

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Janet Bacon, CNA**

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

License No. 202101261CNA

) **Reference No. 2023030179**

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. Janet Bacon (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on February 9, 2021.

This matter was considered by the Board at its meeting on July 13, 2023.

On July 13, 2023, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to the address of record via certified and first-class mail. The Notice alleged that Janet Bacon failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on February 9, 2021.
2. On or about March 24, 2023, Certificate Holder was reported to the Board for stealing money, liquor and food from clients for whom she worked for as a caregiver and as a

result was charged with multiple felonies. The Board opened an investigation into the matter.

3. On June 15, 2023, Board staff mailed a letter to Certificate Holder's address of record requesting that an interview be scheduled to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On June 30, 2023, a second letter was sent to Certificate Holder's address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On July 13, 2023, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Certificate Holder failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Certificate Holder's opportunity to request a hearing has expired resulting in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Janet Bacon, and over the subject matter of this proceeding.
2. That Certificate Holder's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(10)(a) and (c), which read as follows:

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

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

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

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

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of

the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

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

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

-III-

ORDER

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

ORDERED that the Nursing Assistant Certificate of Janet Bacon is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Janet Bacon has fully cooperated with the Board's investigation. Should the Board reinstate the Nursing Assistant Certificate of Janet Bacon, the Certificate Holder would be subject to whatever terms and conditions the Board may impose.

DATED this 21st day of February, 2024.

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Board President

TO: Janet Bacon:

You are entitled to judicial review of this Order pursuant to ORS 183.482. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date of service of this Order.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Mary Carlsen, RN) **VOLUNTARY SURRENDER**
) **OF REGISTERED NURSE LICENSE**
)

License No. 094006957RN) **Reference No. 2022120148**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including. Mary Carlsen (Licensee) was issued a Registered Nurse license by the Board on November 17, 1994.

On December 12, 2022, the Board received a report that Licensee was treated for methadone exposure which occurred while on duty and resulted in Licensee being unable to work. Licensee stated that she believes she ingested a patient's methadone dose which had been added to a patient's beverage when her coffee cup was accidentally switched with theirs.

An audit of Licensee's medication administration records revealed missing documentation involving 7 doses of narcotic medications over the course of a three-month period.

Licensee has since retired from nursing and therefore wishes to resolve this matter by voluntarily surrendering her license.

The above actions, if proven at hearing, would be grounds for discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070 (2)(a) which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

That the voluntary surrender of the Registered Nurse license of Mary Carlsen be accepted. If, after a minimum of three (3) years, she wishes to reinstate her license she may submit an application for reinstatement to the Board.

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Mary Carlsen

12/23/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

2/21/24

Date

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

IN THE MATTER OF:

**SHAWN CHRISTOPHER CLARK,
LPN**

FINAL ORDER

OAH Case No. 2023-ABC-05766
Agency Case No. 20-00720

INTRODUCTION

This matter came before the Oregon State Board of Nursing (Board) during its regularly scheduled board meeting of January 17th, 2024, to consider the Proposed Order issued by Administrative Law Judge (ALJ) Bradley A. Schmidt on November 30, 2023. Mr. Clark filed exceptions to the Proposed Order on December 11, 2023.

The Board has considered Mr. Clark's exceptions to the Proposed Order and finds that they are not persuasive. Mr. Clark took exception to the ALJ's credibility determination, the evidentiary rulings, and how the ALJ viewed the evidence in the Findings of Fact (including the location where some of the conduct took place). Mr. Clark's exceptions reflect his perspective on the evidence, but they do not change the outcome in the case. To the extent that Mr. Clark disagrees with where some of the conduct took place, there is no clear and convincing evidence that the ALJ's findings on that issue are wrong. The ALJ's findings are supported by citations to the exhibits and testimony, and the record as a whole supports the ALJ's findings. Even if the Board determined that some of the conduct occurred at a different facility, the result would not change because the location of the conduct is not critical to the Board's determination in this case.

After considering the record and licensee's exceptions, the Board issues this Final Order, which imposes a 90-day suspension of Mr. Clark's LPN license and requires that he complete a professional boundaries course as explained below.

HISTORY OF THE CASE

On December 14, 2022, the Board issued a Notice of Proposed Suspension of License to Shawn Christopher Clark. On January 2, 2023, Mr. Clark requested a hearing. On January 5, 2023, the Board referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned ALJ Jennifer H. Rackstraw to preside over the matter.

On February 24, 2023, ALJ Rackstraw convened a prehearing conference to review the hearing issues, schedule the hearing, and set related deadlines. Mr. Clark participated in the conference, represented by attorney Megan Daniels. Assistant Attorney General (AAG) Raul

Ramirez represented the Board, with Board employee Heather Primus and Board investigator Dante Messina also attending. ALJ Rackstraw scheduled the matter for in-person hearing to be held at the Board's offices in Portland, Oregon, on September 7 and 8, 2023.

On the same day as the prehearing conference, the Board filed a Motion for Qualified Protective Order. Mr. Clark had no objection to the Motion. ALJ Rackstraw granted the Motion and issued the proposed Qualified Protective Order on February 27, 2023.

On April 19, 2023, the Board issued an Amended Notice of Proposed Suspension of License to Mr. Clark.

On July 18, 2023, the OAH reassigned the matter to ALJ Bradley A. Schmidt.

On September 7, 2023, ALJ Schmidt convened the hearing at the Board's offices in Portland, Oregon. Ms. Daniels represented Mr. Clark, who appeared and testified. AAG Ramirez represented the Board. Sarah Williams, Brenda Jones, Cindy Olsen, and Mr. Messina testified for the Board.

At the conclusion of the hearing on September 7, 2023, the Board and Mr. Clark requested that the record remain open for the submission of written closing arguments. ALJ Schmidt granted this request and allowed until October 6, 2023 for submission of written closings.

On October 3, 2023, AAG Ramirez, with the agreement of Ms. Daniels, requested an extension of the deadline for the filing of written closings. ALJ Schmidt granted the request and allowed until October 20, 2023, for the filing of written closing arguments.

On October 20, 2023, the Board and Mr. Clark filed their written closing arguments, and the record closed.

ISSUES

1. Whether Mr. Clark engaged in conduct derogatory to the standards of nursing. OAR 851-045-0070(6)(b).
2. If so, whether the Board may impose the following sanctions:
 - a. A 90-day suspension of Mr. Clark's Practical Nurse license; and
 - b. Mandatory completion of the online PBI Education course, "Professional Boundaries (PB-24)." ORS 678.111(1)(f), (g).¹

¹ ORS 678.111 has been amended since the alleged conduct, first by Oregon Laws 2019, chapter 358, section 28, and then by Oregon Laws 2023, chapter 275, section 2. However, the amendments did not substantively change the applicable provisions and thus have no effect upon the analysis in the present matter. Therefore, the current version of the law is referred to throughout this Order.

EVIDENTIARY RULINGS

Exhibits A1 through A6, offered by the Board, were admitted into evidence over Mr. Clark's hearsay objection. Exhibits R1 through R9, offered by Mr. Clark, were admitted into evidence without objection.

One of Mr. Clark's proposed witnesses, Roy Garcia, was not permitted to testify. Based upon an offer of proof, it was apparent that Mr. Garcia would be called as a fact witness (not a rebuttal witness), of which Mr. Clark had not given timely notice in advance of the hearing. Therefore, the Board's objection to the proposed witness was sustained.

CREDIBILITY DETERMINATION

One of the ALJ's primary responsibilities in a contested case proceeding is to reconcile conflicting evidence in the record and determine which evidence is more likely than not correct. In the present matter, a credibility determination is necessary to explain why, in making the Findings of Fact set out below, the Board's evidence outweighed Mr. Clark's denials of wrongdoing.

While a witness is presumed to speak the truth, the presumption may be overcome "by the manner in which the witness testifies, by the character of the testimony of the witness, or by evidence affecting the character or motives of the witness, or by contradictory evidence." ORS 44.370. A determination of witness credibility may also be based on the inherent probability of the evidence, whether the evidence is corroborated, whether the evidence is contradicted by other testimony or evidence, whether there are internal inconsistencies, and "whether human experience demonstrates that the evidence is logically incredible." *Tew v. DMV*, 179 Or App 443, 449 (2002), citing *Lewis and Clark College v. Bureau of Labor*, 43 Or App 245, 256 (1979), *rev den*, 288 Or 667 (1980) (Richardson, J., concurring in part, dissenting in part).

Regarding the incident in which Mr. Clark allegedly lifted Ms. Foster and patted her buttocks, the consistent statements by Ms. Olsen, the partial admission by Mr. Clark (to lifting Ms. Foster, though not to patting her buttocks), and Ms. Foster's statement confirming that Mr. Clark had at some time patted her buttocks established, more likely than not, that this conduct occurred. Given that the evidence showed no explicit grant of consent from Ms. Foster, that there was no romantic relationship between Mr. Clark and Ms. Foster, that Ms. Foster did not react positively, and that there was no precedent to establish that Ms. Foster would tolerate this violation of physical boundaries, Mr. Clark's argument that Ms. Foster consented, or at least arguably signaled consent, to this behavior was not persuasive.

Similarly, the evidence established, more likely than not, that Mr. Clark engaged in unwanted, offensive commentary regarding Ms. Foster's breasts. As established by Mr. Clark's testimony, he admiringly assessed the large size of Ms. Foster's breasts in front of others. As with the incident of unwanted touching, Mr. Clark's testimony that this commentary was invited by Ms. Foster was unpersuasive. The incident occurred at Fircrest, after Ms. Foster left Deer Meadows; Mr. Clark believed Ms. Foster was fired as a result of his complaint against her, that she knew his complaint had caused her discharge, and that she was angry at him as a result. This

undermined the likelihood that Mr. Clark reasonably believed Ms. Foster would invite him into a sexualized discussion of her body at that time. Under the circumstances, and given Ms. Williams' consistent statements about the incident, the evidence also established Ms. Foster's discomfort with Mr. Clark's statement. Therefore, the testimony that Ms. Foster in some way invited Mr. Clark's comment, even inadvertently, was not credible.

The findings below reflect these credibility determinations.

FINDINGS OF FACT

1. Mr. Clark received a Practical Nurse license from the Board in 2009. As of the time of hearing, he continued to be actively employed as a licensed practical nurse (LPN), and his license will require renewal in 2024. (Test. of Clark.)

2. From April 24, 2017 to January 13, 2020, Mr. Clark worked as an LPN for First Call Home Health Agency LLC (First Call). (Exs. R1 at 1, R5 at 1; test. of Clark.) First Call contracted with health insurance providers to provide in-home nursing services to insured individuals, which included individuals in residential facilities. The nursing services Mr. Clark provided consisted primarily of wound care but also included patient education and fact gathering. (Test. of Clark.) As part of his duties, Mr. Clark worked with facility staff, including medication technicians (med techs), caregivers/resident aides, certified nursing assistants (CNAs), charge nurses, and facility management, to implement individuals' care plans. (Test. of Clark, Williams, Jones.)

3. First Call assigned Mr. Clark to provide nursing services in multiple facilities in his geographical area. These included the Deer Meadows Retirement Community (Deer Meadows) in Sheridan, Oregon, and, prior to June 13, 2019, the Fircrest assisted living and memory care facility (Fircrest) in McMinnville, Oregon. (Ex. A4 at 4; test. of Clark, Jones.)

4. In approximately 2018, Melisa Foster started working as a resident aide/caregiver at Deer Meadows. (Ex. A4 at 5; test. of Clark, Williams.) She continued to work at Deer Meadows until approximately April 2019. (Ex. A3 at 7; test. of Clark.)

5. During her time at Deer Meadows, Ms. Foster regularly interacted with Mr. Clark as part of the care team for Deer Meadows residents. She described Mr. Clark as "really friendly" during most of her time at Deer Meadows. (Ex. A4 at 5, 17.) Ms. Foster and Mr. Clark also exchanged text messages on their personal cellphones, some of which related to resident care and some of which did not. At the time, it was common for members of the facility care team, including outside nurses like Mr. Clark, to have each others' personal cell phone numbers to communicate about the issues and needs of residents. (Ex. A3 at 10.) Mr. Clark also referred Ms. Foster to First Call for part-time, supplemental employment as a caregiver. (Ex. A4 at 4; test. of Clark.) At no time were Ms. Foster and Mr. Clark in a romantic relationship outside of work. (Ex. A3 at 6-7; test. of Clark.)

