

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Nai Mai Chao, CNA

Certificate No. 200913505CNA

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FINAL ORDER

Reference No. 12-00613

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. Nai Mai Chao (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on January 18, 2012. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of Certified Nursing Assistant Certificate signed by Certificate Holder on December 16, 2011 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 certificate of Nai Mai Chao be surrendered and that the Stipulation for Voluntary Surrender of Certified Nursing Assistant Certificate signed by Certificate Holder on December 16, 2011, be approved and by this reference incorporated herein, and

It is further **ORDERED** that Certificate Holder shall meet all of the terms and conditions as stated in the stipulation.

DATED this _____ day of January, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Nai Mai Chao, CNA) STIPULATION FOR VOLUNTARY) SURRENDER OF NURSING ASSISTANT) CERTIFICATE)
Certificate No. 200913505CNA) Reference No. 12-00613

Nai Mai Chao (Certificate Holder) has been certified as a nursing assistant in the State of Oregon since December 30, 2009.

Certificate Holder came to the Board's attention on September 19, 2011, when it was reported that she had published demeaning photographs of patients on her online Facebook page, and had made derogatory comments about the subjects of the photographs.

Certificate Holder denies that she took the photographs herself, but admits that she posted them on the internet.

By the above actions, Certificate Holder is subject to disciplinary action by the Board of Nursing pursuant to violations of ORS 678.442 (2) (d) (f) and OAR 851-063-0080(4) and (6) and OAR 851-063-0090 (1) (b) (c), (2) (b), which provide as follows:

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:

(d) 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.

Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate
851-063-0080

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:

(4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder; ORS 678.442(2)(d);

(6) Conduct unbecoming a nursing assistant in the performance of duties. ORS 678.442(2)(f)

Conduct Unbecoming a Nursing Assistant 851-063-0090

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:

(1) Conduct related to the client's safety and integrity:

(b) Failing to report to proper authorities information regarding incompetent, unethical or illegal practice of any health care provider;

(c) Failing to respect client rights and dignity regardless of social or economic status, personal attributes or nature of health problems or disability;

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

(b) Violating the rights of privacy, confidentiality of information or knowledge concerning the client, unless required by law to disclose such information;

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

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

Certificate Holder understands that she has the right to a contested case hearing under the Administrative Procedures Act (Chapter 183 Oregon Revised Statutes). Certificate Holder understands that by signing this Stipulated Agreement she fully and finally waives the right to an administrative hearing.

Certificate Holder understands that this Stipulation will be a public document.

Certificate Holder states no promises, representations, duress or coercion have been used to induce her to sign this Stipulation.

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

Dated this _____ day of _____, 2011.

Nai Mai Chao, CNA

FOR THE OREGON STATE BOARD OF NURSING

Marilyn Hudson RN, MSN, CNS, FRE
Investigation Manager
Investigations Department

Maria Parish
Investigator
Investigations Department