

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Erik D. Jensen, RN

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) **FINAL ORDER**

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License No. 093000371RN

) **Reference No. 12-01285**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Erik D. Jensen (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on February 15, 2012. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Probation signed by Licensee on February 13, 2012, and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on February 13, 2012 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Stipulation for Probation of Erik D. Jensen's Registered Nurse license and the Stipulation for Probation be adopted.

DATED this ____ day of February, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within 60 days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATION FOR**
Erik D. Jensen, RN) **PROBATION**
)
License No. 093000371RN) **Reference No. 12-01285**

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of registered nurses in the state of Oregon.

Erik D. Jensen (Licensee) is a Registered Nurse in Oregon. Licensee received his Bachelors Degree in Nursing from Oregon Health Sciences University (OHSU) and obtained his Registered Nurse license by examination on September 29, 1993.

Licensee came to the Board's attention on February 12, 2008 when a complaint was received alleging Licensee had reported to work impaired by alcohol. Licensee agreed to obtain a chemical dependency evaluation and enter treatment. On June 11, 2008 the Board voted to allow Licensee to enter the Nurse Monitoring Program (now the Health Professional Services Program) and dismiss his case.

On July 6, 2009, Board staff received a positive urine drug screen result for Ethyl Glucuronide (ETG). Licensee admitted to his nurse monitoring coordinator that he had drinks containing alcohol. Licensee was referred for a third party evaluation. Licensee re-committed to his recovery program.

On or about May 11, 2011, Board staff received a substantial non-compliance report from the Health Professional Services Program (HPSP) noting that Licensee tested positive for ETG. The Board had previously received reports of substantial non-compliance from HPSP for Licensee for two missed urine drug screens.

On or about May 31, 2011, Board staff received a substantial non-compliance report from HPSP that Licensee had another positive ETG test result. Licensee was required to have a third party evaluation. Licensee denied intentional use of alcohol and was not sure of the source which resulted in the positive test results.

On or about October 25, 2011, Board staff received a substantial non-compliance report from HPSP that Licensee missed his third urine drug screen in the last year.

The above conduct constitutes a violation of the provisions of ORS 678.112, OAR 851-070-080, and OAR 851-070-0100 which provides as follows:

ORS 678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111.

(6) Licensees who elect not to participate in the voluntary monitoring program or who fail to comply with the terms of participation shall be reported to the Board for formal disciplinary action under ORS 678.111.

Licensee Responsibilities OAR 851-70-0080

(1) All licensees must:

- (c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by HPSP and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;
- (i) Submit to random drug or alcohol testing.

Substantial Non-Compliance OAR 851-070-0100

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:

- (d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;
- (k) Violated any provisions of OAR 851-070-0080.

Licensee admits that the above allegations occurred and constitute violation of the Nurse Practice Act. He 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 the Licensee:

That the Registered Nurse license of Licensee be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Final Order. Licensee must complete a twenty-four (24) month period of probation to begin upon his return to supervised nursing practice at the level of a Registered Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where he is able to exercise the full extent of scope of duties in order to demonstrate whether or not he is competent. Limited overtime may be approved on occasion. Any period in which Licensee does not practice in the State of Oregon will not count toward the probationary period.

Licensee must comply with the following terms and conditions of probation:

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete twenty-four (24) months of monitored practice.
- 3) Licensee shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the State and is unable to practice in the State of Oregon, his probationary status will be re-evaluated.
- 6) Licensee shall present himself, in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.

- 7) Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of his license, the reasons for his 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.
- 10) 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. Licensee shall be employed in a setting where his nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.
- 11) 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 his ability to perform the duties of a nurse.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Licensee shall have access to narcotics, carry the keys to narcotics storage, and administer narcotics.
- 14) Licensee shall not work in any practice setting in which on-site supervision is not available. This 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.
- 15) Licensee shall participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of treatment completion, he shall submit to the Board a copy of his completion certificate or discharge summary. Licensee shall attend NA, AA (or a similar 12-step program) on a weekly basis and provide proof of attendance to Board staff.

- 16) Licensee shall participate in the Board's random urine drug testing program. Failure to comply with the random urine drug testing program will result in an immediate removal from the performance of nursing duties. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or the employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Stipulation. Licensee will obtain an evaluation by a Board approved chemical dependence evaluator upon request of Board staff. Licensee understands that he will be financially responsible for any costs related to testing and evaluation. Failure to keep the account with the Board's lab vendor in good standing will be considered a violation of this agreement.
- 17) Licensee shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol during the period of probation. Licensee shall avoid any over the counter products and food items containing alcohol and poppy seeds.
- 18) Licensee may take medication for a documented medical condition, provided that he obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event he is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about his medical condition. Licensee shall produce the medical records pertaining to the medical condition and medication use. Licensee will discard any unused prescription medications when it is no longer needed or expired.
- 19) Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume when approved by Board staff, in consultation with Licensee's employer.
- 20) Licensee will notify any healthcare providers of the nature of her chemical dependence diagnosis to ensure that his health history is complete before receiving any treatment, including medical and dental treatment. Licensee will provide a copy of this Stipulation to the healthcare provider. Licensee further agrees to provide the Board with the names of any health care providers, sign releases of information with the providers, and provide the Board with documentation of the health care provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the Stipulation.
- 21) Licensee shall notify the Board at least three (3) business days prior to leaving town or going on vacation with the exception of a family emergency.
- 22) Licensee shall cooperate fully with the Board in the supervision and investigation of his compliance with the terms and conditions of this Stipulation.

Licensee 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.

Licensee also understands that in the event he engages in future conduct resulting in violations of the law or terms of probation the Board may take further disciplinary action against his license, up to and

including revocation of his license to practice as a Registered Nurse.

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

Licensee understands that by entering into the stipulated agreement, he waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce him to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

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

Dated this _____ day of _____, 2012.

Erik Jensen, RN

Chris Montenaro
Compliance Manager
Investigations Department

Nikki Blomquist
Probation Monitor
Investigations Department

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