

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Yvonne McKinney, CNA

Certificate No. 000036396CNA

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FINAL ORDER

Reference No. 11-01133

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 applicants, in the State of Oregon. Yvonne Marie McKinney (Applicant) is a certified nursing assistant applicant in the State of Oregon.

This Matter was considered by the Board on February 16, 2011. Applicant did not appear personally. The issue for the Board was whether to approve the Stipulation signed by Applicant on December 31, 2010 and so dispense with this Matter pursuant to ORS 183.417(3).

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

ORDERED that the Stipulation signed by Applicant on December 31, 2010, be approved and by this reference incorporated herein, and, it is further

ORDERED that the certificate to perform the duties of a nursing assistant of Yvonne Marie McKinney be placed on Probation as stipulated and that Ms. McKinney shall meet all of the terms and conditions as stated in the Stipulation.

DATED this _____ day of February, 2011

Patricia Markesino, RN
Board President

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

In the Matter of)	STIPULATION FOR
)	PROBATION
Yvonne Marie McKinney, CNA Applicant)	
Cert No: 000036396CNA)	Case No: 11C-133

The Oregon State Board of Nursing (Board) is the state agency responsible for the certification and regulation of nursing assistants.

Yvonne Marie McKinney received her nursing assistant certification by examination on November 26, 1996. She allowed her certificate to expire on December 7, 2000.

On or about August 16, 2010, the Board received Ms. McKinney's CNA Reactivation application. Ms. McKinney marked yes to the arrest question and yes to having her certificate sanctioned by the Board. She wrote that she was arrested in December 1998 for theft because she had not returned rented videos to the video store. She paid her fines, returned the videos and the charge was reduced to a traffic violation.

Ms. McKinney further explained that in her younger years, she made some serious mistakes that caused questions regarding her ability to work in the medical field due to her inappropriate use of drugs. Since that time, she has changed her life around by actively engaging in recovery by attending groups, continuing individual counseling, learning tools for self care and having over 8 years of sobriety.

A review of Ms. McKinney's history with the Board showed that in October 1999, she self-reported to the Board that she was in a treatment program for her illegal use of opiates. She voluntarily signed an Interim Consent Order and allowed her certificate to expire in December 2000.

On or December 21, 2010, Ms. McKinney met with Board staff and admitted to a long history of substance abuse. She said she grew up in an environment that supported a drug lifestyle, which began for her at 9-years old. Ms. McKinney admitted she used several illegal drugs over many years including marijuana, methamphetamine, and heroin. She admitted abusing prescription narcotics and alcohol as well.

In November 2003, Ms. McKinney obtained treatment at CODA Treatment Recovery Prevention clinic. She was diagnosed with Opiate Dependence and Alcohol Dependence. Since that time, Ms. McKinney has remained clean and sober with the assistance of a Methadone management program. Ms. McKinney has no reported relapses and all of her drug screens have returned negative. Ms. McKinney has successfully titrated down from her Methadone over the years and her current dose is 26 mg. She continues to receive recovery support from CODA, which includes group therapy, individual therapy, random drug screens, and Methadone management.

ORS 678.442 requires that the Board establish standards for the certification of nursing assistants. Specifically, ORS 678.442(2)(f) authorizes the Board to discipline any nursing assistant for “Conduct unbecoming a nursing assistant in the performance of duties.”

Ms. McKinney wishes to cooperate with the Board in this matter and has agreed to a period of probation as specified below:

That Ms. McKinney be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Agreement. That Ms. McKinney, in her performance of duties as a Certified Nursing Assistant, will be placed on probation for a one-year period of time. Probation will be contingent on performing the duties at the level of a Certified Nursing Assistant. Certificate Holder must practice a minimum of 80 hours each month of probation in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent.

Certificate Holder must comply with the following terms and conditions of probation:

1. She shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. She shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
3. She shall have thirty-six (36) months from Board acceptance of this Stipulation to complete probation.
4. She will not look for, accept, or begin a new CNA position without the approval of Board staff. This includes changes of the employer itself or changes within the facility or institution.
5. She shall only be employed in settings where she receives direct supervision by a licensed nurse at all times.
6. She shall notify the Board of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
7. She shall present herself, in person, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and may be revised periodically at the discretion of Board staff. A telephone interview may be substituted for a personal interview at the discretion of Board staff.
8. She shall inform current and prospective employers of the probationary status of her certificate, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Certificate Holder's probationary status.

9. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Certificate Holder is employed.
10. She shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) at least every three-(3) months during the probationary period. Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of Certificate Holder's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding Certificate Holder's work-related conduct or personal behavior that may affect her ability to perform the duties of a CNA.
11. She shall not be employed by a temporary staffing agency or home health care agency during the probationary period.
12. She shall participate in the Board's random urine program. Failure to comply with the random urine program will result in an immediate removal from the performance of nursing assistant duties and obtain an evaluation by a Board approved chemical dependence evaluator. The presence of unauthorized substances may be considered a violation of the terms and conditions of this stipulation. She understands that she will be financially responsible for the costs related to this testing.
13. She shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over the counter and prescription drugs and alcohol during the period of probation.
14. She shall continue her recovery support treatment at CODA. She shall sign a Release of Information with CODA and have proof of her participation in treatment sent directly to the Board. Should she successfully complete her treatment during her probationary period, she shall provide the Board with a copy of her completion certificate within two (2) weeks.
15. She will notify any health care providers of the nature of her chemical dependence diagnosis, to ensure that her health history is complete, before receiving any treatment, including medical and dental treatment. She will provide a copy of this Stipulation to her provider. She may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. She will notify the Board within 24 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. She shall produce the medical records pertaining to the medical condition and medication use.
16. She shall submit to tests to determine the presence of unauthorized substances, immediately upon request by the Board staff or her employer. The presence of unauthorized substances may be considered a violation of terms and conditions of this stipulation. She shall sign any release of information necessary to insure the Board will receive the results of such testing.

17. She shall cease the performance of duties as a CNA upon the occurrence of a relapse or at the request of the probation coordinator because of relapse or relapse behavior. Performance of duties may resume when approved by the probation coordinator, in consultation with her employer.
18. She is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.
19. She shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

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

Certificate Holder also understands that in the event she engages in future conduct resulting in violations of the law or terms of probation, the Board may take further disciplinary action against her certificate, up to and including revocation of her certificate to perform duties as a nursing assistant.

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

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

Certificate Holder understands that this Stipulation for Probation is a public document.

Certificate Holder states no promises, representation, duress, or coercion has been used to induce her to sign the Stipulation.

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

Dated this _____ day of _____ 2011.

Yvonne Marie McKinney, CNA Applicant

OREGON STATE BOARD OF NURSING

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

Cheryl Martini
Investigator
Investigations Department

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE