

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Mary Alexander, RN

License No. 200843193RN

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**FINAL ORDER
BY DEFAULT**

Reference No. 11-02755

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. Mary Alexander (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 August 24, 2011.

On July 21, 2011, a Notice stating that the Board intended to suspend the Registered Nurse license of Mary Alexander was sent to Licensee by certified and regular mail to her address of record. This Notice alleged that Licensee had failed to cooperate with the Board during the course of an investigation. The Notice further 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 Mary Alexander is a Registered Nurse in the state of Oregon, and has been licensed since November 2008.
- 1.2 On April 5, 2011, it was reported to the Board that the Louisiana State Board of Nursing had suspended Licensee's Registered Nurse license for being unable to practice nursing safely by reason of alcohol or substance abuse.

Mary Alexander
Final Order by Default

- 1.3 On June 9, 2011, Board staff sent Licensee a letter to her address of record, instructing her to contact the Board within ten business days to schedule an interview with Board staff to discuss the matter. No response was forthcoming.
- 1.4 On June 23, 2011, Board staff sent a letter to Licensee's address of record requesting she contact the Board within 5 business days to schedule an appointment to discuss the matter. No response was forthcoming.

-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 failure to cooperate with the Board during the course of an investigation as described in Section I above, constitutes Conduct Derogatory to Standards of Nursing, in violation of ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (7) (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 Mary Alexander's Registered Nurse license in the State of Oregon is suspended. The suspension shall be for a minimum of two (2) weeks and remain in effect until such time that Ms. Alexander has fully cooperated with the Board's investigation commencing five (5) business days from the date this Final Order is signed.

Mary Alexander
Final Order by Default

Should the Board reinstate the Registered Nurse license of Mary Alexander, she would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
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)	
Cynthia Bowers, LPN	)	FINAL ORDER
)	
)	
License No. 200630301LPN	)	Reference No. 11-03189

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 nurses, in the State of Oregon. Cynthia Bowers (Licensee) is a Licensed Practical Nurse in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand with Conditions signed by Licensee on August 6, 2011 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Reprimand with Conditions and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

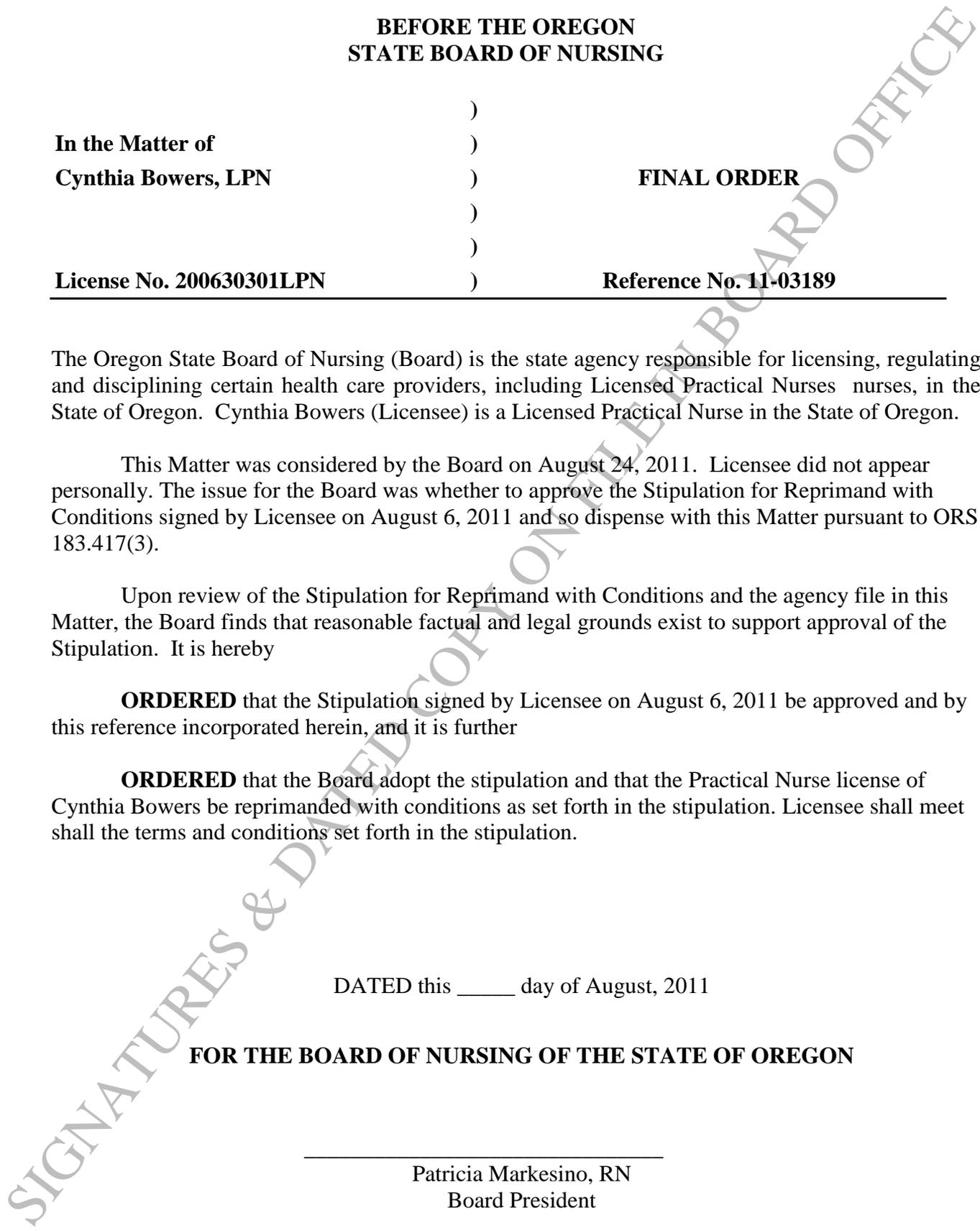
ORDERED that the Stipulation signed by Licensee on August 6, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the stipulation and that the Practical Nurse license of Cynthia Bowers be reprimanded with conditions as set forth in the stipulation. Licensee shall meet shall the terms and conditions set forth in the stipulation.

DATED this _____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President



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

In the Matter of)	
)	
Cynthia L Bowers, LPN	)	STIPULATION FOR REPRIMAND
License No. 200630301LPN	)	WITH CONDITIONS
	)	OF PRACTICAL NURSE LICENSE
	)	Case No. 11-03189

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses in the state of Oregon.

Cynthia L. Bowers (Licensee) is a Practical Nurse in Oregon. Licensee received her Practical Nurse license by endorsement in Oregon on August 18, 2006.

Received a complaint from Seniors and People with Disabilities (SPD) on May 26, 2011, that Licensee neglected a client by administering the wrong medications, necessitating a visit to the emergency room.

During the personal interview with Board staff, Licensee said that she works the night shift at the Umpqua Homes for the Handicapped. Licensee has worked at this home since August of 2009. The home has five medically fragile clients that require round the clock care and are totally dependent with all care needs. The clients' have multiple medical co-morbidities and are fed through gastrostomy tubes.

On April 1, 2011, Licensee administered the wrong medications to the wrong client. All the clients have gastrostomy tubes and are given medications through this route. Resident SK was given resident BJ's medications, including blood pressure medications and anti-seizure medications.

Licensee immediately contacted the House Supervisor as well as the physician. SK was transported to the emergency room where she was monitored and returned to the facility in stable condition.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (f), OAR 851-045-0070 (1), (c), and (4) (b) which provides as follows:

ORS 678.111

(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.

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:

- (1) Conduct related to the client's safety and integrity:
- (c) Failing to develop, implement and/or follow through with the plan of care.
- (4) Conduct related to achieving and maintaining clinical competency:
- (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in resolving the present disciplinary problems. Therefore, the following will be proposed to the Board and is agreed to by Licensee:

That the practical nurse license of Licensee be reprimanded with conditions as follows:

Licensee shall complete one formal course of study on medication administration. The course may be either a continuing education class of at least 5 CMEs or an academic course at least 4 hours in length. The course must be approved in advance by the Board and completed by February 10, 2012. Licensee shall write a paper on her medication administration class at least 1 page in length presenting the information she has learned which can make a difference in her practice as a Licensed Practical Nurse. Additionally, she shall provide an outline of the course. Licensee shall provide proof of successful completion of the medication administration course (report, certificate of completion, transcripts etc). Licensee is responsible for paying all costs and expenses required for Licensee to comply with these conditions.

Licensee understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious in nature.

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

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

Licensee understands that, by entering into this Stipulation, she waives any and all rights to notice and an administrative hearing under ORS 183.310 to 183.550, and to appeal or otherwise challenge this Stipulation or the Final Order adopting it.

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

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

Licensee has fully read this Stipulation and understands it completely.

Dated this _____ day of August, 2011

Cynthia L. Bowers, LPN

OREGON STATE BOARD OF NURSING

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigation Department

Date

Nisha Sexton, RN, MN
Nurse Investigator
Investigation Department

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)	
In the Matter of)	
Sandra Coome, CNA	)	FINAL ORDER BY DEFAULT
)	
Certificate No. 000044254CNA	)	Reference No. 11-01118

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 in the State of Oregon. Sandra Coome (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on June 22, 2011. The Certificate Holder did not appear personally.

On June 30, 2011, a Notice stating that the Board intended to revoke the nursing assistant certificate of Certificate Holder was sent to the Certificate Holder by certified mail to her address of record. This Notice stated that Certificate Holder had been reported for her poor work performance and a positive urine drug screen for methamphetamine and THC. The complaint alleged that she was neglectful of her residents and was not finishing her tasks. She allegedly told others that she had been smoking marijuana.

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 Certificate Holder is a certified nursing assistant in the State of Oregon and has been since October 5, 1999.

1.2 Certificate Holder came to the attention of the Board on or about November 29, 2010, when she was reported to the Board for poor work performance and a urine drug screen positive for methamphetamine and THC.

- 1.3 Certificate Holder failed to schedule an interview with Board staff but stated she wished to voluntarily surrender her nursing assistant certificate.
- 1.4 On three occasions Board staff sent a Stipulation for Voluntary Surrender to Certificate Holder's address of record and to a temporary address where she resided, but Certificate Holder did not return a signed Stipulation and nor did she respond to telephone messages left by Board staff.
- 1.5 On June 30, 2011, a Notice stating that the Board intended to revoke the nursing assistant certificate of Certificate Holder was sent to the Certificate Holder by certified mail to her address of record.
- 1.6 Certificate Holder did not request a hearing within the allotted 20 days and is thereby in default.

- 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 Certificate Holder, Sandra Coome, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's behavior with regard to substance abuse and poor performance, and subsequent failure to cooperate with the Board's investigation are grounds for disciplinary action pursuant to ORS 678.442 (2) (c) (f); OAR 851-063-0080 (3) (6); and OAR 851-063-0090 (7) (a), (9) (a).
- 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 183.750, 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 Sandra Coome's nursing assistant certificate is revoked.

According to OAR 851-001-0015 Certificate Holder will be eligible for reinstatement after three years. Certificate Holder shall appear before the Board to request reinstatement. Certificate Holder shall provide documented evidence of rehabilitation. Certificate Holder will need to

successfully complete a CNA training program and the certification examination. Should the Board reinstate the nursing assistant certificate of the Certificate Holder she will be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
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)

RENEE ROSE ALBERTO CRUZ)
RN APPLICANT)

FINAL ORDER

Reference No. 11-02624

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. Renee Rose Alberto Cruz (Applicant) has applied for a registered nurse license by examination in the State of Oregon.

The Oregon State Board of Nursing considered this matter on August 24, 2011. Applicant did not appear in person.

On June 1, 2011, the Board properly served notice on Applicant that it intended to deny her application for RN licensure by examination. The Notice alleged that Applicant failed to meet the educational requirements and general eligibility requirements for initial licensure as an RN by examination in the State of Oregon.

The Notice further granted to Applicant an opportunity for hearing, if requested within 60 days of the mailing of the Notice. The Notice designated the relevant portions of the Board's file on this matter, including all materials submitted by Applicant as the record for purposes of default. Applicant has not requested a hearing.

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, testimony and the agency file in this case, the Board finds the following:

- 1.1 In February 2010, Applicant submitted an application to the Oregon State Board of Nursing for licensure as a registered nurse.
- 1.2 Applicant successfully completed a nursing program in Quezon City, Philippines in 2006 and received a bachelor of science degree in nursing on April 5, 2006. Though requested by the Board, Applicant did not provide any documentation of holding a nursing license in the Philippines and could show no work history as a registered nurse since the date of her graduation.
- 1.3 Applicant has no documented work history as a nurse in any location/country.
- 1.4 Applicant failed to complete her national licensing examination within three years from graduation from her nursing program.
- 1.5 Applicant does not meet the Oregon State Board of Nursing eligibility requirements for licensure by examination in Oregon.

II
CONCLUSIONS OF LAW

- 2.1 That the Oregon State Board of Nursing has jurisdiction over the applicant, Renee Rose Alberto Cruz and over the subject matter of this proceeding.
- 2.2 That there are grounds for denial of licensure pursuant to ORS 678.150 (5) and OAR 851-031-0006 (1) (b) and (c) and (2) (f) and (3) (e) and (A); 851-031-0010 (1) (a) and (2) (b).
- 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 the application of Renee Rose Alberto Cruz for registered nurse licensure be denied.

Dated this _____ day of _____ 2011

For the Board of Nursing of the State of Oregon

Patricia Markesino, RN
Board President

To Renee Rose Alberto Cruz:

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 the 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 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
David Freer, CNA**

FINAL ORDER

Certificate No. 000014532CNA

Reference No. 11-03320

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, in the State of Oregon. David Freer (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for 30 day Suspension with Conditions signed by Certificate Holder on August 5, 2011 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Certificate Holder on August 5, 2011 be approved and by this reference incorporated herein, and, it is further

ORDERED that the certificate to perform the duties of a nursing assistant of David Freer be suspended for 30 days with conditions and that Certificate Holder shall meet all of the terms and conditions as stated in the Stipulation.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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

In the Matter of	)	STIPULATION FOR
	)	30 DAY SUSPENSION
	)	OF NURSING ASSISTANT
David E. Freer, CNA	)	CERTIFICATE WITH
	)	CONDITIONS
)	
Certificate No. 000014532CNA)	
	)	Case No. 11-03320
)	

Mr. Freer is a Certified Nursing Assistant who obtained his Oregon Nursing Assistant Certificate on January 1, 1990. He has worked at Rose Haven Nursing Center from March 20, 1987 to April 2011.

Received a complaint from employer on June 7, 2011 that Mr. Freer failed to follow the care plan, which resulted in resident JS sustaining a hip fracture.

During a personal interview with Board staff, Mr. Freer admitted that he did not know that the care plan indicated that a tab alarm was to be used when resident JS was in bed and in his wheelchair. Mr. Freer said that he thought the tab alarm was to be used only when resident JS was in bed.

Resident JS was a dependent resident who was at risk for falls. JS's resident care plan indicated that he was a two person transfer and a gait belt was to be used with all transfers. It was also noted in the care plan that JS would attempt to take the tab alarms off the bed and the wheelchair. Mr. Freer admitted that he should have known that JS was supposed to have a tab alarm in bed and the wheelchair.

The above conduct is a violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0090 (2) (e), and (6) (a) which reads as follows:

ORS 678.442

(2) In the manner prescribed in ORS 183.310 to 183.550, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

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

OAR 851-063-0090 A CNA, regardless of job location, responsibilities, or use of the title "CNA", who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes but is not limited to:

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

(e) Neglecting a client. This definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured.

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

(a) Failing to competently perform the duties for which the individual is certified.

Mr. Freer wishes to cooperate with the Board and the following will be proposed to the Oregon State Board of Nursing and is agreed to by Mr. Freer:

That the Nursing Assistant Certificate of David Freer be suspended with conditions, for a minimum of 30 days, beginning five (5) days after mailing of the Final Order.

The course can be either continuing education or an academic course and must be approved in advance by the Board. The course to be taken is titled preventing falls. The course must be completed before January 30, 2012 and Mr. Freer shall provide proof of successful completion of the course (report, certificate of completion, transcripts etc).

Mr. Freer shall write a paper on the class at least 3 pages in length on preventing falls.

Mr. Freer understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious and if continued, constitutes a potential for danger to public's health, safety and well being.

Mr. Freer understands that in the event he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against his certificate, up to and including revocation of his Nursing Assistant Certificate.

Mr. Freer understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

Mr. Freer understands that by entering into the stipulated agreement, he waives the right to an administrative hearing.

Mr. Freer has read this Stipulation and understands it completely.

Dated this _____ day of August, 2011

David Freer, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigation Department

Nisha Sexton RN, MN
Nurse Investigator
Investigations Department

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)
)
) **FINAL ORDER**
)
)
) **Reference No. 11-02940**

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. Lisel N. Ham (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on August 24, 2011. Licensee did not appear personally.

On July 8, 2011, a Notice stating that the Board intended to suspend the registered nurse license of Licensee was sent to Licensee by certified mail to her address of record. This Notice alleged that Licensee failed to cooperate with the Board during the course of an investigation.

The Notice further 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.

-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 is a registered nurse in the State of Oregon and has been since October 1996.
- 1.2 On or about April 20, 2011, the Board received a complaint alleging that Licensee has a medical condition which impairs her alertness and judgment while on duty.
- 1.3 On April 28, 2011, Board staff sent a letter, to Licensee's address of record, instructing her to contact the Board within 10 business days, to schedule an interview to discuss the allegations of the complaint. No response was forthcoming.
- 1.4 On May 12, 2011, Board staff sent a second letter, to Licensee's address of record instructing her to contact the Board within 5 business days to schedule an interview to discuss the allegations of the complaint. No response was forthcoming.

- 1.5 On July 8, 2011, a Notice of Proposed Suspension of Registered Nurse License was sent by certified mail to Licensee's address of record.
- 1.6 Licensee did not request a hearing within the allotted 20 days and is thereby in default.

-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, Lisel N. Ham, and over the subject matter of this proceeding.
- 2.2 That Licensee's failure to appear for a personal interview with Board staff constitutes a failure to cooperate with the Board during the course of an investigation and is grounds for disciplinary action pursuant to ORS 678.111 (1) (f) and OAR 851-045-0070 (7) (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 183.550, 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 Lisel N. Ham's registered nurse license in the State of Oregon is suspended.

The suspension shall be for a minimum of two (2) weeks and remain in effect until such time that Ms. Ham has fully cooperated with the Board's investigation.

The suspension will commence seven (7) calendar days from the date the Board order is signed.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Alice Holtom, RN**

FINAL ORDER

License No. 094007019RN

Reference No. 11-02661

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. Alice Holtom (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand with Conditions signed by Licensee on July 15, 2011 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on July 15, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Registered Nurse License of Alice Holtom be reprimanded with conditions as set forth in the Stipulation. Licensee shall meet all terms and conditions set forth in the Stipulation.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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

In the Matter of)	
)	
Alice A. Holtom, RN	)	STIPULATION FOR REPRIMAND
License No. 094007019RN	)	WITH CONDITIONS
	)	OF REGISTERED NURSE LICENSE
	)	Case No. 11-02661

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses in the state of Oregon.

Alice A. Holtom (Licensee) is a Registered Nurse in Oregon. Licensee received her Registered Nurse license by examination in Oregon on December 15, 1994.

Licensee came to the Board's attention on March 21, 2011, after her employer reported her for failing to conduct a change of condition for a resident HS, and for failing to document and perform skin checks for HS.

HS was a 95 year old resident with diagnoses of Alzheimer's, Osteoarthritis, and Osteoporosis, history of Esophageal Stricture, Chronic Obstructive Pulmonary Disease and Dementia. She was admitted to Inland Point Assisted Living on April 1, 2009. HS was noted to be at high risk for falls and staff were to visually check HS every 2 to 3 hours for safety. Staff were to provide routine help with toileting, dressing, bathing and incontinence care.

HS demonstrated an overall decline over a four month period, including increased confusion and symptoms of delusion. These symptoms were not investigated by the Licensee as acute symptoms or as significant changes of condition. The service plans were not updated appropriately. HS sustained a fall on January 24, 2011, and was diagnosed with a neck fracture and a decubitus ulcer.

On December 13, 2010, CL, Regional Director of Health and Wellness for Sun Management Services, conducted an audit to "define the roles of each team member at Inland Point." The report mentioned that Licensee was frustrated because she had been promised an orientation at the time of hire that had not occurred. The prior executive director would not allow Licensee to supervise the medication room or manage and sign physician orders and medication administration records (MAR).

During the interview with Board staff, Licensee admitted that she was not familiar with the rules of delegation and the appropriate paperwork that was required in assisted living facilities.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (f), OAR 851-045-0070 (1), (1) (h), (3) (a) (b) and (4) (b) which provides as follows:

ORS 678.111

Alice A. Holtom, RN
Case No. 11-02661
6/24/2011

(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.

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:

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

(h) Failing to teach and supervise unlicensed persons to whom nursing tasks have been delegated.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.

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

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

Licensee wishes to cooperate with the Board in resolving the present disciplinary problems. Therefore, the following will be proposed to the Board and is agreed to by Licensee:

That the registered nurse license of Licensee be reprimanded with conditions as follows:

Licensee shall complete one formal course of study on delegation and documentation in community based settings. The course may be either a continuing education class of at least 5 CMEs or an academic course at least 4 hours in length. The course must be approved in advance by the Board and completed by January 10, 2012. Licensee shall write a paper on her delegation and documentation class at least 1 page in length presenting the information she has learned which can make a difference in her practice as a Registered Nurse. Additionally, she shall provide an outline of the course. Licensee shall provide proof of successful completion of the

Alice A. Holtrom, RN
Case No. 11-02661
6/24/2011

delegation and documentation course (report, certificate of completion, transcripts etc). Licensee is responsible for paying all costs and expenses required for Licensee to comply with these conditions.

Licensee understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious in nature.

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

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

Licensee understands that, by entering into this Stipulation, she waives any and all rights to notice and an administrative hearing under ORS 183.310 to 183.550, and to appeal or otherwise challenge this Stipulation or the Final Order adopting it.

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

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

Licensee has fully read this Stipulation and understands it completely.

Dated this _____ day of July, 2011

Alice A. Holtrom, RN

OREGON STATE BOARD OF NURSING

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigation Department

Date

Nisha Sexton, RN, MN
Nurse Investigator
Investigation Department

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Denise Howser, LPN

License No. 200330189LPN

)
)
)
)
)
)

**FINAL ORDER
BY DEFAULT**

Reference No. 11-00281

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Practical Nurses, in the State of Oregon. Denise Howser (Licensee) is a Licensed Practical Nurse (LPN) in the State of Oregon.

