

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER**
Sean Wisdom, CNA) **FOR REPRIMAND**
)
Certificate No. 200711758CNA) **Reference No. 12-00224**

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensing and regulation of Certified Nursing Assistant Certificates in Oregon.

On or about June 26, 2007, Sean Wisdom submitted an application for certification as a nursing assistant by examination to the Board. On that application, Mr. Wisdom answered “yes” to the question “Have you even been arrested, charged with, entered a plea of guilty, no contest, or convicted or been sentenced for any criminal offense either misdemeanor or felony, including driving under the influence?”

Mr. Wisdom provided the explanation “DUI” on his application. The Board opened an investigation into the matter. Mr. Wisdom cooperated fully with the Board’s investigation, and received certification by examination on August 17, 2007.

The Board received Mr. Wisdom’s online renewal application on or about June 18, 2009. On his application, he answered “yes” to the question “In the 10 years prior to the date of your signature on this application, were you arrested or cited in lieu of arrest, charged with, entered a plea of guilty or no contest, or convicted of any misdemeanor criminal offense, including driving under the influence?”

Mr. Wisdom provided the explanation “DUII oregon state board has all the details”. Due to the fact that Mr. Wisdom’s arrest history had been previously investigated by the Board, Mr. Wisdom’s online renewal was processed and no investigation was opened into the matter.

On or about July 27, 2011, the Board received Mr. Wisdom’s online renewal application. On his application, he answered “no” to the question “In the 10 years prior to the date of your signature on this application, were you arrested or cited in lieu of arrest, charged with, entered a plea of guilty or no contest, or convicted of any misdemeanor criminal offense, including driving under the influence?”

A routine criminal background check revealed that Mr. Wisdom was arrested or cited in lieu of arrest for Harassment on June 11, 2010. Mr. Wisdom entered a Diversion Agreement with the court on October 6, 2010. The Harassment charge was dismissed by the court on April 20, 2011.

Mr. Wisdom provided the Board with an explanation as to why he failed to disclose his arrest history on his renewal application. Mr. Wisdom explained that his mother filled out his

renewal application and paid for the renewal of his certificate for him as a birthday gift. Mr. Wisdom explained that he had not informed his mother about his arrest for Harassment, as he was embarrassed about the incident.

Mr. Wisdom admits his conduct described above constitutes a violation of the provisions of ORS 678.442(2)(b) and OAR 851-063-0080 (2)(6) and OAR 851-063-0090(9)(b).

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:

- (b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof.
- (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:

- (2) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof; ORS 678.442(2)(b).
- (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:

- (9) Conduct related to the certificate holder's relationship with the Board:
 - (b) Failing to answer truthfully and completely any question asked by the Board on an application for initial certification, renewal of certification or recertification.

Mr. Wisdom admits to the above violations and wishes to cooperate with the Board in resolving the present disciplinary problems.

Therefore the following will be proposed to the Board and is agreed to by Mr. Wisdom:

That the Certified Nursing Assistant Certificate of Sean Wisdom be reprimanded.

Mr. Wisdom understands that the conduct resulting in the violations of law described in this stipulation are considered by the Board to be of grave nature and if continued, constitutes a serious danger to public health and safety.

Mr. Wisdom 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 certificate, up to and including revocation of his certificate as a Certified Nursing Assistant.

Mr. Wisdom understands that this Stipulation will be submitted to the Board of Nursing for their approval and is subject to the Board's acceptance. Mr. Wisdom understands that if this Stipulation is accepted, the Board will issue a Final Order based thereon. Mr. Wisdom understands that this Stipulation will become a matter of public record at such time as the Board issues a Final Order adopting it.

Mr. Wisdom understands that by signing this Stipulation he waives any and all rights to notice and contested case hearing under the Oregon Administrative Procedures Act (ORS Chapter 138), and any and all rights to appeal or otherwise challenge this Stipulation and any Final Order issued based thereon. He acknowledges that no promises or representations have been made or used to induce him to sign this Stipulation.

Mr. Wisdom has fully read this Stipulation, understands this Stipulation completely and freely and voluntarily signs this Stipulation.

IT IS SO AGREED:

Sean Wisdom, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date