

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Yolanda Soto, CNA) **VOLUNTARY SURRENDER**
)
Certificate No. 000037880CNA) **Reference No. 15-01348**

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. Yolanda Soto (Certificate Holder) was issued a Certified Nursing Assistant License/Certificate by the Board on June 03, 1997.

On or about February 25, 2014, the Board received information that CNA verbally and physically forced JM, a resident under her care to get out of bed for breakfast while working as a CNA at Myrtle Point Care Center.

In a subsequent interview conducted by Board staff, CNA acknowledged raising her voice when speaking with JM as he was hard of hearing. CNA stated JM was opposed to getting up, but CNA believed it was important for him to get out of bed. CNA engaged in argumentative behavior with JM in an attempt to convince him to get dressed and go to the dining room. She expressed that while providing care to JM he became combative and CNA requested assistance from another aide to transfer him into his wheel chair. CNA stated that JM struck his hand during his transfer, causing a skin tear on the palm of his hand. She stated she did not use intentional force when transferring JM into his chair. She did acknowledge that she may have been overly forceful while transferring JM, which caused bruising on his arms and hands. After JM was dressed and transferred CNA took him to the charge nurse to have the skin tear on his hand assessed before going to the dining room.

On June 18, 2014, these concerns were brought before the Board. CNA was placed on 24 months of probation and given 36 months to complete.

Since that time, CNA has not been able to obtain employment. It became financially necessary for her to seek financial stability outside of the CNA field in which she has recently found full-time employment. For this reason, CNA wishes to voluntarily surrender her CNA certificate at this time.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442 (2) (d) and (f); OAR 851-063-0080 (4) and (6), and 851-063-0090 (1) (c) and 2 (d) and (f), and (10) (d), which reads as follows:

ORS 678.442 Certificate 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 provision 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)

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

- (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;
 - (2) Conduct related to other federal or state statutes/rule violations:
 - (d) Abusing a client. The definition of abuse includes but is not limited to intentionally causing physical harm or discomfort, striking a client, intimidating, threatening or harassing a client;
 - (f) Engaging in other unacceptable behavior or verbal abuse towards or in the presence of a client such as using derogatory names or gestures or profane language;
 - (10) Conduct related to the certificate holder's relationship with the Board;
 - (d) Violating the terms and conditions of a Board order.

CNA wishes to cooperate with the Board in this matter and voluntarily surrender her Certified Nursing Assistant certificate.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

That the voluntary surrender of the Certified Nursing Assistant certificate of Yolanda Soto be accepted. If, after a minimum of three years, Ms. Soto wishes to reinstate her Certified Nursing Assistant certificate, she may submit an application to the Board to request reinstatement.

CNA agrees that she will not practice as a Certified Nursing Assistant from the date she signs this Order.

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

CNA understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. CNA acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

CNA understands that this Order is a document of public record.

CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Yolanda Soto, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date