

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

<b>In the Matter of</b>	)	
<b>Sarah E. Pete, CNA Applicant</b>	)	
	)	<b>FINAL ORDER</b>
	)	
<b>Certificate No.</b>	)	<b>Case No. 11C-021</b>

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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, in the State of Oregon. Sarah E. Pete (CNA Applicant) is an applicant to become a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on August 18, 2010. CNA Applicant did not appear personally. The issue for the Board was whether to approve the Stipulation signed by CNA Applicant on August 16, 2010 and so dispense with this Matter pursuant to ORS 183.417(3).

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 CNA Applicant on August 16, 2010 be approved and by this reference incorporated herein, and it is further

**ORDERED** that the Board accept the Stipulation for Probation of Sarah E. Pete and that the Stipulation for Probation be adopted.

DATED this \_\_\_\_\_ day of August, 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

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Patricia Markesino, RN  
Board President

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

**In the Matter of** ) **STIPULATION FOR PROBATION**  
**Sarah E. Pete, CNA Applicant** )  
)  
)  
) **Case No: 11C-021**

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Sarah E. Pete (Applicant) submitted her initial CNA application by examination to the Oregon State Board of Nursing (Board) on May 28, 2010.

Applicant revealed that she had been arrested for DUII in 2005 (that case being dismissed) and again in 2007 which resulted in a misdemeanor conviction.

Applicant was asked to provide her most recent court-ordered chemical dependence evaluation to the Board for review. Applicant provided the chemical dependence evaluations for both DUII arrests, both were conducted at Emergence in Corvallis, Oregon.

Both evaluations diagnosed Ms. Pete with Alcohol Abuse only and upon discharge Ms. Pete was recommended to contact a counselor upon any difficulties with alcohol in the future to assist her with support, additional treatment (if needed) and appropriate referrals (if needed).

By the above actions, Applicant is subject to discipline pursuant to violations of ORS 678.442 (2) (a) (c) and OAR 851-063-0080 (1) (3).

**ORS 678.442**

- (2) In the manner prescribed in ORS 183.310-183.550, the Board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
  - (a) Conviction of the certificate holder of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.
  - (c) Impairment as defined in ORS 676.303

**OAR 851-063-0080**

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:

- (1) Conviction of the nursing assistant of a crime where such crime bears demonstrable relationship to the duties of a nursing assistant; ORS 678.442 (2)(a)

(3) Use of any controlled substance or intoxicating liquor to an extent or in a manner injurious to the certificate holder or others or to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant; ORS 678.442(2)(c)

ORS 678.442 requires that the Board establish standards for the certification of Nursing Assistants. Specifically, ORS 678.442(2) (c) authorizes the Board to discipline any Nursing Assistant for the “use of any controlled substance or intoxicating liquor to an extent or in a manner dangerous or injurious to the certificate holder or others to an extent that such use impairs the ability to conduct safely the duties of a nursing assistant.”

Rather than issuing to Applicant a notice of its intent to deny her certification as a Nursing Assistant in Oregon, the Board is willing to certify her as such, provided that she stipulates and agrees to a period of probation, as specified below:

**That Sarah E. Pete’s certificate be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Agreement. That Applicant, in her performance of duties as a Certified Nursing Assistant, will be placed on probation for a twelve (12) month period of time. Probation will be contingent on performing the duties at the level of a Certified Nursing Assistant. Applicant must practice a minimum of eighty (80) hours each month of probation in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent.**

**Applicant shall have twenty-four (24) months from Board acceptance of this Stipulation to complete probation.**

1. She shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. She shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
3. She will not look for, accept, or begin a new CNA position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
4. She shall notify the Board of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
5. She shall present herself, in person, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and may be revised periodically at the discretion of Board staff. A telephone interview may be substituted for a personal interview at the discretion of Board staff.
6. She shall inform current and prospective employers of the probationary status of her certificate, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Applicant's probationary status.

7. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Applicant is employed.
8. She shall work under the direct supervision of a licensed nurse. She shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) at least every three- (3) months during the probationary period. Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of Applicant's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding Applicant's work-related conduct or personal behavior that may affect her ability to perform the duties of a CNA.
9. She shall not be employed by a temporary staffing agency during the probationary period unless that agency can provide written evidence to the Board that Applicant will not be assigned to multiple facilities.
10. She shall participate in the Board's random urine program. Failure to comply with the random urine program will result in an immediate removal from the performance of nursing assistant duties. She will obtain a re-evaluation by a Board approved chemical dependence evaluator. The presence of unauthorized substances may be considered a violation of the terms and conditions of this stipulation. She understands that she will be financially responsible for the costs related to this testing.
11. She shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs and alcohol during the period of probation.
12. She may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. She will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. She shall produce the medical records pertaining to the medical condition and medication use.
13. She shall submit to tests to determine the presence of unauthorized substances, immediately upon request by the Board staff or her employer. The presence of unauthorized substances may be considered a violation of terms and conditions of this stipulation. She shall sign any release of information necessary to insure the Board will receive the results of such testing.
14. She shall cease the performance of duties as a CNA upon the occurrence of a relapse or at the request of the probation coordinator because of relapse or relapse behavior. Performance of duties may resume when approved by the probation coordinator, in consultation with her employer.

15. She is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.

16. She shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

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

Applicant also understands that in the event she engages in future conduct resulting in violations of the law or terms of probation the Board may make further disciplinary action against her certificate, up to and including revocation of her certificate to perform duties as a nursing assistant.

Applicant understands that the Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Applicant understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Applicant states no promises, representation, duress, or coercion has been used to induce her to sign the Stipulation.

Applicant understands that this Stipulation is a public record.

Applicant has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

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Sarah E. Pete

(Signatures on file with the Board)

**FOR THE OREGON STATE BOARD OF NURSING**

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Linda Fisher-Lewis, D.M, M.A  
Investigations Manager  
Investigations Department

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Bob Ruark  
Investigator  
Investigations Department