

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Melissa Urrutia, LPN) **VOLUNTARY SURRENDER**
)
200530128LPN) **Reference No. 15-01176**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including LPNs. Melissa Urrutia (Licensee) was issued a Licensed Practical Nurse license by the Board on June 20, 2005.

On or about May 2011, the Board received information that alleged Licensee may have attempted suicide by ingesting an overdose of her own anti-depressants and other medications and that she was arrested for driving under the influence of alcohol. The Board opened an investigation into the matter.

On November 14, 2012, the Board approved Licensee to enter into the Health Professional Services Program for a period of 4 years with a diagnosis of Alcohol Dependence and PTSD.

On July 10, 2014, the Board received a non-compliance report that licensee had tested positive for Fentanyl on June 9, 2014 and on June 24, 2014.

On July 23, 2014, the Board received a non-compliance report that licensee tested positive for Alcohol on July 14, 2014.

On July 15, 2014, Licensee received an Evaluation in which the evaluator recommended Licensee return to intensive outpatient treatment followed by ongoing recovery support meetings due to a history of addiction. Licensee was unable to comply with these recommendations. Licensee was requested to follow treatment recommendations within 60 days of returning to work as a Nurse. Licensee obtained employment in October, 2014.

On February 12, 2015, the Board received a non-compliance report that Licensee failed to obtain a required toxicology test on 1/29/15. Licensee was scheduled for a follow-up test on 2/5/15 which was also missed.

On February 13, 2015, Licensee contacted the Board to request that she be allowed to voluntarily surrender her license due to continued issues with her PTSD diagnosis and her current memory loss.

By the above actions, Licensee is subject to discipline pursuant to:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of

any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(e) Impairment as defined in ORS 676.303

(f) Conduct derogatory to the standards of nursing.

678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111.

851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(5) Conduct related to impaired function:

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

OAR 851-070-0100 Substantial Non-Compliance Criteria

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement within one business day after the HPSP learns of non-compliance, including but not limited to information that the licensee:

(d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(k) Violated any provisions of OAR 851-070-0080;

(l) Violated any terms of the diversion agreement.

(2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her LPN license at this time.

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

That the voluntary surrender of the LPN license of Melissa Urrutia be accepted. If, after a minimum of three years, Ms. Urrutia wishes to reinstate her LPN license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a LPN from the date she signs this Order.

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, 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 has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Melissa Urrutia, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date