

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR 60-DAY**
LINDA L. EINSEL, CNA) **SUSPENSION OF CNA CERTIFICATE**
)
Certificate No. 200111552CNA) **Reference No. 13-00960**

The Oregon State Board of Nursing, (Board) is the state agency responsible for the certification and regulation of certified nursing assistants in the State of Oregon. Linda L. Einsel (CNA) is a certified nursing assistant in the State of Oregon and the Board first issued her certificate on July 20, 2001.

In November 2012 the Board opened an investigation regarding CNA's self-report that she had been terminated from Three Rivers Community Hospital, Grants Pass, Oregon for alleged abuse toward a patient in her care. The alleged incident occurred while CNA was caring for an agitated, cognitively impaired patient. After CNA offered the patient some juice he spat the juice on or at CNA. She then took the remainder of the juice and poured it on the patient's head. Additionally, it was alleged that on the night of the incident, CNA discussed the above actions with other hospital staff while on break.

CNA acknowledges that she is obligated to provide safe and compassionate care to all patients while maintaining their rights and dignity and confidentiality of information.

By CNA's behavior and the Board findings, CNA is subject to disciplinary action pursuant to violations of provisions of ORS 678.442 (2)(f); OAR 851-063-0080(6); OAR 851-063-0090 (1)(c); (2)(b) and (f) which read as follows:

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:

(f) Conduct unbecoming a nursing assistant in the performance of duties.

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 deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

(6) Conduct unbecoming a nursing assistant in the performance of duties ORS 678.442(2)(f).

851-063-0090

Conduct Unbecoming a Nursing Assistant

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:

- (1) Conduct related to the client's safety and integrity:
 - (c) Failing to respect client rights and dignity regardless of social or economic status, personal attributes or nature of health problems or disability;
- (2) Conduct related to other federal or state statutes/rule violations:
 - (b) Violating the rights of privacy, confidentiality of information or knowledge concerning the client, unless required by law to disclose such information;
 - (f) Engaging in other unacceptable behavior or verbal abuse towards or in the presence of a client such as using derogatory names or gestures or profane language.

CNA chooses to cooperate with the Board in resolving this matter. Therefore, the following is agreed to by the CNA and will be proposed to the Oregon State Board of Nursing:

That the nursing assistant certificate of Linda Einsel be suspended for a total of 60 days. The suspension will commence (5) five business days from the date this Order is signed by the Oregon State Board of Nursing.

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

CNA 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 certificate to practice as a certified 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, she 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 her to sign this Order.

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

CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for 60-Day Suspension.

Linda Einsel, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date