

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jeff Marshall, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 201012625CNA) **Reference No. 13-01065**

Jeff Marshall (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on October 25, 2010.

On or about December 7, 2012, Certificate Holder was reported to the Board for obtaining narcotic medication from a patient at the facility where Certificate Holder was employed. The Board opened an investigation into the matter.

Certificate Holder admitted obtaining narcotics from the patient and using them for his personal use. Certificate Holder was diagnosed with opiate dependence.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(1)(f), 851-063-0080 (6), 851-063-0090 (2)(g)(h), and (7)(a) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

- (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who applies therefor, shows completion of an approved training program for nursing assistants and passes a board approved examination.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

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).

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;
- (h) Possessing, obtaining, attempting to obtain, furnishing or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs;

(7) Conduct related to impaired function:

(a) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the nursing assistant or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant.

CNA wishes to cooperate with the Board in this matter and voluntarily surrender his Certified Nursing Assistant certificate.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

That the voluntary surrender of the Certified Nursing Assistant certificate of Jeff Marshall be accepted. If, after a minimum of three years, Mr. Marshall wishes to reinstate his Certified Nursing Assistant certificate, he may submit an application to the Board to request reinstatement.

CNA agrees that he will not practice as a Certified Nursing Assistant from the date he signs this Order.

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, he 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 him 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 Voluntary Surrender.

Jeff Marshall

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date