

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

<b>In the Matter of</b>	)	<b>FINAL ORDER</b>
	)	
<b>Robert Nakasone, CNA</b>	)	
	)	
<b>Certificate No.: 200913353CNA</b>	)	<b>Case No. 11C-020</b>
	)	

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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 nursing assistants, in the State of Oregon. Robert Nakasone (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on October 13, 2010. The issue for the Board was whether to approve the Stipulation signed by certificate holder on September 9, 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 certificate holder on September 9, 2010 be approved and by this reference incorporated herein, and it is further

**ORDERED** that the Board accept the Stipulation for Voluntary Surrender of Robert Nakasone's nursing assistant certification and that the Stipulation for Voluntary Surrender be adopted.

DATED this \_\_\_\_\_ day of October, 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

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Patricia Markesino, RN  
Board President

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

**In the Matter of** ) **STIPULATION FOR**  
**Robert Nakasone, CNA** ) **VOLUNTARY SURRENDER OF**  
 ) **CERTIFIED NURSING ASSISTANT**  
 ) **CERTIFICATE**  
 )  
**Certificate No. 200913353CNA** ) **Case No.: 11C-030**

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Robert Nakasone, hereinafter referred to as “Certificate Holder” is a Certified Nursing Assistant (CNA) in the State of Oregon.

Certificate holder received his certificate by examination on December 10, 2009.

On August 2, 2010 the Oregon State Board of Nursing (Board) received a complaint that Certificate Holder admitted to hitting a patient in the lower back with his hand.

Certificate Holder worked for LaGrande Post Acute Rehabilitation in LaGrande, Oregon. On July 24, 2010 Certification holder had just completed giving a resident a shower. After the shower he began to dry the resident off. Certificate holder said that as he was drying the resident off, the resident began to have a bowel movement. Certificate holder said that he became frustrated and he struck the resident in the lower back with his hand and told the resident “what are you doing man?” and further to “knock it off”.

Certificate Holder was terminated as a result of this incident.

Certificate Holder wishes to voluntarily surrender his Certified Nursing Assistant certificate.

WHEREAS by the above actions, Robert Nakasone is subject to disciplinary action pursuant to violations of ORS 678.442(2) (f); OAR 851-063-0080 (6) and OAR 851-063-0090 (2) (d) 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:
  - (f) Conduct unbecoming a nursing assistant.

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

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

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

**OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

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

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

(d) Abusing a client. The definition of abuse includes but is not limited to intentionally causing physical harm or discomfort, striking a client, intimidating, threatening or harassing a client;

Certificate Holder admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary problem. He has elected to voluntarily surrender his Certified Nursing Assistant certificate.

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

**That the voluntary surrender of the Certified Nursing Assistant certificate of Robert Nakasone be accepted. If after a minimum of three years, he wishes to reinstate his Certified Nursing Assistant Certificate, Mr. Nakasone may appear before the Board to request a reinstatement of his certificate as a Certified Nursing Assistant. Should the Board reinstate the Certified Nursing Assistant certificate of Mr. Nakasone, he would be subject to whatever terms and conditions the Board may impose.**

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

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

Certificate Holder understands that by signing this Stipulated Agreement he waives the right to an administrative hearing. He acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Stipulation.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

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Robert Nakasone, CNA

**FOR THE OREGON STATE BOARD OF NURSING**

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Marilyn Hudson, RN, MSN, CNS, FRE  
Investigations Manager (Interim)  
Investigations Department

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Bob Ruark  
Investigator  
Investigations Department