

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

<b>In the Matter of</b>	) <b>STIPULATED ORDER FOR</b>
<b>Kamala Thibodeau, CNA</b>	) <b>REPRIMAND OF NURSING ASSISTANT</b>
	) <b>CERTIFICATE</b>
	)
<b>Certificate No. 000042256CNA</b>	) <b>Reference No. 12-00700</b>

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Ms. Thibodeau is a certified nursing assistant in the State of Oregon. She received her certification in December 1998.

On June 8, 2011, Board staff received a complaint that Ms. Thibodeau had received \$200 from JT, a resident of the facility where she was employed, and had borrowed JT's pickup truck for a day. According to the complaint, Ms. Thibodeau had a prior caregiver relationship with JT. It was alleged that Ms. Thibodeau asked JT to give her \$200 to help her with her expenses.

Ms. Thibodeau stated that while she had worked for JT she had performed work valued at \$100 for which she had not yet been paid. She stated that JT offered her an additional \$100 as a gift because he knew she was having some financial challenges. Ms. Thibodeau accepted the money gift. She also stated that JT offered her the use of his pickup truck because she was moving to a new residence, and she accepted his offer, used the truck, and returned it with a full tank of gas.

JT was interviewed about the incident and told an investigator for Senior and Disability Services that he had given Ms. Thibodeau a check for \$200, that she did not pressure him for the money, and that she did not ask him for anything, that the money was a gift.

Ms. Thibodeau does not perceive her behavior as exploitation, but does acknowledge that she used poor judgment in accepting money or services from JT and violated professional boundaries in doing so.

By the above behavior, Ms. Thibodeau is subject to discipline pursuant to violations of ORS 678.442(2)(f) and OAR 851-063-0080(6) and OAR 851-063-0090(2)(g), which read as follow:

**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:

(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:

(6) Conduct unbecoming a nursing assistant in the performance of duties ORS 678.442(2)(f).

**OAR 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:

(2) Conduct related to other federal or state statutes/rule violations:

(g) Using the client relationship to exploit the client by gaining property or other items of value from the client either for personal gain or sale, beyond the compensation for services; Ms. Crocker acknowledges her misconduct and wishes to cooperate with the Board in resolving the present disciplinary problems.

The following will be proposed to the Board and is agreed to by Ms. Thibodeau:

**That the Nursing Assistant Certificate of Kamala Thibodeau be reprimanded.**

Ms. Thibodeau 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.

Ms. Thibodeau 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 nursing assistant certificate.

Ms. Thibodeau understands this Stipulation will be submitted to the Board of Nursing and is subject to the Board's confirmation.

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

Ms. Thibodeau has read this Stipulation and understands it completely.

Ms. Thibodeau understands that this Stipulation will become a matter of public record at such time as it is signed by the Board president.

IT IS SO AGREED:

\_\_\_\_\_  
Kamala Thibodeau, CNA

\_\_\_\_\_  
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