

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**Annette Tobiason, CNA** ) **REPRIMAND OF CERTIFICATE**  
)  
**Certificate No. 200812702CNA** ) **Reference No. 13-00839**

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Annette Tobiason (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on December 3, 2008.

In October 2012, the Board received information that CNA performed an improper transfer, resulting in injury to a resident.

On or about May 25, 2012, CNA transferred a resident from a bed to a wheelchair using a sling lift, with the assistance of a second staff member. The legs on the base of the lift needed to be spread open to stabilize the lift. CNA did not fully open the legs on the base of the lift. CNA stated she believed the legs on the lift were not working properly. CNA proceeded to transfer the resident using that lift.

While the resident was in the lift, CNA tried to approach the wheelchair from the side, with the lift at a side angle. Approaching the wheelchair from the side reduces the stability of the lift. The lift tipped over during the transfer. The lift fell on the resident, and the resident sustained an abrasion to her scalp.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f) and OAR 851-063-0090(6)(a), which provide 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:

(f) Conduct unbecoming a nursing assistant in the performance of duties.

**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:

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

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

CNA 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 Nursing Assistant certificate of Annette Tobiason be reprimanded.**

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 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 certificate to practice as a Certified Nursing Assistant.

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, she 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 her 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.

\_\_\_\_\_  
Annette Tobiason, CNA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

**BOARD OF NURSING FOR THE STATE OF OREGON**

\_\_\_\_\_  
Kay Carnegie, RN, MS  
Board President

\_\_\_\_\_  
Date