

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of**

**Mark Degataga, CNA**

**Certificate No. 200412360CNA**

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**FINAL ORDER**

**Reference No. 11-01119**

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The Oregon State Board of Nursing (Board) is the state agency responsible for certifying, regulating and disciplining certain health care providers, including nursing assistants, in the State of Oregon. Mark Degataga, CNA (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on April 20, 2011. Certificate Holder did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand signed by Certificate Holder on March 8, 2011 and so dispense with this Matter pursuant to ORS 183.415(5).

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 March 8, 2011 be approved and by this reference incorporated herein, and it is further

**ORDERED** that the Board adopt the Stipulation and that the Nursing Assistant Certificate of Mark Degataga be reprimanded as set forth in the Stipulation.

DATED this \_\_\_\_ day of April, 2011

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Patricia Markesino, RN  
Board President

*SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE*

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

<b>In the Matter of</b>	)	
	)	
<b>Mark R. DeGataga, CNA</b>	)	<b>STIPULATION FOR</b>
<b>Certificate No. 200412360CNA</b>	)	<b>REPRIMAND OF NURSING</b>
	)	<b>ASSISTANT CERTIFICATE</b>
	)	
	)	<b>Case No.: 11C-119</b>

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The Oregon State Board of Nursing, (Board) is the agency responsible for certifying and regulating Nursing Assistants in the State of Oregon. Mark R. DeGataga (Certificate Holder) is a Certified Nursing Assistant (CNA) in the State of Oregon. The Board issued Certificate Holder a Nursing Assistant certificate by endorsement on September 20, 2004.

Certificate Holder was employed as a Mental Health Therapist at Adventist Medical Center from 2004 until he was terminated on November 17, 2010. The decision to terminate Certificate Holder was based on alleged verbal and physical patient abuse on November 8, 2010. Certificate Holder was reported to the Board on December 8, 2010 for his alleged behavior.

On November 8, 2010, Certificate Holder responded to a “Code Grey” for a male patient who was in the hospital’s emergency department. A Code Grey refers to a mental health patient who is demonstrating combative behaviors. The patient’s height was reportedly over six feet and his weight was reportedly over 300 pounds. When Certificate Holder entered the room, there were several security officers and staff attempting to control the patient. The patient was partially handcuffed and fighting with staff by hitting, kicking and spitting. Approximately twelve staff, including Certificate Holder, were finally able to secure the patient and place him on a gurney.

During the incident multiple staff were shouting to one another and at the patient. A person who was present during the incident expressed concern over Certificate Holder’s behavior, reporting that he used excessive force, cursed at the patient and wiped blood on the patient. Several people were interviewed and reported varying accounts of the incident.

Certificate Holder reported to Board staff that while he assisted in the code grey he verbally instructed the patient to calm down and cooperate and that he referred to the patient as “boy”, and explained that the patient was a young male. Certificate Holder denied that he intended to offend the patient by calling him “boy.”

Certificate Holder also reported to Board staff that the patient sustained a cut during the incident and intentionally wiped his blood on Certificate Holder while telling him that his blood was “infected.” According to Certificate Holder, he reflexively wiped the patient’s blood on the patient, while telling the patient he can have his blood back.

The conduct described above is a violation of the provisions of ORS 678.442 (2) (f); and OAR 851-063-0080 (6); and OAR 851-063-0090 (6) (a), 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 achieving and maintaining clinical competency:

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

Certificate Holder acknowledges his misconduct and wishes to cooperate with the Board in resolving the present disciplinary problems.

Certificate Holder understands that this Stipulation will be submitted to the Board for approval, and that it is subject to its confirmation.

Certificate Holder understands that, by entering into this Stipulation, he waives the right to an administrative hearing under ORS 183.310 to 183.550.

Certificate Holder understands that this Stipulation will become a public record at such time as the Board issues an order implementing it.

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

**That the Nursing Assistant Certificate of Mark R. Degataga be reprimanded.**

Mr. Degataga 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.

Mr. Degataga understands that in the event he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against his license, up to and including revocation of her Nursing Assistant certificate.

Mr. Degataga 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.

Mr. Degataga understands that by entering into the stipulated agreement, he waives the right to

an administrative hearing.

Mr. Degataga has read this Stipulation and understands it completely.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

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Mark R. Degataga, CNA

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

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