

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) STIPULATED ORDER FOR
Charity Dixon, CNA Reinstatement) PROBATION
Applicant)
Certificate No. 200211821CNA) Reference No. 16-00266

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nursing Assistants.

On July 17, 2002, CNA was issued a Nursing Assistant certificate by the Board with knowledge that she was convicted in August 1999 of felony Forgery in the First Degree.

On June 18, 2004, CNA's Nursing Assistant certificate expired.

In or around August 2004, CNA applied for renewal of her Nursing Assistant certificate but failed to disclose she was arrested in July 2003 for misdemeanor Initiating a False Report and felony Theft III. In October 2004, CNA pled No Contest to both charges. The Board issued a Notice of Denial of CNA's renewal application, CNA did not request a hearing and a default Final Order of Denial was signed by the Board on June 20, 2005.

On March 23, 2015, CNA successfully completed Caregiver Training Institute's Nursing Assistant program.

In or around July 2015, CNA applied for reactivation of her Nursing Assistant certificate and disclosed her 1999 and 2003 arrests, but failed to disclose she was cited in lieu of arrest on August 3, 2007 for misdemeanor Assault IV and that she was arrested on June 26, 2014 for felony Hindering Prosecution and misdemeanor Resisting Arrest. All charges were dismissed from the 2007 and 2014 charges.

CNA satisfied all court requirements on all convictions, provided evidence that she has not been convicted of a crime for 11 years, has sustained gainful employment since 2008 and requests reinstatement of her CNA certificate.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(a) and OAR 851-063-0080(1)(6), 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:

(a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

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 impose a range of disciplinary sanctions including, but not limited to deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (1) Conviction of the nursing assistant of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant;
- (6) Conduct unbecoming a nursing assistant.

CNA admits that the above allegations occurred and constitute violations of the Nurse Practice Act. CNA wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

CNA's Nursing Assistant certificate shall be reinstated and placed on probation effective the date the Board approves this Stipulated Order for Probation. CNA's compliance with this Order will be monitored by the Oregon State Board of Nursing. CNA must complete a twenty-four (24) month period of probation to begin upon CNA's return to work, monitored as outlined below. CNA must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. CNA must work in a setting where CNA can exercise the full extent of CNA's scope of duties, in order to demonstrate CNA's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which CNA does not work in the state of Oregon will not count toward the probationary period.

CNA shall comply with the following terms and conditions of probation:

1. CNA shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. CNA shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. CNA shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. CNA shall maintain active certification.
5. CNA shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If CNA leaves the state and is unable to work in the state of Oregon, CNA's probationary status will be re-evaluated.

6. CNA shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. CNA shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. CNA will not look for, accept, or begin a new nursing assistant position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. CNA shall inform current and prospective employers, including any Nurse Executive, of the probationary status of CNA's certification, the reasons for probation, and terms and conditions of probation. If CNA's employer has a Nurse Executive, CNA shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. CNA shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe CNA's work and provide assistance. CNA shall be employed in a setting where CNA's nursing assistant supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, CNA may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by CNA's employer shall inform Board staff of any instance of CNA's non-compliance with the terms and conditions of this Order or of any other concern regarding CNA's work-related conduct or personal behavior that may affect CNA's ability to perform the duties of a nursing assistant.
12. CNA shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. CNA shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. CNA shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
15. Upon request of Board staff, CNA shall obtain a chemical dependency and/or mental

health evaluation by a Board approved third-party evaluator. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's evaluator and to release CNA's evaluation records to the Board. CNA understands that CNA is financially responsible for any and all costs related to the evaluation.

16. CNA shall participate in and comply with any treatment recommendations set forth by a third-party evaluator. CNA shall sign any release of information necessary to allow Board staff to communicate with CNA's treatment provider and release CNA's treatment records to the Board.
17. CNA shall cease performing the duties of a nursing assistant if there are concerns about her ability to safely perform duties or at the request of Board staff. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with CNA's employer.
18. CNA shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
19. CNA shall cooperate fully with Board staff in the supervision and investigation of CNA's compliance with the terms and conditions of this Order.

CNA understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

CNA understands that in the event CNA engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against CNA's certificate, up to and including revocation of CNA's certification to perform the duties of a nursing assistant.

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

CNA understands that by signing this Stipulated Order, CNA waives the right to an administrative hearing under ORS 183.310 to 183.540. CNA acknowledges that no promises, representations, duress or coercion have been used to induce CNA to sign this Order.

CNA understands that this Order is a document of public record.

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CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Charity Dixon, 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