

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Desiree L. Jones, CNA) **REPRIMAND OF CERTIFIED**
) **NURSING ASSISTANT CERTIFICATE**
Certificate No. 000006714CNA) **Reference No. 12-02160**

The Oregon State Board of Nursing, (Board) is the agency responsible for certifying and regulating Nursing Assistants in the State of Oregon. Desiree L. Jones (Certificate Holder) is a Certified Nursing Assistant (CNA) in the State of Oregon. The Board issued Certificate Holder a Nursing Assistant certificate in 1990.

On April 7, 2012, while performing the duties of a CNA, Certificate Holder was found in a resident's room asleep. Certificate Holder was terminated from her employment. Certificate Holder self-reported her behavior to Board staff. The Board opened a case to investigate the matter.

Certificate Holder met with Board staff on May 15, 2012. She explained that for a short time, she worked as a CNA at night and in a non-medical role for another agency during the day. According to Certificate Holder, she was able to maintain the schedule for a few months, but eventually became too fatigued and on the night of April 7, 2012, she fell asleep while on duty.

Certificate Holder acknowledged that she used poor judgment by reporting to duty sleep deprived and that by falling asleep she had placed her residents at risk by being unavailable to provide care as needed. Certificate Holder admits that by her behavior she violated the provisions of ORS 678.442 (2) (f); and OAR 851-063-0080 (6); and OAR 851-063-0090 (1) (a), which reads 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 851-063-0080 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)

OAR 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:

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

(a) Leaving a nursing assistant assignment without properly notifying appropriate supervisor personnel.

Certificate Holder wishes to cooperate with the Board in resolving the present disciplinary problems, so the following will be proposed to the Board and is agreed to by Certificate Holder:

That the Nursing Assistant Certificate of Desiree L. Jones be reprimanded.

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

Certificate Holder understands that, by entering into this Stipulation, she waives the right to an administrative hearing under ORS 183.310 to 183.550.

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

IT IS SO AGREED:

Desiree Jones, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date