

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
David Smith, CNA**

) **STIPULATED ORDER FOR**
) **REPRIMAND OF CERTIFIED**
) **NURSING ASSISTANT CERTIFICATE**
)
) **Reference No. 15-01857**

Certificate No. 201402877CNA

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. David Smith (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on May 21, 2014.

On or about June 2, 2015, CNA self-reported to the Board being terminated for falsely documenting a patient's oxygen level. Further Board investigation revealed that on January 21, 2015, CNA received a written warning for failing to follow a care plan which resulted in CNA sustaining an injury and on May 18, 2015, CNA received a second written warning for failing to meet basic patient needs. CNA admitted to falsifying a patient's record and to providing substandard care.

By the above actions, CNA is subject to discipline pursuant to OAR 678.442(2)(b)(f), OAR 851-063-0080(4)(6) and OAR 851-063-0090(1)(b)(3)(d)(4)(a)(c)(A)(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:

- (b) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.
- (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 impose a range of disciplinary sanctions including, but not limited to deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder;
- (6) Conduct unbecoming a nursing assistant.

OAR 851-063-0090

Conduct Unbecoming a Nursing Assistant

(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:

- (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
- (3) Conduct related to client safety and integrity:
 - (d) Jeopardizing the safety of a person under the CNA's care;
- (4) Conduct related to communication:
 - (a) Failing to accurately document nursing assistant activities and tasks;
 - (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or into agency records. This includes but is not limited to:
 - (A) Documenting the provision of services that were not provided;

(D) Falsifying data;

CNA 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 CNA:

That the Certified Nursing Assistant certificate of David Smith be reprimanded and that Certificate Holder complete an ethics training course.

CNA 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.

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

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 Reprimand.

David Smith, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date