to testing for alcohol by her employer, which resulted in a positive test. Licensee was sent home from work, and her supervisor encouraged her to seek help for alcohol use.

Licensee immediately sought out a provider for treatment of her use of alcohol with Gary Field PhD. She received a diagnosis of Anxiety and Dysphoria. She has remained abstinent from alcohol since August 29, 2011. Licensee expressed remorse for her actions, and acknowledged that her use of alcohol had become a problem for her. She stated that she never drank alcohol before arriving to work, or while on duty. There was no report of patient harm.

Licensee attended a chemical dependency evaluation with Serenity Lane on March 2, 2012. She received the diagnoses of Alcohol Dependence, full sustained remission. Licensee is currently engaged in counseling and treatment for her diagnoses.

The above conduct constitutes conduct derogatory to the standards of nursing in violation of: ORS 678.111 (1) (f) and (g); and OAR 851-045-0070 (4) (b) and (5) (d) of the Nurse Practice Act, 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 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, for any of the following causes:

- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

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

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

- (4) Conduct related to achieving and maintaining clinical competency:
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.
- (5) Conduct related to impaired function:
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee admits to the above violations and wishes to cooperate with the Board in settling the present disciplinary matter. Therefore the following will be proposed by the Board, and is agreed to by Licensee:

That the Registered Nurse license of Ms. Rabb, 095003035RN 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 Final Order. Licensee must complete a twenty-four (24) month period of probation to begin upon her 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 she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Any period in which Licensee does not practice in the State of Oregon will not count toward the probationary period.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete twenty- four (24) months of monitored practice.

- 3) Licensee shall notify the Board, 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 the Board 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, her probationary status will be re-evaluated.
- 6) Licensee shall present herself, 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 the Board 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 the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her 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 copies of the Stipulation for Probation and Board Order when Licensee is employed.
- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her 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 nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.
- 11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to perform the duties of a nurse.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.

- 13) Licensee shall have access to narcotics, carry the keys to narcotics storage, and administer narcotics.
- 14) Licensee shall not work in any practice setting in which on-site supervision 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 participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of treatment completion, she shall submit to the Board a copy of her completion certificate or discharge summary. Licensee shall attend all recommended counseling sessions and AA (or a similar 12-step program) as recommended and provide proof of attendance to Board staff.
- 16) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with the random urine drug testing program will result in an immediate removal from the performance of nursing duties. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or the 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 Stipulation. Licensee will obtain an evaluation by a Board approved chemical dependence evaluator upon request of Board staff. Licensee understands that she will be financially responsible for any costs related to testing and evaluation. Failure to keep the account with the Board's lab vendor in good standing will be considered a violation of this agreement.
- 17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol during the period of probation. Licensee shall avoid any over the counter products and food items containing alcohol and poppy seeds.
- 18) Licensee may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her 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.
- 19) 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 when approved by Board staff, in consultation with Licensee's employer.

- 20) Licensee will notify any healthcare providers of the nature of her chemical dependence diagnosis to ensure that her health history is complete before receiving any treatment, including medical and dental treatment. Licensee will provide a copy of this Stipulation to the healthcare provider. Licensee further agrees to provide the Board with the names of any health care providers, sign releases of information with the providers, and provide the Board with documentation of the health care provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the Stipulation.
- 21) Licensee shall notify the Board at least three (3) business days prior to leaving town or going on vacation with the exception of a family emergency.
- 22) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation 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 she engages in future conduct resulting in violations of the law or terms of probation 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 Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Karen Rabb, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
John Richards, RN, NP) **VOLUNTARY SURRENDER**
)
License No. 000038332RN, 000038332N3) **Reference No. 12-01826**

The Oregon State Board of Nursing (Board) is the agency responsible for the licensure and regulation of Registered Nurses and Nurse Practitioners in the State of Oregon. John Richards (Licensee) is a Registered Nurse and Adult Nurse Practitioner in Oregon.

