

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Rachel Alegado, CNA) **VOLUNTARY SURRENDER**
) **OF NURSING CERTIFICATE**
Certificate No. 000023654CNA) **Reference No. 13-00289**

Rachel Alegado, hereinafter referred to as “Respondent,” is a Certified Nursing Assistant (CNA) in the State of Oregon. Respondent was certified as a Nursing Assistant on March 28, 1983.

On August 2, 2012, Respondent came to the attention of the Board of Nursing (Board) while working as a CNA at Samaritan Regional Mental Health. According to the report, Respondent falsified patient records on her shifts between July 10, 2012 and July 23, 2012. Respondent documented on multiple occasions during her shifts that she had completed rounds on her assigned patients, without leaving the nurses’ station or physically observing the patients.

During an interview with Board staff, Respondent acknowledged that she did not go into the patient rooms to physically observe them as required. She explained that she worked the night shift, and most of the patients would sleep through the night. She stated that she could see from the nurses’ station if patients had left their room.

Respondent stated that she did check on the patients at various intervals, and when she did not see any changes in the patient’s position or status between these checks, she assumed that there were no changes to document. Respondent acknowledged that she documented on the “Rounds Log” that she had personally observed the patients on occasions when she had not. She provided no further explanation for her actions.

Respondent stated that she has decided to retire, and no longer wishes to maintain her CNA certificate. Therefore, as a means of settling the present disciplinary matter, Respondent wishes to Voluntarily Surrender her CNA certificate.

The above conduct constitutes violations of ORS 678.442 (2) (f), OAR 851-063-0080 (6), OAR 851-063-0090 (2) (e), (6) (a) which reads 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 851-063-0090 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:

(2) Conduct related to other federal or state statutes/rule violations:

(e) Neglecting a client. The definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured;

(6) Conduct related to achieving and maintaining clinical competency:

(a) Failing to competently perform the duties of a nursing assistant;

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

That the voluntary surrender of the Nursing Assistant certificate of Rachel Alegado be accepted. If, after a minimum of three years, Ms. Alegado wishes to reinstate her Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

Respondent agrees that she will not practice as a nursing assistant from the date Respondent signs this Order.

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

Respondent understands that by signing this Stipulated Order, Respondent waives the right to an administrative hearing under ORS 183.310 to 183.540. Respondent acknowledges that no promises, representations, duress or coercion have been used to induce Respondent to sign this Order.

Respondent understands that this Order is a document of public record.

Respondent has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

IT IS SO AGREED:

Rachel Alegado, CNA

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