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on August 24, 2011.

On July 7, 2011, a Notice stating that the Board intended to suspend the Practical Nurse license of Denise Howser was sent to Licensee by certified and regular mail to her address of record. This Notice alleged that Licensee had failed to cooperate with the Board during the course of an investigation. The Notice further 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 Denise Howser is a Licensed Practical Nurse in the state of Oregon, and has been licensed since July 2003.
- 1.2 On December 10, 2010, Licensee was reported to the Board for allegedly "stealing pain killers" from the hospital where she worked for her own use, for the use of her husband, and to sell to others. It was further alleged that Licensee had made mistakes at work

Denise Howser
Final Order by Default

due her diabetes.

- 1.3 On January 21, 2011, Board staff sent Licensee a letter to her address of record, instructing her to contact the Board by February 4, 2011, to schedule an interview with Board staff to discuss the allegations. On February 22, 2011, Licensee contacted Board staff and stated she was out of state, and would be gone at least a week due to a family emergency. On March 2, 2011, Licensee contacted Board staff and scheduled an appointment for a personal interview on April 19, 2011.
- 1.4 On April 11, 2011, Board staff attempted to contact Licensee via telephone to reschedule the time of her appointment. The phone number was disconnected. Board staff then sent an email to the electronic mail address provided by licensee, to reschedule the time of the appointment on April 19, 2011. No response was forthcoming.
- 1.5 On April 13, 2011, Board staff sent a letter to Licensee's address of record requesting that she contact the Board to reschedule the time of her appointment on April 19, 2011. No response was forthcoming.
- 1.6 On April 18, 2011, Board staff sent a letter to Licensee's address of record requesting she contact the Board within 5 business days to reschedule her appointment. On April 23, 2011, Licensee contacted Board staff. She stated that she remained out of town due to family issues, was not working in Oregon, and requested that a telephone interview be scheduled to discuss the matter.
- 1.7 On May 16, 2011, Licensee scheduled a telephone interview with Board staff for June 28, 2011, at 10:00 am.
- 1.8 On June 28, 2011, at 10:00 am, Board staff attempted to contact Licensee at the phone number provided by Licensee for the telephone interview. Licensee did not answer the phone; a message was left for Licensee to contact Board staff. No response was forthcoming. Licensee did not independently attempt to contact Board staff for the interview.

-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 failure to cooperate with the Board during the course of an investigation as described in Section I above, constitutes Conduct Derogatory to Standards of Nursing, in violation of ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (7) (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 Denise Howser's Practical Nurse license in the State of Oregon is suspended. The suspension shall be for a minimum of two (2) weeks and remain in effect until such time that Ms. Howser has fully cooperated with the Board's investigation commencing five (5) business days from the date this Final Order is signed.

Should the Board reinstate the Practical Nurse license of Denise Howser, she would be subject to whatever terms and conditions the Board may impose, including a period of suspension.

DATED this ___ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
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.

Denise Howser
Final Order by Default

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)
)
DONNA D. LAYMAN, LPN)
License No. 200530198LPN)
)
_____)

FINAL ORDER

Reference No. 11-02948

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. Donna D. Layman (Licensee) is a licensed practical nurse in the State of Oregon.

The Board considered this Matter on August 24, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand of Practical Nurse License with Conditions signed by Licensee on August 12, 2011, and so dispense with this matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Reprimand of Practical Nurse License with Conditions and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the stipulation.

It is hereby **ORDERED** that the practical nurse license of Donna D. Layman be reprimanded and that the Stipulation for Reprimand of Practical Nurse License with Conditions signed by Licensee on August 12, 2011, be approved and by this reference incorporated herein, and

It is further **ORDERED** that Licensee shall meet all of the terms and conditions as stated in the stipulation.

DATED this _____ day of August 2011

Patricia Markesino, RN
Board President

- (c) Failing to develop, implement and/or follow through with the plan of care.
- (j) Leaving or failing to complete any nursing assignment, including a supervisory assignment, without notifying the appropriate supervisory personnel and confirming that nursing care for the client(s) will be continued.
- (2) Conduct related to other federal or state statute/rule violations:
 - (o) Failing to dispense or administer medications, including Methadone, in a manner consistent with state and federal law.
- (3) Conduct related to communication:
 - (a) Inaccurate recordkeeping in client or agency records.
 - (b) Incomplete recordkeeping regarding client care; including, but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.
- (4) Conduct related to achieving and maintaining clinical competency:
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee admits her conduct constitutes violations as described above and wishes to cooperate with the Board in resolving the present disciplinary problems.

Licensee understands that the Stipulation for Reprimand with Conditions will be submitted to the Board for approval, and that it is subject to its confirmation.

Licensee understands that, by entering into this Stipulation for Reprimand, she waives the right to an administrative hearing under ORS 183.310 to 183.550.

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 practical nurse license of Donna D. Layman will be reprimanded, and that she will comply with the following conditions:

Licensee shall complete at least three formal courses of study focusing on medication administration, nursing documentation and professional accountability. The course or combination of courses must total at least four (4) continuing education credits (CEU) per topic. Licensee may utilize in-person training or seminar, online training, teleconference, webinar or combination of learning methods in meeting the conditions of this stipulation. Board staff must be made aware of and approve each course in advance.

Licensee shall provide proof of successful completion of these courses by providing the Board a copy of either a certificate of completion or an official transcript.

Licensee shall complete the courses of study and submit her completion certificates to the Board by November 25, 2011.

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

Dated this _____ day of _____, 20____

Donna D. Layman, LPN

FOR THE OREGON STATE BOARD OF NURSING

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

Kimberly A. Wood, BSN, RN, BC
Nurse Investigator
Investigations Department

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
	)	FINAL ORDER
FRANK STANLEY LAZARD, LPN)	
License No. 200430036LPN	)	Reference No. <u>11-03428</u>
_____)	

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. Frank Stanley Lazard (Licensee) is a licensed practical nurse in Oregon.

The Board considered this matter on August 24, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of Practical Nurse License signed by Licensee on July 24, 2011, and so dispense with this matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Voluntary Surrender of Practical Nurse License and the agency file in this matter, the Board finds that reasonable factual and legal grounds exist to support approval of the stipulation.

It is hereby **ORDERED** that the license of Frank Stanley Lazard be surrendered and that the Stipulation for Voluntary Surrender of Practical Nurse License signed by Licensee on July 24, 2011, be approved and by this reference incorporated herein, and

It is further **ORDERED** that Licensee shall meet all of the terms and conditions as stated in the stipulation.

DATED, this _____ day of August 2011

Patricia Markesino, RN
Board President

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

In the Matter of	)	STIPULATION FOR
	)	VOLUNTARY SURRENDER
FRANK LAZARD, LPN	)	OF PRACTICAL NURSE
License No. 200430036LPN	)	LICENSE
)	
_____	)	Reference No. <u>11-03428</u>

The Oregon State Board of Nursing first licensed Frank S. Lazard (Licensee) as an LPN in 2004.

In June 2011, Licensee came to the attention of the Oregon State Board of Nursing (Board) when it received a complaint, which alleged that Licensee violated professional boundaries, was involved in a sexual relationship with a client and had provided/dispensed unauthorized medications to a client.

Licensee began working at a home care agency as a client care manager in April 2010. During his employment with the home care agency, Licensee admits that he had a sexual relationship with a vulnerable, adult client in his care. The sexual relationship occurred from approximately August 2010 through January 2011. Licensee admits that during that time he watched pornographic videos with the client and gave her gifts, which included a gold tone ring with blue stones. Licensee admits that he shopped for the client, spent time with her family, friends, shared aspects of his personal life with her such as information about, and pictures of his family, his health problems, his surgery and his financial matters.

During the time that Licensee was involved in the sexual relationship with his client, Licensee admits to borrowing one hydrocodone/acetaminophen tablet from the client but states that he replaced it with one from his own supply.

Licensee stated that he requested that his employer reassign the client to another case manager when he realized that his relationship with the client had violated professional nurse/client boundaries. The client suffered following the end of her relationship with Licensee, she was noted as distraught, tearful and having feelings of being manipulated and exploited.

By the previously described actions, Licensee is subject to discipline pursuant to violations of ORS 678.111 (1) (b) and (f); OAR 851-045-0070 (1) (b) and (l) and (m) and (n); (2) (a) and (o); and (4) (b) which reads as follows:

678.111 Causes for denial, renovation 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 a 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 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:

- (b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level for which the licensee is licensed.
- (f) Conduct derogatory to the standards of nursing

**Conduct Derogatory to the Standards of Nursing Defined
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:

- (1) Conduct related to the client's safety and integrity:
 - (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
 - (l) Failing to respect the dignity and right of clients, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, or disability.
 - (m) Engaging in or attempting to engage in sexual contact with a client; and
 - (n) Failing to maintain professional boundaries with a client.
- (2) Conduct related to other federal or state statute/rule violations:
 - (a) Abusing a client. The definition of abuse includes, but is not limited to, intentionally causing physical or emotional harm or discomfort, striking a client, intimidating, threatening or harassing a client, wrongfully taking or appropriating money or property, or knowingly subjecting a client to distress by conveying a threat to wrongfully take or appropriate money or property in a manner that causes the client to believe the threat will be carried out.
 - (o) Failing to dispense or administer medications, including methadone, in a manner consistent with state and federal law.
- (4) Conduct related to achieving and maintaining clinical competency:
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board and has agreed to surrender his practical nurse license. Licensee agrees to the following and acknowledges that it will be proposed to the Oregon State Board of Nursing:

That the Board accepts the voluntary surrender of the LPN license of Frank Stanley Lazard. Licensee may not apply to the Board to reinstate his licensure for three years from the date of the

Final Order. If, at a future date, he wishes to reinstate his license, he will appear before the Board to request reinstatement of his LPN license. Licensee will present to the Board evidence of his ability to safely practice nursing. Should the Board reinstate the license, Licensee would be subject to whatever terms and conditions the Board may impose.

Licensee agrees that as of the date of his signature below he will cease to practice nursing or offer to practice nursing or use any title, abbreviation, card or device to indicate that the individual is so licensed to practice nursing in Oregon.

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 signing this stipulated agreement he waives the right to an administrative hearing.

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

Licensee acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this stipulation.

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

Dated this _____ day of _____ 2011

Frank Stanley Lazard

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

Kimberly A. Wood, BSN, RN, BC
Nurse Investigator
Investigations Department

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)	
In the Matter of)	
Daniel McGonigle, RN	)	FINAL ORDER
)	
)	
License No. 093000612RN	)	Reference No. 11-02739

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. Daniel McGonigle (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand signed by Licensee on July 30, 2011 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on July 30, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Registered Nurse License of Daniel McGonigle be reprimanded as set forth in the Stipulation. Licensee shall meet all terms and conditions set forth in the Stipulation.

DATED this _____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

The above conduct is a violation of the provisions of ORS 678.111 (1) (f), and OAR 851-045-0070 (1) (a) (c); (3) (b); (4) (a) and (b).

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.

**Conduct Derogatory to the Standards of Nursing Defined
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:

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

(c) Failing to develop, implement and/or follow through with the plan of care.

(3) Conduct related to communication:

(b) Incomplete recordkeeping regarding client care; including , but not limited, to failure to document care given or other information important to the client's care documentation which is inconsistent with the care given.

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

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

Licensee admits his conduct constitutes violations as described above and wishes to cooperate with the Board in resolving the present disciplinary problems.

Licensee understands that this Stipulation for Reprimand will be submitted to the Board for approval, and that it is subject to its confirmation.

Licensee understands that, by entering into this Stipulation for Reprimand, he waives the right to an administrative hearing under ORS 183.310 to 183.550.

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 registered nurse license of Daniel M. Mcgonigle will be reprimanded.

Licensee, by his signature below, attests that he has read and understood this Stipulation for Reprimand, and declares that no promises, representations, duress, or coercion have been used to induce him to sign it.

Dated this _____ day of July, 2011

Daniel M. Mcgonigle, RN

FOR THE OREGON STATE BOARD OF NURSING

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

Nisha Sexton, RN, MN
Nurse Investigator
Investigations Department

Daniel M. Mcgonigle, RN
Case No. 11-02739
Stipulation for Reprimand
6/15/2011

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)	
In the Matter of)	
Shannon Munn, CNA	)	FINAL ORDER
)	
)	
Certificate No. 000031997CNA	)	Reference No. 12-00200

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, certifying, regulating and disciplining certain health care providers, including nursing assistants, in the State of Oregon. Shannon Lee Munn (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of the Certified Nursing Assistant certificate signed by Certificate Holder on August 9, 2011, and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Certificate Holder on August 9, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Voluntary Surrender of the Certified Nursing Assistant certificate of Shannon Lee Munn, and the Stipulation for Voluntary Surrender be adopted.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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

In the Matter of	)	STIPULATION FOR
	)	VOLUNTARY SURRENDER
Shannon Lee Munn, CNA	)	OF NURSING ASSISTANT
	)	CERTIFICATE
)	
Certificate No. 000031997CNA	)	Case No. 12-00200
)	

Shannon Lee Munn, hereinafter referred to as “Certificate Holder” is a Certified Nursing Assistant (CNA) in the State of Oregon. Certificate Holder obtained certification in Oregon through examination on June 27, 1995.

On or about April 22, 2010, the Board received Certificate Holder’s CNA renewal application. She answered yes to the question, “Have you ever been arrested or cited in lieu of arrest, charged with, entered a plea of guilty or no contest, or convicted of any felony criminal offense?” Certificate Holder explained that she was arrested for Driving Under the Influence of Intoxicants (DUII) and Reckless Driving. According to the Certificate Holder, the reckless driving charge was dismissed, but was charged with DUII.

A review of the police records indicated Certificate Holder was cited on January 11, 2010 for DUII. On March 5, 2010, Certificate Holder pled guilty to the charge and entered a court ordered diversion program.

On May 17, 2010, Board staff received treatment records as requested. According to the records, Certificate Holder underwent a chemical dependence assessment and diagnosed with Opioid Dependence, Sedative, Hypnotic and Anxiolytic Dependence, and Amphetamine Dependence.

Certificate Holder signed a Stipulation for Probation on June 23, 2010. The Stipulation was accepted by the Board on July 14, 2010.

On March 3, 2011, Board staff received a discharge summary from Certificate Holder’s treatment provider verifying her successful completion of the program.

Shortly after beginning probation, Certificate Holder transferred to a new position with her current employer and is no longer working as a CNA. She has decided to make a career change and does not plan to renew her certificate when it expires. Though she wants to be compliant with her stipulated agreement, she does not foresee being able to meet the required hours performing the duties at the level of a Certified Nursing Assistant. Certificate Holder decided she did not want to continue on probation and wished to surrender her certificate.

The above action constitutes a violation of the provisions of ORS 678.442 (2) (f) and OAR 851-063-0090 (9) (d) which provides as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," who, in the performance of nursing related duties, may adversely affect the health, safety, or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes but is not limited to:

(9) Conduct related to the certificate holder's relationship with the Board:

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

Certificate Holder 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 Certified Nursing Assistant certificate.

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

That the Voluntary Surrender of the nursing assistant certificate of Shannon Lee Munn be accepted. If, after a minimum of three (3) years, she wishes to reinstate her certificate to perform the duties of a nursing assistant, she shall petition to appear before the Board to make such a request. At the time of her request for reinstatement, she shall provide evidence of her ability to safely return to the performance of duties as a nursing assistant. Should the Board reinstate the certificate of Ms. Munn, she shall make application to and successfully complete a Board approved nursing assistant training program and the Board administered competency examination as provided under ORS 678.440 and OAR 851-062-0070. Once she successfully passes the competency evaluation, she may be subject to whatever terms and conditions the Board may impose.

Certificate Holder agrees that she will not practice as a Certified Nursing Assistant from the date of her signature on this Stipulation.

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

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

Certificate Holder understands that by signing this Stipulated Agreement she waives any and all rights to an administrative hearing. She acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Stipulation.

Certificate Holder has read the Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

Dated this _____ day of _____, 2011.

Shannon Lee Munn, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Chris Montenaro
Compliance Manager
Investigations Department

Nikki Blomquist, MA, CADCI
Probation Coordinator
Investigations Department

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)	
In the Matter of)	
Malongmelie Paye, CNA	)	FINAL ORDER
)	
)	
Certificate No. 200410628CNA	)	Reference No. 11-02409

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, certifying, regulating and disciplining certain health care providers, including certified nursing assistants in the State of Oregon. Malongmelie Paye (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of the nursing assistant certificate signed by Certificate Holder on July 18, 2011, and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Certificate Holder on July 18, 2011 be accepted and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Stipulation for Voluntary Surrender of the nursing assistant certificate of Malongmelie Paye and the Stipulation be adopted.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

Malongmie Paye
Stipulation for Voluntary Surrender

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATION FOR**
Malongmelie Paye, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 200410628CNA) **Reference No. 11-02409**

The Oregon State Board of Nursing, (Board) is the state agency responsible for the certification and regulation of Certified Nursing Assistants (CNA) in the State of Oregon. Malongmelie Paye (Certificate Holder) is a Certified Nursing Assistant (CNA) in the State of Oregon. The Board first issued her nursing assistant certificate on March 26, 2004.

Certificate Holder allowed her certificate to expire by submitting a late renewal application in February 2011. On the application, Certificate Holder disclosed that she had been arrested for a Driving Under the Influence of Intoxicants (DUII) on March 9, 2009. The Board opened an investigation into the matter.

Certificate Holder was first arrested for DUII in 2004, and received a diagnosis of Alcohol Dependence. Certificate Holder was placed on probation by the Board for a period of two years on June 21, 2006. Certificate Holder successfully completed the period of probation.

Following the second arrest for DUII in March 2009, Certificate Holder enrolled in a court ordered treatment program on November 5, 2009. She was assigned the diagnoses of Alcohol Dependence and Cannabis Dependence. She successfully completed the program on August 3, 2010. According to the records, her diagnoses at the time of discharge from the program remained Alcohol Dependence and Cannabis Dependence.

Certificate Holder maintains that she has continued to maintain sobriety through counseling since her discharge from treatment, but acknowledges that her behavior constitutes a violation of the Nurse Practice Act. She wishes to cooperate with the Board in settling the present disciplinary matter by voluntarily surrendering her nursing assistant certificate.

The above conduct is a violation of the provisions of ORS 678.442 (2) (c), (d) and (f) and OAR 851-063-0080 (3), (4) and (6) and OAR 851-063-0090 (7) (a).

678.442 Certification of nursing assistants; rules.

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

(c) Impairment as defined in ORS 676.303

(d) Violation of any provisions of ORS 678.010 to 678. 445 or rules adopted thereunder.

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

Causes for Denial, Suspension, Probation or Revocation of CNA Certificate
OAR 851-063-0080

Under the contested case procedure in ORS 183.310 to 183.550 the Board may deny, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

(3) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant; ORS 678.442 (2)

(4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder; ORS 678.442 (2) (d)

(6) Conduct unbecoming a nursing assistant in the performance of duties. ORS 678.442 (2) (f).
Conduct Unbecoming a Nursing Assistant

OAR 851-063-0090

Conduct Unbecoming a Nursing Assistant OAR 851-063-0090

(7) Conduct related to impaired function:

(a) Using intoxicants, prescription, over the counter or controlled drugs to an extent or in a manner injurious to the nursing assistant or others or to the extent that such use impairs the ability to conduct safely the duties of a nursing assistant; or

Certificate Holder admits the above allegations, and acknowledges that her behavior constitutes violations of the Nurse Practice Act as outlined above.

Certificate Holder understands this Stipulation will be submitted to the Board of Nursing at their next scheduled meeting for approval, and is subject to the Board's adoption and confirmation. Certificate Holder understands that if approved, the Board will issue a Final Order adopting this Stipulation.

Certificate Holder understands that, by entering into this Stipulation, she waives any and all rights to an administrative hearing under ORS 183.310 to 183.550, and to appeal or otherwise challenge this Stipulation or the Final Order adopting it.

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

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

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

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

That the voluntary surrender of the Certified Nursing Assistant certificate of Malongmelie Paye be accepted. If at a future date, she wishes to reinstate her nursing certificate, Certificate Holder shall appear before the Board to request reinstatement.

Should the Board reinstate the nursing certificate of Ms. Paye, she would be subject to whatever terms and conditions the Board may impose.

Dated this _____ day of _____, 2011.

Malongmelie Paye, CNA

FOR THE OREGON STATE BOARD OF NURSING

Marilyn Hudson RN, MSN, CNS, FRE
Investigation Manager
Investigation Department

Michelle Standridge BSN, RN
Nurse Investigator
Investigation Department

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)	
In the Matter of)	
Sylvia Quesada, RN	)	FINAL ORDER
)	
)	
License No. 093006090RN	)	Reference No. 11-03372

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. Sylvia Quesada (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender signed by Licensee on July 20, 2011 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Voluntary Surrender and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on July 20, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Voluntary Surrender of Sylvia Quesada's registered nurse license and that the Stipulation for Voluntary Surrender be adopted.

DATED this _____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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

In the Matter of	)	STIPULATION FOR
	)	VOLUNTARY SURRENDER
Sylvia M Quesada, RN	)	OF REGISTERED NURSE
License No.093006090RN	)	LICENSE
)	
	)	Case No. 11-03372
)	

The Oregon State Board of Nursing first licensed Sylvia M. Quesada (Licensee) as a Registered Nurse on March 24, 1993.

In July 2010, the Oregon State Board of Nursing received notification from Health Professionals Services Program (HPSP) that Licensee failed to complete mandatory urine analysis testing on June 13, 2011. Licensee has three previous non-compliance reports. On October 6, 2010, she failed to renew her RN license in a timely manner. On October 13, 2010, Licensee tested positive for Tramadol and Propoxyphene and was unable to provide a valid prescription. On November 19, 2010, Licensee failed to test. According to Licensee’s contract with the HPSP, she was required to meet all requirements of her program. The Board opened an investigation into the matter.

On June 9, 2011, Licensee was hired by Oregon Medical Group (OMG) to work as a triage nurse. On June 17, 2011, Licensee called a prescription for Tramadol to a local pharmacy using a physician’s DEA number and impersonating a patient. Pharmacy staff were suspicious and did not fill the prescription at that time. Licensee’s manager was contacted and was able to identify Licensee on color video attempting to pick up the prescription while impersonating a patient. Licensee was terminated from Oregon Medical Group.

Licensee acknowledges that she now wishes to surrender her Registered Nurse license in Oregon. Licensee stated that she was going to go back to treatment and intends to pursue another line of work.

By the previously described actions, Licensee is subject to discipline pursuant to violations of ORS 678.111 (1) (e) and (f); OAR 851-045-0070 (2) (i), (4) (b); (5) (c); OAR 851-070-0100 (676.200 (1) (k) (l) and (2) which reads as follows:

678.111 Causes for denial, renovation 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 a 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 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:
 - (e) Impairment as defined in ORS 676.303
 - (f) Conduct derogatory to the standards of nursing.

Sylvia M. Quesada-Stipulation for a Voluntary Surrender
Case No. 11-03372

**Conduct Derogatory to the Standards of Nursing Defined
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:

- (2) Conduct related to other federal or state statute/rule violations:
 - (i) Possessing, obtaining, attempting to obtain, furnishing or administering prescription or controlled drugs to any person, including self, except as directed by a 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:
 - (c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

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

- (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:
 - (k) Violated any provisions of OAR 851-070-0080.
 - (l) Violated any terms of the diversion agreement.
- (2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

Licensee wishes to cooperate with the Board and has agreed to surrender her Registered Nurse license. The following is agreed to by Licensee and will be proposed to the Oregon State Board of Nursing:

That the voluntary surrender of the Registered Nurse license of Sylvia M. Quesada be accepted. Licensee may not apply to the Board to reinstate her licensure for three years from the date of the Final Order. If, at a future date, she wishes to reinstate her license, she will appear before the Board to request reinstatement of her Registered Nurse license. Licensee shall provide a current chemical dependency evaluation by a provider approved by the Board. Licensee will have documentation supporting her compliance with all recommended treatments and aftercare requirements as prescribed and will present to the Board evidence of her ability to safely practice nursing. Licensee will show evidence of 24 months sobriety. Should the Board reinstate the license, Licensee would be subject to whatever terms and conditions the Board may impose.

Sylvia M. Quesada-Stipulation for a Voluntary Surrender
Case No. 11-03372

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 signing this stipulated agreement she waives the right to an administrative hearing.

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

Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this stipulation.

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

Dated this _____ day of July, 2011

Sylvia M. Quesada

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

Nisha Sexton, RN, MN
Nurse Investigator
Investigations Department

Sylvia M. Quesada-Stipulation for a Voluntary Surrender
Case No. 11-03372

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Chersi Ramey, CNA**

FINAL ORDER

Certificate No. 200510968CNA

Reference No. 11-03239

The Oregon State Board of Nursing (Board) is the state agency responsible for certifying, regulating and disciplining certain health care providers, including nursing assistants, in the State of Oregon. Chersi Ramey, CNA (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand signed by Certificate Holder on June 30, 2011 and so dispense with this Matter pursuant to ORS 183.415(5).

Upon review of the Stipulation and the agency file in this matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Certificate Holder on June 30, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Nursing Assistant Certificate of Chersi Ramey be reprimanded as set forth in the Stipulation.

DATED this _____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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

In the Matter of)	
)	
Chersi Ramey, CNA	)	STIPULATION FOR
Certificate No. 200510968CNA	)	REPRIMAND OF NURSING
	)	ASSISTANT CERTIFICATE
)	
	)	Case No.: 11-03239

The Oregon State Board of Nursing, (Board) is the agency responsible for certifying and regulating Nursing Assistants in the State of Oregon. Chersi Ramey (Certificate Holder) is a Certified Nursing Assistant (CNA) in the State of Oregon. The Board issued Certificate Holder a Nursing Assistant certificate on April 18, 2005.

Certificate Holder was employed as a Certified Nursing Assistant at Harbor Care Reedwood. It was reported to the Board that on May 27, 2001, Certificate Holder reported to duty, accepted a patient assignment and abruptly left the facility, without notifying her supervisor.

The conduct described above is a violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0080 (6); and OAR 851-063-0090 (1) (a), which reads as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

OAR 851-063-0080 Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate

Under the contested case procedure in ORS 183.310 to 183.550 the Board may deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (6) Conduct unbecoming a nursing assistant in the performance of duties. ORS 678.442(2) (f)

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes but is not limited to:

- (1) Conduct related to achieving and maintaining clinical competency:
(a) Leaving a nursing assistant assignment without properly notifying appropriate supervisory personnel.

Certificate Holder acknowledges her misconduct 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 Nursing Assistant Certificate of Chersi Ramey be reprimanded.

Ms. Ramey understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious and if continued, constitutes a potential for danger to public's health, safety and well being.

Ms. Ramey understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her Nursing Assistant certificate.

Ms. Ramey understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

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

Ms. Ramey has read this Stipulation and understands it completely.

Ms. Ramey understands that this Stipulation will become a matter of public record at such time as the Board issues a Final Order adopting it.

Dated this _____ day of _____, 2011

Chersi Ramey, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Yvonne Spearing, CNA

FINAL ORDER

Certificate No. 200011270CNA

Reference No. 11-02892

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, in the State of Oregon. Yvonne Spearing (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for 30 day Suspension with Conditions signed by Certificate Holder on July 28, 2011 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Certificate Holder on July 28, 2011 be approved and by this reference incorporated herein, and, it is further

ORDERED that the certificate to perform the duties of a nursing assistant of Yvonne Spearing be suspended for 30 days with conditions and that Certificate Holder shall meet all of the terms and conditions as stated in the Stipulation.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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

In the Matter of	)	STIPULATION FOR
	)	30 DAY SUSPENSION
	)	OF NURSING ASSISTANT
Yvonne Spearing, CNA	)	CERTIFICATE WITH
	)	CONDITIONS
)	
Certificate No. 20011270CNA)	
	)	Case No. 11-02892
)	

Ms. Spearing is a Certified Nursing Assistant who endorsed from Utah and obtained her Oregon Nursing Assistant Certificate on October 24, 2000. She has been working part time and on call at Marquis Care at Powellhurst from March 2007 to April 2011.

Received a complaint from employer on April 15, 2011 that Ms. Spearing did not follow the care plan, which resulted in MP sustaining a fracture of the femur.

During a personal interview with Board staff, Ms. Spearing admitted that she did not use a gait belt to transfer MP. Ms. Spearing also indicated that she was not able to read the care plan since she could not access the facility computer data base. Ms. Spearing said that she was not familiar with MP's care needs. Ms. Spearing said that during the transfer, she suffered a back spasm and was unable to complete the transfer and lowered MP to the floor

A review of the facility gait belt usage policy states that staff must use the gait belt during ambulation or transfer of residents' who need the security as indicated by the physician's orders, by resident's preference or by the resident care plan. MP's resident care plan indicated that MP was a two person transfer and a gait belt was to be used with all transfers. It was also noted in the care plan that MP could be physically aggressive during care. According to MP's care plan, she had contractures bilaterally and was unable to straighten her legs or bend them. MP had minimal movement in her feet and ankles and was unable to bear weight on her feet. Licensee failed to use a gait belt during a transfer and failed to read and follow MP's care plan resulting in patient harm.

The above conduct is a violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0090 (2) (e), (3) (b) and (6) (a) which reads as follows:

ORS 678.442

(2) In the manner prescribed in ORS 183.310 to 183.550, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

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

OAR 851-063-0090 A CNA, regardless of job location, responsibilities, or use of the title "CNA", who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes but is not limited to:

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

(e) Neglecting a client. This definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured.

(3) Conduct related to communication:

(b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.

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

(a) Failing to competently perform the duties for which the individual is certified.

Ms. Spearing wishes to cooperate with the Board and the following will be proposed to the Oregon State Board of Nursing and is agreed to by Ms. Spearing:

That the Nursing Assistant Certificate of Yvonne Spearing be suspended with conditions, for a minimum of 30 days, beginning five (5) days after mailing of the Final Order.

The course can be either continuing education or an academic course and must be approved in advance by the Board. The course to be taken is titled preventing falls. The course must be completed before January 1, 2012 and Ms. Spearing shall provide proof of successful completion of the course (report, certificate of completion, transcripts etc).