On or about December 4, 2009, Licensee self-reported to the Board that he had entered a treatment program for Chemical Dependence. Licensee voluntarily removed himself from practice pending further Order by the Board.

On March 10, 2010, the Board voted to allow Licensee to enter the Nurse Monitoring Program, now known as the Health Professional's Services Program (HPSP), in lieu of formal disciplinary action.

On or about March 1, 2012, the Board received a report that Licensee was in violation of the terms and conditions of his Monitoring Agreement by treating patients in his clinical practice without the direct supervision of his worksite monitor. According to the monitoring agreement, Licensee's worksite monitor was required to be on-site in the clinical practice setting each day Licensee treated patients in the clinic.

On March 7, 2012, Licensee signed an Interim Order by Consent, voluntarily removing himself from practice pending further order by the Board. Licensee further acknowledged that he was in violation of his monitoring agreement by treating patients while unsupervised.

The Board finds the above conduct constitutes a violation of the provisions of ORS 678.111 (1) (f); and OAR 851-045-0070 (7) (e) and OAR 851-070-0100 (1) and (2) which provides as follows:

ORS 678.111 Causes for denial, revocation, 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, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

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

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

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

(e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

Substantial Non-Compliance Criteria
OAR 851-070-0100

(1) 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 resolving the present disciplinary matter, and agrees to voluntarily surrender his Registered Nurse license and Adult Nurse Practitioner certificate.

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

That the voluntary surrender of the Registered Nurse license and Adult Nurse Practitioner certificate of John Richards be accepted. If after a minimum of three years, commencing from March 7, 2012, Mr. Richards wishes to reinstate his Registered Nurse license and his Adult Nurse Practitioner certificate, Mr. Richards may appear before the Board to request reinstatement. Should the Board reinstate the Registered Nurse license and the Nurse Practitioner certificate of Mr. Richards, he would be subject to whatever terms and conditions the Board may impose.

Licensee agrees that he will not practice as a Registered Nurse from the date of signature on this Stipulated Order.

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

Licensee has read the Stipulation, and understands that by signing this stipulated agreement he

waives the right to an administrative hearing. He acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Stipulated Order.

Licensee understands that this Stipulation will become a public record at such time as the Board issues an Order adopting it.

John Richards, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Ian Schwartz, RN) **VOLUNTARY SURRENDER OF**
) **REGISTERED NURSE LICENSE**
License No. 200140038RN) **Reference No. 12-01749**

Ian Schwartz, hereinafter referred to as "Licensee," is a Registered Nurse (RN) in the State of Oregon. Licensee was issued a Registered Nurse license on January 11, 2001.

On or about February 14, 2012, the Oregon State Board of Nursing (Board) received information that Licensee voluntarily surrendered his Registered Nurse license in Georgia. The Georgia Board of Nursing accepted Licensee's voluntary surrender on or about January 18, 2012.

Licensee was convicted of sexual exploitation of children in Floyd County, Georgia and began serving a five year sentence on or about December 13, 2011.

Licensee wishes to voluntarily surrender his Oregon Registered Nurse license at this time.

WHEREAS by the above conviction, Ian Schwartz is subject to disciplinary action pursuant to violations of ORS 678.111(1)(a) & (h), which provide as follows:

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

In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of conviction.
 - (b) 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.

Licensee admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary matter. He has elected to voluntarily surrender his Registered Nurse license.

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

That the voluntary surrender of the Registered Nurse license of Ian Schwartz be accepted.

Licensee agrees that he will not practice as a Registered Nurse from the date of signature on this Stipulated Order.

Licensee understands that this Stipulated Order will be submitted to the Board of Nursing for their approval and is subject to the Board's confirmation. Licensee understands that this Stipulated Order will become a matter of public record at such time as the Board issues a Final Order adopting it.

Licensee understands that by signing this stipulated agreement he waives the right to an administrative hearing. He acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Stipulated Order.

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

IT IS SO AGREED:

Ian Schwartz, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

- 1.3 On February 01, 2012, Board staff left a voice mail messages on Licensee's phone numbers of record with the Board. Board staff requested that Licensee contact the Board immediately to discuss her Iowa discipline. Licensee failed to contact the Board as requested.
- 1.4 On March 02, 2012, Board staff mailed a letter to Licensee's address of record requesting that she provide a written statement regarding the events that led to her discipline in Iowa to the Board. Licensee did not respond to this letter or provide any documents to the Board.
- 1.5 On March 02, 2012, Board staff sent Licensee an email to her email address of record in an effort to resolve her case. Licensee was asked to contact the Board as soon as possible to discuss her pending case. Licensee failed to contact the Board as requested.
- 1.6 On March 19, 2012, a second letter was sent by certified and first class mail to Licensee's address of record requesting that she contact the Board within five (5) business days to schedule a telephone interview to discuss the allegations. Licensee was also asked to send a written statement regarding the allegations and provide a copy of her current work history to the Board office by March 28, 2012. Licensee failed to schedule an interview and did not provide any documents to the Board.
- 1.7 On March 29, 2012, a Notice of Proposed Suspension of Registered Nurse License was sent by regular and certified mail to Licensee's address of record. The Notice granted Licensee an opportunity for a hearing, if requested within 20 days of mailing of the Notice.
- 1.8 Licensee did not request a hearing within 20 days of mailing of the Notice.
- 1.9 This matter was considered by the Board at a meeting held on April 18, 2012. Licensee did not appear personally. The Board issued a Final Order by Default, suspending Licensee's RN license. In addition, the Board voted to issue Licensee a Notice of Proposed Revocation of Registered Nurse License.
- 1.10 On April 23, 2012 a Notice of Proposed Revocation of Registered Nurse License was sent by regular and certified mail to Licensee's address of record. The Notice granted Licensee an opportunity for a hearing, if requested within 20 days of mailing of the Notice.
- 1.11 Licensee did not request a hearing within 20 days of mailing of the Notice.

-II-

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

- 2.1 That the Board has jurisdiction over Licensee, Angela Sherwood, and over the subject matter of this proceeding.
- 2.2 That Licensee's conduct is in violation of ORS 678.111(1)(f)(h) and OAR 851-045-0070(6)(e)(7)(a)(b)(c).
- 2.3 That Licensee defaulted on the Notice by not requesting a hearing within the allotted 20 days and, as a result, pursuant to ORS 183.310 to 183.750, the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that Angela Sherwood's Registered Nurse license in the State of Oregon is revoked.

DATED this ____ day of May, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
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

Chad Skinner, CNA

)

)

) **FINAL ORDER BY DEFAULT**

)

)

Certificate No. 200911685CNA

) **Reference No. 11-03242**

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. Chad Skinner (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This matter was considered by the Board at a meeting held on May 16, 2012. Certificate Holder did not appear personally.

On April 23, 2012, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Certificate Holder was sent to Certificate Holder by certified mail to his address of record. This Notice alleged that Certificate Holder failed to cooperate with the Board's investigation.

The Notice granted Certificate Holder an opportunity for hearing, if requested within 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 the records and files of the Board 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:

- 1.1 Certificate Holder was initially certified as a nursing assistant (CNA) in the State of Oregon on June 26, 2009.
- 1.2 On or about June 11, 2011, the Board received notification that Certificate Holder tested positive for marijuana while working for Oakwood Country Place. The Board opened an investigation into this matter.
- 1.3 On or about July 12, 2011, Certificate Holder stated that he had been using marijuana once or twice a week for the past few months. At that time, Board staff asked Certificate Holder to

- obtain a chemical dependency evaluation and provide additional documentation to the Board.
- 1.4 On September 12, 2011, Board staff sent Certificate Holder a letter requesting that he obtain a chemical dependency evaluation, and provide additional documentation to the Board. Certificate Holder was specifically asked to provide: court documents and police reports relating to his arrests for DUII and Reckless Endangerment, treatment records for any court-ordered alcohol treatment, and records on any and all investigations conducted by DHS. Certificate Holder was required to respond by September 26, 2011. Certificate Holder did not respond to this letter or provide documentation to the Board.
 - 1.5 On March 5, 2012, Board staff contacted Certificate Holder via telephone requesting an update from him on his current situation. Certificate Holder stated that had moved to McMinnville. Certificate Holder was advised it is his responsibility to keep his contact information current with the Board. Certificate Holder was informed that he can update his contact information at the Board office or online. Certificate Holder failed to update his address of record with the Board.
 - 1.6 On March 5, 2012, Board Staff sent Certificate Holder a letter requesting that he obtain a chemical dependency evaluation, and provide the aforementioned documentation to the Board. Certificate Holder was required to respond by March 19, 2012. Certificate Holder failed to schedule a chemical dependency evaluation, provide documents to the Board or respond to this letter.
 - 1.7 On March 21, 2012, Board staff sent Certificate Holder a letter by certified and first class mail requesting his immediate response. The letter requested that he obtain a chemical dependency evaluation, and provide the aforementioned documentation to the Board. Certificate Holder was required to respond by March 28, 2012. Certificate Holder failed to schedule a chemical dependency evaluation, provide documents to the Board or respond to this letter.
 - 1.8 This matter was considered by the Board at a meeting held on April 18, 2012. Certificate Holder did not appear personally. The Board voted to issue Certificate Holder a Notice of Proposed Revocation of Nursing Assistant Certificate.
 - 1.9 On April 23, 2012 a Notice of Proposed Revocation of Registered Nurse License was sent by regular and certified mail to Certificate Holders' address of record. The Notice granted Certificate Holder an opportunity for a hearing, if requested within 20 days of mailing of the Notice.
 - 1.10 On April 26, 2012, a Notice of Proposed Revocation of Registered Nurse License was sent by regular and certified mail to the alternate address Certificate Holder provided Board Staff. The Notice granted Certificate Holder an opportunity for a hearing, if requested within 20 days of mailing of the Notice.
 - 1.11 Licensee did not request a hearing within 20 days of mailing of the Notice.

-II-

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

- 2.1 That the Board has jurisdiction over Certificate Holder, Chad Skinner, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's conduct is in violation of ORS 678.442(1),(2)(b)(c)(f) and OAR 851-031-0090 (2)(a) and OAR 851-063-0080 (3)(6) and OAR 851-063-0090 (7)(a),(9)(a)(b)(c).
- 2.3 That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted 20 days and, as a result, pursuant to ORS 183.310 to 183.750, the Board may enter a Final Order by Default.

-III-

ORDER

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

ORDERED that Chad Skinner's Nursing Assistant Certificate in the State of Oregon is revoked.

DATED this ____ day of May, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
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**
Joy L. Strasser, RN) **PROBATION**
)
License No. 092006185RN) **Reference No. 12-01594**

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of Registered Nurses (RN) in the State of Oregon. Joy L. Strasser (Licensee) is a Registered Nurse in the State of Oregon. The Board issued Licensee a Registered Nurse license by endorsement on March 25, 1992.

Licensee came to the Board's attention on December 1, 2010 when she reported on her renewal application that she had been arrested for Driving Under the Influence of Intoxicants (DUII) on July 3, 2009 and January 1, 2010. Licensee was diagnosed with Alcohol Dependence. She completed treatment on August 4, 2010. Licensee agreed to enter the Health Professional Services Program (HPSP) in lieu of discipline. The Board dismissed her case and allowed her entry into HPSP on September 21, 2011.

On or about December 9, 2011, Board staff received a substantial non-compliance report from HPSP after Licensee had a positive urine drug screen at a chemical dependency assessment required by HPSP. Licensee tested positive for marijuana which she could not explain and denied any use of the substance.

HPSP reported Licensee as substantially noncompliant after she tested positive for ETG, a metabolite of alcohol, on January 27, 2012 and February 2, 2012. Licensee admitted to her HPSP agreement monitor that she did drink wine on January 24, 2012 prior to her first positive drug screen, but denied consuming alcohol after that day. Licensee was referred to a third party evaluation. The evaluator recommended that Licensee enter Intensive Outpatient treatment.

On March 7, 2012, Board staff spoke to Licensee regarding her substantial non-compliance with her HPSP monitoring agreement. She denied use of marijuana, but thinks she may have been exposed through her friends' use of the substance. In regard to the positive ETG tests, Licensee did admit to consuming wine over the course of four to five days while friends were visiting from out of town. She had been feeling overwhelmed and depressed. Licensee also explained that she could not participate in the level of care recommended by the third party evaluation due to cost, distance, and the time required.

On March 16, 2012, Licensee informed the Board that she contacted the third party evaluator who agreed to refer her to a lower level of care closer to her home and less expense. In addition to her treatment group, she will participate in 12 step groups. Licensee stated she will start treatment later this month.

The above conduct is grounds for disciplinary action pursuant to ORS 676.200 (3); ORS 678.112; OAR 851-070-0080 (b) (c) (i); and OAR 851-070-0100 (1) (d) (k) (l) and (2) which reads as follows:

676.200 Board participation in program; rules.

(3) A board that participates in the impaired health professional program shall investigate reports received from the monitoring entity established under ORS 676.195. If the board finds that a license 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.

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.

851-070-0080 Licensee Responsibilities

- (b) Comply continuously with her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;
- (c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by HPSP and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;
- (i) Submit to random drug or alcohol testing

851-070-0100 Substantial Non-Compliance Criteria

- (1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement 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;
 - (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 admits that the above allegations occurred and constitute violation of the Nurse Practice Act. She 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 the Licensee:

That the Registered Nurse license of Ms. Strasser 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 Final Order. Licensee must complete a twenty-four (24) month period of probation to begin upon her 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 she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion. Any period in which Licensee does not practice in the State of Oregon will not count toward the probationary period.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify the Board, 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 the Board 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, her probationary status will be re-evaluated.
- 6) Licensee shall present herself, 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 the Board 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 the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her 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 copies of the Stipulation for Probation and Board Order when Licensee is employed.
- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working

in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her 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 nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.

- 11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to perform the duties of a nurse.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Licensee shall have access to narcotics, carry the keys to narcotics storage, and administer narcotics in the workplace.
- 14) Licensee shall not work in any practice setting in which on-site supervision 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 participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of treatment completion, she shall submit to the Board a copy of her completion certificate or discharge summary. Licensee shall attend NA, AA (or a similar 12-step program) on a weekly basis and provide proof of attendance to Board staff.
- 16) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with the random urine drug testing program will result in an immediate removal from the performance of nursing duties. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or the 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 Stipulation. Licensee will obtain an evaluation by a Board approved chemical dependence evaluator upon request of Board staff. Licensee understands that she will be financially responsible for any costs related to testing and evaluation. Failure to keep the account with the Board's lab vendor in good standing will be considered a violation of this agreement.

- 17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol during the period of probation. Licensee shall avoid any over the counter products and food items containing alcohol and poppy seeds.
- 18) Licensee may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her 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.
- 19) 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 when approved by Board staff, in consultation with Licensee's employer.
- 20) Licensee will notify any healthcare providers of the nature of her chemical dependence diagnosis to ensure that her health history is complete before receiving any treatment, including medical and dental treatment. Licensee will provide a copy of this Stipulation to the healthcare provider. Licensee further agrees to provide the Board with the names of any health care providers, sign releases of information with the providers, and provide the Board with documentation of the health care provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the Stipulation.
- 21) Licensee shall notify the Board at least three (3) business days prior to leaving town or going on vacation with the exception of a family emergency.
- 22) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation 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 she engages in future conduct resulting in violations of the law or terms of probation 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 Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Joy Strasser, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date