

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Deborah Yager, CNA

Certificate No. 000021755CNA

)

) **FINAL ORDER BY DEFAULT OF 60-DAY**

) **SUSPENSION WITH CONDITIONS**

)

) **Reference No. 13-01239**

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. Deborah Yager (Certificate Holder) is a Certified Nursing Assistant in the state of Oregon.

This matter was considered by the Board at its meeting on July 17, 2013.

On June 25, 2013, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Deborah Yager was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder initiated a manual restraint of a patient without an order, which was contrary to the patient's treatment plan and caused harm to the patient.

The Notice granted Certificate Holder an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on January 28, 1997.
2. On or about October 26, 2012, Certificate Holder initiated a manual restraint of a patient at Oregon State Hospital following an interaction in which the patient became angry and verbally abusive. Certificate Holder forcefully held the patient against a wall for approximately three (3) minutes, with the assistance of another staff person.

3. The patient's treatment plan authorized physical restraint of the patient only if she was threatening self-harm or attempting to harm another. It was determined that the patient was not attempting to harm herself or others prior to, or at the time she was restrained. Certificate Holder did not have an order from a licensed nurse or physician to initiate a restraint of the patient, and thus did not meet the standards of care for certified nursing assistants.
4. The patient's psychiatrist determined that by initiating the restraint of the patient, Certificate Holder contributed to the patient's agitation and temporary deterioration, and as a result, the patient required an intramuscular injection of a psychotropic medication.
5. On June 25, 2013, Board staff mailed a Notice of Proposed 60-day Suspension with Conditions to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Deborah Yager, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442 (2)(f); OAR 851-063-0080 (6); OAR 851-063-0090 (1)(c), (2)(d) and (6)(a).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nursing Assistant Certificate of Deborah Yager is SUSPENDED for sixty (60) days, **and** until such time as Certificate Holder meets the following conditions: that she take, and present evidence of completion of, three Board-approved continuing education courses, including a course on patient abuse, a course on patient restraint, and a course on de-escalating disruptive behavior.

DATED this _____ day of July, 2013

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: DEBORAH YAGER:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.