

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Robert Franz, RN** ) **VOLUNTARY SURRENDER**  
)  
**License No. 078040388RN** ) **Reference No. 14-01896**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Robert Franz (Licensee) was issued a Registered Nurse License/Certificate by the Board on May 30, 1978.

On or about November 17, 2010, the Board received information that Licensee self-reported to the Board that he had entered treatment related to Alcohol Dependence. Licensee was diagnosed with Alcohol and Opioid Dependence. There were no reported practice issues.

Licensee was entered into the Health Professional Services Program on November 17, 2010. Licensee was reported as Non-Compliant for a Positive toxicology result on May 4, 2012.

On July 25, 2013 Licensee was reported as Non-Compliant for a positive toxicology result. Licensee received a third party evaluation indicating medication had been used for unresolved pain issues.

On May 12, 2014 Licensee was reported by HPSP for having missed a scheduled toxicology test.

On June 13, 2014 Licensee was reported by HPSP for a positive Hair analysis test requested by the most recent evaluator. Licensee admitted to using un-prescribed medication to treat his chronic back pain.

By the above actions, Licensee is subject to discipline pursuant to ORS 676.200 Board participation in program; rules.

(3) A board that participates in the impaired health professional program shall investigate reports received from the monitoring entity established under ORS 676.195. If the board finds that a license is substantially non-compliant with a diversion agreement entered into under ORS 676.190, the board may suspend, restrict, modify or revoke the licensee's license or end the licensee's participation in the impaired health professional program.

ORS 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.

### **851-070-0080 Licensee Responsibilities**

(1) All licensees must:

(b) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;

(c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee. The Board does not authorize the vendor to approve or disapprove medications prescribed to the Licensee for a documented medical condition;

### **851-070-0100 Substantial Non-Compliance Criteria**

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

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

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender his Registered Nurse license.

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 Registered Nurse license of Robert Franz be accepted. If, after a minimum of three years, Mr. Franz wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request reinstatement.**

Licensee agrees that he will not practice as a Registered Nurse from the date he 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, he 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 him 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.

\_\_\_\_\_  
Robert Franz, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

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

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE