

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of**

**Robert Erwin, CRNA**

**FINAL ORDER**

**License No. 200341608RN,  
200360036CRNA**

**Reference No. 11-00251**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, certifying, regulating and disciplining certain health care providers, including Registered Nurses and Certified Registered Nurse Anesthetists (CRNA), in the State of Oregon. Robert Lee Erwin (Licensee) is a Registered Nurse and a Certified Registered Nurse Anesthetists in the State of Oregon.

This Matter was considered by the Board on March 23, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Probation of Registered Nurse License and Suspension and Probation of CRNA Certificate signed by Licensee on March 7, 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 March 7, 2011 be accepted and by this reference incorporated herein, and it is further

**ORDERED** that the Board accept the Stipulation for Probation of the Registered Nurse License and Suspension and Probation of CRNA Certificate of Robert Lee Erwin and the Stipulation be adopted.

DATED this \_\_\_\_\_ day of March, 2011

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Patricia Markesino, RN  
Board President

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

<b>In the Matter of Robert Erwin, CRNA</b>	) ) ) )	<b><u>CORRECTED</u> STIPULATION FOR PROBATION OF REGISTERED NURSE LICENSE AND SUSPENSION and PROBATION OF CRNA CERTIFICATE</b>
<b>License No. 200341608RN, 200360036CRNA</b>	)	<b>Reference No. 11-00251</b>

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The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of Registered Nurses (RN) and Certified Registered Nurse Anesthetists (CRNA) in the state of Oregon.

Robert Lee Erwin (Licensee) is a Registered Nurse and CRNA in Oregon. Licensee graduated from the University of Portland with a Bachelors Degree in Nursing and from Texas Wesleyan University with a Master's of Science – Nurse Anesthesia. Licensee received his Oregon RN license and CRNA certificate by endorsement on July 25, 2003.

Licensee came to the attention of the Board on December 8, 2010, when he self-reported his diversion of narcotics from his employer, Curry General Hospital. On December 13, 2010, Licensee agreed to sign an Interim Order by Consent, voluntarily removing himself from practice until further Order of the Board.

During a personal interview with Board staff, Licensee said he began diverting Demerol around mid October 2010. He said he signed out more Demerol than needed for his patients and he diverted the rest. At times, he fabricated patient names and signed out Demerol under those names. Other times he would sign out narcotics at the end of his shift for the patients who were scheduled for surgery the next day, knowing the narcotics wouldn't be counted again until the following day. Licensee admitted he used and was under the influence of Demerol while at work and caring for patients.

Licensee obtained a Chemical Dependency Assessment from Serenity Lane. He was diagnosed with Opioid Dependence with the recommendation for detoxification, 21-day residential treatment and Intensive Outpatient Treatment (IOP). Mr. Erwin successfully completed his detoxification and 21-day residential treatment on January 25, 2011.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (e) and (f); and OAR 851-045-0070 (2) (i), (3) (a) (c), (4) (b), (5) (c) and ORS 851-052-0100 (1), (2) (a) which provide 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:

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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:

(2) Conduct related to other federal or state statute/rule violations

(i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, filing in someone else's omissions, signing someone else's name, record care not given, and fabricating data/values.

(4) Conduct related to achieving a maintaining clinical competency:

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

(5) Conduct related to impaired function:

(c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

OAR 851-052-0100 Disciplinary action on CRNA License

(1) The Board may deny, suspend or revoke the authority of a CRNA to administer anesthesia agents, including adjuvant drugs, for the causes identified in ORS 678.111 (1).

(2) In addition to standards identified in 851-045-0070, the abuse of the anesthesia or authority to select, obtain, order, or administer drugs constitutes conduct derogatory to the nursing standards and is defined as:

(a) Selecting, obtaining, ordering, administering, or distributing anesthesia agents or other drugs for purposes other than anesthesia care.

