

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATED ORDER FOR**  
**KAREN K. JOHN, CMA** ) **PROBATION**  
)  
**Certificate No. 000007864CNA,** ) **Reference No. 12-00358**  
**000007864CMA**

---

Karen K. John (Certificate Holder) is a certified nursing assistant/certified medication aide in the State of Oregon. The Board first certified Ms. John as a CNA in January 1, 1990 and as a CMA in November 17, 1992.

Certificate Holder has suffered with chronic health conditions for many years but in July 2012 Certificate Holder's health deteriorated severely because of acute renal failure and encephalopathy. On July 24, 2011, Certificate Holder arrived approximately four hours late for work as a CNA/CMA and during the course of her shift exhibited disorganized thoughts, had slurred speech, was eventually unable to stand and had episodes of vomiting. The charge nurse removed Certificate Holder from duty, arranged for a replacement and sent Certificate Holder home. Certificate Holder was not able to verbalize what tasks she had completed that day and what needed to be finished.

Certificate Holder's condition was so dire that she required intensive care during two separate hospitalizations between July 24, 2011 and August 17, 2011.

Certificate Holder was unaware of her own state of health on July 24, 2011, and of the risk that her deteriorated condition posed to her client's health and safety.

By the above actions, Certificate Holder is subject to discipline pursuant to violations of ORS 678.442 (2) (e) and (f); OAR 851-063-0080 (4) and (5) and (6); OAR 851-063-0090 (6) (a), (7) (b); OAR 851-063-0100 (11)

**ORS 678.442 Certification of nursing assistants; rules.**

- (2) In the manner prescribed in ORS 183.310-183.550, the Board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
- (e) Physical condition that makes the certificate holder unable to perform safely the duties of a nursing assistant.
  - (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:

- (4) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder; ORS 678.442 (2) (d).
- (5) Physical or mental condition that makes the certificate holder unable to perform the duties of a nursing assistant; or ORS 678.442 (2) (e).
- (6) Conduct unbecoming a nursing assistant in the performance of duties.

#### **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;
- (7) Conduct related to impaired function:
  - (b) Having a physical or mental condition that makes the nursing assistant unable to perform safely the duties of a nursing assistant.

#### **851-063-0100**

##### **Conduct Unbecoming a Certified Medication Aide**

Certified Medication Aides are subject to discipline as CNAs as described in these rules. In addition, CMAs are subject to discipline for conduct unbecoming a medication aide. Conduct unbecoming a medication aide includes but is not limited to:

- (11) Failing to conform to the standards and authorized duties in these rules.

Certificate Holder admits that the above allegations occurred and that they constitute violations of the Nurse Practice Act. Certificate Holder wishes to cooperate with the Board in resolving the present disciplinary problems. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

**That the nursing assistant certificate of Karen K. John (Certificate Holder) be placed on probation. Certificate Holder's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature by the Board president or designee. Certificate Holder must complete six (6) months of probation within twenty-four (24) months beginning upon her return to performing the duties at the level of a certified nursing assistant. Certificate Holder must work a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope of duties as a CNA in order to demonstrate whether or not she is competent. Limited overtime may be approved. Any period in which Certificate Holder does not work in the state of Oregon will not count toward the probationary period.**

Certificate Holder must comply with the following terms and conditions of probation:

1. Certificate Holder shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.

2. Certificate Holder shall have twenty-four (24) months from Board acceptance of this Stipulation to complete six (6) months of monitored duty as a CNA.
3. Certificate Holder shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
4. Certificate Holder shall maintain an active CNA certificate.
5. Certificate Holder shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If Certificate Holder leaves the State and is unable to work in the State of Oregon, her probationary status will be re-evaluated.
6. Certificate Holder shall present herself, 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. Certificate Holder shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Certificate Holder will not look for, accept, or begin a new nursing assistant position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Certificate Holder shall inform current and prospective employers of the probationary status of her certificate, the reasons for her probation, and terms and conditions of probation. If there is a nurse executive, that person is to be informed of Certificate Holder's probationary status. The nurse executive will receive copies of this Stipulated Order for Probation when Certificate Holder is employed.
10. Certificate Holder shall work under the direct supervision of another licensed healthcare professional, functioning at a higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance.
11. Certificate Holder shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every month during the probationary period. The nursing supervisor must submit the monthly 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 five (5) business days from the time the employer is contacted, Certificate Holder will be restricted from performing the duties of a nursing assistant.
12. Between regular reporting periods, the nurse executive or comparable person shall

inform the Board of any instance of Certificate Holder's non-compliance with the terms and conditions of this Stipulated Order for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to perform the duties of a nursing assistant.

13. Certificate Holder shall notify the Board when there is a change in status of employment including resignations or terminations.
14. Certificate Holder shall not work in any work setting in which 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. Certificate Holder shall not be allowed to participate in the CNA2 training per Division 62 during the probationary period.
16. Certificate Holder's primary health care provider will provide monthly updates of Certificate Holder's physical condition and will include pertinent laboratory data, medication compliance and information about her ability to perform the duties of a CNA. Any concerns that the health professional has regarding Certificate Holder's ability to perform the duties of a CNA will be communicated to Certificate Holder's probation monitor.
17. Certificate Holder may take medication for documented medical condition(s), if she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. She will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. She shall produce the medical records pertaining to the medical condition and medication use.
18. Certificate Holder shall cease the performance of duties as a nursing assistant upon the occurrence of physical deterioration or at the request of the probation coordinator because of poor health. Performance of duties may resume when approved by Board staff, in consultation with the employer and her primary care provider.
19. Certificate Holder will notify any health care providers of the nature of her physical condition(s) to ensure that her health history is complete. Certificate Holder will provide a copy of this Stipulated Order to her provider. Certificate Holder 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). Certificate Holder is financially responsible for any costs incurred because of compliance with the terms and conditions of this stipulation.
20. Certificate Holder shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulated Order.

Certificate Holder understands that the conduct described in this Stipulated Order are considered by the Board to be of a serious nature and if continued, constitute a serious danger to public health and safety.

Certificate Holder also understands that in the event that she engages in future conduct that results in violations of the law or terms of probation the Board may take further disciplinary action against her certificate, up to and including revocation of her nursing assistant certificate.

Certificate Holder understands that this Stipulated Order will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Certificate Holder understands that by entering into this stipulated agreement, she waives the right to an administrative hearing.

Certificate Holder states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulated Order.

Certificate Holder understands that this Stipulated Order is a public record.

Certificate Holder has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order.

IT IS SO AGREED:

\_\_\_\_\_  
Karen K. John, CNA, CMA

\_\_\_\_\_  
Date

**ORDER**

IT IS SO ORDERED:

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

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

\_\_\_\_\_  
Date