

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Phan Ansley) **VOLUNTARY SURRENDER**
)
Certificate No. 200811633CNA) **Reference No. 16-01606**

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. Phan Ansley (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on August 6, 2008.

On or about April 13, 2016, the Board received information that Certificate Holder had been investigated by another state agency and had been found responsible for abuse. The Board opened an investigation into the matter.

On or about September 26, 2015, while Certificate Holder was working as a nursing assistant, two individuals reported hearing Certificate Holder tell a resident in a loud voice, "If you don't shut up, I'm going to smack you." Certificate Holder was terminated from her position as a result of the incident.

Certificate Holder denied making the specific statement that was alleged; however, Certificate Holder acknowledges that the Board has sufficient evidence to establish that a violation of the Nurse Practice Act occurred. Certificate Holder stated she does not intend on working as a nursing assistant in the future due to the physical demands and wishes to voluntarily surrender her Certified Nursing Assistant certificate.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(8)(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:
 - (f) Conduct unbecoming a nursing assistant in the performance of duties.

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:
 - (d) Abusing a person.

Certificate Holder wishes to cooperate with the Board in this matter. Certificate Holder wishes to 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 Certificate Holder:

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

Certificate Holder agrees that she will not perform duties as a Certified Nursing Assistant from the date she signs this Order.

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 Voluntary Surrender.

IT IS SO AGREED:

Phan Ansley

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date