Licensee admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary matter. Therefore, the following will be proposed to the Board and is agreed to by Licensee:

**That the CRNA certificate of Robert Lee Erwin shall be suspended for a minimum of six months. That the Registered Nurse License of Robert Lee Erwin be placed on probation for six-months during the time of his CRNA suspension. Upon the successful completion of the initial six-month probationary period of Licensee's RN license, his CRNA suspension will be lifted and his RN license and CRNA certificate will be placed on probation for 2-years. Licensee will be required to practice at the level of a CRNA during this 2-year probationary period. Suspension and Probation shall commence upon signature of the Final Order by the Board President.**

Licensee must comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
3. Licensee shall have forty-five (45) months from Board acceptance of this Stipulation to complete probation.
4. Licensee will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
5. Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
6. Licensee shall present himself, in person, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and may be revised periodically at the discretion of Board staff. A telephone interview may be substituted for a personal interview at the discretion of Board staff.
7. Licensee, while employed as a RN and/or CRNA, shall not have access to narcotics or mood altering drugs for a minimum of six months. This restriction will be re-evaluated by Board staff after the six-month period and will only be lifted upon approval of Board staff.
8. Licensee shall inform current and prospective employers of the probationary status of his license, the reasons for his probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee's probationary status.

9. The Nurse Executive or comparable person will receive copies of the Stipulation for Probation and Board Order when Licensee is employed.
10. Licensee shall be employed only in settings in which the Nurse Executive, or comparable person, agrees to submit to the Board written evaluations, on forms provided by it, of his work performance at least every three (3) months during the probationary period. Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of Licensee's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding Licensee's work-related conduct or personal behavior that may affect his ability to practice nursing.
11. Licensee shall be employed only in settings in which he receives direct supervision from a registered nurse or comparable person during his RN probationary period and direct supervision from a CRNA or comparable person during his CRNA probationary period. Licensee will begin accruing hours of practice toward the probationary period only when he is actually employed and working as a RN, during the initial six-month probationary period, and as a CRNA, during the following 2-year probationary period. Licensee must work a minimum of 80 hours per month.
12. He shall not be employed by a temporary staffing agency during the probationary period unless that agency can provide written evidence to the Board that Licensee will not be assigned to multiple facilities. Licensee shall not be employed by a home health agency or provide any nursing services to at-home patients during the probationary period. Licensee shall not work night shift (12am-5am) and shall not work on-call during the probationary period.
13. Licensee shall abstain from the use of all psychoactive, prescription-controlled or intoxicating substances, including alcohol, during the period of probation. He may take medication for a documented medical condition, if he obtains such medication only by legal prescription written by a person authorized by law to write such prescriptions. He will notify the Board within 24 hours in the event he is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about his medical condition. He shall produce the medical records pertaining to the medical condition and medication use. Licensee shall notify any health care providers of the nature of his chemical dependence diagnosis, to ensure that his health history is complete, before receiving any treatment, including medical and dental treatment.
14. Licensee shall successfully complete outpatient treatment recommended by Serenity Lane. Within fourteen (14) days of his completion of this treatment, he shall submit to the Board a copy of his completion certificate. He shall attend NA, AA (or a similar 12-step program) on a weekly basis and provide proof of attendance to the Board.
15. Licensee shall participate in the Board's random urine program. Failure to comply with random urine program will result in an immediate removal from the practice of nursing

and Licensee will be required to obtain an evaluation by a Board approved chemical dependence evaluator. The presence of unauthorized substances may be considered a violation of the terms and conditions of this stipulation. He understands that he will be financially responsible for the costs related to this testing.

16. Licensee shall cease the practice of nursing as an RN and/or CRNA upon the occurrence of a relapse or at the request of Board staff because of relapse or relapse behavior. Licensee's practice may resume when approved by Board staff in consultation with his employer.
17. Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.
18. Licensee shall cooperate fully with the Board in the supervision and investigation of his compliance with the terms and conditions of this Stipulation.

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

Licensee also understands that in the event he engages in future conduct resulting in violations of the law, or terms of probation the Board may make further disciplinary action against his nursing license, up to and including revocation of his license to practice nursing.

Licensee understands that the Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, he waives the right to an administrative hearing.

Licensee understands that this Stipulation is a public document.

Licensee states no promises, representation, duress, or coercion have been used to induce him to sign the Stipulation.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Robert Erwin, CRNA

FOR THE OREGON STATE BOARD OF NURSING

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Gary Hickman, RN  
President

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Date

SIGNED & DATED COPY ON FILE WITH BOARD OFFICE