

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
)	
)	FINAL ORDER
Deidre M. Torres, CNA)	
)	Reference No. 11-03382
Certificate No: 201110245CNA)	

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

This Matter was considered by the Board on October 26, 2011. 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 October 3, 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 October 3, 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 Deidre M. Torres 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 November, 2011.

Patricia Markesino, RN
Board President

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) STIPULATION FOR 30 DAY
Deidre Torres, CNA) SUSPENSION WITH CONDITIONS
)
Certificate No. 201110245CNA) Reference No. 11-03382

Ms. Torres is a Certified Nursing Assistant who graduated from Regency Pacific in September 2010. Ms. Torres obtained her Oregon Nursing Assistant Certificate by examination on January 24, 2011.

On June 17, 2011, Ms. Torres came to the attention of the Board when it was reported that on May 18, 2011, she left resident RR wet for 30 minutes, was heard being verbally abusive with other residents and did not toilet resident RS in a timely manner which resulted in RS becoming incontinent.

During a personal interview with Ms. Torres, she said RR slept in every morning because he would stay up late at night. RR requested his breakfast tray in his room and Ms. Torres said that RR wanted to eat prior to being changed. Ms. Torres admitted that she should have changed RR right away because he was saturated with urine.

The complaint also included not toileting RS in a timely manner resulting in incontinence. Ms. Torres admitted that resident RS needed to be transferred from her wheelchair to the commode. Ms. Torres said she was working with students and she did not feel comfortable transferring RS with the students. Ms. Torres left to find another experienced CNA to help her transfer RS. While waiting to use the commode, RS experienced incontinence that was embarrassing to her.

Ms. Torres denied being verbally abusive to residents. Ms. Torres admitted that the day the alleged abuse occurred was a busy one and she felt overwhelmed by her work load. Ms. Torres admitted that she might have been irritable and might have sounded angry.

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. The definition of neglect includes but is not limited to unreasonable 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 for which the individual is certified.

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

That the Nursing Assistant Certificate of Deidre Torres be suspended for a minimum of 30 days, beginning five (5) days after mailing of the Final Order. Before the suspension of Ms. Torres's certificate can end she shall complete at least one course of study. The course will be Professional Accountability.

The course can be either continuing education or an academic course and must be approved in advance by the Board. The course must be completed before March 1, 2012 and Ms. Torres shall provide proof of successful completion of the course (report, certificate of completion, transcripts etc).

Ms. Torres shall write a paper on the class at least 3 pages in length and it shall describe factors which contribute to a patient's risk of injury and the importance of adhering to the patient's care plan interventions to reduce injuries.

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

Ms. Torres has read this Stipulation and understands it completely

Dated this _____ day of _____, 2011.

Deidre Torres, CNA

FOR THE OREGON STATE BOARD OF NURSING

Marilyn Hudson RN, MSN, CNS, FRE
Investigation Manager
Investigation Department

Nisha Sexton, RN, MN
Nurse Investigator
Investigation Department

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