

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Leah Wheeler, CNA) **VOLUNTARY SURRENDER OF**
) **NURSING ASSISTANT CERTIFICATE**
)
Certificate No. 201210186CNA) **Reference No. 15-00851**

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. Leah Wheeler (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on January 19, 2012.

On or about December 8, 2014, the CNA applied for the renewal of her CNA certificate and failed to disclose a 2013 arrest for tampering with drug records. The Board opened an investigation into the matter. Subsequently the CNA informed the Board that she had been convicted of the above mentioned charge and wanted to voluntarily surrender her CNA certificate.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(a) and (d), OAR 851-063-0080(1) and OAR 851-063-0090(8)(n) and (10)(b) 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:

(a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.

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:

(1) Conviction of the nursing assistant of a crime where such crime bears demonstrable

relationship to the duties of 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," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

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

(n) Failure to report to the Board the CNA's arrest for a felony crime within ten days of the arrest; or

(10) Conduct related to the certification holder's relationship with the Board:

(b) Failing to answer truthfully and completely any question asked by the Board on an application for certification, renewal of certification, during the course of an investigation, or any other question asked by the Board;

CNA wishes to cooperate with the Board in this matter and 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 CNA:

That the voluntary surrender of the Certified Nursing Assistant certificate of Leah Wheeler be accepted. If, after a minimum of three years, Ms. Wheeler wishes to reinstate her Certified Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

CNA agrees that she will not practice as a Certified Nursing Assistant from the date she signs this Order.

CNA understands that this 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, and to any judicial review or appeal thereof. CNA acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

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

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

Leah Wheeler, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date