

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

<b>In the Matter of Sanjuana Diaz, CNA  Certificate No. 200910228CNA</b>	<b>) STIPULATED ORDER FOR ) VOLUNTARY SURRENDER OF ) NURSING ASSISTANT CERTIFICATE  ) Reference No. 12-02404</b>
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Sanjuana Diaz (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on January 26, 2009.

On or about May 30, 2012, the Board received information that CNA had allegedly engaged in behavior which violated patient boundaries by having a patient under her care babysit her children for her and had slept while on duty. Additionally, it was alleged that some of the patient's narcotic medications were missing after CNA finished her shift in the home while employed by Interim Health Care. The Board opened an investigation into the matter.

Although there was evidence to the contrary, CNA denied the allegations. She stated that due to health reasons she was not currently employed, and was unable to attend an interview with the Board for several months. On June 25, 2012, CNA signed an Interim Order by Consent, voluntarily removing herself from practice as a Nursing Assistant in any capacity, pending further Order of the Board.

CNA failed to submit an application for renewal of her Nursing Assistant Certificate. On December 27, 2012, CNA's certification as a nursing assistant expired.

On January 7, 2013, Certificate Holder was scheduled to attend a personal interview with Board staff to discuss the allegations. Certificate Holder failed to attend the interview, or call to cancel or reschedule the appointment.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442 (2) (d) and (f) and OAR 851-063-0090 (2) (g) and (h), (6) (a) and (9) (a) which read as follows:

**ORS678.442 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.

**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:

(g) Using the client relationship to exploit the client by gaining property or other items of value from the client either for personal gain or sale, beyond the compensation for services;

(h) Possessing, obtaining, attempting to obtain, furnishing or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs; or

(6) Conduct related to achieving and maintaining clinical competency:

(a) Failing to competently perform the duties of a nursing assistant;

(9) Conduct related to the certificate holder's relationship with the Board:

(a) Failing to cooperate with the Board during the course of an investigation. The duty to cooperate does not include waiver of confidentiality privileges, except if a client is harmed. This waiver of confidentiality privileges does not apply to client-attorney privilege.

CNA wishes to cooperate with the Board in this matter and voluntarily surrender her expired 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 Sanjuana Diaz be accepted. If, after a minimum of three years, Ms. Diaz 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. 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.

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Sanjuana Diaz, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

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Kay Carnegie, RN, MS  
Board President

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Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE