

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
)	
David Kofi Eding, CNA)	FINAL ORDER
)	
Certificate No.: 200811870CNA)	Case No. 10C-213

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, in the State of Oregon. David Kofi Eding (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on November 17, 2010. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand signed by Certificate Holder on November 4, 2010 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Reprimand and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation for Reprimand signed by Certificate Holder on November 4, 2010 be approved and by this reference incorporated herein, and it is further

ORDERED that the Certificate Holder, David Kofi Eding be Reprimanded as stipulated.

DATED this _____ day of November, 2010.

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

[SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE]

Patricia Markesino, RN
Board President

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	
)	
David Kofi Eding, CNA)	STIPULATION FOR
)	REPRIMAND OF NURSING
Certificate No.: 200811870CNA)	ASSISTANT CERTIFICATE
)	
)	
)	Case No.: 10C-213

The Oregon State Board of Nursing, (Board) is the agency responsible for certifying and regulating nursing assistants in the State of Oregon. David Kofi Eding (Respondent) is a Certified Nursing Assistant in the State of Oregon. Respondent has been certified by the Board since September 2, 2008.

On February 4, 2010, Respondent came to the attention of the Board when the Board received an allegation that he had fallen asleep while on duty at the Oregon State Hospital.

The allegation stated that on December 10, 2009, Respondent was seen, by a patient and a staff nurse, seated in a chair with his eyes closed. The patient reported that Respondent did not react when the patient spoke with him and the patient determined that Respondent was sleeping. The staff nurse reported that she observed the Respondent seated with his eyes closed as she approached him.

On April 28, 2010, Respondent met with Board staff and denied that he was asleep while on duty. Respondent did admit that he works many double shifts at his facility and is often tired at work and struggles to keep his eyes open while required to sit for extended periods of time while on duty. Respondent stated that he naps during his lunch hour to avoid falling asleep during his shift.

The conduct described above is a violation of the provisions of **ORS 678.442 (2) (f); and OAR 851-063-0080 (6); and OAR 851-063-0090 (3) (e)**, 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 183.750 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

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:

(3)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.

Respondent admits that his conduct constitutes the violations described above and wishes to cooperate with the Board in resolving the present disciplinary problems.

Respondent understands that this Stipulation for Reprimand will be submitted to the Board for approval, and that it is subject to its confirmation.

Respondent understands that, by entering into this Stipulation for Reprimand, he waives the right to an administrative hearing under ORS 183.310 to 183.750.

Respondent understands that this Stipulation for Reprimand will become a public record at such time as the Board issues an order implementing it.

Therefore the following will be proposed to the Board and is agreed to by Respondent:

That the nursing assistant certificate of David Kofi Eding be Reprimanded.

Respondent, by his signature below, attests that he has read and understood this Stipulation for Reprimand, and declares that no promises, representations, duress, or coercion have been used to induce him to sign it.

Dated this _____ day of _____, 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

David Kofi Eding, CNA

OREGON STATE BOARD OF NURSING

[SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE]

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

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Investigator
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