

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
)	
Yolanda Vazquez, CNA)	FINAL ORDER
)	
Certificate No.: 200912509CNA)	Case No. 10C-241

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. Yolanda Vazquez (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on November 17, 2010. The Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender signed by the Certificate Holder on October 18, 2010, and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Voluntary Surrender 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 signed by the Certificate Holder on October 18, 2010, be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Voluntary Surrender of Yolanda Vazquez's Certificate and that the Stipulation for Voluntary Surrender be adopted.

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) **STIPULATION FOR**
) **VOLUNTARY SURRENDER**
Yolanda Vazquez, CNA) **OF CERTIFICATION AS**
) **NURSING ASSISTANT**
)
Certificate No.: 200912509CNA) **Case No.: 10C-241**

Yolanda Vazquez, hereinafter referred to as “Certificate Holder” has been a Certified Nursing Assistant (CNA) in the State of Oregon since September 16, 2009.

On March 24, 2010, the Board received a report stating that Certificate Holder had been terminated from employment as a CNA for allegations of abuse of a resident at a care facility.

A Board investigation determined that the abuse allegedly committed by Certificate Holder had been witnessed by another facility staff member.

An investigation by Adult Protective Services also substantiated wrongdoing on the part of Certificate Holder in this matter.

WHEREAS by the above actions, Yolanda Vazquez is subject to disciplinary action pursuant to violations of **ORS 678.442(2)(d)-(f) and OAR 851-063-0090 (2) (d)** which provide as follows:

ORS 678.442

- (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:
 - (d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.
 - (f) Conduct unbecoming a nursing assistant.

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:
 - (d) Abusing a client. The definition of abuse includes but is not limited to intentionally causing physical harm or discomfort, striking a client, intimidating, threatening or harassing a client;

Certificate Holder wishes to cooperate with the Board in resolving the present disciplinary matter. She has elected to voluntarily surrender her Certified Nursing Assistant certificate.

THEREFORE, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the voluntary surrender of the Certified Nursing Assistant certificate of Yolanda Vazquez be accepted. If, after a minimum of three (3) years, she wishes to reinstate her Nursing Assistant certificate, she shall appear before the Board to request reinstatement of her certificate as a Certified Nursing Assistant. Should the Board reinstate the Certified Nursing Assistant certificate of Ms. Vazquez, she would be subject to whatever terms and conditions the Board may impose.

Certificate Holder agrees that she will not practice as a Certified Nursing Assistant from the date of signature on this Stipulation.

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

Certificate Holder understands that this Stipulation for Voluntary Surrender is a public record.

Certificate Holder understands that by signing this Stipulated Agreement she waives the right to an administrative hearing. She acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Stipulation.

Certificate Holder has read the Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

DATED this _____ day of _____, 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

Yolanda Vazquez, CNA

**FOR THE BOARD OF NURSING OF
THE STATE OF OREGON
[SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE]**

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

David Lilly
Investigator
Investigations Division