

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Romana Sanchez Vera, CNA) **30 DAY SUSPENSION**
)
Certificate No. 200910654CNA) **Reference No. 12-01953**

The Oregon State Board of Nursing (Board) is the state agency responsible for certifying and regulating of certified nursing assistants in Oregon. Romana Sanchez Vera, hereinafter referred to as "Certificate Holder," is a Certified Nursing Assistant in the State of Oregon. Certificate Holder received Oregon certification on March 13, 2009.

On March 19, 2012, Board staff received a complaint alleging that Certificate Holder used inappropriate physical contact while repositioning a resident. The Board opened an investigation into the matter.

According to the complainant, a charge nurse reportedly witnessed Certificate Holder using her hand to forcefully move a resident's head toward the center of the chair the resident was sitting in. The resident is dependent for all needs and uses non-verbal cues to communicate discomfort. The complainant also reported that the resident does not follow directions and therefore requires two people for repositioning. After witnessing the incident, the charge nurse reported it to the director of nursing services (DNS). The DNS suspended Certificate Holder and later terminated her when she failed to attend a meeting at the end of the period of suspension.

Certificate Holder submitted a written explanation to the Board and met with Board staff on May 4, 2012. She wrote that she worked day shift on March 17, 2012. She explained that prior to taking the resident back to her room, she adjusted the pillow behind the resident's head to make her more comfortable. Certificate Holder acknowledged that she repositioned the resident without the assistance of another caregiver, but denied doing so in a rough manner.

On April 30, 2012, Board staff spoke to the charge nurse who witnessed the alleged incident. The charge nurse reported seeing Certificate Holder use force to reposition the resident's head in the chair. The charge nurse denied witnessing any such behavior from Certificate Holder in the past.

By repositioning the resident independently and in a forceful manner, Certificate Holder is in violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0080 (6); and OAR 851-063-0090 (1) (c), which reads 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:

(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:

(6) Conduct unbecoming a nursing assistant in the performance of duties. ORS 678.442(2) (f)

OAR 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:

(1) Conduct related to the client's safety and integrity:

(c) Failing to respect client rights and dignity regardless of social or economic status, personal attributes or nature of health problems or disability.

The following will be proposed to the Board and is agreed to by Certificate Holder:

That the Nursing Assistant Certificate of Romana Sanchez Vera be suspended.

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

Ms. Sanchez Vera has read this Stipulation and understands it completely.

Ms. Sanchez Vera states no promises, representations, duress or coercion have been used to induce her to sign this Stipulation.

Ms. Sanchez Vera understands that this Stipulation will become a matter of public record at such time as the Board issues a Final Order adopting it.

IT IS SO AGREED:

Romana Sanchez Vera, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE