

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Brittney Caldera, RN) **CIVIL PENALTY**
)
)
License No. 201700145RN) **Reference No. 2022100112**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Brittney Caldera (Licensee) was issued a Registered Nurse License by endorsement by the Oregon State Board of Nursing on January 13, 2017.

On or about October 17, 2022, the Board received information that Licensee worked a total of 15 shifts with an expired RN license.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(f)(g), ORS 678.117(1), (2)(a)(b), (3), (4) and (5), OAR 851-001-0009(1), (2)(a), (3)(a) and ORS 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.

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

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.

(1) The Board will consider factors listed in ORS 678.117 (2) when determining the amount of civil penalty to be imposed and per ORS 678.117 (1), no single violation civil penalty shall exceed \$5000.

(2) A civil penalty of up to \$100 per day of occurrence is assessed for the following:

(a) Practicing as a Licensed Practical Nurse (LPN), Registered Nurse (RN) , Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA), Clinical Nurse Specialist (CNS), Certified Nursing Assistant (CNA), Certified Medication Aide (CMA) without a current license or certificate or Board required concurrent national certification; or prescribing, dispensing, or distributing drugs without current prescription writing authority, due to failure to renew and continuing to practice.

(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.

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.

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

That the Board impose a civil penalty against the Registered Nurse License of Brittney Caldera in the amount of \$750.00.

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

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

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

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

Licensee shall make 24 monthly payments of \$32.00. The first payment is to be received by the Board by the first day of the month following the Boards acceptance of this Stipulation and thereafter, a payment on the 1st day of every month until the whole sum is paid. Licensee can make payment in full at any time prior to the 24 month deadline without penalty. Please note that your payment amount was rounded, which means that your final payment may be less or more than the monthly payment listed above.

Payments may be made online by logging into your Oregon State Board of Nursing Licensing Portal and clicking on Pay Civil Penalty Fees; alternatively, payments may 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.

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 Civil Penalty.

[Redacted Signature]

Brittney Caldera, RN

03/22/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

10

4/19/23

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Margarita Castillo Juarez, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201702071CNA) **Reference No. 20-00824**

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. Margarita Castillo Juarez (Licensee) was issued a Certified Nursing Assistant Certificate by the Board on March 27, 2017.

On or about February 10, 2020, the Board received information that CNA was reported for leaving work without authorization. CNA later reported that she was ill. CNA failed to update her address and was unaware of the Board's investigation and failed to cooperate by not responding to the Board's investigation. CNA was finally contacted by the Board on March 2, 2022. CNA's certificate had already expired, and she informed board staff that she no longer needed the certificate.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(f) and OAR 851-063-0090(1)(a)(c).

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:

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

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

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

CNA 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 CNA:

That the voluntary surrender of the Certified Nursing Assistant certificate of Margarita Castillo Juarez be accepted. If, after a minimum of three years, Ms. Castillo Juarez wishes to reinstate their Certified Nursing Assistant certificate, Margarita Castillo Juarez may submit an application to the Board to request reinstatement.

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

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

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

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

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.

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



Margarita Castillo Juarez, CNA

03/06/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

Date

4/19/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Carmela Castro, RN**

**) STIPULATED ORDER FOR
) VOLUNTARY SURRENDER
)**

License No. 202208590RN

) Reference No. 2023020198

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurse Licensees. Carmela Castro (Licensee) was issued a Registered Nurse license by the Board on 06/27/2022.

On or about 02/23/2023, the Board received information that Licensee had voluntarily surrendered her State of Arizona RN License, effective 09/15/2022. Prior to surrendering her license to Arizona, the licensee was granted her RN License in the State of Oregon in June of 2022.

During the Fall of 2021, the licensee was employed as a faculty member, in the nursing program at a college in Tucson AZ. On 03/04/2022, the Arizona Board of Nursing received a complaint alleging that the licensee engaged in an intimate relationship with one of her students during the fall of 2021. Additionally, after it became apparent that this student would fail her course, she changed the student's grade to reflect a passing grade. This action was in response to a threat by the student to expose the inappropriate relationship between the two.

