

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Martha Butler, CNA) **REPRIMAND OF CERTIFICATE**
)
Certificate No. 200910176CNA) **Reference No. 13-00936**

Martha Butler (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on January 20, 2009.

On December 12, 2012, the Board received information that the Office of Adult Abuse Prevention and Investigations (OAAPI) had substantiated an allegation that CNA had physically abused patient at Oregon State Hospital. Specifically, the evidence established and the OAAPI report concluded that CNA dragged a patient on the floor by one arm on September 24, 2012. Surveillance video of the incident was reviewed by both the OAAPI and the Board in the course of their separate investigations.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(d)(f); and OAR 851-063-0080(4), (6); and OAR 851-063-0090(2)(d) 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:

- (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.

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:

- (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).

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

CNA 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 CNA:

That the Certified Nursing Assistant certificate of Martha Butler be reprimanded.

CNA understands that the conduct resulting in the violations of law described in this Stipulated Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

CNA 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.

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

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

CNA understands that this Stipulated Order is a document of public record.

CNA has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Reprimand.

Martha Butler, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date