

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Tiffany Harvey, LPN) **CIVIL PENALTY**
)
201502031LPN) **Reference No. 17-00210**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including LPNs. Tiffany Harvey (Licensee) was issued a Practical Nurse license by the Board on April 10, 2015.

On or before May 10, 2016, Licensee should have renewed her LPN license. Licensee failed to timely renew, and her license expired on May 11, 2016.

From the date Licensee's license expired on May 11, 2016, until July 18, 2016, she continued to practice nursing at Gateway Living in Springfield, Oregon.

On August 02, 2016, Board staff sent Licensee a notification letter informing her of a potential civil penalty for practicing nursing without a current license. At that time, the Board requested additional information from her on which to base the assessment (dollar amount) of the civil penalty.

On August 03, 2016, the Board received substantiated information from Licensee establishing that she was practicing nursing a total of 5 days between the dates of May 11, 2016 and July 18, 2016 (allowing for the 60 day late renewal period immediately following the expiration date.)

By the above actions, Licensee has violated ORS 678.021, which provides as follows:

ORS 678.021 License required to practice nursing.

It shall be unlawful for any person to practice nursing or offer to practice nursing in this state or to use any title or abbreviation, sign, card or device to indicate the person is practicing either practical or registered nursing unless the person is licensed under ORS 678.010 to 678.410 at the level for which the indication of practice is made and the license is valid and in effect.

The foregoing is grounds for imposing a civil penalty pursuant to ORS 678.117 and OAR 851-045-0100(2)(a) which provide 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 678.445 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 678.445 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 851-045-0100 Imposition of Civil Penalties

- (2) Civil penalties may be imposed according to the following schedule:
 - (a) Practicing nursing as a Licensed Practical Nurse (LPN), Registered Nurse (RN), Nurse Practitioner (NP), Certified Registered Nurse Anesthetist (CRNA) or Clinical Nurse Specialist (CNS) 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: \$50 per day, up to \$5,000.

Licensee wishes to cooperate with the Board in this matter.

Prior to May 11, 2016, Licensee has no disciplinary history prior to this date. Licensee is experiencing financial hardship.

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

That the Board impose a civil penalty against Licensee in the amount of \$125.00.

Based on the evidence, Licensee was practicing nursing without a current license a total of 5 days between the dates of May 11, 2016 and July 18, 2016 (allowing for the 60 day late renewal period immediately following the expiration date), equaling a total civil penalty of \$250.00. Based on the mitigating factors that Licensee has no prior disciplinary action and is experiencing financial hardship, the Board has determined that the civil penalty may be reduced by 50% to \$125.00.

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 a lump sum payment of \$125.00 or monthly payments of not less than \$10.42 in any one payment, the first payment to be received by the Board before the end of business on September 25, 2016, and a like payment on the 25th day of every month thereafter 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; alternatively, payment may be made by phone at 971-673-0685.

Licensee understands that any past due amount over 90 days old may be assigned to the Oregon Department of Revenue. In the event any amount is assigned for collection, the Licensee is subject to further disciplinary action by the Board which could include revocation or denial of licensure.

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

Tiffany Harvey, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Jacy Gamble
Investigations Manager

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE