

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Jennifer Davis, CNA**

) **STIPULATED ORDER FOR**  
) **SUSPENSION OF CERTIFICATE**  
) **WITH CONDITIONS**  
)  
) **Reference No. 14-00994**

**Certificate No. 201211700CNA**

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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. Jennifer Davis (Certificate Holder) was issued a nursing assistant certificate by the Board on July 30, 2012.

In January 2014, the Board received information that Certificate Holder failed to follow a resident's care plan, which resulted in the resident being injured during a transfer.

On or about February 1, 2013, Certificate Holder transferred a resident alone who, according to her care plan, required a two-person assist with gait belt to transfer. During the transfer, the resident fell to the floor and sustained lacerations on her legs. At the time of the incident, details about the resident's care plan were posted on the wall in the resident's room.

Certificate Holder acknowledged she transferred the resident alone and said she was unaware that the resident was a two-person transfer.

Certificate Holder's work record following that incident showed additional performance issues. Certificate Holder was further counseled at work for leaving residents' bedding soiled and leaving trash on the floor of residents' rooms during her shift.

While working in another nursing assistant position, Certificate Holder was counseled several times for transferring residents in an unsafe manner, which put residents at risk for injury.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(2)(e) & (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 851-063-0090 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.

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 Jennifer Davis be SUSPENDED for 90 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.**

**Certificate Holder shall complete coursework pre-approved by the Board in the following areas: preventing falls, caring for the elderly, and patient rights and dignity. The suspension of Jennifer Davis' Certified Nursing Assistant certificate shall be for a minimum of 90 days and shall continue until Certificate Holder provides documentation to the Board showing proof of completion of the above coursework.**

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 Suspension.

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Jennifer Davis, CNA

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Date

**ORDER**

IT IS SO ORDERED:

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

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Kay Carnegie, RN, MS  
Board President

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Date