

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
)	
)	FINAL ORDER
Philip A. Brooks, CNA)	
)	Case No. 07C-161
License No. 000033216CNA)	

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. Philip A. Brooks (certificate holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on November 17, 2010. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation signed by certificate holder on October 22, 2010 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 October 22, 2010, be approved and by this reference incorporated herein, and, it is further

ORDERED that the nursing assistant certification of Philip A. Brooks is suspended for 14-days and that certificate holder shall comply with the conditions set forth in the Stipulation for 14 day Suspension with Conditions and that the previously issued Notice of Proposed 90-day Suspension by withdrawn.

DATED this _____ day of November 2010.

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

Patricia Markesino, RN
Board President

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	STIPULATION FOR
)	14 DAY SUSPENSION
)	OF NURSING ASSISTANT
)	CERTIFICATION WITH CONDITIONS
Philip A. Brooks, CNA)	
)	
Certificate No. 000033216CNA)	Case No. 07-161

Philip A. Brooks, CNA is a certified nursing assistant in the State of Oregon. Mr. Brooks received his certificate by examination on November 28, 1995.

Mr. Brooks came to the attention of the Board after two unrelated complaints were received regarding Mr. Brooks exceeding appropriate professional boundaries while attempting to comfort persons in his care.

The above conduct constitutes conduct derogatory to the standards of nursing and is a violation of the provisions of ORS 678.442(2) (f); OAR 851-063-0080 (6) and OAR 851-063-0090 (1) (c) & (2) (f) which read as follows:

678.442 Certification of nursing assistants; rules. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who applies therefore, shows completion of an approved training program for nursing assistants and passes a board approved examination.

(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.

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:

(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:

(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:

(f) Engaging in other unacceptable behavior or verbal abuse towards or in the presence of a client such as using derogatory names or gestures or profane language;

Mr. Brooks wishes to cooperate with the Board in this matter.

Therefore the following will be proposed to the Board and is agreed to by Mr. Brooks:

That the nursing assistant certification of Philip A. Brooks be suspended for 14 days with the condition that Mr. Brooks complete the course offered by the National Council of State Boards of Nursing (NCSBN) entitled Respecting Professional Boundaries or a comparable Board approved course within 90 days from the date of his signature on this stipulation.

Mr. Brooks understands that, in the event he engages in future conduct resulting in violations of law, or violations of the terms and conditions of this Stipulation, the Board may take further disciplinary action against him, up to and including revocation of his nursing assistant certification.

Mr. Brooks understands that this Stipulation will be submitted to the Board for approval, and that it is subject to its confirmation.

Mr. Brooks understands that, by entering into this Stipulation, he waives the right to an administrative hearing under ORS 183.310 to 183.550.

Mr. Brooks understands that this Stipulation is a public record.

Mr. Brooks, by his signature below, attests that he has read and understands this Stipulation and agrees to abide by each and every one of its terms and conditions.

Mr. Brooks further attests that no promises, representations, duress, or coercion have been used to induce him to sign this Stipulation.

Dated this _____ day of _____, 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

Philip A. Brooks, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

[SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE]

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigations Department

Bob Ruark
Investigator
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