

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Janet Archer, CNA**

)
)
) **FINAL ORDER**

Certificate No. 201110582CNA

) **Reference No. 12-00356**

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. Janet M. Archer (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on January 18, 2012. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for 30 day suspension with conditions signed by Certificate Holder on November 28, 2011 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 November 28, 2011 be approved and by this reference incorporated herein, and, it is further

ORDERED that the certificate to perform the duties of a nursing assistant of Janet M. Archer be Suspended for 30 days with conditions and that Certificate Holder shall meet all of the terms and conditions as stated in the Stipulation.

DATED this ____ day of January, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

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

In the Matter of)	STIPULATION FOR
)	30 DAY SUSPENSION
)	OF NURSING ASSISTANT
Janet Archer, CNA)	CERTIFICATE WITH
)	CONDITIONS
)	
Certificate No. 201110582CNA)	
)	Case No. 12-00356
)	

Ms. Archer is a Certified Nursing Assistant who obtained her Oregon Nursing Assistant Certificate on March 1, 2011. She has worked full time at long term care facilities including Avamere Rehabilitation of King City.

On August 17, 2011, a complaint was received that Ms. Archer improperly transferred a resident MM, resulting in resident injury.

During a personal interview with Board staff, Ms. Archer admitted that on August 7, 2011, while she was transferring MM onto the commode, MM's knees buckled and she was lowered to the floor. Ms. Archer said that MM is a one person transfer who usually can bear lower extremity weight. Ms. Archer admitted that she did not have a gait belt on at the time of the transfer. Ms. Archer stated that she was trying to protect MM's head and body from hitting the floor during the sustained fall. Ms. Archer did state that she was trying to straighten MM's legs and reposition them.

After receiving assistance from another staff, MM was assisted back onto the toilet. Ms. Archer said that she put her gait belt on and with the aid of another staff attempted to transfer MM off the commode. MM was unable to bear weight and she was lowered to the floor again. Ms. Archer said that another staff entered the bathroom, and they picked MM off the floor and onto a wheelchair and then finally to bed.

Ms. Archer said that her biggest mistake was not notifying the nurse in a timely manner when MM fell the first time. Ms. Archer also said that she should have had her gait belt on per facility policy. Ms. Archer admitted that she attempted to lie to the facility about how many times MM fell to the floor. Ms. Archer said she was overwhelmed and did not have adequate help taking care of the residents. MM sustained a tibia/fibula fracture because of the falls. Ms. Archer admits that she violated the Nurse Practice Act and wishes to resolve these issues with the Board.

The above conduct is a violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0090 (2) (e), and (6) (a) which reads as follows:

ORS 678.442

(2) In the manner prescribed in ORS 183.310 to 183.550, 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 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:

(e) Neglecting a client. This definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured.

(3) Conduct related to communication:

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

(a) Failing to competently perform the duties for which the individual is certified.

Ms. Archer wishes to cooperate with the Board and the following will be proposed to the Oregon State Board of Nursing and is agreed to by Ms. Archer:

That the Nursing Assistant Certificate of Janet Archer be suspended with conditions, for 30 days, beginning five (5) business days after mailing of the Final Order.

The course can be either continuing education or an academic course and must be approved in advance by the Board. The course to be taken is titled Professional Accountability. The course must be completed before March 15, 2012 and Ms. Archer shall provide proof of successful completion of the course (report, certificate of completion, transcripts etc.).

Ms. Archer shall write a paper on the class at least 3 pages in length on preventing falls.

Ms. Archer understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious and if continued, constitutes a potential for danger to public's health, safety and well-being.

Ms. Archer 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 certificate, up to and including revocation of her Nursing Assistant Certificate.

Ms. Archer understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

Ms. Archer understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Ms. Archer states no promises, representations, duress or coercion have been used to induce her to sign this Stipulation.

Archer has read this Stipulation and understands it completely.

Dated this _____ day of November, 2011

Janet Archer, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

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

Nisha Sexton RN, MN
Nurse Investigator
Investigations Department

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