

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Deena Chamlee, NP

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

License No. 200150100NP, 097006193RN) Reference No. 15-01698

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Deena Chamlee (Licensee) was issued a Nurse Practitioner certificate and Registered Nurse license by the Board on August 14, 2001.

This matter was considered by the Board at its meeting on November 18, 2015.

On September 24, 2015, a Notice stating that the Board intended to revoke the Nurse Practitioner certificate and Registered Nurse license of Deena Chamlee was sent to her via certified and first-class mail to her address on record. The Notice alleged that Licensee allegedly had the inability to practice safely due to psychological impairment or mental disorder and had failed to cooperate with the Board during the course of an investigation.

The Notice granted Licensee an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Licensee was issued a Nurse Practitioner certificate and Registered Nurse license in the State of Oregon on August 14, 2001.
2. On or about May 12, 2015, Licensee was reported to the Board by NURSYS alert for the suspension of Licensee's Washington State Nurse Practitioner certificate and Registered Nurse license for inability to practice safely due to psychological impairment or mental disorder. The Board opened an investigation into the matter.

3. The Board alleges that on or about May 12, 2015, Board staff mailed a letter to Licensee's address of record requesting that she schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee completed a telephone interview on May 21, 2015. No written statement or work history were received.

4. The Board alleges that on or about June 23, 2015, a second letter was mailed to Licensee's address of record, requesting she provide Board staff with mental health documentation and treatment records as requested. Licensee was provided a deadline of July 15, 2015. Licensee responded that she wanted to cooperate, but did not provide the requested documents.

5. The Board alleges that on or about July 22, 2015, a final letter was mailed to Licensee's address on record, requesting cooperation with the Board Investigation. Licensee was provided a deadline of August 3, 2015. Licensee failed to provide mental health documentation and treatment records as requested.

6. On August 11, 2015, a notice of Proposed Suspension for Failure to Cooperate with the Board during the course of an investigation was mailed by first class and certified mail to Licensee's address on record. Licensee did not respond or request a hearing within the twenty days allowed.

7. On September 16, 2015, Board issued a Final Order for Suspension for Failure to Cooperate with the Board during the course of an investigation.

8. On September 24, 2015, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail to her address on record. The Notice granted Licensee twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default. Licensee did not respond or request a hearing within the twenty days allowed.

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CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Deena Chamlee, and over the subject matter of this proceeding.

That Licensee's conduct is in violation of ORS 678.111(1)(f), ORS 678.113(1) and OAR 851-045-0070(4)(b)(5)(b)(7)(a)(c).

ORS 678.111 Causes for denial, revocation or 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, or any of the following causes:

(f) Conduct derogatory to the standards of nursing.

ORS 678.113 When evaluation of mental or physical condition, demonstration of competency or evidence of continuing education may be required; rules.

(1) During the course of an investigation into the performance or conduct of an applicant, certificate holder, or licensee, the Oregon State Board of Nursing may order mental health, physical condition or chemical dependency evaluations of the applicant, certificate holder, or licensee upon reasonable belief that the applicant, certificate holder or licensee is unable to practice nursing with reasonable skill and safety to patients.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined.

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(5) Conduct related to impaired function:

(b) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose mental condition/status; and

(7) Conduct related to the licensee's relationship with the Board:

(a) Failing to provide the Board with any documents requested by the Board.

(c) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except client-attorney privilege.

2. That Licensee defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nurse Practitioner certificate and Registered Nurse license of Deena Chamlee is Revoked.

DATED this 18th day of November, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: DEENA CHAMLEE:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

INCLUDE ONLY IF FOR REVOCATION: If, after a minimum of three (3) years, you wish to reinstate your Nurse Practitioner License/certificate, you may submit an application to the Board to request reinstatement.