

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Yvonne Spearing, CNA

FINAL ORDER

Certificate No. 200011270CNA

Reference No. 11-02892

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including certified nursing assistants, in the State of Oregon. Yvonne Spearing (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This Matter was considered by the Board on August 24, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for 30 day Suspension with Conditions signed by Certificate Holder on July 28, 2011 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 Certificate Holder on July 28, 2011 be approved and by this reference incorporated herein, and, it is further

ORDERED that the certificate to perform the duties of a nursing assistant of Yvonne Spearing be suspended for 30 days with conditions and that Certificate Holder shall meet all of the terms and conditions as stated in the Stipulation.

DATED this ____ day of August, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	STIPULATION FOR
)	30 DAY SUSPENSION
)	OF NURSING ASSISTANT
Yvonne Spearing, CNA)	CERTIFICATE WITH
)	CONDITIONS
)	
Certificate No. 20011270CNA)	
)	Case No. 11-02892
)	

Ms. Spearing is a Certified Nursing Assistant who endorsed from Utah and obtained her Oregon Nursing Assistant Certificate on October 24, 2000. She has been working part time and on call at Marquis Care at Powellhurst from March 2007 to April 2011.

Received a complaint from employer on April 15, 2011 that Ms. Spearing did not follow the care plan, which resulted in MP sustaining a fracture of the femur.

During a personal interview with Board staff, Ms. Spearing admitted that she did not use a gait belt to transfer MP. Ms. Spearing also indicated that she was not able to read the care plan since she could not access the facility computer data base. Ms. Spearing said that she was not familiar with MP's care needs. Ms. Spearing said that during the transfer, she suffered a back spasm and was unable to complete the transfer and lowered MP to the floor

A review of the facility gait belt usage policy states that staff must use the gait belt during ambulation or transfer of residents' who need the security as indicated by the physician's orders, by resident's preference or by the resident care plan. MP's resident care plan indicated that MP was a two person transfer and a gait belt was to be used with all transfers. It was also noted in the care plan that MP could be physically aggressive during care. According to MP's care plan, she had contractures bilaterally and was unable to straighten her legs or bend them. MP had minimal movement in her feet and ankles and was unable to bear weight on her feet. Licensee failed to use a gait belt during a transfer and failed to read and follow MP's care plan resulting in patient harm.

The above conduct is a violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0090 (2) (e), (3) (b) and (6) (a) which reads as follows:

ORS 678.442

(2) In the manner prescribed in ORS 183.310 to 183.550, 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 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:

(e) Neglecting a client. This definition of neglect includes but is not limited to unreasonably allowing a client to be in physical discomfort or be injured.

(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.

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

(a) Failing to competently perform the duties for which the individual is certified.

Ms. Spearing wishes to cooperate with the Board and the following will be proposed to the Oregon State Board of Nursing and is agreed to by Ms. Spearing:

That the Nursing Assistant Certificate of Yvonne Spearing be suspended with conditions, for a minimum of 30 days, beginning five (5) days after mailing of the Final Order.

The course can be either continuing education or an academic course and must be approved in advance by the Board. The course to be taken is titled preventing falls. The course must be completed before January 1, 2012 and Ms. Spearing shall provide proof of successful completion of the course (report, certificate of completion, transcripts etc).

Ms. Spearing shall write a paper on the class at least 3 pages in length on preventing falls.

Ms. Spearing 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. Spearing 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. Spearing understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

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

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

Dated this _____ day of July, 2011

Yvonne Spearing, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Marilyn L. Hudson, RN, MSN, CNS, FRE
Investigations Manager
Investigation Department

Nisha Sexton RN, MN
Nurse Investigator
Investigations Department