

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Carol Alcon, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 200712659CNA) **Reference No. 16-01121**

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. Carol Alcon (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on December 14, 2007.

On or about January 14, 2016, the Board received information alleging Certificate Holder financially exploited BD and stole items from BD, who she was caring for. The Board opened an investigation into the matter.

During the course of the Board's investigation, information was received that substantiated Certificate Holder failed to maintain professional boundaries with BD and engaged in theft from BD.

Certificate Holder was investigated by Multnomah County Department of County Human Services, Aging, Disability, and Veterans Services Division for the above conduct. That investigation substantiated wrongdoing against Certificate Holder.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442 (2)(d) and (f) and OAR 851-063-0090 (1)(a) and (b) and (3)(k) and (5)(a), (b), (c) and (e) and (8)(l) and 10(b) 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:

- (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

- (1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:

- (a) Demonstrated incidents of violent, abusive, neglectful or reckless behavior; or
 - (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.
- (3) Conduct related to client safety and integrity:
- (k) Failing to maintain professional boundaries.
- (5) Conduct related to interactions with the client's family:
- (a) Failing to respect the person's family and the person's relationship with their family;
 - (b) Using one's title/position as a nursing assistant to exploit a person's family for personal gain or for any other reason;
 - (c) Stealing money, property, services or supplies from the family;
 - (d) Soliciting or borrowing money, materials or property from the family; or
 - (e) Engaging in unacceptable behavior towards or in the presence of the client's family. Such behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language.
- (8) Conduct related to other federal or state statutes/rule violations:
- (l) Using one's role or title as a nursing assistant to solicit or borrow money, materials, property or possessions from a client or the client's family for personal gain or sale;
- (10) Conduct related to the certification holder's relationship with the Board:
- (b) Failing to answer truthfully and completely any question asked by the Board on an application for certification, renewal of certification, during the course of an investigation, or any other question asked by the Board;

Certificate Holder wishes to cooperate with the Board in this matter and voluntarily surrender her Certified Nursing Assistant certificate.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the voluntary surrender of the Certified Nursing Assistant certificate of Carol Alcon be accepted. If, after a minimum of three years, Ms. Alcon wishes to reinstate her Certified Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

Certificate Holder agrees that she will not practice as a Certified Nursing Assistant from the date she signs this Order.

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

Certificate Holder understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Certificate Holder understands that this Order is a document of public record.

Certificate Holder has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Carol Alcon, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE