

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Donna Perger) **VOLUNTARY SURRENDER**
)
Certificate No. 201112492CNA) **Reference No. 14-01676**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Donna Perger (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on September 26, 2011.

On or about May 2, 2014, the Board received information alleging that Certificate Holder physically abused a resident while working as a nursing assistant in a retirement community.

A resident of the retirement community and one witness reported that, on or about April 25, 2014, Certificate Holder slapped the resident on his lower back while transferring the resident to his wheelchair. Following the facility's internal investigation, Certificate Holder was terminated from her position.

During the facility's internal investigation and in a statement to Board staff, Certificate Holder denied slapping the resident.

During the Board investigation, Certificate Holder stated she no longer wishes to work as a nursing assistant and wishes to voluntarily surrender her Certified Nursing Assistant certificate.

Certificate Holder neither admits nor denies the allegations, but acknowledges the Board's evidence establishes the violation of the Nurse Practice Act listed below.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(2)(d), which provide 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 851-063-0090 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:
 - (d) Abusing a client. The definition of abuse includes but is not limited to intentionally causing physical harm or discomfort, striking a client, intimidating, threatening or harassing a client.

Certificate Holder wishes to voluntarily surrender her Certified Nursing Assistant certificate.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the voluntary surrender of the Certified Nursing Assistant certificate of Donna Perger be accepted. If, after a minimum of three years, Ms. Perger wishes to reinstate her Certified Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

Certificate Holder agrees that she will not perform duties as a Certified Nursing Assistant from the date she signs this Order.

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, and to any judicial review or appeal thereof. 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 Voluntary Surrender.

IT IS SO AGREED:

Donna Perger

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date