6. Eventually, Mr. Clark's interactions with Ms. Foster became more flirtatious. (Ex. A4 at 15, 17; test. of Clark.) Mr. Clark regards himself as "flirty by nature." (Test. of Clark.)

Near the end of Ms. Foster's time at Deer Meadows, she left the room of a resident and approached Mr. Clark to complain about the fecal mess she would have to clean for that resident. Mr. Clark told Ms. Foster that she could not leave a resident in such a mess and spontaneously picked up Ms. Foster by reaching around her thighs with one arm and lifting her against one of his shoulders. (Test. of Clark.) As he did so, he patted or slapped her on her buttocks. (Exs. A2 at 2-3, A4 at 3-4; test. of Olsen.) After walking with her a short distance back towards the resident's room, he put Ms. Foster down at her request. (Test. of Clark, Olsen.) Ms. Foster had not asked Mr. Clark to pick her up or pat her on the buttocks. (Ex. A3 at 4.) This incident occurred in the hallway of Deer Meadows near the front desk, and it was witnessed by Ms. Foster's coworker, Cindy Olsen. (Test. of Olsen.) Ms. Olsen was offended by what she regarded as inappropriate workplace behavior by Mr. Clark. (Exs. A2 at 2-3, 9, A3 at 7; test. of Olsen.) Ms. Foster later expressed discomfort to Ms. Olsen about Mr. Clark's behavior during the incident. (Test. of Olsen.)

7. Because Ms. Foster had left a resident in need of cleaning before the incident where Mr. Clark lifted her, Mr. Clark reported Ms. Foster to Deer Meadows management for reckless abandonment of a patient in need, which he believed to be a violation of Adult Protective Services (APS) rules. During their next interaction, Ms. Foster appeared angry with Mr. Clark, so he believed she knew he had reported her. Within a few days, Ms. Foster's employment at Deer Meadows ended, and Mr. Clark believed it was due to his complaint. (Test. of Clark.)

8. In approximately May 2019, Ms. Foster started working as a resident aide/caregiver at Fircrest. (Ex. A3 at 7; test. of Clark.) Because Mr. Clark provided nursing services to Fircrest residents, he continued to have occasion to interact with Ms. Foster in the workplace. (Ex. A4 at 6-7; test. of Clark.) On one or more occasions, Mr. Clark asked Ms. Foster out to breakfast during these interactions. (Ex. A4 at 14; test. of Olsen.) Ms. Foster was not interested in dating Mr. Clark and was uncomfortable with these requests. (Test. of Olsen.) After Ms. Foster or one of her coworkers informed Mr. Clark that she did not want to date Mr. Clark as she had recently married, Mr. Clark did not again ask Ms. Foster out. (Ex. A2 at 6; test. of Olsen, Clark.)

9. In approximately early June 2019, while he and Ms. Foster were at work at Fircrest, Mr. Clark commented admiringly to Ms. Foster that she had large breasts. (Exs. A2 at 5, A4 at 3, A5 at 4, 5; test. of Williams, Clark.) Mr. Clark made this comment in one of the Fircrest resident's rooms, in the presence of the resident and one of Ms. Foster's coworkers, Sarah Williams. (Ex. A5 at 5; test. of Williams.) The comment made both Ms. Foster and Ms. Williams uncomfortable. (Ex. A5 at 5-6, 10-11; test. of Williams.)

10. In the days leading up to June 13, 2019, Ms. Foster began avoiding contact with Mr. Clark, such as by hiding in the kitchen, laundry room, or restroom when she knew he was present in the facility. (Exs. A3 at 7, A4 at 17; test. of Olsen, Williams.) Due to the number of staff on duty, this had the potential to affect patient care if more than one resident aide/caregiver was required for a particular task. (Test. of Olsen, Jones, Williams.)

11. On or about June 13, 2019, Ms. Foster told Fircrest Assistant Administrator Brenda Jones that Mr. Clark had subjected her to sexual harassment; specifically, she accused him of commenting on her breasts while in a resident's room, asking to meet her in the restroom, and

sending text message requests for pictures of her breasts. (Exs. A1 at 1, A2 at 3, 11; test. of Jones.) According to Ms. Foster's complaint, Mr. Clark had made three inappropriate comments verbally or by text message to Ms. Foster, the third after having been told by both Ms. Foster and Ms. Foster's husband to stop. (Exs. A1 at 1, A2 at 11; test. of Jones.) However, Ms. Foster's husband never had any communications or contact with Mr. Clark. (Exs. A4 at 11, A6 at 39, 41, 42; test. of Clark.)

12. Just before making the sexual harassment complaint against Mr. Clark, Ms. Foster blocked Mr. Clark from being able to send her text messages; she also deleted all of their text communications from her cellphone. (Exs. A2 at 11-12, A4 at 15-16; test. of Jones.) At some time between then and October 6, 2020, Mr. Clark also deleted all of their text communications from his cellphone. (Ex. A6 at 47.)

13. As a result of Ms. Foster's complaint, Ms. Jones contacted Mr. Clark's supervisor at First Call, informed him that Mr. Clark was no longer permitted within Fircrest, and asked that a new LPN be assigned. (Ex. A2 at 5, 14; test. of Jones.) Because Mr. Clark was not an employee of Fircrest, Ms. Jones did not conduct an investigation into the truth of the allegations against Mr. Clark before excluding him from Fircrest. (Ex. A2 at 13-14; test. of Jones.)

14. On June 14, 2019, Mr. Clark received a final written warning from First Call on the following basis:

The administrator for Fircrest ALF called to report their employee is accusing [Mr. Clark] of sexual harassment. [The complainant states that Mr. Clark] has made 3 inappropriate statements to her, one of these even after both she and her husband asked him to stop. [Mr. Clark] has been texting the ALF employee asking about ALF business instead of communicating through the proper channels. This behavior is unacceptable and will not be tolerated. The [First Call] employee handbook states that "all employees are expected and required to treat one another, as well as our customers, in a courteous and respectful manner at all times. Harassment of any kind is prohibited."

(Ex. A1 at 1.) Mr. Clark disagreed with the allegations in the warning but signed it to acknowledge receipt. (*Id.*, test. of Clark.) On January 13, 2020, First Call discharged Mr. Clark for an unrelated reason. (Ex. R5 at 1; test. of Clark.)