By the above actions, Licensee is subject to discipline pursuant to ORS 670.280(3), ORS 678.111(1)(f), and OAR 851-045-0070(1)(b)

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:

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

That the voluntary surrender of the Registered Nurse License of Carmela Castro be accepted. If, after a minimum of three years, Carmela Castro wishes to reinstate her License, Carmela Castro may submit an application to the Board to request reinstatement.

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

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

Licensee understands that by signing this Stipulated Order, **Carmela Castro** 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]

Carmela Castro, RN

03/13/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

Date

4/19/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF DENIAL**
Barrium Clinton, Applicant) **OF NURSING ASSISTANT**
) **CERTIFICATE BY DEFAULT**
)
) **Reference No. 23-00150**

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. Barrium Clinton (Applicant) applied for a Nursing Assistant Certificate in the state of Oregon on or about July 15, 2022.

The Board considered this matter at its meeting on January 18, 2023.

On January 20, 2023, a Notice stating that the Board intended to deny the application for a Nursing Assistant Certificate was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that on August 15, 2022, an online complaint was received stating Applicant failed to follow a resident's dietary care plan which resulted in their death.

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

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

-I-
FINDINGS OF FACT

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

1. On or about August 5, 2022, Applicant failed to follow a resident's dietary care plan (which was a puree diet) and instead gave the resident a sandwich. As a result, the resident choked on the sandwich which led to their death.

2. On or about September 16, 2022, Board staff interviewed Applicant where he admitted to not following or reading the residents care plan.

4. On January 18, 2023, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assistant Certificate.

5. On January 20, 2023, Board staff mailed a Notice of Proposed Denial of Nursing Assistant Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

II CONCLUSIONS OF LAW

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

2. That Applicant's conduct is in violation of ORS 670.280, 678.442 and OAR 851-063-0090.

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)(a)(b)(3)

(1) As used in this section:

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

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

(3) Except as provided in ORS 342.143 (Issuance of license and registrations) (3) and 342.175 (Grounds for discipline) (3), a licensing board, commission or agency may deny any occupational or professional license or impose discipline on a license 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. [1973 c.359 §1; 1991 c.662 §6a; 2003 c.749 §13; 2009 c.386 §5]

678.442 Certification of nursing assistants; rules(a)(2)(f)

(1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who:

(a) Submits an application;

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

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

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant(3)(b)(d)

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

(3) Conduct related to client safety and integrity:

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

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

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

III
ORDER

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

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

Dated this 19th day of April 2023

FOR THE OREGON STATE BOARD OF NURSING



Judith Woodruff, JD
Board President

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
Mercedes Cortes, CNA)	FINAL ORDER OF REVOCATION
)	BY DEFAULT
)	
)	
Certificate No. 201401141CNA)	Reference No. 20-00757

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. Mercedes Cortes (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on February 27, 2014.

This matter was considered by the Board at its meeting on April 19, 2023.

On February 27th, 2023, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant Certificate of Mercedes Cortes was sent to Certificate Holder via certified and first-class mail to the address of record.

The Notice alleged that Certificate Holder failed to cooperate with the Board's investigation, did not provide requested documents, and never informed the Board of her criminal convictions.

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:

Certificate Holder was issued a Certified Nursing Assistant Certificate in the state of Oregon on February 27, 2014.

1. On or about August 19, 2021, Certificate Holder (CH), was mailed a letter by the Board requesting to provide a written statement and schedule an interview. CH failed to

respond to the Board's request. On September 1, 2021, a second letter was mailed to the CH, requesting to respond within 5 business days. CH failed to respond.

2. On or about October 14, 2021, a Notice of Proposed Suspension was mailed via USPS certified Mail and First-Class mail. CH defaulted on the Notice of Proposed Suspension. On November 18, 2021, the Board issued a Default Notice of Suspension. CH was mailed the notice via USPS certified and first-class mail. CH never responded to the Board.
3. On or about July 23, 2021, CH plead guilty to DUI, and criminal mischief 2. On October 1, 2021, CH plead guilty to DUI, reckless driving and an additional DUI. On April 20, 2022, CH plead guilty to Harassment. CH never informed the Board of her convictions.

On February 27, 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

That the Board has jurisdiction over the Certificate Holder, Mercedes Cortes, and over the subject matter of this proceeding.

That Certificate Holder's conduct is in violation of ORS 670.280(2)(3) and OAR 851-063-0090(1)(a),(7)(C),(8)(o), and (10)(a)(c)

ORS 670.280(2)(3) and OAR 851-063-0090(1)(a),(7)(C),(8)(o), and (10)(a)(c) which read as follows:

ORS 670.280 Denial, suspension or revocation of license based on criminal conviction; denial of license or imposition of discipline for conduct substantially related to fitness and ability of applicant or licensee. (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.

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

(3) Except as provided in ORS 342.143 (3) and 342.175 (3), a licensing board, commission or agency may deny an occupational or professional license or impose discipline on a licensee

based on conduct that is not undertaken directly in the course of the licensed activity, but that is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required. In determining whether the conduct is substantially related to the fitness and ability of the applicant or licensee to engage in the activity for which the license is required, the licensing board, commission or agency shall consider the relationship of the facts with respect to the conduct and all intervening circumstances to the specific occupational or professional standards.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

- (1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:
 - (a) Demonstrated incidents of violent, abusive, neglectful or reckless behavior; or
- (7) Conduct related to safe performance of authorized duties:
 - (c) Using a prescription or non-prescription drug, alcohol, or a mind-altering substance to an extent or in a manner dangerous or injurious to the nursing assistant or others, or to an extent that such use impairs the ability to perform the authorized duties safely.
- (8) Conduct related to other federal or state statutes/rule violations:
 - (o) Failure to report to the Board the CNA's 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:
 - (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

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 Mercedes Cortes is **REVOKED**.

DATED this 19th day of April, 2023

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Judith Woodruff, JD
Board President

TO: MERCEDES CORTES:

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

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)
Nancy Erb, RN) **FINAL ORDER OF REVOCATION**
) **BY DEFAULT**
)
)
License No. 095007161RN) **Reference No. 22-00358**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating, and disciplining certain health care providers, including Registered Nurses. Nancy Erb (Licensee) was issued a Registered Nurse License by the Board on December 06, 1995.

This matter was considered by the Board at its meeting on February 22, 2023.

On March 9, 2023, a Notice stating that the Board intended to Revoke the Registered Nurse License of Nancy Erb was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee violated a Board Order.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Registered Nurse License in the state of Oregon on December 06, 1995.
2. On February 17, 2021, the Board placed Licensee's Registered Nurse license on a 12-month probation. Per the stipulated order, Licensee has twenty-four (24) months to complete twelve (12) months of monitored practice. Licensee is also required to maintain an active license and maintain monthly contact.
3. After 24 months on probation, Licensee had not completed any monitored practice.

Licensee reported that she did not intend to return to nursing practice.

4. As of January 21, 2023, Licensee allowed her Registered Nurse license to expire while on probation.
5. Since December 2022, Licensee has stopped maintaining monthly contact with Board staff.
6. On March 9, 2023, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Nancy Erb, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111 (1)(f), ORS 678.158, and OAR 851-045-0070 (10)(d) which read as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

678.158 Continuing authority of board upon lapse, suspension, revocation or voluntary surrender of license or certificate. The lapse, suspension, or revocation of a license or certificate by the operation of law or by order of the Oregon State Board of Nursing or by the decision of a court of law, or the voluntary surrender of a license by a licensee or of a certificate by a certificate holder, shall not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceeding against the licensee or certificate holder or to revise or render null and void an order of disciplinary action against the licensee or certificate holder.

OAR 851-045-0070

Conduct Derogatory to the Standards of Nursing Defined

Conduct that adversely affects the health, safety, and welfare of the public, fails to

conform to legal nursing standards, or fails to conform to accepted standards of the nursing profession, is conduct derogatory to the standards of nursing. Such conduct includes, but is not limited to:

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

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

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

-III-

ORDER

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

ORDERED that the Registered Nurse License of Nancy Erb is REVOKED.

DATED this 19th day of April 2023

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Judith Woodruff/JD
Board President

TO: NANCY ERB:

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

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

If, after a minimum of three (3) years, you wish to reinstate your Registered Nurse License/Certificate, you may submit an application to the Board to request reinstatement.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Nicole Jacobsen, CNA) **REPRIMAND**
)
Certificate No. 200912263CNA) **Reference No. 22-00308**

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. Nicole Jacobsen (CNA) was issued a Nursing Assistant certificate by the Board on August 20, 2009.

On or about on December 30, 2019 and December 31, 2021, CNA submitted Nursing Assistant certificate renewal applications to the Board on which CNA untruthfully responded “No” to the question: “Since the date of your last renewal, have you used any illegal drugs, or prescription drugs in a manner other than prescribed?”

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(b)(d)(f) and OAR 851-063-0090(9)(a), (10)(b) and the former version of OAR 851-063-0090(9)(a), (10)(b) for actions that took place in 2019, which provide 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:

- (b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof.
- (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

ORS 670.280 authorizes the Board to discipline nursing assistant certificates for conduct that is not undertaken directly in the course of CNA duties, but that is substantially related to the fitness and ability of the applicant or CNA to engage in activities of the CNA profession for which a CNA certificate is required. Such conduct is considered to be conduct unbecoming a CNA, and includes, but is not limited to:

(9) Conduct related to certification violations:

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

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

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

(The below former rule version is for actions that took place in 2019.)

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:

(9) Conduct related to certification violations:

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

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

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

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

That the Nursing Assistant certificate of Nicole Jacobsen be reprimanded.

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

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

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

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

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

CNA 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.

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

signs this Stipulated Order for Reprimand.



Nicole Jacobsen, CNA

04/04/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

4/19/23

Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)
In the Matter of) **FINAL ORDER OF REVOCATION**
Rodica Malos, NP) **OF NURSE PRACTITIONER LICENSE**
) **BY DEFAULT**
)
License No. 200150094NP, 096003078RN) Reference No. 21-01073

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Rodica Malos (Licensee) was issued a Nurse Practitioner License by the Board on August 02, 2001.

This matter was considered by the Board at its meeting on April 19, 2023.

On March 23, 2023, a Notice stating that the Board intended to Revoke the Nurse Practitioner License of Rodica Malos was sent to Licensee via certified and first-class mail to the address of record.

The Notice alleged that Licensee failed to meet the standard of care as a Nurse Practitioner, by failing to complete assessments, documentation and collaborate with other healthcare providers for at least 4 patients.

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

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

-I-

FINDINGS OF FACT

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

1. Licensee was issued a Nurse Practitioner License in the state of Oregon on August 02, 2001.
2. On or about June 7, 2021, Licensee was reported to the Board for failure to follow FDA approved guidelines for the treatment of COVID-19, failure to assess, failure to refer a patient to a higher level of care and failure to collaborate with other healthcare providers. The Board opened an investigation into the matter.

3. On or about August 21, 2021, Licensee was reported to the Board for failure to follow FDA approved guidelines for the treatment of COVID-19. The Board opened an investigation into the matter.
4. On or about May 2021, Licensee provided telehealth treatment to patient, MA, while Licensee was working as a volunteer Nurse Practitioner for the Good News Health Clinic. Patient was seen for COVID-19 symptoms. Licensee spoke to the patient over the phone but never saw the patient in person. Licensee did not complete vital signs, labs, or diagnostic imaging for this patient. Licensee failed to address and document the patient's vaccination status. Licensee failed to complete documentation regarding medical history. Licensee failed to complete documentation regarding previous medications patient had tried for current symptoms. Licensee did not document a social history for this patient. Licensee prescribed several medications that do not have FDA approval and are not considered appropriate treatments for COVID-19, including Ivermectin, Hydroxychloroquine, Prednisone, Dexamethasone, Azithromycin, Doxycycline, Zinc, and several herbal medications. Licensee failed to document clinical decision making for prescribing medications that do not have FDA approval for COVID-19, including discussing risks and benefits with the patient. Licensee failed to document that the patient was informed that the prescribed treatments do not have FDA approval for the treatment of COVID-19. Licensee prescribed the patient home oxygen, home nebulizer treatments with albuterol and inhaled corticosteroids without a physical assessment of the patient. Licensee failed to document that she provided the patient with instructions or recommendations to go to the hospital for appropriate work up and treatment. Licensee failed to provide evidence-based research for her clinical decision making for this patient when asked. Licensee treated this patient only via telehealth for 11 days after which the patient was hospitalized and diagnosed with a pulmonary embolism. Licensee failed to collaborate with the hospital provider regarding the care of this patient.

