

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Ashlee Kiser, CNA**

) **STIPULATED ORDER FOR
30-DAY SUSPENSION OF
CERTIFIED NURSING ASSISTANT
CERTIFICATE**

Certificate No. 200611908CNA

) **Reference No. 12-01331**

The Oregon State Board of Nursing (Board) is the state agency responsible for the certification and regulation of nursing assistants in Oregon.

Ashlee Kiser, hereinafter referred to as "Certificate Holder," is a certified nursing assistant (CNA) in the State of Oregon. Certificate Holder received her certificate on September 7, 2006.

Certificate Holder came to the Board's attention upon a report that she gave one to three glasses of prune juice to a resident without consulting a nurse and she used inappropriate language in front of residents.

On February 22, 2012, Certificate Holder met with Board staff to discuss the allegations. She acknowledged that on December 11, 2011, she gave about four 8 ounce glasses of a variety of fluids, including prune juice, to a hospice resident, because she knew the resident had "bowel problems." Certificate Holder acknowledged that she never documented her actions or told the nurse that she gave these fluids for this reason. She acknowledged that this was "poor judgment," and said that she would not do this again. A review of the resident's December bowel record did not reflect any significant bowel issues and no previous bowel medications were administered prior to December 11, 2011. A nursing note indicated that the resident had four episodes of diarrhea on December 11, 2011 and December 12, 2011, with a request for anti-diarrheal medication.

Certificate Holder also acknowledged that in the past she used foul language in front of residents. She said she knows this is not okay, and tries very hard now not to swear in front of anyone.

By the previously described actions, Certificate Holder is subject to discipline pursuant to violations of ORS 678.442 (2) (f), OAR 851-063-0080 (6), and OAR 851-063-0090 (2) (f) and (6) (b) which reads as follows:

678.442 Certificate 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 (6)

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 (2) (f) and (6) (b)

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:

(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;

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

(b) Performing acts beyond the authorized duties for which the individual is certified;

As Ms. Kiser wishes to cooperate with the Board in this matter the following will be proposed to the Board and is agreed to by Ms. Kiser:

That the Certified Nursing Assistant certificate of Ashlee Kiser be suspended for 30 days to begin on the 7th calendar day after the Final Order is issued.

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

Certificate Holder understands that by signing this stipulated agreement she waives the right to an administrative hearing.

Certificate Holder understands that this document will become a public record when the Board

issues an order implementing it.

Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this stipulated order.

Certificate Holder has read, understands fully and freely signs this stipulated order.

IT IS SO AGREED:

Ashlee Kiser, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date