

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Brandy Bell, CNA** ) **REPRIMAND OF CERTIFICATE**  
)  
**Certificate No. 200412980CNA** ) **Reference No. 13-02359**

---

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. Brandy Bell (Certificate Holder) was issued a nursing assistant certificate by the Board on December 16, 2004.

On or about June 25, 2013, the Board received information that Certificate Holder provided a contraband cell phone to a patient at the Oregon State Hospital (OSH). The Board opened an investigation into the matter.

In late March 2013, an OSH patient gave Certificate Holder cash in exchange for a cell phone, which Certificate Holder provided to the patient while Certificate Holder was employed as a Mental Health Therapist 2 at OSH. Cell phones were not allowed on the patient's unit. The cell phone was discovered and confiscated by staff at OSH on or about April 27, 2013.

At the time Certificate Holder provided the cell phone to the patient, the patient's telephone access had restrictions in place due to concerns about how the patient was using the facility pay phone. Certificate Holder stated she was unaware of these telephone restrictions and had not reviewed the patient's care plan. Certificate Holder stated this was an isolated incident of poor judgment on her part.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), OAR 851-063-0030(6)(d), and OAR 851-063-0090(6)(a), which provide 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:
  - (f) Conduct unbecoming a nursing assistant in the performance of duties.

**OAR 851-063-0080 Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate**

Under the contested case procedure in ORS 183.310 to 183.550 the Board may deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (6) Conduct unbecoming a nursing assistant in the performance of duties ORS 678.442(2)(f).

**OAR 851-063-0030 Authorized Duties and Standards for Certified Nursing Assistants**

- (6) Standards of Care for Certified Nursing Assistants. In the process of client care the CNA shall consistently:
  - (d) Follow the care plan as directed by the licensed nurse.

**OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant**

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:

- (6) Conduct related to achieving and maintaining clinical competency:
  - (a) Failing to competently perform the duties of a nursing assistant.

Certificate Holder wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

**That the Certified Nursing Assistant certificate of Brandy Bell be reprimanded.**

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

Certificate Holder understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her certificate, up to and including revocation of her certificate to practice as a Certified Nursing Assistant.

Certificate Holder understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Certificate Holder 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. Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Certificate Holder understands that this Order is a document of public record.

Certificate Holder has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

IT IS SO AGREED:

\_\_\_\_\_  
Brandy Bell, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

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

\_\_\_\_\_  
Date