

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Valerie Martinez, CNA

)

)

) **FINAL ORDER**

)

)

Certificate No. 000024372CNA

) **Reference No. 12-01075**

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. Valerie Martinez (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on February 15, 2012. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand signed by Licensee on January 22, 2012, 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 Licensee on January 22, 2012, be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Certified Nursing Assistant of Valerie Martinez be reprimanded as set forth in the Stipulation.

DATED this _____ day of February, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATION FOR**
Valerie Martinez, CNA) **REPRIMAND OF NURSING**
) **ASSISTANT CERTIFICATE**
Certificate No. 000024372CNA) **Reference No. 12-01075**

The Oregon State Board of Nursing, (Board) is the agency responsible for certifying and regulating Nursing Assistants in the State of Oregon. Valerie K. Martinez (Certificate Holder) is a Certified Nursing Assistant (CNA) in the State of Oregon. The Board issued Certificate Holder a Nursing Assistant certificate on June 8, 1993.

Certificate Holder was employed as a Certified Nursing Assistant at a skilled nursing facility in Salem, Oregon February 21, 1994 until she was terminated October 21, 2011. It was reported to the Board that on October 4, 2011, Certificate Holder failed to follow a resident's plan of care, by taking the resident for a shower when the care plan specified that the resident was to have bed baths only, due to a fear of water on her face.

Certificate holder acknowledges that she was assisting another CNA with showering the resident and when she became combative Certificate Holder did not stop she shower, but allowed the shower to be completed, although the resident was clearly distressed. Certificate Holder acknowledges that the care plan was not reviewed prior to taking the resident to the shower.

Certificate Holder was terminated when it was determined she had failed to follow the resident's care plan. Certificate Holder met with Board staff on December 19, 2011. She admitted to her misconduct and expressed remorse for having failed to properly care for the resident.

Certificate Holder acknowledged that by her behavior she unintentionally caused harm to the resident and that this is a violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0080 (6); and OAR 851-063-0090 (1) (c), (2) (e) and (6) (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:

- (c) Failing to respect client rights and dignity regardless of social or economic status, personal attributes or nature of health problems or disability;
- (2) Conduct related to other federal or state statutes/rule violations:
- (e) Neglecting a client. The definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured.
- (6) Conduct related to achieving and maintaining clinical competency:
- (a) Failing to competently perform the duties of a nursing assistant.

Certificate Holder acknowledges her misconduct and wishes to cooperate with the Board in resolving the present disciplinary problems.

Therefore the following will be proposed to the Board and is agreed to by Certificate Holder:

That the Nursing Assistant Certificate of Valerie K. Martinez be reprimanded.

Ms. Martinez 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. Martinez 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 Nursing Assistant certificate.

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

Ms. Martinez has read this Stipulation and understands it completely.

Ms. Martinez understands that this Stipulation will become a matter of public record at such time as the Board issues a Final Order adopting it.

Dated this _____ day of _____, 2012.

Valerie Martinez, CNA

FOR THE OREGON STATE BOARD OF NURSING

Marilyn Hudson RN, MSN, CNS, FRE

Investigation Manager

Investigation Department

Suzanne Meadows

Investigator

Investigation Department

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