CONCLUSIONS OF LAW

1. Mr. Clark engaged in conduct derogatory to the standards of nursing.
3. The Board may impose the following sanctions:
 - a. A 90-day suspension of Mr. Clark's Practical Nurse license; and
 - b. Mandatory completion of the online PBI Education course, "Professional Boundaries (PB-24)."

OPINION

The Board contends that Mr. Clark should be subject to a 90-day suspension of his practical nurse license and completion of a professional boundaries course based upon allegations of conduct derogatory to the standards of nursing, specifically, for sexually harassing a member of the care team at the ALFs where he worked in 2018 and 2019. As to these allegations, the Board bears the burden of proof. ORS 183.450(2) (“The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position”); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); *Metcalf v. AFSD*, 65 Or App 761, 765 (1983) (in the absence of legislation specifying a different standard, the standard of proof in an administrative hearing is preponderance of the evidence); *Reguero v. Teachers Standards and Practices Commission*, 312 Or 402, 418 (1991) (burden is on agency in disciplinary action); *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (in administrative actions, the standard of proof that generally applies in agency proceedings, including license-related proceedings, is the preponderance standard). The Board must establish by a preponderance of the evidence that Mr. Clark engaged in the conduct alleged and that, as a result, it is entitled to suspend Mr. Clark’s LPN license. Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

ORS 678.111 identifies the Board’s authority to deny, revoke, or suspend a nursing license, as well as grounds for such actions, and provides, in relevant part:

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

* * * * *

(f) Conduct derogatory to the standards of nursing.

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

OAR 851-045-0070 defines “conduct derogatory to the standards of nursing” as follows in relevant part:

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

(6) Conduct related to co-workers and health care team members:

* * * * *

(b) Engaging in violent, abusive, or threatening behavior that relates to the delivery of safe nursing services.

The Board argues that Mr. Clark's behavior—patting the buttocks of a care team member, asking that team member to breakfast, and remarking on the size of the team member's breasts—met the above definition of conduct derogatory to the standards of nursing and thus that its proposed sanction is proper.²

The evidence largely established, more likely than not, that Mr. Clark engaged in the alleged conduct and that it constituted conduct derogatory to the standards of nursing. As a matter of common sense, touching a fellow care team member in the way Mr. Clark touched Ms. Foster on the buttocks is abusive. The same can be said for uninvited appreciation of the intimate parts of another person's body. These behaviors also present the distinct potential to negatively affect patient care. The evidence showed that Ms. Foster eventually hid from Mr. Clark when he was at Fircrest, thus reducing the number of care staff immediately available to assist residents in need. This reaction was unsurprising. Beyond the immediate shock of being subjected to, or witnessing, Mr. Clark's unprofessional behavior, which could easily distract care team members from care tasks, Mr. Clark's behavior implicated his professional competence, trustworthiness, and sensitivity, thus inflicting long-term damage on the care team's trust and ability to work constructively with him. As such, this was conduct derogatory to the standards of nursing.

Regarding Mr. Clark's breakfast invitations, the evidence was not sufficient to establish that this constituted conduct derogatory to the standards of nursing. Therefore, Mr. Clark's conduct derogatory to the standards of nursing did not include his asking Ms. Foster out to breakfast.³

Having concluded that Mr. Clark committed conduct derogatory to the standards of nursing under OAR 851-045-0070(6)(b), we must next consider the propriety of the Board's proposed sanction. As set forth above, ORS 678.111 grants the Board the discretion to suspend a licensee's license and impose conditions for ending the suspension where a licensee engaged in conduct derogatory to the standards of nursing.

The Board proved a single instance of the unwanted touching of Ms. Foster's buttocks

² In OAR 839-005-0030 the Oregon Bureau of Labor and Industries (BOLI) defined sexual harassment as a form of unlawful discrimination with specific characteristics. In the present matter, this definition of sexual harassment is not at issue; the Board has only accused Mr. Clark of conduct violating OAR 851-045-0070(6)(b), and neither party has made reference to BOLI's definition. Therefore, whether Mr. Clark's conduct did or did not meet the definition of sexual harassment in OAR 839-005-0030 is irrelevant. It therefore receives no discussion herein.

³ The Board modified the discussion of the conduct in this paragraph because the Board is not relying on this conduct to find that Mr. Clark engaged in conduct derogatory to the standards of nursing.

and a single instance of commenting on her breasts. The Board finds this conduct to be sufficient for imposition of a 90-day suspension and completion of a professional boundaries course. The conduct occurred in the course of Mr. Clark performing his duties and in the presence of co-workers and residents. Mr. Clark did not show any indication that he understood the conduct was wrong and continued to justify his behavior at hearing.⁴

The allegations proven were the most serious incidents submitted by the Board as a basis for sanctions. The Board finds this conduct to be sufficient to warrant imposition of a 90 day suspension and completion of a professional boundaries course. The completion of the professional boundaries course is logically related to the conduct at issue. Given the potential for patient harm and the fact that the Board proved multiple instances of conduct derogatory to the standards of nursing, a 90-day license suspension is not unreasonable. As such, there is no basis sufficient to alter the Board's original proposed penalty.⁵

⁴ This paragraph was modified to reflect the Board's reasoning on imposition of an appropriate sanction.

⁵ This paragraph was modified to reflect the Board's reasoning on imposition of an appropriate sanction.

FINAL ORDER

For the foregoing reasons, the Board issues the following order:

Shawn Clark’s Practical Nurse license is suspended for a period of 90 days. Mr. Clark shall complete the PBI Education course titled “Professional Boundaries (PB-24),” as set forth in the April 19, 2023, Notice of Proposed Suspension of License with Conditions.

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Aaron Green, CNA
Board President

Date 2-21-24

NOTICE OF APPEAL RIGHTS

You are entitled to judicial review of this order. If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. *See* ORS 183.480 *et seq.*

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of	) STIPULATED ORDER FOR
Patricia Ejoh, RN APRN-NP	) PROBATION
License No.	) Reference No. 2023010154
202105182RN, 202105269NP-PP	

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Nurse Practitioners. Patricia Ejoh (Licensee) was issued a Registered Nurse License on June 3, 2021 and issued a Nurse Practitioner License on June 7, 2021 by the Oregon State Board of Nursing.

On or about January 24, 2023, the Board received information that Licensee had failed to adequately assess, treat, and document care of a patient's mental health condition.

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

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

(4) Conduct related to communication:

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

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

That the Nurse Practitioner License of Patricia Ejoh be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to supervised nursing practice as a Nurse Practitioner.

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulated Order to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.
- 4) Licensee shall maintain an active Oregon license.
- 5) Licensee shall complete the following courses:
 - **Medical Record Keeping**
 - \$1350, PBI Education, 17 contact hours
 - **Comprehensive Psychopharmacology for NPs & Adv Practice Clinicians**
 - \$599, Fitzgerald, 31.9 contact hours

Licensee shall provide proof of completion of each course either through certificates of completion or transcripts. Licensee has 24 months to complete the above courses. Successful completion of probation is contingent on completion of the above courses.

Board staff may substitute courses as needed for another course comparable in content and cost if one of the specific listed courses becomes unavailable during the licensee's probation period.

6) Licensee shall inform Board staff if Licensee is unable to practice in the State of Oregon, at which time Licensee's probationary status will be re-evaluated. If monitoring is approved and transferred to another Board of Nursing, Licensee shall successfully complete all requirements of the Board Order of the other jurisdiction. Licensee shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Licensee's compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order.

7) Licensee shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff.

8) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.

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

10) Licensee shall work under the direct observation of another Supervising Licensed Practitioner, who is aware that the individual is on probation and is readily available to observe Licensee's practice and provide assistance. If no willing and qualified Supervising Practitioner is readily available through Licensee's employer, Licensee shall be responsible to hire at the Licensee's expense a Board approved Supervising Licensed Practitioner, qualified to provide care for the patient population of Licensee's clinical practice setting. The Board approved Supervising Licensed Practitioner shall perform clinical oversight of the workplace to include, but not limited to: records reviews, consultation services, quality assurance work, and random audits of a minimum of 40 charts on the Licensee's caseload on a quarterly basis. The Supervising Licensed Practitioner shall agree to be available to provide virtual consultation to Licensee when not present in the workplace.

11) The Board approved Supervising Licensed Practitioner shall submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the Supervising Licensed Practitioner with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a Registered Nurse or Nurse Practitioner.

12) Licensee will not change supervising licensed practitioners or worksites without the approval of Board staff. This includes changes of the employer or changes within the facility institution.

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

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

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

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

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

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

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

IT IS SO AGREED:

[Redacted Signature]

Patricia Ejoh, RN, APRN-NP

1/9/2024

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

2/21/24

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of	)	STIPULATED ORDER FOR
Lauren Hodgdon, RN	)	PRACTICE PROBATION
APRN-NP)	
License No.)	
201806390RN)	
201809297NP-PP		Reference No. 2023040214

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses (RN's) and Nurse Practitioners (NP's). Lauren Hodgdon (Licensee) was issued a Registered Nurse License on 08/03/2018 and issued a Nurse Practitioner License on 10/16/2018 by the Oregon State Board of Nursing.

On or about April 26, 2023, the Board received information that Licensee was prescribing medications for herself and a family member, without proper medical documentation.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(2)(a), (4)(c)(C), (11)(b)(c).

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

(1) Issuance of the license to practice nursing, whether by examination or by 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 Conduct Derogatory to the Standards of Nursing Defined

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

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

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

(4) Conduct related to communication:

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

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

- (11) Conduct related to advanced practice nursing;
- (b) Prescribing for or dispensing medications to one's self;
- (c) Using self-assessment and diagnosis as the basis for the provision of care which would otherwise be provided by a client's professional caregiver; or

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

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

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have twenty-four (24) months from Board acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall complete the following courses within eight (8) weeks from the date this Stipulated Order issued: PBI Proper Prescribing (RX-21). Licensee shall provide proof of completion of course either through certificates of completion or transcripts. Should Licensee fail to complete these courses within the required time of eight (8) weeks, Licensee may be referred back to the Board for consideration of further disciplinary action.
- 6) Licensee shall inform Board staff in advance of any move from Oregon. If Licensee leaves the State and is unable to practice in the State of Oregon, Licensee's probationary status will be re-evaluated.
- 7) Licensee shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff. This includes being required to attend an in-person meeting.

8) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.

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

10) Licensee shall work under the direct observation of a Board approved Supervising Licensed Practitioner, who is aware that the individual is on probation, who is working in the same physical location (e.g., clinic, unit, building, etc.), is readily available to observe Licensee's practice and provide assistance. The Board approved Supervising Licensed Practitioner shall perform clinical oversight of the workplace to include, but not limited to: scheduled site visits, records reviews, consultation services, quality assurance work, and random audits of a minimum of 40 charts or 10% depending on the Licensee's caseload. The Board approved Supervising Licensed Practitioner shall agree to be available to provide telephone/video consultation to Licensee when not clinically present in the workplace.

11) The Board approved Supervising Licensed Practitioner shall submit written evaluations of Licensee's work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the Supervising Licensed Practitioner with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a Nurse Practitioner.

12) Licensee will not change Board approved Supervising Licensed Practitioners or worksites without the approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.

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

14) Licensee shall notify Board staff when there is a change in status of employment including resignations, disciplinary actions, and terminations. Licensee shall immediately notify Board staff if they will be unable to meet the minimum monitored practice requirement of 16 hours per week or 64 hours per month due to leave from work. The inability to meet the monitored practice requirement due to leave may extend the probationary period.

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

16) Licensee shall not be approved for enrollment in clinical practicum hours for the purposes of

obtaining an additional degree or license.

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

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

19) For the duration of probationary period, Licensee's prescribing is subject to the following terms: a) Licensee's Board approved Supervising Licensed Practitioner must review all prescriptions written by Licensee for a Schedule II, III, IV, or V medication. Licensee shall ensure that this review occurs, at a minimum, once a month; b) Licensee shall not write any prescriptions for any individual unless Licensee has an established client-provider relationship with that individual; c) Licensee shall only prescribe for individuals who are patients of Licensee's employer at the time of the prescription; and d) Licensee shall not write any prescriptions for family members regardless of whether the family member is a patient of Licensee's employer at the time of the prescription.

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

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

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

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

Licensee understands that this Stipulated Order is a public record.

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

IT IS SO AGREED:



Lauren Hodgdon, RN
APRN-NP

1/11/2024
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Aaron Green, CNA
Board President

2/21/24
~~2/24~~ 2 pg
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Jonathan Larkins, CNA	) FINAL ORDER OF SUSPENSION) OF NURSING ASSISTANT) CERTIFICATE BY DEFAULT FOR) FAILURE TO COOPERATE
License No. 202007801CNA	) Reference No. 2023030234

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. Jonathan Larkins (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on 8/28/2020.

This matter was considered by the Board at its meeting on 2/21/2024.

On December 15, 2023, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Certificate Holder was sent to the address of record via certified and first-class mail. The Notice alleged that Jonathan Larkins failed to cooperate with the Board during the course of an investigation.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on 08/28/2020.
2. On or about 3/31/2023, Certificate Holder was reported to the Board for theft of jewelry. The Board opened an investigation into the matter.

3. On November 15, 2023, Board staff mailed a letter to Certificate Holders' address of record requesting that an interview be scheduled to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On December 4, 2023, a second letter was sent to Certificate Holders's address of record, requesting that the Board be contacted within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On December 15, 2023, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.
6. Certificate Holder failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Certificate Holder's opportunity to request a hearing has expired resulting in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Jonathan Larkins, and over the subject matter of this proceeding.
2. That Certificate Holder's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(10)(a) and (c), which read as follows:

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

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

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

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

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

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

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

-III-

ORDER

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

ORDERED that the Nursing Assistant Certificate of Jonathan Larkins is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Jonathan Larkins has fully cooperated with the Board's investigation. Should the Board reinstate the Nursing Assistant Certificate of Jonathan Larkins, the Certificate Holder would be subject to whatever terms and conditions the Board may impose.

DATED this 21st day of February 2024

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Board President

TO: Jonathan Larkins:

You are entitled to judicial review of this Order pursuant to ORS 183.482. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date of service of this Order.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF REVOCATION**
Candice Matayo, CNA) **OF CNA CERTIFICATE BY DEFAULT**
)
Certificate No. 201802731CNA) **Reference No. 2022120082**

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. Candice Matayo (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on April 12, 2018.

This matter was considered by the Board at its meeting on February 21, 2024.

On December 22, 2023, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Candice Matayo was sent to Certificate Holder by certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder was convicted for Class C felonies on October 12, 2022, and December 20, 2022. Certificate Holders are required to self-report to the Board any felony arrests and convictions within 10 days, and to disclose convictions on their renewal applications. Certificate Holder failed to do so.

The Notice further alleged that Certificate Holder received treatment in 2022 for a reportable diagnosis but failed to timely disclose this on her renewal application, as required.

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

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

-I-

FINDINGS OF FACT

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

1. Certificate Holder was issued a Certified Nursing Assistant Certificate in the state of Oregon on April 12, 2018.

2. On April 2, 2022, Certificate Holder was cited for Theft 1, a Class C felony, and was convicted on October 12, 2022. Certificate Holder failed to disclose the felony arrest or conviction to the Board within 10 days, as required, and failed to disclose them on the application for renewal.
3. On October 1, 2022, Certificate Holder was cited for Unlawful Use of a Motor Vehicle, a Class C felony, and was convicted on December 20, 2022. Certificate Holder failed to disclose the felony arrest or conviction to the Board within 10 days, as required, and failed to disclose the arrest on the application for renewal.
4. The Board alleges that on or about November 17, 2023, Certificate Holder disclosed that in 2022 she received treatment for a diagnosis which she failed to disclose on her renewal application, as required.
5. On December 22, 2023, Board staff mailed a Notice of Proposed Revocation to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Candice Matayo, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442 (2)(a)(f), and OAR 851-063-0090 (8)(q)(r) and (10)(b), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

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

- (q) Failure to report to the Board the CNA's own arrest for a felony crime within ten days of the arrest; or
- (r) Failure to report to the Board the CNA's own conviction of a misdemeanor or a felony crime within ten days of the conviction.

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

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

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

-III-

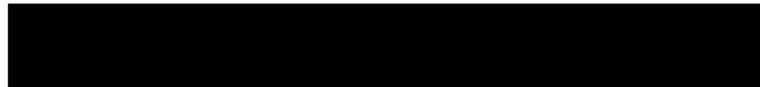
ORDER

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

ORDERED that the Certified Nursing Assistant Certificate of Candice Matayo is REVOKED.

DATED this 21 day of February, 2024

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Board President

TO: Candice Matayo:

You are entitled to judicial review of this Order pursuant to ORS 183.482. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date of service of this Order.

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Heather Maurer, RN) **PROBATION**
)
License No. 200641475RN) **Reference No. 2023080253**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses and Registered Nurse Applicants. Heather Maurer (Licensee) was originally issued a Registered Nurse license by the Board on June 29, 2006.

On or about January 26, 2009, the Board received information that Licensee allegedly diverted narcotics from the workplace.

On November 17, 2010, Licensee surrendered her RN license after an investigation and to resolve the matter with the Board.

On May 22, 2023, Maurer submitted an application to the Board to reinstate her RN license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), OAR 851-001-0015(1)(2)(3)(4), OAR 851-045-0070(7)(b)(c) and (8)(k)(l).

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

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

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

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

- (7) Conduct related to impaired function:
- (b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance; or
- (c) The use of a prescription or non-prescription medication, alcohol, or a mind-altering substance, to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice of nursing.
- (8) Conduct related to other federal or state statute or rule violations:
- (k) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled medications to any person, including self, except as directed by a person authorized by law to prescribe medications.

(1) Unauthorized removal or attempted removal of medications, supplies, property, or money from anyone in the workplace.

OAR 851-001-0015 Petition for Reinstatement

A licensee or certificate holder whose license or certificate has been revoked or who voluntarily surrendered the license or certificate may be granted reinstatement under the following conditions:

- (1) The license or certificate has been revoked or surrendered for a minimum period of three years;
- (2) The licensee or certificate holder has documented evidence of mitigation of the issues that originally brought the licensee or certificate holder to the Board's attention;
- (3) The individual seeking reinstatement has made application to the Board for reinstatement of the license/certificate; and
- (4) The individual seeking reinstatement agrees to any conditions that the Board determines necessary to demonstrate competence at the level of licensure or certification for which the individual is seeking reinstatement.

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

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

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

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform Board staff in advance of any move from Oregon. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated. If monitoring is approved and transferred to another Board of Nursing, Licensee shall successfully complete all requirements of the Board Order of the other jurisdiction. Licensee shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Licensee's compliance. Failure to comply with this reporting requirement shall be considered a violation of this Order. While licensee practices in another state, those hours will only be counted toward licensee's Oregon probation if the position meets the monitoring requirements per line ten (10) of this stipulated order.

