

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Marta Byers, CNA**

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

Certificate No. 000011556CNA

) **Reference No. 15-01527**

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. Marta Byers (CNA) was issued a Nursing Assistant Certificate by the Board on January 1, 1990.

On or about April 17, 2015, the Board received information that CNA used excessive force with a client, when she used her hands on the client's arms to push him out of a room against his will.

On June 23, 2015, CNA completed a remedial training course entitled "Challenging Behaviors: Effective Approaches to Common Behaviors in the Non-Dementia Population."

By the above actions, CNA is subject to discipline pursuant to 678.442 (2)(f), 851-063-0080 (6) and 851-063-0090 (2)(a) and (3)(g), which read as follows:

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.

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 impose a range of disciplinary sanctions including, but not limited to 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.

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:

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

(a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;

(3) Conduct related to client safety and integrity:

(g) Failing to respect the dignity and rights of the person receiving nursing services, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, other physical attributes, or disability.

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 Nursing Assistant certificate of Marta Byers 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 Nursing Assistant.

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.

Marta Byers, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date