

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
John Elder, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201212653CNA) **Reference No. 16-01336**

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. John Elder (CNA) was issued a Nursing Assistant Certificate by the Board on November 27, 2012.

On or about February 12, 2016, the Board received information alleging that CNA physically abused a patient. The Board opened an investigation.

On or about March 18, 2016, the Board received information that a Finding of Abuse was substantiated against CNA by the Oregon Department of Human Services, Office of Licensing and Regulatory Oversight.

On or about March 18, 2016, CNA was placed on the Abuse Registry.

On March 23, 2016, CNA informed Board staff that he no longer wished to work as a Nursing Assistant and desired to voluntarily surrender his certification.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(d)(f) and OAR 851-063-0090(8)(d), which read as follows:

ORS 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:

- (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 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:

- (8) Conduct related to other federal or state statutes/rule violations:
 - (d) Abusing a person.

CNA wishes to cooperate with the Board in this matter and voluntarily surrender his Certified Nursing Assistant certificate.

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

That the voluntary surrender of the Certified Nursing Assistant certificate of John Elder be accepted. If, after a minimum of three years, Mr. Elder wishes to reinstate his Certified Nursing Assistant certificate, he may submit an application to the Board to request reinstatement.

CNA agrees that he will not practice as a Certified Nursing Assistant from the date he signs this Order.

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, he 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 him 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 Voluntary Surrender.

John Elder, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date