

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Renee Headington) **PROBATION**
)
CNA Applicant) **Reference No. 13-00944**

Renee Headington submitted an application for Nursing Assistant certification by examination to the Oregon State Board of Nursing (Board) on October 25, 2012.

Ms. Headington disclosed that she was arrested in September 2009 and December 2009 for Unlawful Possession of Methamphetamine. She was diagnosed with Amphetamine Dependence, Cannabis Abuse and Opioid Abuse in March 2010. Ms. Headington completed a year of intensive treatment and appropriate aftercare for chemical dependence. Criminal charges against her were dismissed.

By the above actions, Ms. Headington is subject to discipline pursuant to ORS 678.442 (2)(c), OAR 851-063-0080 (3) and OAR 851-063-0090 (7)(a), which read 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:

(c) Impairment as defined in ORS 676.303

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:

(3) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant; ORS 678.442(2)(c).

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:

(7) Conduct related to impaired function:

(a) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the nursing assistant or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant.

Ms. Headington admits that the above allegations occurred and constitute violations of the Nurse Practice Act. CNA wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Ms. Headington:

Ms. Headington shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Ms. Headington's compliance with this Order will be monitored by the Oregon State Board of Nursing. Ms. Headington must complete a twenty-four (24) month period of probation to begin upon her certification, monitored as outlined below. Ms. Headington must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Ms. Headington must work in a setting where she can exercise the full extent of a CNA's scope of duties, in order to demonstrate her competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which Ms. Headington does not work in the state of Oregon will not count toward the probationary period.

Ms. Headington shall comply with the following terms and conditions of probation:

1. Ms. Headington shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Ms. Headington shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Ms. Headington shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Ms. Headington shall maintain active certification.
5. Ms. Headington shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Ms. Headington leaves the state and is unable to work in the state of Oregon, her probationary status will be re-evaluated.
6. Ms. Headington shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Ms. Headington shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Ms. Headington will not look for, accept, or begin a new nursing assistant position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.

9. Ms. Headington shall inform current and prospective employers, including any Nurse Executive, of the probationary status of her certification, the reasons for probation, and terms and conditions of probation. If Ms. Headington's employer has a Nurse Executive, Ms. Headington shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Ms. Headington shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Ms. Headington's work and provide assistance. Ms. Headington shall be employed in a setting where her nursing assistant supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Ms. Headington may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Ms. Headington's employer shall inform Board staff of any instance of Ms. Headington's non-compliance with the terms and conditions of this Order or of any other concern regarding Ms. Headington's work-related conduct or personal behavior that may affect her ability to perform the duties of a nursing assistant.
12. Ms. Headington shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Ms. Headington shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until CNA receives written approval from Board staff.
14. Ms. Headington shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Ms. Headington shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
16. Ms. Headington shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Ms. Headington shall submit to Board staff a copy of her completion certificate or discharge summary. Ms. Headington shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Ms. Headington shall sign any release of information necessary to allow Board staff to communicate with

Ms. Headington's treatment provider and release her treatment records to the Board.

17. Ms. Headington shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in her immediate removal from working as a nursing assistant. Ms. Headington shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or her employer. Ms. Headington shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Ms. Headington shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Ms. Headington understands that she is financially responsible for any and all costs related to testing and evaluating. Ms. Headington's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.
18. Ms. Headington shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Ms. Headington shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
19. Ms. Headington may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Ms. Headington shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Ms. Headington shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Ms. Headington's records to the Board. Ms. Headington shall discard any unused prescription medication when no longer needed or when expired.
20. Ms. Headington shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with Ms. Headington's employer.
21. Ms. Headington shall notify any and all healthcare providers of the nature of her chemical dependency to ensure that her health history is complete before receiving any treatment, including medical and dental. Ms. Headington shall provide a copy of this Order to her healthcare providers. Ms. Headington shall provide Board staff with the names and contact information of any and all health care providers. Ms. Headington shall sign any release of information necessary to allow Board staff to communicate with her healthcare providers and release her medical and treatment records to the Board. Ms. Headington is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
22. Ms. Headington shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.

23. Ms. Headington shall cooperate fully with Board staff in the supervision and investigation of her compliance with the terms and conditions of this Order.

Ms. Headington understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Ms. Headington 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 certification to perform the duties of a nursing assistant.

Ms. Headington understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Ms. Headington understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540. Ms. Headington acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Ms. Headington understands that this Order is a document of public record.

Ms. Headington has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Renee Headington, CNA Applicant

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date