

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Tami Martin, NP**

) **STIPULATED ORDER FOR**
) **PROBATION OF**
) **NURSE PRACTITIONER CERTIFICATE**
) **Reference No. 14-01297 & 15-00218**

License No. 201150134NP

Tami Martin (Licensee) was issued a Nurse Practitioner Certificate by the Oregon State Board of Nursing (Board) on September 27, 2011.

On or about March 4, 2014, the Board received information that Certificate Holder/Licensee had prescribed controlled substances for a family member without an established clinical relationship or documentation. It was further reported following a review of patient charts, Certificate Holder was found to have failed to meet the standard of care in assessing, documenting and prescribing medications to additional patients under her care between January 2013 and March 2014.

On or about August 14, 2014, the Board received information that Certificate Holder/Licensee had provided care to a patient without establishing a patient record or documentation of care provided on July 15, 2014. There was no report of patient harm.

A review of records found Certificate Holder/Licensee did not fully address the overall health status of HM, SC, NL and TH, patients under her care. Specifically, Certificate Holder/Licensee failed to develop a comprehensive plan of care, appropriately prescribe opioid and benzodiazepine medications, document interventions and treatments or provide referrals as needed to address the physical and mental health needs of these patients.

Certificate Holder/Licensee further acknowledged providing treatment and prescriptions to a family member and patients outside of a clinical setting without an established patient/provider relationship or documentation of care provided.

Certificate Holder/Licensee stated she takes the responsibility of caring for her patients seriously, and attempts to properly manage chronic conditions appropriately. She stated this was challenging due to the availability of resources in the rural area where the clinic was located. Certificate Holder provided documentation of successful completion of coursework on Professional Boundaries and Opioid Prescribing for Chronic Pain Patients.

Certificate Holder/Licensee stated although she has made multiple improvements in the care and services she provides, she recognizes the need to further improve her practice by maintaining records and thoroughly documenting all patient care and prescriptions.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) and OAR 851-045-0070 (1) (a), and (3) (b), and OAR 851-056-0016 (2) (f) and (h) which reads as follows:

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.

851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

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.

(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.

851-056-0016 Conduct Derogatory to the Standards for Prescriptive or Dispensing Authority

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

(f) Prescribing, dispensing, administering, or distributing drugs in an unsafe or unlawful manner or without adequate instructions to the client according to acceptable and prevailing standards or practice;

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

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Nurse Practitioner Certificate of Tami Martin be placed on Probation with the

following conditions:

Certificate Holder agrees to have her practice monitored with supervision for a period of not less than one year and no more than two years by a Board approved employer, to include quarterly reports to the Board to demonstrate continued competency, along with all general terms of probation required by the Board.

After a period of not less than nine months, with evidence of successful completion of all required coursework and satisfactory monitored practice as evidenced by supervisory chart audits and reviews, Certificate Holder may petition the Board to end the period of Probation after a period of 12 months.

Certificate Holder must also comply with the following terms and conditions of probation:

- 1) Certificate Holder/Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Certificate Holder/Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete monitored practice.
- 3) Certificate Holder/Licensee shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Certificate Holder/Licensee shall maintain an active license.
- 5) Certificate Holder/Licensee shall complete the following courses:

Annual Primary Care Review Conference and/or Annual Nurse Practitioner of Oregon Education Conference when offered in 2015. Certificate Holder shall provide evidence of successful completion of the program within 1 month of the completion of the conference.

Prescribing Opioid's for Chronic Pain **and** coursework for Nurse Practitioner Practice Review either online or by personal attendance. All courses shall be pre-approved by Board staff, and Certificate Holder shall provide proof of completion of each course either through certificates of completion or transcripts. Should Certificate Holder fail to complete these courses during her period of Probation, Certificate Holder shall remain on Probation until such time as she completes the courses and shows proof.

- 6) Certificate Holder/Licensee shall inform the Board Probation Monitor in advance if she will be absent from Oregon for a period of more than two weeks, or, if an absence will affect her ability to be available for her regularly scheduled Probation Interview. Additionally, Certificate Holder/Licensee shall notify the Board Probation Monitor if she moves from Oregon to another licensing jurisdiction. If Certificate Holder/Licensee relocates to another State and is unable to practice in the State of Oregon, her probationary status will be re-evaluated.

7) Certificate Holder/Licensee shall present herself, in person or by phone, to a designated Board Probation Monitor for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board Probation Monitor and/or the Board.

8) Certificate Holder/Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

9) Certificate holder/Licensee will advise the Board Probation Monitor prior to seeking a new nursing position during the probationary period. Certificate Holder/Licensee shall not accept or begin a new nursing position without the approval of the Board Probation Monitor. This includes changes of the employer itself or changes within the facility or institution.

10) Certificate Holder/Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of licensee's probationary status. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Licensee is employed.

11) Certificate Holder/Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance while working in the Lincoln County Health Services Primary Care Clinic. Licensee may perform limited on-call coverage as required by the agency. While working in the capacity of a nurse within the School Based Health Centers, Certificate Holder/Licensee shall have ready access to a supervisory professional of the same or higher level of licensure for consultation on an as needed basis in lieu of direct supervision.

Certificate Holder/ Licensee shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period to the Board Probation Monitor. The nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, the Board Probation Monitor will contact the employer to remind them. If the Board Probation Monitor does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.

12) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to practice as a nurse.

13) Certificate Holder shall notify the Board when there is a change in status of employment including resignations or terminations.

14) Certificate Holder/Licensee shall not be employed in any other settings in which direct supervision is not readily available which generally includes home health agencies, traveling agencies, nursing float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings other than as listed in paragraph 11 of this agreement.

15) Certificate Holder shall cease practicing as a nurse at the request of the Board Probation Monitor upon receipt by the Board of a complaint regarding patient safety or failure of Certificate Holder/Licensee to maintain minimum standards of nursing care. Certificate Holder/Licensee may resume practice when approved by the Board Probation Monitor and/or the Board, in consultation with her employer.

16) Certificate Holder shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Certificate Holder understands that the conduct resulting in the violations of law, described in this Stipulation 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 also understands that in the event she engages in future conduct resulting in violations of the law or terms of probation the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Nurse Practitioner.

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

Certificate Holder understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Certificate Holder states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Certificate Holder understands that this Stipulation is a public record.

Certificate Holder has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Tami Martin, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE