

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Devyn Phillip, CMA**

**) STIPULATED ORDER FOR
) REPRIMAND OF CERTIFIED
) MEDICATION AIDE CERTIFICATE
) Reference No. 13-01552**

**Certificate No. 000044218CNA,
200920084CMA**

Devyn Phillip (CNA) was issued a Certified Medication Aide certificate by the Oregon State Board of Nursing (Board) on July 16, 2009.

On or about February 27, 2013, the Board received information that CMA had failed to obtain and document blood pressure readings as ordered on multiple patients under his care, prior to administering antihypertensive medications while working at Baycrest Village. According to the report, these errors occurred during the months of January and February 2013. There was no report of patient harm.

CMA acknowledged that he had failed to document the patient blood pressure readings. He further acknowledged that there had been times that he had failed to obtain the patient's blood pressure prior to administering antihypertensive medications. He expressed remorse for his actions, and stated that he understood that he had risked patient safety.

CMA stated that when he received an assignment to complete additional medication passes in two separate sections of the facility, he found that he was unable to complete all of his medication passes and documentation in a timely manner. CMA stated that he requested additional assistance, which was not available. CMA further stated that he voluntarily requested to stop passing medications and work only as a CNA at the facility prior to the survey identifying the errors in his documentation. He stated that as soon as a Certified Nursing Assistant (CNA) position became available, he transferred to it and now only performs the duties of a CNA at the facility.

By the above actions, CMA is subject to discipline pursuant to ORS 678.442 (2) (d), and (f) and OAR 851-063-0080 (4) and (6), and OAR 851-063-0090 (3) (b), (6) (a), and OAR 851-063-0100 (1) and (11) which read 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:

(d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.

(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:

(4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder; ORS 678.442(2)(d).

(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:

(3) Conduct related to communication:

(b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given;

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

(a) Failing to competently perform the duties of a nursing assistant;

OAR 851-063-0100 Conduct Unbecoming a Certified Medication Aide

Certified Medication Aides are subject to discipline as CNAs as described in these rules. In addition, CMAs are subject to discipline for conduct unbecoming a medication aide. Conduct Unbecoming a medication aide includes but is not limited to:

(1) Failing to administer medication as ordered by a health care professional authorized to independently diagnose and treat;

(11) Failing to conform to the standards and authorized duties in these rules.

CMA 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 CNA:

That the Certified Medication Aide certificate of Devyn Phillip be reprimanded.

Additionally, CNA shall take Board approved coursework on Documentation, Preventing Medication Errors and Righting a wrong and submit certificates of completion within 60 days of the adoption of this Stipulation.

CNA 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.

CNA 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 certificate to practice as a Certified Medication Aide.

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, he 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 him 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 Reprimand.

Devyn Phillip, CMA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date