

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Kimberly Rabine, CNA

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)

) **FINAL ORDER**

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Certificate No. 201111358CNA

) **Reference No. 12-01015**

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. Kimberly Rabine is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on February 15, 2012. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation signed by Certificate Holder on February 14, 2012 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation 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 Certificate Holder on February 14, 2012 be approved and by this reference incorporated herein, and, it is further

ORDERED that the certificate to perform the duties of a nursing assistant of Kimberly Rabine be reprimanded and that Certificate Holder shall meet all of the terms and conditions as stated in the Stipulation.

DATED this ____ day of February, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of Kimberly Rabine, CNA Certificate No. 201111358CNA) STIPULATION FOR) REPRIMAND OF CERTIFIED NURSNG ASSISTANT CERTIFICATE)) Reference No. 12-01015
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Kimberly Rabine, hereinafter referred to as “Certificate Holder”, was certified by examination on June 3, 2011.

Certificate Holder came to the attention of the Board on October 28, 2011, for leaving the facility in the middle of the shift, without notifying her supervisor or her co-workers.

Certificate Holder admitted that she should have notified her supervisor before she left the facility. She told Board staff that she was upset about her schedule and felt that the facility was treating her unfairly. Certificate Holder said she was working the day shift and left to go on a lunch break. She admitted that she was very upset and was unable to work due to her emotional state. She left the facility and went home. She admits she made a mistake and should not have left the building without notifying her supervisor. Certificate Holder’s duties included assisting the residents with activities of daily living (ADL) including bathing, meals and taking vital signs. Certificate Holder did not find a replacement CNA to take care of her assigned residents and did not ensure that another CNA was given report about the care of her residents.

The above conduct is a violation of the provisions of ORS 678.442 (2) (f), OAR 851-063-0080 (6) and OAR 851-063-0090 (1) (a) and (2) (e) which reads 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:

(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:

(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:
 - (a) Leaving a nursing assistant assignment without properly notifying appropriate supervisory personnel.
- (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 the client to be in physical discomfort or be injured.

Certificate Holder wishes to cooperate with the Board in resolving the present disciplinary problems. Therefore, the following will be proposed to the Board and is agreed to by Certificate Holder:

That the Nursing Assistant Certificate of Certificate Holder be reprimanded as follows:

Certificate Holder understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious in nature.

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 Nursing Assistant Certificate.

Certificate Holder understands this Stipulation will be submitted to the Board of Nursing at their next available meeting for approval and is subject to the Board's adoption and confirmation. Certificate Holder understands that if approved, the Board will issue a Final Order adopting this Stipulation.

Certificate Holder understands that, by entering into this Stipulation, she waives any and all rights to notice and an administrative hearing under ORS 183.310 to 183.550, and to appeal or otherwise challenge this Stipulation or the Final Order adopting it.

Certificate Holder understands that this Stipulation will become a public record at such time as the Board issues an order adopting it.

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

Certificate Holder has fully read this Stipulation and understands it completely.

Dated this _____ day of January, 2012.

Kimberly Rabine, CNA

FOR THE OREGON STATE BOARD OF NURSING

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

Nisha Sexton, RN, MN
Nurse Investigator
Investigation Department