By failing to obtain a physical assessment, vital signs or diagnostic imaging for this patient prior to providing treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to document previous medications patient had tried, vaccination status, medical history, social history and instructions to the patient for worsening symptoms, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C)**.

By prescribing medications that do not have FDA-approval and are not considered appropriate treatments for COVID-19 without documentation to support the clinical decision making or documentation to show the patient was informed of the risks and benefits of these treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to collaborate with the patient's other healthcare providers Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(f)**.

5. On or about August 2021, Licensee provided telehealth treatment to patient CR, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. Patient was seen for COVID-19 symptoms. Licensee failed to obtain vital signs. Licensee failed to document patient allergies. Licensee documented that she instructed patient to go to the Emergency Department if temperature was over 101. Licensee also documented that the patient's temperature was 101.3 during the telehealth visit. Licensee failed to document why the patient did not go to the Emergency Department per her recommendations. Licensee prescribed the patient several medications that do not have FDA approval for COVID-19 and are not considered appropriate treatments, including Ivermectin, Doxycycline and Prednisone. Licensee failed to document that the patient was informed that the prescribed treatments do not have FDA approval for the treatment of COVID-19. Licensee prescribed the patient nebulizer treatments without performing a physical assessment of the patient. Licensee failed to document clinical decision making for prescribing medications that do not have FDA approval for COVID-19, including discussing risks and benefits with the patient. This patient was subsequently hospitalized for treatment of their COVID-19.

By failing to obtain a physical assessment and vital signs for this patient prior to providing treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to document patient allergies and vaccination status Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C)**.

By failing to instruct the patient to go to the Emergency Department when the patient's temperature met clinic policy to refer to a higher level of care or the patient's refusal, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By prescribing medications that do not have FDA-approval and are not considered appropriate treatments for COVID-19 without documentation to support the clinical decision making or documentation to show the patient was informed of the risks and benefits of these treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

6. On or about December 2, 2022, Licensee verbalized during a telephone interview with Board staff that she was aware that her patients were obtaining medications she prescribed for the treatment of COVID-19 from outside of the United States. Licensee verbalized during a telephone interview with Board staff that she had obtained medications from outside the United States to treat her and her spouse when they had COVID-19. The FDA does not permit personal importation of unapproved versions of FDA-approved drugs from foreign countries. The FDA cannot assure that foreign-made versions of FDA-approved drugs have been properly manufactured, are safe and

effective, and are the same formulation as the FDA-approved versions.

By obtaining medication from outside the United States for the treatment of COVID-19, for herself and her spouse, Licensee **violated ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(8)(a).**

By Licensee's admission, she did not inform her patients of the risks of obtaining medications from outside of the United States, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(8)(a).**

7. On or about December 2, 2022, Licensee verbalized during a telephone interview with Board staff that she was making house calls to patients outside of her regularly scheduled clinic hours and was not documenting these visits. Licensee verbalized during a telephone interview with Board staff that she was providing patients with medical advice via text messages and that she was not documenting these communications in the medical record.

By failing to document patient visits and medical advice, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(a)(b)(c)(C).**

8. On or about June 2, 2021, Licensee provided care to patient OS, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. The patient did not report any signs or symptoms of a urinary tract infection and the reason for the visit was dizziness. The patient's urine dipstick resulted with 2+ blood. The patient's urine did not indicate any leukocytes or nitrites were present which are common with a urinary tract infection. Urinary tract infections are commonly diagnosed with leukocytes in the urine and symptoms such as dysuria, frequency, hesitancy, pain, low abdominal discomfort, fever and hematuria. Licensee failed to send the urine specimen for culture after diagnosing this patient with a urinary tract infection. Licensee failed to document that she obtained a sexual history for this patient and assessed for sexually transmitted diseases, which can have similar symptoms to a urinary tract infection. Licensee failed to document her clinical decision making on how she concluded a urinary tract infection. Licensee subsequently prescribed this patient a 3-day course of the antibiotic, Bactrim. Per current standards, a 3-day course of Bactrim is appropriate for female patients, but male patients require a 7-day course of Bactrim.

By failing to document clinical decision making for the diagnoses of urinary tract infection, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C).**

By failing to obtain a urine culture for this patient Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b).**

By failing to adhere to prescribing standards of care when prescribing Bactrim to this patient Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

9. On or about August 2021, Licensee provided telehealth care to patient MG, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. The patient reported discharge from the Emergency Department the day prior for COVID-19 symptoms. The patient reports to Licensee that their symptoms are worsening, and oxygen saturations have dropped to 91-92% on room air. Licensee ordered home oxygen, dexamethasone, and nebulizer treatments for this patient without completing a physical assessment. Licensee failed to obtain vital signs or diagnostic imaging for this patient. Licensee completed this visit via telephone with no ability to assess the patient's color, breathing and general appearance. Licensee failed to refer this patient back to the Emergency Department when they reported worsening symptoms.

By failing to obtain a physical assessment and vital signs for this patient prior to providing treatments Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to document clinical decision-making regarding prescribing for COVID-19 Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)(4)(c)(C)**.

By failing to refer this patient to the Emergency Department with worsening symptoms Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

10. On or about August 2021, Licensee provided care to a patient, GA, while Licensee was working as a volunteer Nurse Practitioner with the Good News Health Clinic. The patient's chief complaint for the August 2021 visit is cough. The patient had a history of metastatic brain cancer. Licensee failed to assess the patient for COVID-19. This patient would be at high risk for COVID-19 due to their immunocompromise. Licensee is acting as a primary care provider for this patient but there is no evidence that Licensee had obtained records from the patient's other healthcare providers. The patient reports to Licensee visual changes post brain surgery but Licensee failed to document that she discussed this symptom with the patient's neurosurgeon or oncologist. Licensee failed to document that she told the patient to follow up with her neurosurgeon or oncologist regarding the reported changes in vision.

By failing to assess the patient for COVID-19, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-0070(2)(a)(3)(b)**.

By failing to obtain patient records and collaborate with patient's other healthcare providers, Licensee violated **ORS 678.111(1)f and (g) and OAR 851-045-**

0070(2)(a)(3)(b)(4)(f).

By failing to refer the patient to see a specialist for visual changes post brain surgery, Licensee violated **ORS 678.111(1)(f) and (g) and OAR 851-045-0070(2)(a)(3)(b).**

11. After a review of 7 medical records in which Licensee provided care, Licensee failed to document that she provided these patients any information regarding COVID-19 vaccines, including documentation on whether the patients had already been vaccinated. Licensee failed to offer the COVID-19 vaccine to any of these 7 patients.

By failing to address and document vaccination status for 7 patients, Licensee violated **ORS 678.111(1)(f) and (g) and OAR 851-045-0070(2)(a)(3)(b).**

12. On March 23, 2023, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Rodica Malos, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of **ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(a)(3)(b)(4)(b)(c)(C)(f)(8)(a).**

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:

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

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

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

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

(4) Conduct related to communication:

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

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

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

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

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

(a) Aiding, abetting, or assisting an individual to violate or circumvent any law, rule or regulation intended to guide the conduct of nurses or other health care providers.

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

-III-

ORDER

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

ORDERED that the Nurse Practitioner License of Rodica Malos is REVOKED.

DATED this 19th day of April, 2023

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Judith Woodruff,
Board President

TO: RODICA MALOS:

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

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

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

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Mary Mehaffey, RN**

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

**License No.
079043656RN**

)
)
Reference No. 2022120197

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Mary Mehaffey (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing on January 8, 2023.

On or about December 7, 2022, the Board received information that Licensee had been impaired while working as a Registered Nurse.

By the above actions, Licensee is subject to discipline pursuant to ORS678.111(1)(e)(f) and OAR851-045-0070(7)(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 endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(e) Impairment as defined in ORS 676.303.

(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

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

That the Registered Nurse license of Mary Mehaffey 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 her 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 20 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 Licensee is prescribed such medication, and shall sign a release of information authorizing the prescribing person to communicate with Board staff about Licensee's medical condition. Licensee shall produce the medical records pertaining to the medical condition and medication use. Licensee will discard any unused prescription medications when it is no longer needed or expired.

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

21) Licensee shall notify any and all healthcare providers of the nature of Licensee's 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.

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

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

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

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

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

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]

Mary Mehaffey, RN

2/2/2023
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted signature]

Board President

4/19/23
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 Ott, CNA) CIVIL PENALTY
)
Certificate No. 201502219CNA) Reference No. 2022100116

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. Danielle Ott (Certificate Holder) was issued a CNA Certificate by the Oregon State Board of Nursing on April 17, 2015.