Ms. Spearing shall write a paper on the class at least 3 pages in length on preventing falls.

Ms. Spearing understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious and if continued, constitutes a potential for danger to public's health, safety and well being.

Ms. Spearing 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 Nursing Assistant Certificate.

Ms. Spearing understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

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

Ms. Spearing has read this Stipulation and understands it completely.

Dated this _____ day of July, 2011

Yvonne Spearing, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigation Department

Nisha Sexton RN, MN
Nurse Investigator
Investigations Department

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Christian Thor, RN)	
)	
	)	FINAL ORDER BY DEFAULT
)	
)	
License No. 200642984RN	)	Reference No. 11-03431

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. Christian Thor (Licensee) is a Registered Nurse in the State of Oregon.

This matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on August 24, 2011. Licensee did not appear personally.

On August 1, 2011, a Notice stating that the Board intended to suspend the Registered Nurse license of Licensee was sent to Licensee by certified mail to his address of record. This Notice alleged that Licensee failed to cooperate with the Board during the course of an investigation.

The Notice further 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 purposed 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 On June 27, 2011, the Board received notification that Licensee is under disciplinary action in the state of Washington for alleged violations of incompetence, negligence, or malpractice which resulted in injury to a patient, or which created an unreasonable risk that a patient may be harmed.
- 1.2 The Board has made multiple, unsuccessful attempts to contact Licensee at his address of record to discuss this matter. He has not responded to the Board's requests for interview with him, and he has not provided the Board with requested documents.

-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, Christian Thor, and over the subject matter of this proceeding.
- 2.2 That Licensee's failure to respond to interview and document requests constitutes failure to cooperate with the Board during the course of an investigation and is grounds for disciplinary action pursuant to ORS 678.111 (1) (f) and OAR 851-045-0070 (7) (a) (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 183.550, 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 Christian Thor's Registered Nurse license in the State of Oregon is suspended.

The suspension shall be for a minimum of two (2) weeks and remain in effect until such time that Licensee has fully cooperated with the Board's investigation.

The suspension will commence seven (7) calendar days from the date the Board order is signed.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Sean Tinnin, LPN**

FINAL ORDER BY DEFAULT

License No. 200530059LPN

Reference No. 11-02547

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 (LPN) in the State of Oregon. Sean Tinnin (Licensee) is a Licensed Practical Nurse in the State of Oregon.

The Oregon State Board of Nursing considered this matter on August 24, 2011. Applicant did not appear in person.

On March 2, 2011, Licensee was reported to the Board for suspicion of drug diversion and medication discrepancies. The Board opened an investigation into the matter. On March 15, the Board sent a letter to Licensee's address of record requesting that he contact the Board to schedule an interview to discuss the allegations. The letter also requested that he forward a copy of his resume to the Board office. On March 30, 2011, a second letter was sent to Licensee's address of record. It gave Licensee 14 days in which to contact Board staff for an interview appointment and to forward the requested documents. No response has been forthcoming. The Notice of Proposed suspension was mailed to Applicant by certified mail and regular mail to his address of record.

The Notice further granted to Applicant an opportunity for hearing, if requested within 20 days of the mailing of the Notice. The Board has received no such request for hearing. 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, testimony and the agency file in this case, the Board finds the following:

1.1 On or about March 2, 2011 the Board received a complaint alleging that Licensee was

engaging in conduct derogatory by diverting narcotics and for multiple medication discrepancies.

- 1.2 On March 2 and 15, letters were sent to Licensee's address of record asking him to schedule an appointment with Board staff to discuss the allegations. No response has been forthcoming
- 1.3 On March 2 and 15, 2011, Licensee was asked to forward his current resume beginning from graduation from nursing school to the present. No documents were sent to the Board.
- 1.4 Licensee has failed to cooperate with the Board during the course of an investigation.

-II-

CONCLUSIONS OF LAW

- 2.1 That the Board has jurisdiction over the licensee, Sean Tinnin, and over the subject matter of this proceeding.
- 2.2 That Sean Tinnin defaulted on the Notice by not requesting a hearing within the allotted 20 days and as a result, pursuant to ORS 183.310 to 183.550, the Board may enter a Final Order by Default.
- 2.3 The Board concludes that not responding to its inquiries and requests, as described in section I, above, constitutes a failure to cooperate during the course of an investigation, and that Mr. Tinnin has therefore engaged in conduct derogatory to the standard of nursing, in violation of ORS 678.111 (1) (f) and OAR 851-045-0015 (7) (c).

**-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 Sean Tinnin's Practical Nurse License in the State of Oregon be suspended for an indefinite period. Such suspension shall continue until such time as Mr. Tinnin cooperates fully with the Board's investigation. If and/or when Mr. Tinnin fully cooperates with the Board's investigation, it may at its discretion initiate further disciplinary action if that investigation determines that Mr. Tinnin has committed other violations of the Nurse Practice Act (ORS 678 et seq) or any of the administrative rules adopted thereunder.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
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.

SIGNATURES & DATED COPY TO FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)	
In the Matter of)	
Kristina Wolfe, RN	)	FINAL ORDER
)	
)	
License No. 091000557RN	)	Reference No. 11-03286

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, certifying, regulating and disciplining certain health care providers, including nursing assistants, in the State of Oregon. Kristina Lynn Wolfe (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of the Registered Nurse License signed by Licensee on August 20, 2011, and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on August 20, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Voluntary Surrender of the Registered Nurse license of Kristina Lynn Wolfe and the Stipulation for Voluntary Surrender be adopted.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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

In the Matter of	)	STIPULATION FOR
	)	VOLUNTARY SURRENDER
Kristina Lynn Wolfe, RN	)	OF REGISTERED NURSE
	)	LICENSE
)	
License No. 091000557RN	)	Case No. 11-03286
)	

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses in the state of Oregon.

Kristina Lynn Wolfe (Licensee) is a registered nurse in Oregon. Licensee obtained her Associate's Degree in Nursing from Linn Benton Community College in 1991. She received her registered nurse license by examination in Oregon on August 20, 1991.

Licensee came to the Board's attention when it was reported that Oregon Health Sciences University (OHSU) had terminated her contract on August 6, 2010 for suspicion of narcotics diversion. An audit of OHSU's narcotics records revealed Licensee had withdrawn narcotics from the hospital's Pyxis system at more than twice the volume of any other nurse working in on that unit. Licensee removed from Pyxis the same three narcotics for every patient, well ahead of the patients' arrival from the operating room and regardless of the physicians' orders.

Licensee agreed to complete a Chemical Dependency evaluation as requested by Board staff. Licensee was assigned the diagnoses of Depression and Opioid Dependence. Licensee began outpatient treatment on November 30, 2010.

On March 23, 2011, the Board approved the Stipulation for Probation signed by the Licensee and was placed on Probation for a four year period.

On June 14, 2011, Board staff received a complaint regarding Licensee. According to the complaint, Licensee was witnessed inhaling a white substance.

On July 20, 2011, Licensee was informed by the probation coordinator that she needed to submit a urine sample. She submitted to a urine drug test on July 21, 2011. The results were positive for controlled substances. Licensee plans to have the sample retested.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (e) and OAR 851-045-0070 (2)(i), (5) (d), and (7) (d) 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:

(e) Impairment as defined in ORS 676.303

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:

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

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

(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.

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

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

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 Kristina Lynn Wolfe be accepted. If after a minimum of three years, she wishes to reinstate her Registered Nurse license, Ms. Wolfe 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. Wolfe, 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.

Dated this _____ day of _____, 2011.

Kristina Lynn Wolfe, RN

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Chris Montenaro
Compliance Manager
Investigations Department

Nikki Blomquist
Probation Coordinator
Investigations Department

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