

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Janine Nelson, CMA**

) **STIPULATED ORDER FOR**  
) **REPRIMAND OF CERTIFICATE**  
)

**Certificate No. 000031252CMA,  
000031252CNA**

) **Reference No. 14-00635**

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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 Certified Medication Aides. Janine Nelson, CNA (CNA) was issued a nursing assistant and medication aide certificates by the Board on March 23, 1999.

On or about November 1, 2013, the Board received information that CNA operated outside her authorized duties as a CNA 2 by removing staples from a patient's abdominal incision, failing to document this task, and by performing a straight catheterization on another patient without facility documentation of competency to perform the catheterization. Allegedly, CNA performed these tasks while assigned to work as a Medical Records Clerk. The Board opened an investigation into the matter.

CNA acknowledges that on or around October 31, 2013, she removed staples from a patient's abdominal incision, which is outside the authorized duties of a CNA 2. Further, CNA did not document the performance of this task on the Treatment Administration Record.

During the investigation of CNA's medical records position, it was determined that CNA falsified information on her March 8, 2013 renewal application, by indicating that she had at least 400 paid hours as a CMA in the past two years, when she had 113 paid hours between Jan 1, 2011 and December 31, 2013.

By the above actions, CNA is subject to discipline pursuant to ORS 688.442 (1) (f); OAR 851-063-0080 (6); OAR 851-063-0090 (3) (a) (b) and (6) (b) and (9) (b), which read as follows:

**ORS 678.442 Certification of nursing assistants; rules.** (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who:

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

**OAR 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).

**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:

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records;

(b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given;

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

(b) Performing acts beyond the authorized duties for which the individual is certified; or

(9) Conduct related to the certificate holder's relationship with the Board:

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

CNA 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 CNA:

**That the Certified Medication Aide certificate of Janine Nelson be reprimanded.**

CNA 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.

CNA 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 certificate, up to and including revocation of her certificate to practice as a Certified Medication Aide.

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, she 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 her to sign this Order.

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

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

\_\_\_\_\_  
Janine Nelson, CMA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Kay Carnegie, RN, MS  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY OF FILE IN BOARD OFFICE