

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
)	
Jeremy Allen Johnson, CNA)	FINAL ORDER
)	
Certificate No. 200412076CNA)	Case No. 10C-274

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. Jeremy Allen Johnson (Certificate Holder) is a certified nursing assistant in the State of Oregon.

The Board considered this Matter on November 17, 2010. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation signed by Certificate Holder on November 16, 2010 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Probation 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 for Probation signed by Certificate Holder on November 16, 2010, be approved and by this reference incorporated herein, and, it is further

ORDERED that Jeremy Allen Johnson be placed on Probation and that Certificate Holder shall meet all of the terms and conditions as stated in the Stipulation.

DATED this _____ day of November 2010.

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

Patricia Markesino, RN
Board President

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

In the Matter of) **STIPULATION FOR PROBATION**
)
Jeremy Allen Johnson, CNA)
Cert No: 200412076CNA) **Case No: 10C-274**

Jeremy Allen Johnson (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon. He obtained certification by examination on August 24, 2004.

On May 10, 2010 the Oregon State Board of Nursing Received a self-report from Certificate Holder stating that he would be seeking treatment for dependence to his prescription Klonopin. Certificate Holder states he found himself using more than the prescribed dose. Certificate Holder takes Klonopin for social anxiety disorder.

Certificate Holder stated he found himself taking more than the prescribed dose. Instead of taking two pills per day he was taking six or seven. Certificate Holder reported this to his primary care provider (PCP), and was encouraged to seek treatment. Certificate Holder was assessed by the Umatilla County Addictions Program on May 11, 2010, and given a diagnosis of Sedative Dependence.

On May 18, 2010, Certificate Holder was discharged from the program for lack of participation. According to the assessment Certificate Holder continues to meet the criteria for Level three residential treatments. Although residential placement was recommended, Certificate Holder was given the option to complete intensive outpatient. Certificate Holder stopped attending because he could not afford the cost of the program. Certificate Holder reports his last use of Klonopin on May 5, 2010. To date Certificate Holder has not completed treatment for his dependency issue.

By the above actions, Certificate Holder is subject to discipline pursuant to violations of ORS 678.442 (2) (c) and OAR 851-063-0090 (7) (a).

ORS 678.442

- (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:
 - (c) Use of any controlled substance or intoxicating liquor to an extent or in a manner dangerous or injurious to the certificate holder or others or to an extent that such use impairs the ability to conduct safely the duties as a nursing assistant

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:

- (7) Conduct related to impaired function:
 - (a) Using intoxicants, prescription, over the counter or controlled drugs to an extent or in a manner injurious to the nursing assistant or others or to the extent that such use impairs the ability to conduct safely the duties of a nursing assistant.

Certificate Holder admits that the above allegations occurred and constitute violations of the Nurse Practice Act. He 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 Jeremy Allen Johnson's certificate be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Agreement. That Certificate Holder, in his performance of duties as a Certified Nursing Assistant, will be placed on probation for a twenty-four (24) month period of time. Probation will be contingent on performing the duties at the level of a Certified Nursing Assistant. Certificate Holder must practice a minimum of eighty (80) hours each month of probation 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. Certificate Holder shall have thirty-six (36) months from Board acceptance of this Stipulation to complete probation.

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

1. He shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. He shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
3. He will not accept, or begin a new CNA position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
4. He 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.
5. He shall present himself, in person, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and may be revised periodically at the discretion of Board staff. A telephone interview may be substituted for a personal interview at the discretion of Board staff.
6. He shall inform current and prospective employers of the probationary status of his certificate, the reasons for his 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.
7. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Certificate Holder is employed.
8. He shall work under the direct supervision of a licensed nurse. He shall be employed in a setting where his nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) at least every three- (3) months during the probationary period. 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 Stipulation for Probation, or of any other concern there may be regarding Certificate Holder's work-related conduct or personal behavior that may affect his ability to perform the duties of a CNA.

9. He shall not be employed by a temporary staffing agency during the probationary period unless that agency can provide written evidence to the Board that Certificate Holder will not be assigned to multiple facilities.
10. He shall participate in the Board's random urine program. Failure to comply with the random urine program will result in an immediate removal from the performance of nursing assistant duties. He will obtain a re-evaluation by a Board approved chemical dependence evaluator. The presence of unauthorized substances may be considered a violation of the terms and conditions of this stipulation. He understands that he will be financially responsible for the costs related to this testing.
11. He 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.
12. He 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. He 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 her medical condition. He shall produce the medical records pertaining to the medical condition and medication use.
13. He will notify any health care providers of the nature of his chemical dependence diagnosis, to ensure that her health history is complete, before receiving any treatment, including medical and dental treatment. He will provide a copy of this Stipulation to his provider. He further agrees to provide the Board with the names of his health care providers, to sign releases of information with the providers, and produce to the Board documentation of the health care provided (medical records).
14. He shall submit to tests to determine the presence of unauthorized substances, immediately upon request by the Board staff or his employer. The presence of unauthorized substances may be considered a violation of terms and conditions of this stipulation. He shall sign any release of information necessary to insure the Board will receive the results of such testing.
15. He shall cease the performance of duties as a CNA upon the occurrence of a relapse or at the request of the probation coordinator because of relapse or relapse behavior. Performance of duties may resume when approved by the probation coordinator, in consultation with her employer.
16. He is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.
17. He shall cooperate fully with the Board in the supervision and investigation of his compliance with the terms and conditions of this Stipulation.

Certificate Holder 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.

Certificate Holder also understands that in the event he engages in future conduct resulting in violations of the law or terms of probation the Board may make further disciplinary action against his certificate, up to and including revocation of his certificate to perform duties as a nursing assistant.

Certificate Holder understands that the Stipulation 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 the stipulated agreement, he waives the right to an administrative hearing.

Certificate Holder states no promises, representation, duress, or coercion has been used to induce him to sign the Stipulation.

Certificate Holder understands that this document is a public record.

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

Dated this _____ day of _____ 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

Jeremy Allen Johnson, CNA

FOR THE OREGON STATE BOARD OF NURSING

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

Christopher J Wilkins
Investigator
Investigations Department