On or about October 18, 2022, the Board received information that Certificate Holder worked a total of 32 shifts with an expired CNA certificate.

By the above actions, Certificate Holder is subject to discipline pursuant to **ORS 678.117 (1), (2)(a)(b), (3), (4) and (5), ORS 678.442(2)(f), OAR 851-001-0009(1), (2)(a), ORS 678.442 (2)(f) and OAR 851-063-0090(2)(f) and (9)(b)** 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.

- (1) The Board will consider factors listed in ORS 678.117 (2) when determining the amount of civil penalty to be imposed and per ORS 678.117 (1), no single violation civil penalty shall exceed \$5000.
- (2) A civil penalty of up to \$100 per day of occurrence is assessed for the following:
 - (a) Practicing as a Licensed Practical Nurse (LPN), Registered Nurse (RN) , Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA), Clinical Nurse Specialist (CNS), Certified

Nursing Assistant (CNA), Certified Medication Aide (CMA) without a current license or certificate or Board required concurrent national certification; or prescribing, dispensing, or distributing drugs without current prescription writing authority, due to failure to renew and continuing to practice.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

(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.

(9) Conduct related to certification violations:

(b) Functioning as a certified nursing assistant without current certification as a nursing assistant.

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

That the Board impose a civil penalty against the CNA Certificate of Danielle Ott in the amount of \$1600.00.

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

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

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

Certificate Holder shall make 24 monthly payments of **\$66.67**. 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. Please note that your payment amount was rounded, which means that your final payment may be less or more than the monthly payment listed above. The civil penalty may be paid in full at any time prior to the end of the twenty-four months.

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.

Certificate Holder 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 Certificate Holder may be subject to further disciplinary action by the Board which could include suspension, revocation, or denial of licensure.

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

[Redacted Signature]

Danielle Ott, CNA

04/03/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

4/19/23
Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	STIPULATED ORDER FOR
Carol Rosander,)	CIVIL PENALTY
)	
License No. 094003212RN)	Reference No. 2022120182

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Carol Rosander was issued a Registered Nurse License by the Oregon State Board of Nursing on July 13, 1995.

On or about December 20, 2022, the Board received information that RN had been working on an expired license since July 27, 2022. RN worked partial shifts during the 40 days that she worked on an expired license.

By the above actions, RN is subject to discipline pursuant to **ORS 678.111(1)(f) and ORS 678.117(1)(2)(a)(b)(3)(4)(5) and OAR 851-001-0009(2)(a) 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.

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.

(2) A civil penalty of up to \$100 per day of occurrence is assessed for the following:

(a) Practicing as a Licensed Practical Nurse (LPN), Registered Nurse (RN) , Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA), Clinical Nurse Specialist (CNS), Certified Nursing Assistant (CNA), Certified Medication Aide (CMA) without a current license or certificate or Board required concurrent national certification; or prescribing, dispensing, or distributing drugs without current prescription writing authority, due to failure to renew and continuing to practice.

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;

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

That the Board impose a civil penalty against the Registered Nurse License of Carol Rosander in the amount of \$2,000.00.

Based on the evidence, Licensee practiced nursing without an active license for partial shifts a total of 40 days, and the Board finds 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 10 monthly payments of \$200.00. **The first payment is to be received by the Board by the first day of the month following the Boards 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.

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 Civil Penalty.

[Redacted Signature]

Carol Rosander, RN

2/10/2023

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Board President

4/19/23
Date

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Julie Smith, RN) STIPULATED ORDER FOR) VOLUNTARY SURRENDER)) Reference No. 20-00223
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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Julie Smith (Licensee) was issued a Registered Nurse License by the Board on September 04, 1996.

On or about September 3, 2019, the Board received information that Licensee was under investigation by her employer, Amada Senior Care. During the Board's investigation it was identified that the licensee had failed to provide oversight to unlicensed staff who were providing in-home care to a client and were operating under the supervision of the licensee.

Licensee is not currently practicing nursing in Oregon and wishes to resolve this matter with a Voluntary Surrender of her Registered Nurse license.

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

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

(e) Failing to clinically supervise persons to whom an assignment has been made;

(h) Failing to clinically supervise a UAP to whom a nursing procedure has been delegated.

