

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Sarah Little, CNA) **PROBATION**
)
Certificate No. CNA APPLICANT,) **Reference No. 13-01705**
200212724CNA

Sarah Little (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on October 10, 2002.

On or about March 26, 2010, the Board received information that CNA had violated patient boundaries while working at Lake District Hospital. As a result of her behavior, the facility suspended CNA's employment for two weeks.

During the course of the Board's investigation, documentation of additional patient boundary violations was enclosed in CNA's employee file. These violations warranted remedial action and monitoring of her practice.

CNA agreed to complete coursework on Professional Ethics and Patient Boundaries, and provide documentation of completion of the courses, but failed to do so. Additionally, CNA failed to respond to any additional correspondence from the Board regarding the investigation.

On September 28, 2011, the Board issued a Final Order by Default; suspending CNA's nursing assistant certificate for failing to cooperate with the Board's investigation for a minimum of two weeks, or until such time as she showed full cooperation. On March 6, 2012, CNA allowed her nursing assistant certificate to expire. On March 27, 2013, CNA submitted an application for reactivation of her nursing certificate.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442 (2) (d), and (f) and OAR 851-063-0080 (4) and (6) and OAR 851-063-0090 (2) (g), (4) (b), (6) (a) and (9) (a) and (c) which read 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:

(d) Violation of any provisions of ORS 678.010 to 678.445 or rules adopted thereunder.

(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:

(4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder; ORS 678.442(2)(d).

(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;

(4) Conduct related to the client's family:

(b) Using the CNA client relationship to exploit the family for the CNA's personal gain or for any other reason;

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

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

(9) Conduct related to the certificate holder's relationship with the Board:

(a) Failing to cooperate with the Board during the course of an investigation. The duty to cooperate does not include waiver of confidentiality privileges, except if a client is harmed. This waiver of confidentiality privileges does not apply to client-attorney privilege.

(c) Failing to provide the Board with any documents requested by the Board; or

CNA admits that the above allegations occurred and constitute violations of the Nurse Practice Act. CNA 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 CNA:

CNA shall complete coursework on Professional Ethics and Patient Boundaries and provide certificates of completion within 60 days of the reactivation of her nursing certificate. These courses shall be pre-approved by the Board.

CNA shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. CNA's compliance with this Order will be monitored by the Oregon State Board of Nursing. CNA must complete a twenty-four (24) month period of probation to begin upon CNA's return to work, monitored as outlined below. CNA must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. CNA must work in a setting where CNA can exercise the full extent of CNA's scope of duties, in order to demonstrate CNA's competence. Limited overtime may be approved on occasion, at the discretion of Board staff. Any period in which CNA does not work in the state of Oregon will not count toward the probationary period.

CNA shall comply with the following terms and conditions of probation:

1. CNA shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. CNA shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. CNA shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. CNA shall maintain active certification.
5. CNA shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If CNA leaves the state and is unable to work in the state of Oregon, CNA's probationary status will be re-evaluated.
6. CNA shall appear 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. CNA shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. CNA will not look for, accept, or begin a new nursing assistant position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.

9. CNA shall inform current and prospective employers, including any Nurse Executive, of the probationary status of CNA's certification, the reasons for probation, and terms and conditions of probation. If CNA's employer has a Nurse Executive, CNA shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. CNA 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 CNA's work and provide assistance. CNA shall be employed in a setting where CNA's nursing assistant supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, CNA may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by CNA's employer shall inform Board staff of any instance of CNA's non-compliance with the terms and conditions of this Order or of any other concern regarding CNA's work-related conduct or personal behavior that may affect CNA's ability to perform the duties of a nursing assistant.
12. CNA shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. CNA shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until CNA receives written approval from Board staff.
14. CNA shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. CNA shall not be allowed to participate in the CNA2 training pursuant to Division 62 of the Oregon Administrative Rules.
16. CNA shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
17. CNA shall cooperate fully with Board staff in the supervision and investigation of CNA's compliance with the terms and conditions of this Order.

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

