

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
David Freer, CNA**

**FINAL ORDER**

**Certificate No. 000014532CNA**

**Reference No. 11-03320**

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, in the State of Oregon. David Freer (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for 30 day Suspension with Conditions signed by Certificate Holder on August 5, 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 Certificate Holder on August 5, 2011 be approved and by this reference incorporated herein, and, it is further

**ORDERED** that the certificate to perform the duties of a nursing assistant of David Freer be suspended for 30 days with conditions and that Certificate Holder shall meet all of the terms and conditions as stated in the Stipulation.

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

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

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Patricia Markesino, RN  
Board President

**BEFORE THE BOARD OF NURSING  
OF THE STATE OF OREGON**

<b>In the Matter of</b>	)	<b>STIPULATION FOR</b>
	)	<b>30 DAY SUSPENSION</b>
	)	<b>OF NURSING ASSISTANT</b>
<b>David E. Freer, CNA</b>	)	<b>CERTIFICATE WITH</b>
	)	<b>CONDITIONS</b>
	)	
<b>Certificate No. 000014532CNA</b>	)	
	)	<b>Case No. 11-03320</b>
	)	

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Mr. Freer is a Certified Nursing Assistant who obtained his Oregon Nursing Assistant Certificate on January 1, 1990. He has worked at Rose Haven Nursing Center from March 20, 1987 to April 2011.

Received a complaint from employer on June 7, 2011 that Mr. Freer failed to follow the care plan, which resulted in resident JS sustaining a hip fracture.

During a personal interview with Board staff, Mr. Freer admitted that he did not know that the care plan indicated that a tab alarm was to be used when resident JS was in bed and in his wheelchair. Mr. Freer said that he thought the tab alarm was to be used only when resident JS was in bed.

Resident JS was a dependent resident who was at risk for falls. JS's resident care plan indicated that he was a two person transfer and a gait belt was to be used with all transfers. It was also noted in the care plan that JS would attempt to take the tab alarms off the bed and the wheelchair. Mr. Freer admitted that he should have known that JS was supposed to have a tab alarm in bed and the wheelchair.

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

ORS 678.442

(2) In the manner prescribed in ORS 183.310 to 183.550, 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 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) Neglecting a client. This definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured.

(6) Conduct related to achieving and maintaining clinical competency:

(a) Failing to competently perform the duties for which the individual is certified.

Mr. Freer wishes to cooperate with the Board and the following will be proposed to the Oregon State Board of Nursing and is agreed to by Mr. Freer:

**That the Nursing Assistant Certificate of David Freer be suspended with conditions, for a minimum of 30 days, beginning five (5) days after mailing of the Final Order.**

**The course can be either continuing education or an academic course and must be approved in advance by the Board. The course to be taken is titled preventing falls. The course must be completed before January 30, 2012 and Mr. Freer shall provide proof of successful completion of the course (report, certificate of completion, transcripts etc).**

**Mr. Freer shall write a paper on the class at least 3 pages in length on preventing falls.**

Mr. Freer understands that the conduct resulting in the violations of law described in this Stipulation are considered by the Board to be serious and if continued, constitutes a potential for danger to public's health, safety and well being.

Mr. Freer understands that in the event he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against his certificate, up to and including revocation of his Nursing Assistant Certificate.

Mr. Freer understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

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

Mr. Freer has read this Stipulation and understands it completely.

Dated this \_\_\_\_\_ day of August, 2011

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David Freer, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

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Marilyn L. Hudson, RN, MSN, CNS, FRE  
Investigations Manager  
Investigation Department

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Nisha Sexton RN, MN  
Nurse Investigator  
Investigations Department

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