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

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

That the voluntary surrender of the Registered Nurse license of Julie Smith be accepted. If, after a minimum of three years, Ms. Smith wishes to reinstate their Registered Nurse license, Julie Smith may submit an application to the Board to request reinstatement.

Licensee agrees that they will not practice as a Registered Nurse ^{in OR 9/3/25} 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, **Julie Smith** 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]

Juli Smith, RN

3/10/2023
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

4/19/23
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**
Penny Stocks, RN) **REPRIMAND OF LICENSE**
)
License No. 200340314RN) **Reference No. 22-00836**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse License. Penny Stocks (Licensee) was issued a Registered Nurse License by the Board on March 06, 2003.

On or about June 9, 2022, the Board received information that Licensee gave a patient the wrong medication which was prescribed to someone else. Licensee then failed to file an incident report for the medication error, notify the provider or document the error in the patient's chart.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 and OAR 851-045-0070.

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

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

(f) Conduct derogatory to the standards of nursing.

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

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

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

(4) Conduct related to communication:

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

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

Licensee 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 Penny Stocks be reprimanded.

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

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

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]

Penny Stocks, RN

3-30-23
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

4/19/23
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**
Melody Stockstill, CNA) **VOLUNTARY SURRENDER**
)
License No. 000000421CNA) **Reference No. 2023010021**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistant's. Melody Stockstill was issued a Certified Nursing Assistant Certificate by the Oregon State Board of Nursing on August 7, 2019.

On or about January 5, 2023, the Board received information that Certificate Holder had been working on an expired certificate. Certificate Holder worked a total of 238 days on an expired license, which expired on August 24, 2021. Certificate Holder was informed of her expired status on October 22, 2022 and continued to work 53 days knowing she was expired.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-063-0090(1)(b)(9)(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 certificate to practice nursing, whether by examination or by endorsement, of any person may be refused or the certificate may be revoked or suspended or the certificate holder may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes: (f) Conduct derogatory to the standards of nursing.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

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

(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties: (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

(9) Conduct related to certification violations:

(b) Functioning as a certified nursing assistant without current certification as a nursing assistant;

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 Melody Stockstill:

That the voluntary surrender of the Certified Nursing Assistant Certificate of Melody Stockstill be accepted. If, after a minimum of three years, Melody Stockstill wishes to reinstate their Certificate, Melody Stockstill may submit an application to the Board to request reinstatement.

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, **Melody Stockstill** waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce the signing of this Order.

Certificate Holder 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.

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

[Redacted Signature]

Melody Stockstill, CNA

03/20/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

[Redacted Signature]

Judith Woodruff, JD
Board President

4/19/23

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**
Laura Stoudenmire) **VOLUNTARY SURRENDER**
)
License No. 201800328RN) **Reference No. 19-00969**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Laura Stoudenmire (Licensee) was issued a Registered Nurse license by the Board on January 17, 2018 which expired in April 2019.

On January 22, 2019, Licensee was arrested in Richland County, South Carolina, on a warrant for felony drug trafficking and, the following month, Licensee was charged in court with several additional drug felonies. Licensee failed to report this arrest to the Board to the Board, as required. In February 2019, Licensee's South Carolina Registered Nurse license was suspended. As a result of the above-mentioned criminal charged, Licensee was convicted of misdemeanor possession of controlled substances in February 2023.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g)(h) and OAR 851-045-0070(8)(k)(v) which provide as follows:

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

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

(f) Conduct derogatory to the standards of nursing.

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

(h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of such revocation or suspension.

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:

(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;

(v) Failure to report to the Board the licensee's arrest for a felony crime within 10 days of the arrest;

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

That the voluntary surrender of the Registered Nurse license of Laura Stoudenmire be accepted. If, after a minimum of three years, Laura Stoudenmire wishes to reinstate their Registered Nurse license, they may submit an application to the Board to request reinstatement.

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

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

Licensee understands that by signing this Stipulated Order, **Laura Stoudenmire** 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.



Laura Stoudenmire

03/26/23

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON



Judith Woodruff, JD
Board President

Date

4/19/23

PLEASE RETURN ALL PAGES OF THIS STIPULATED ORDER AFTER SIGNING