

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Cathy McGinnis, CNA** ) **REPRIMAND OF NURSING ASSISTANT**  
 ) **CERTIFICATE**  
 )  
**Certificate No. 000037169CNA** ) **Reference No. 12-02164**

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Cathy McGinnis (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on March 11, 1997.

On or about April 18, 2012, the Board received information that Certificate Holder neglected a resident, LC, by leaving her on the bed pan for over an hour. The facility reported that the resident had a 2 cm red welt around her buttock area as a result of being left on the bed pan. Certificate Holder was terminated for this incident.

During a personal interview with Certificate Holder, she said the facility was in the midst of a Norovirus epidemic and was severely short staffed. She said LC requested to use the bed pan. LC was an alert and oriented resident who directed her own self-care. LC was very particular about her toileting habits and was very easily embarrassed. Certificate Holder said she handed LC the call light and went to check on the other residents.

Certificate Holder said she was covering for other staff that were on their lunch break. Certificate Holder said she was very busy and was “practically running” from room to room assisting the residents. Certificate Holder said she had to leave the unit to retrieve another resident that had attempted to leave a locked unit.

When she returned to the unit, she checked on LC who stated that she was not done and needed to be on the bed pan longer. Staff relieved Certificate Holder and she was able to go on her lunch break. Certificate Holder admitted that she forgot to tell the oncoming staff that LC was on the bed pan. When Certificate Holder returned from her lunch break forty five minutes later, LC was still on the bed pan, asleep with the call light in hand.

The above conduct is a violation of the provisions of ORS 678.442 (2) (f), OAR 851-063-0080 (6) and OAR 851-063-0090 (2) (e) which reads 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:

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

**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 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).

**OAR 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:

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

(e) Neglected a client. The definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or to be injured.

Certificate Holder acknowledges her misconduct and wishes to cooperate with the Board in resolving the present disciplinary issues.

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

**That the Certified Nursing Assistant certificate of Cathy McGinnis be reprimanded.**

Certificate Holder 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.

Certificate Holder 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.

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

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

Certificate Holder understands that this Order is a document of public record.

Certificate Holder has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

\_\_\_\_\_  
Cathy McGinnis, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Kay Carnegie, RN, MS  
Board President

\_\_\_\_\_  
Date

SIGNATURES & DATED COPY TO FILE IN BOARD OFFICE