

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Daphne Anderson, RN** ) **90 DAY SUSPENSION OF**  
 ) **REGISTERED NURSE LICENSE**  
 )  
**License No. 200540925RN** ) **Reference No. 11-03213**

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The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses in the state of Oregon.

Daphne E. Anderson (Licensee) is a Registered Nurse in Oregon. Licensee received her Registered Nurse License by examination in Oregon on June 13, 2005. Licensee has worked most recently at Legacy Emanuel Hospital and Health Center in the Emergency Room (ER) Department.

On June 1, 2011, the Oregon State Board of Nursing was notified that Licensee failed to perform a medical procedure correctly, causing harm to a patient. The Oregon State Board of Nursing opened an investigation into the matter.

On April 10, 2010, while inserting a nasogastric tube (NG) in an 80 year old patient, EB, Licensee mistakenly connected to oxygen instead of correctly to suction. The patient became bradycardic and unconscious. The pulse check showed evidence of Pulseless Electrical Activity (PEA).

Despite being aware that Licensee had committed this error, and after resuscitation efforts had begun, she failed to immediately alert the medical team that the patient's NG tube had been hooked up to oxygen instead of suction, just prior to the patient's condition worsening. EB suffered a PEA arrest subsequent to nasogastric tube insertion to oxygen rather than to suction. A chest X-ray revealed extensive subcutaneous emphysema, likely a result of nasogastric insertion to oxygen, causing tension pneumothorax, which resulted in death.

The Board alleges that Licensee has therefore engaged in conduct derogatory to the standards of nursing, in violation of ORS 678.111 (1) (f), OAR 851-045-0070 (1) (a), (2) (b), (3) (h), (4) (b) which reads as follows:

**678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee**

In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and

subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

**Conduct Derogatory to the Standards of Nursing Defined  
OAR 851-045-0015**

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

(2) Conduct related to other federal or state statute/rule violations:

(b) Neglecting a client. The definition of neglect includes but is not limited to carelessly allowing a client to be in physical discomfort or be injured.

(3) Conduct related to communication:

(h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor nurse co-worker) in an ongoing and timely manner.

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

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

As Ms. Anderson wishes to cooperate with the Board in this matter the following will be proposed to the Board and is agreed to by Ms. Anderson:

**That the Registered Nurse license of Daphne Anderson be suspended for 90 days to begin on the 7<sup>th</sup> calendar day after the Final Order is issued. Additionally, Ms. Anderson shall complete two courses of study, one on Professional Accountability and the second one on Ethics.**

**The Professional Accountability course must be approved in advance by the Board and must be completed before July 30, 2012. The course can be either online or in person and can be either a continuing education class of at least 4 CME or an**

**academic course at least 7 hours in length. Ms. Anderson shall provide proof of successful completion of the courses (certificate of completion or transcript). Ms. Anderson shall write a paper on the course at least 2 pages in length using APA format presenting the information she has learned which can make a difference in her practice as a Registered Nurse. Additionally, she shall provide an outline of the course.**

**The Ethics course must be approved in advance by the Board and must be completed before July 30, 2012. The course can be a continuing education class of at least 6 CME or an academic course at least 8 hours in length. Ms. Anderson shall provide proof of successful completion of the courses (certificate of completion or transcript). Ms. Anderson shall write a paper on the course at least 4 pages in length using APA format presenting the information she has learned which can make a difference in her practice as a Registered Nurse. Additionally, she shall provide an outline of the course.**

Ms. Anderson understands that, in the event she 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 license.

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

Licensee 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 license, up to and including revocation of her license as a Registered Nurse.

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

Licensee 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.

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

IT IS SO AGREED:

\_\_\_\_\_  
Daphne Anderson, RN

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

\_\_\_\_\_  
Kay Carnegie, RN, MS  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE