

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Elaine Harley, RN) **VOLUNTARY SURRENDER**
)
License No. 081001286RN) **Reference No. 14-01434**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Elaine Harley (Licensee) was issued a Registered Nurse License by the Board on November 10, 1981.

On or about March 26, 2014, Licensee was reported to the Board following a Department of Human Services (DHS) survey completed on February 4, 2013 at the assisted living facility where Licensee is the only licensed nurse, alleging deficiencies related to nursing care. The Board opened an investigation into the matter.

The survey noted untimely client assessments and service plans that needed updating. Further, it was noted some nursing tasks were delegated to caregivers, and some incidents needed to be investigated or followed up on.

Licensee met with Board staff on May 19, 2014 and recognized the concerns. Licensee was in the process of developing a plan to correct the survey findings. Licensee agreed to bring current all delinquent assessments, update all service plans and implement new systems to improve incident investigations and the delegation of nursing tasks. Licensee provided specific strategies and tools she planned to implement to improve processes. Licensee further provided documentation to Board staff of a number of continuing education courses that she completed and letters of support regarding her nursing care.

A follow up survey was conducted on May 29, 2014, while Licensee was in the process of implementing the plan she developed 10 days earlier. Since the follow up survey, Licensee continued to implement the plan. Licensee neither admits nor denies the allegations, but acknowledges if proven at hearing, Licensee would be subject to discipline pursuant to ORS 678.111 (1) (f); and OAR 851-045-0070 (1) (b), (c), (d), (f), (g), (h); and (3) (g) which reads as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, 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 conditions 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:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070

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:

- (1) Conduct related to the client's safety and integrity:
- (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
- (c) Failing to implement and/or follow through with the plan of care.
- (d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.
- (f) Improperly delegating tasks of nursing care to unlicensed persons in settings where a registered nurse is not regularly scheduled.
- (g) Failing to supervise persons to whom nursing tasks have been assigned.
- (h) Failing to teach and supervise unlicensed persons to whom nursing tasks have been delegated.

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- (3) Conduct related to communication:
- (g) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her 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 Elaine Harley be accepted. If, after a minimum of three years, Ms. Harley wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse 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.

Elaine Harley, 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