



**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATION**  
**Courtney Leann Smith, CNA** ) **FOR PROBATION**  
)  
**Certificate No. 000033103CNA** ) **Reference No. 11-01100**

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Courtney Leann Smith (Certificate Holder) is a Certified Nursing Assistant in the state of Oregon. She obtained certification through examination on November 7, 1995.

On or about November 10, 2010, Certificate Holder self-reported to the Board a conviction for Driving under the Influence of Intoxicants (DUII). This was her second DUII arrest.

Prior to her second DUII arrest, Certificate Holder obtained a chemical dependency evaluation and was diagnosed with Alcohol Dependence. Certificate Holder is currently engaged in a treatment program.

**By the above actions, Ms. Smith is subject to discipline pursuant to violations of ORS 678.442 (2) (c) (f) and OAR 851-063-0090 (7) (a).**

**ORS 678.442**

- (2) In the manner prescribed in ORS 183.310-183.550, the Board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
  - (c) Use of any controlled substance or intoxicating liquor to an extent or in a manner dangerous or injurious to the certificate holder or others or to an extent that such use impairs the ability to conduct safely the duties as a nursing assistant.
  - (f) Conduct unbecoming a nursing assistant in the performance of duties.

**OAR 851-063-0090**

A CNA, regardless of job location, responsibilities, or use of the title "CNA," who, in the performance of nursing related duties, may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Conduct unbecoming a nursing assistant includes, but is not limited to:

- (7) Conduct related to impaired function:
  - (a) Using intoxicants, prescription, over the counter or controlled drugs to an extent or in a manner injurious to the nursing assistant or others or to the extent that such use impairs the ability to conduct safely the duties of a nursing assistant.

Ms. Smith admits that the above allegations occurred and constitute violation of the Nurse

Practice Act. She wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Ms. Smith:

**That Courtney Leann Smith be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Agreement. That Courtney Leann Smith, in her performance of duties as a Certified Nursing Assistant, will be placed on probation for a two-year period of time. Probation will be contingent on performing the duties at the level of a Certified Nursing Assistant. Ms. Smith must practice a minimum of 80 hours each month of probation in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent.**

Ms. Smith must comply with the following terms and conditions of probation:

1. She shall not violate the Nurse Practice Act (ORS 678) or the rules adopted there under.
2. Probation shall be for a period of twenty-four (24) months. For the purposes of this Stipulation for Probation, the term "month," as used in this subsection, means a calendar month in which Ms. Smith practices as a certified nursing assistant in Oregon a minimum of eighty (80) paid hours. Probation must be completed in thirty-six (36) months.
3. She shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
4. She will not look for, accept, or begin a new CNA position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
5. She shall notify the Board of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
6. She shall present herself, in person, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and may be revised periodically at the discretion of Board staff. A telephone interview may be substituted for a personal interview at the discretion of Board staff.
7. She shall inform current and prospective employers of the probationary status of her certificate, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Ms. Smith's probationary status.
8. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Ms. Smith is employed.
9. She shall work under the direct supervision of a licensed nurse. She shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work

performance (on forms provided by the Board) at least every three- (3) months during the probationary period. Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of Ms. Smith's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding Ms. Smith's work-related conduct or personal behavior that may affect her ability to perform the duties of a CNA.

10. She shall not be employed by a temporary staffing agency during the probationary period unless that agency can provide written evidence to the Board that Ms. Smith will not be assigned to multiple facilities.
11. She shall participate in the Board's random urine program. Failure to comply with the random urine program will result in an immediate removal from the performance of nursing assistant duties. She will obtain a re-evaluation by a Board approved chemical dependence evaluator. The presence of unauthorized substances may be considered a violation of the terms and conditions of this stipulation. She understands that she will be financially responsible for the costs related to this testing.
12. She shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over the counter and prescription drugs and alcohol during the period of probation.
13. She may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. She will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. She shall produce the medical records pertaining to the medical condition and medication use.
14. She will notify any health care providers of the nature of her chemical dependence diagnosis, to ensure that her health history is complete, before receiving any treatment, including medical and dental treatment. She will provide a copy of this Stipulation to her provider. She further agrees to provide the Board with the names of her health care providers, to sign releases of information with the providers, and produce to the Board documentation of the health care provided (medical records).
15. She shall submit to tests to determine the presence of unauthorized substances, immediately upon request by the Board staff or her employer. The presence of unauthorized substances may be considered a violation of terms and conditions of this stipulation. She shall sign any release of information necessary to insure the Board will receive the results of such testing.
16. She shall cease the performance of duties as a CNA upon the occurrence of a relapse or at the request of the probation coordinator because of relapse or relapse behavior. Performance of duties may resume when approved by the probation coordinator, in consultation with her employer.

17. She is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.

18. She shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Ms. Smith understands that the conduct resulting in the violations of law, described in this Stipulation are considered by the Board to be of a grave nature and if continued, constitutes a serious danger to public health and safety.

Ms. Smith also understands that in the event she engages in future conduct resulting in violations of the law or terms of probation the Board may make further disciplinary action against her certificate, up to and including revocation of her certificate to perform duties as a nursing assistant.

Ms. Smith understands that the Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Ms. Smith understands that by entering into the Stipulated Agreement, she waives the right to an administrative hearing.

Ms. Smith states no promises, representation, duress, or coercion has been used to induce her to sign the Stipulation.

Ms. Smith understands that this Stipulated Agreement is a public record.

Ms. Smith has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Courtney Leann Smith, CNA

**FOR THE OREGON STATE BOARD OF NURSING**

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Marilyn Hudson RN, MSN, CNS, FRE

Investigation Manager

Investigation Department

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David Lilly

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