6) Licensee shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff. This includes being required to attend an in-person meeting.

7) Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.

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

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

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

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

12) Licensee shall notify Board staff when there is a change in status of employment, including resignations, disciplinary actions, and terminations. Licensee shall immediately notify Board staff if they will be unable to meet the minimum monitored practice requirement of 16 hours per week or 64 hours per month due to leave from work. The inability to meet the monitored practice requirement due to leave may extend the probationary period.

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

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

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

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

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

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

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

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

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

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

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

24) Licensee may petition the Board for early termination of Probation and monitoring after successfully completing 12 months of continuous compliance with the terms and conditions of Probation.

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

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

IT IS SO AGREED:

[Redacted Signature]

Heather Maurer, RN

01/18/24

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

02/21/24

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Jon Myrold, RN**

**) STIPULATED ORDER FOR
) SUSPENSION OF
RN
License
)**

License No. 202002915RN

) Reference No. 2023050109

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jon Myrold RN was issued a RN license by the Board on 04/20/2020.

On or about 5/13/2023, the Board received information that Licensee did not provide the standard of care with sacral dressing change, pre popped medications, and entered COVID positive rooms without proper PPE.

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

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

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

(f) Conduct derogatory to the standards of nursing
851-045-0040

Scope of Practice Standards for All Licensed Nurses

(1) Standards related to the licensee's responsibility for safe nursing practice. The licensee shall:

(c) Self-regulate one's professional practice by:

(A) Adhering to professional practice and performance standards;
851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

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

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

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

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

(a) Failing to conform to the essential standards of acceptable and prevailing nursing practice.

Actual injury need not be established;

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

(q) Failing to dispense or administer medications in a manner consistent with state and federal law;

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

That the RN license of Jon Myrold be SUSPENDED for 30 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.

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

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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



Jon Myrold, RN

12/21/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Board President

2/21/24

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Katherine Sessions, CNA) **VOLUNTARY SURRENDER**
)
)

Certificate No. 200812423CNA) **Reference No. 2023100041**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Nursing Assistant Certificates. Katherine Sessions was issued a Certified Nursing Assistant certificate by the Board on 10/30/2008.

On or about October 5, 2023, the Board received information that Certificate Holder, frustratingly responded to resident by cursing.

By the above actions, Katherine Sessions, CNA is subject to discipline pursuant to ORS 678.442 (f) and OAR 851-063-0090 (a)(b)(h)

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

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

OAR 851-063-0090

Conduct Unbecoming a Nursing Assistant

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

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

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

(h) Engaging in other unacceptable behavior towards or in the presence of the client. Such behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language.

Certificate Holder wishes to cooperate with the Board in this matter and voluntarily surrender their Certified Nursing Assistant Certificate.

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

That the voluntary surrender of the Certified Nursing Assistant Certificate of Katherine Sessions be accepted. If, after a minimum of three (3) years, they wish to reinstate their Certificate, they may submit an application for reinstatement to the Board.

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

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

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

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

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

[Redacted Signature]

Katherine Sessions, CNA

12/21/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

2/21/24

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of	) STIPULATED ORDER FOR
Danielle Strobel, RN	) REPRIMAND OF LICENSE
	) WITH SPECIAL CONDITIONS
License No. 200841934RN	) Reference No. 2023080144

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse. Danielle Strobel (Licensee) was issued a Registered Nurse License by the Board on Jul 23, 2008.

On or about Aug 14, 2023, the Board received information that Licensee had altered an electronic medical record by removing patient information without authorization to do so.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

(4) Conduct related to communication:

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

(F) Altering or changing words or characters within an existing document to mislead the reader;

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

That the Registered Nurse License of Danielle Strobel be reprimanded. Licensee agrees to complete the following continued education class- PBI Professional Boundaries within 120 days of the Board signing the order.

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

are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Danielle Strobel, RN

12/24/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Aaron Green
Board President

2/21/24

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Rylee Wetmore,
RN**

) **STIPULATED ORDER FOR
) CIVIL PENALTY**

**License No.
202001160RN**

)
) **Reference No. 2023060143**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurses. Rylee Wetmore (Licensee) was issued a Registered Nurse License by the Board on Feb 4, 2020

On or about Jun 15, 2023, The Board received information that Licensee had worked a total of 49 days with an expired license.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(9)(b) which reads as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

(9) Conduct related to licensure or certification violations:

(b) Practicing nursing without a current Oregon license or certificate.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117(1)(2)(a)(b)(3)(4)(5) and OAR 851-001-0009(3)(a) which reads as follows:

ORS 678.117 Procedure for imposing civil penalty; amount; rules.

(1) The Oregon State Board of Nursing shall adopt by rule a schedule establishing the amount of civil penalty that may be imposed for any violation of ORS 678.010 to 678.448 or any rule of the board. No civil penalty shall exceed \$5,000.

(2) In imposing a penalty pursuant to this section, the board shall consider the following factors:

(a) The past history of the person incurring the penalty in observing the provisions of ORS

678.010 to 678.448 and the rules adopted pursuant thereto.

(b) The economic and financial conditions of the person incurring the penalty.

(3) Any penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the board considers proper and consistent with the public health and safety.

(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(5) All penalties recovered under this section shall be credited to the special account described in ORS 678.170.

OAR 851-001-0009 Imposition of Civil Penalties

Imposition of a civil penalty does not preclude disciplinary sanction against the license or certificate holder and disciplinary sanction against the license or certificate does not preclude imposing a civil penalty. Criminal conviction does not preclude imposition of a civil penalty for the same offense.

(3) A civil penalty of a minimum \$500 to a maximum of \$5000 per violation is assessed for any of the following:

(a) Conduct derogatory to the standards of nursing or conduct unbecoming a Nursing Assistant.

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

That the Board impose a Civil Penalty in the amount of \$2,450.10 against the Registered Nurse License of Rylee Wetmore.

Licensee admits that the above statements are accurate, and that Licensee's actions constitute a violation of the Nurse Practice Act.

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

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

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

Licensee shall make 15 monthly payments of \$163.34. The first payment is to be received by the Board by the first day of the month following the Board's acceptance of this Stipulation and thereafter, a payment on the 1st day of every month until the whole sum is paid.

Payments shall be made payable to the Oregon State Board of Nursing at 17938 SW Upper Boones Ferry Road, Portland, OR 97224 by check or money order; alternatively, payment may be made online by logging into your Oregon State Board of Nursing Licensing Portal and clicking on Pay Civil Penalty Fees.

This Civil Penalty shall become due and payable on the first day of the month following the date this Stipulated Order is signed by the Board President.

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Rylee Wetmore,
RN

12/21/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Aaron Green, Board President

2/21/24

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Joseph Wiggins,**

) **STIPULATED ORDER FOR**
) **PROBATION**

)
)

Applicant

Reference No. 2023100129

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. On May 12, 2023 Joseph Wiggins (applicant) applied for a Registered Nurse (RN) license from the Oregon State Board of Nursing.

Applicant disclosed that he was being monitored by the Idaho Board's PRN program and was previously convicted of DUI in 2019. Applicant agrees to be monitored under probation until successful completion of Idaho's PRN program.

By the above actions, Applicant is subject to discipline pursuant to ORS 670.280(1)(a)(b)(3), ORS 678.111(1)(a)(e)(f), and OAR 851-045-0070(7)(c).

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

(a) "License" includes a registration, certification or permit.

(b) "Licensee" includes a registrant or a holder of a certification or permit.

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

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

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

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

entering the conviction, shall be conclusive evidence of the conviction.

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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

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

(7) Conduct related to impaired function:

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

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

That once granted, the Registered Nurse license of Joseph Wiggins be placed on Probation until the successful completion of Idaho's PRN program, with an estimated end date of February 1, 2025. The Applicant's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Applicant must remain on probation until the successful completion of Idaho's PRN program, estimated to end February 1, 2025. If Applicant's contract with Idaho PRN is terminated for failure to comply, Applicant will have 36 months to complete additional 24 months of probation from the date of termination from Idaho PRN program for failure to comply with agreement. Limited overtime may be approved on occasion. Applicant agrees to follow all Idaho PRN agreements and maintain in good standing with requirements, along with OSBN agreements and requirements.

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

- 1) Applicant shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Applicant shall remain on probation until successful completion of Idaho's PRN program.
- 3) Applicant shall notify Board staff, in writing, prior to any change of contact information which includes address, email address, and phone number.
- 4) Applicant shall maintain an active license.
- 5) Applicant shall inform Board staff in advance of any move from Oregon. If Applicant leaves the state and is unable to practice in the state of Oregon, Applicant's probationary status will be re-evaluated. If monitoring is approved and transferred to another Board of Nursing, Applicant shall successfully complete all requirements of the Board Order of the other jurisdiction. Applicant shall be required to ensure the Oregon State Board of Nursing receives quarterly reports documenting the Applicant's compliance. Failure to comply with this reporting

requirement shall be considered a violation of this Order. While Applicant practices in another state, those hours will only be counted toward her Oregon probation if the position meets the monitoring requirements per line ten (10) of this stipulated order.

6) Applicant shall maintain monthly contact by phone, electronic or virtual methods to designated Board staff for interviews during the probationary period. Frequency or type of contact may be reviewed and revised periodically at the discretion of Board staff. This includes being required to attend an in-person meeting.

7) Applicant shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within ten (10) days of the occurrence.

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

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

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

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

12) Applicant shall notify Board staff when there is a change in status of employment, including resignations, disciplinary actions, and terminations. Applicant shall immediately notify Board staff if they will be unable to meet the minimum monitored practice requirement of 16 hours per week or 64 hours per month due to leave from work. The inability to meet the monitored practice requirement due to leave may extend the probationary period.

13) Applicant shall not work in any practice setting when on-site monitoring is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings. Applicant will not violate workplace requirements set in place by Idaho PRN contract agreed to by Applicant.

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

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

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

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

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

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

expired.

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

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

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

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

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

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

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

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

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

Applicant understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

IT IS SO AGREED:

[Redacted]

Joseph Wiggins,

01/10/24

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted]

Board President

2/21/24

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Rebecca Wilson, RN) **VOLUNTARY SURRENDER**
)
)

Licensee No. 089003133RN) **Reference No. 2023080271**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Rebecca Wilson was issued a Registered Nurse license by the Board on December 1, 1989.

On or about August 30, 2023, the Board received information that Licensee, while at work, was witnessed pouring contents of a can of liquid into her water bottle. The can's contents were listed as containing 14% alcohol by volume. Licensee was asked to submit to a for-cause drug screen but declined.

Licensee wishes to surrender her RN license as a means of resolving her case with the Board.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

(7) Conduct related to impaired function:

(b) Practicing nursing when physical or mental ability to practice is impaired by use of a prescription or non-prescription medication, alcohol, or a mind-altering substance. Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her License.

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

That the voluntary surrender of the RN license of Rebecca Wilson be accepted. If, after a minimum of three (3) years, she wishes to reinstate her license, she may submit an application for reinstatement to the Board.

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

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

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

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

Licensee understands that federal law requires state licensing boards to report adverse actions (resulting from formal proceeding) to the National Practitioner Data Bank (NPDB) within 30 days from the date the action was taken.

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

[Redacted Signature]

Rebecca Wilson

12/15/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

2/21/24

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Kathleen Woznicki,**

**) STIPULATED ORDER FOR
) WITHDRAWAL OF REGISTERED
) NURSE LICENSE APPLICATION**

License No. Applicant

) Reference No. 2023100132

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Kathleen Woznicki (Applicant) submitted an application for a RN license to the Board of Nursing on or about May 8, 2023.

On or about May 8, 2023, the Board received information that Applicant had previously been disciplined by a nursing board. In the application, Applicant disclosed she had a previous criminal history and nursing board discipline.

On or around October 17, 2023, Applicant was sent a letter and requested a statement about the discipline. Licensee requested an extension to provide information about the discipline. Licensee failed to respond, and she was sent a Final Request to provide information. Licensee failed to provide OSBN with any requested information.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(f), (g) and OAR 851-045-0070(10)(c), which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

That Kathleen Woznicki's application for Registered Nurse License be withdrawn.

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

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

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

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

IT IS SO AGREED:

[Redacted Signature]

Kathleen Woznicki,

12/20/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

2/21/24

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING