

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Carissa Hoard, CNA) **SUSPENSION OF CERTIFICATE**
)
Certificate No. 201110553CNA) **Reference No. 14-01935**

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. Carissa Hoard (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on February 24, 2011.

On or about June 25, 2014, the Board received information alleging that Certificate Holder inappropriately restrained a resident on more than one occasion while working as a nursing assistant.

On or about June 19, 2014, Certificate Holder crossed a resident's arms on his chest and applied pressure with her open hands over the resident's forearms when the resident was resistant to care. There was no physician's order for that resident that authorized the use of physical restraints. Certificate Holder acknowledged that, in other situations when residents were combative or resistant to care, she would perform a similar action of holding their hands down by applying pressure on their arms with her open hands. Certificate Holder stated she would hold residents' hands down for a short time to complete assigned care.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(1)(c), (2)(d) & (6)(b), which provide 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.
- (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.
- (6) Conduct related to achieving and maintaining clinical competency:
 - (b) Performing acts beyond the authorized duties for which the individual is certified.

Certificate Holder wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

That the Certified Nursing Assistant certificate of Carissa Hoard be SUSPENDED for 30 days, commencing five business days from the date this Order is signed by the Oregon State Board of Nursing.

Certificate Holder shall complete coursework pre-approved by the Board in the following areas: (1) caring for combative residents and (2) patient rights and dignity. The suspension of Carissa Hoard's Certified Nursing Assistant certificate shall be for a minimum of 30 days and shall continue until Certificate Holder provides documentation to the Board showing proof of completion of the above coursework.

Certificate Holder understands that the conduct resulting in the violations of law described in this Order 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 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 certificate to practice as a Certified Nursing Assistant.

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

Certificate Holder 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. Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Certificate Holder understands that this Order is a document of public record.

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

IT IS SO AGREED:

Carissa Hoard, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Gary Hickmann, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE