

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Mary Baker, FNP**

**) STIPULATED ORDER FOR
) REPRIMAND OF FAMILY
) NURSE PRACTITIONER CERTIFICATE
) Reference No. 14-01334**

Certificate No. 201350028NP

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Mary Baker (Certificate Holder) was issued a registered nurse license by the Board on July 30, 2001 by endorsement. Certificate Holder was issued a nurse practitioner certificate by the Board on February 11, 2013.

On or about March 11, 2014, the Board received information that Certificate Holder had allegedly prescribed pain medications in an unsafe manner to patients at the clinic where Certificate Holder practiced as a Family Nurse Practitioner. The Board opened a case to investigate the matter. The investigation found that Certificate Holder had deviated from the standard of care when she prescribed pain medications to a number of patients.

Certificate Holder failed to consistently hold patients to the terms and conditions of their pain contracts and did not refer or transfer care for diagnosis/treatment of substance abuse or dependence.

Certificate Holder failed to consistently develop a written treatment plan to include objectives to be used to determine treatment success and indication if any further diagnostic evaluation or other treatments were planned. According to the records and Certificate Holder's own statements, she did not consistently explore other treatment modalities or a rehabilitation program for patients.

Certificate Holder failed to conduct periodic reviews at reasonable intervals based on the patient's individual circumstances, the course of treatment and any new information about the etiology of the pain. If there was not movement toward goals, Certificate Holder did not modify the plan of treatment.

The above behavior constitutes a violation of the provisions of ORS 678.111 (1) (f); and OAR 851-045-0070 (1) (a), (b), (c), (d); OAR 851-050-0005(4) (a), (b), (c), (d), (e) and (5) (a), (b), (c),(d),(e),(f), (g),(h), (i),(j),(k) and (l); and OAR 851-056-0016 (1), (2) (h) which reads as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee.

In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
 - (a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.
 - (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
 - (c) Failing to develop, implement and/or follow through with the plan of care.
 - (d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.

Nurse Practitioner Scope of Practice

OAR 851-050-0005

- (4) Within his or her specialty, the nurse practitioner is responsible for managing health problems encountered by the client and is accountable for health outcomes. This process includes:
 - (a) Assessment;
 - (b) Diagnosis;
 - (c) Development of a plan;
 - (d) Intervention;
 - (e) Evaluation.
- (5) The nurse practitioner is independently responsible and accountable for the continuous and comprehensive management of a broad range of health care, which may include:
 - (a) Promotion and maintenance of health;
 - (b) Prevention of illness and disability;
 - (c) Assessment of clients, synthesis and analysis of data and application of nursing principles and therapeutic modalities;
 - (d) Management of health care during acute and chronic phases of illness;
 - (e) Admission of his/her clients to hospitals and/or health services including but not limited to home health, hospice, long term care and drug and alcohol treatment;
 - (f) Counseling;
 - (g) Consultation and/or collaboration with other health care providers and community

resources;

(h) Referral to other health care providers and community resources;

(i) Management and coordination of care;

(j) Use of research skills;

(k) Diagnosis of health/illness status;

(l) Prescribing, dispensing, and administration of therapeutic devices and measures, including legend drugs and controlled substances as provided in Division 56 of the Oregon Nurse Practice Act, consistent with the definition of the practitioner's specialty category and scope of practice.

Conduct Derogatory to the Standards for Prescriptive or Dispensing Authority

OAR 851-056-0016

(1) The Board may deny, suspend or revoke the authority to write prescriptions and/or dispense drugs for the causes identified in ORS 678.111(1) or with proof that the authority has been abused.

(2) The abuse of the prescriptive or dispensing authority constitutes conduct derogatory to nursing standards and is defined as:

(h) Failure to properly assess and document client assessment when prescribing, dispensing, administering, or distributing drugs.

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:

- 1. The Nurse Practitioner certificate of Mary Baker be reprimanded.**
- 2. Certificate Holder must complete designated pain management continuing education modules provided by Board staff as evidenced by a certificate of completion.**
- 3. Certificate Holder must review the Oregon State Board of Nursing Pain Management Sentinel Article and provide a written statement indicating how she will change her future practice.**

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 license to practice as a Nurse Practitioner.

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. Licensee 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.

Mary Baker, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date