

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Maryellen Hernandez, RN

FINAL ORDER

License No. 200241085RN

Reference No. 11-03246

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Maryellen Hernandez (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on September 21, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender signed by Licensee on August 24, 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 Licensee on August 24, 2011 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board adopt the Stipulation and that the Voluntary Surrender of the Registered Nurse License of Maryellen Hernandez be accepted as set forth in the Stipulation.

DATED this _____ day of September, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

Hernandez, Maryellen
Stipulation for Voluntary Surrender

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATION FOR**
Maryellen Hernandez, RN) **VOLUNTARY SURRENDER**
) **Of REGISTERED NURSE LICENSE**
License No. 200241085RN) **Reference No. 11-03246**

The Oregon State Board of Nursing (Board) is the agency responsible for the licensure and regulation of registered nurses in the State of Oregon. Maryellen Hernandez (Licensee) is a registered nurse in Oregon. She received her Oregon license on May 9, 2002.

On or about June 8, 2011, Licensee was reported to the Board for non-compliance with the Health Professional Service Program (HPSP). According to the report, Licensee had failed to consistently make calls to the Interactive Voice Response (IVR) system. Additionally, Licensee failed to complete five random urine drug screens as required by the program.

On June 30, 2011, Licensee signed an Interim Order by Consent, voluntarily removing herself from practice pending further order by the Board.

On August 17, 2011, Licensee requested to discontinue participation in the HPSP program and voluntarily surrender her nursing license as a means of resolving the present disciplinary matter. She stated that she could no longer afford the cost of the program, and that she no longer wished to practice as a registered nurse. She acknowledged that by her behavior she had failed to comply with the terms and conditions of the HPSP program.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (g); and OAR 851-070-0100 (1) (k) and (1) and (2) which provides as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

Substantial Non-Compliance Criteria OAR 851-070-0100

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement within one business day after the HPSP learns of the non-compliance, including but not limited to information that a licensee:

(k) Violated any provisions of OAR 851-070-0080;

(l) Violated any terms of the diversion agreement.

Maryellen Hernandez
Stipulation for Voluntary Surrender

(2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

Licensee wishes to cooperate with the Board and agrees to voluntarily surrender her Practical Nurse License. Therefore the following will be proposed to the Oregon State Board of Nursing and is agreed to by Maryellen Hernandez:

That the Voluntary Surrender of the registered nurse license of Maryellen Hernandez be accepted. If after a minimum of three years, she wishes to reinstate her registered nurse license, Ms. Hernandez may appear before the Board to request reinstatement of her license as a registered nurse. Should the Board reinstate the registered nurse license of Ms. Hernandez, she would be subject to whatever terms and conditions the Board may impose.

Licensee understands that this Stipulation will become a public record at such time as the Board issues an Order adopting it.

Licensee understands that by signing this Stipulated Agreement she waives the right to an administrative hearing. She acknowledges that no promises or representations have been used to induce her to sign this Stipulation.

Licensee has read the Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

Licensee agrees that she will not practice as a Practical Nurse from the date of her signature on this Stipulation.

Licensee 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.

Dated this _____ day of _____, 2011.

Maryellen Hernandez, RN

FOR THE OREGON STATE BOARD OF NURSING

Marilyn Hudson RN, MSN, CNS, FRE

Investigation Manager
Investigation Department

Michelle Standridge BSN, RN

Nurse Investigator
Investigation Department

Maryellen Hernandez
Stipulation for Voluntary Surrender