

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Matthew Langley, CNA) **PROBATION**
)
Certificate No. 201600505CNA) **Reference No. 18-01022**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certificate Holders. Matthew Langley (CNA) was issued a Certified Nursing Assistant certificate by the Oregon State Board of Nursing (Board) on January 25, 2016.

On or about December 28, 2017, CNA self-reported to the Board that the CNA was arrested for Driving Under the Influence and three counts of Reckless Endangering on or about December 17, 2017. CNA also disclosed to Board staff at the time of the incident, his three children were in the vehicle and the CNA's blood alcohol concentration was twice the legal limit at 0.18%. CNA also disclosed completing inpatient treatment with Serenity Lane and also participating in the outpatient treatment program.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(c)(f) and OAR 851-063-0090(1)(a)(2)(a)(7)(c)

ORS 678.442 Certification of nursing assistants; rules. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall certify as a nursing assistant any person who:

(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:

(c) Impairment as defined in ORS 676.303.

(f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:(a) Demonstrated incidents of violent, abusive, neglectful or reckless behavior; or

(2) Conduct related to achieving and maintaining clinical competency:

(a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;

(7) Conduct related to safe performance of authorized duties:

(c) Using a prescription or non-prescription drug, alcohol, or a mind-altering substance to an extent or in a manner dangerous or injurious to the nursing assistant or others, or to an extent that such use impairs the ability to perform the authorized duties safely.

CNA admits that the above allegations occurred and constitute violations of the Nurse Practice Act. CNA wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

That the Certified Nursing Assistant certificate of 201600505CNA be placed on Probation. The Certificate Holder's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Stipulated Order. Certificate Holder must complete a twelve (12) month period of probation to begin upon Certificate Holder's return to performing the duties at the level of a Certified Nursing Assistant. Certificate Holder must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where Certificate Holder is able to exercise the full extent of scope of duties in order to demonstrate whether or not Certificate Holder is competent. Limited overtime may be approved on occasion.

Certificate Holder shall comply with the following terms and conditions of probation:

- 1) Certificate Holder shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Certificate Holder shall have twenty-four (24) months from Board's acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.
- 3) Certificate Holder shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
- 4) Certificate Holder shall maintain an active certificate.
- 5) Certificate Holder shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Certificate Holder leaves the state and is unable to work in the state of Oregon, Certificate Holder's probationary status will be re-evaluated.
- 6) Certificate Holder shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Certificate Holder shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Certificate Holder will not look for, accept, or begin a new nursing assistant position

without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.

9) Certificate Holder shall inform current and prospective employers of the probationary status of Certificate Holder's certification, the reasons for probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Certificate Holder's probationary status. The Nurse Executive will receive a copy of the Stipulated Order for Probation when Certificate Holder is employed.

10) Certificate Holder shall work under the direct observation of another licensed healthcare professional, functioning at a higher level of licensure who is aware that the individual is on probation, who is working in the same physical location (e.g. clinic, unit, building, etc.), is readily available to observe Certificate Holder's work and provide assistance and who has taken the required Board approved Monitor/Supervisor training. Certificate Holder shall be employed in a setting where Certificate Holder's supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Certificate Holder may be restricted from performing the duties of a nursing assistant.

11) Between quarterly reporting periods, the Nurse Executive or a person designated by Certificate Holder's employer shall inform Board staff of any instance of Certificate Holder's non-compliance with the terms and conditions of this Stipulated Order or of any other concern there may be regarding Certificate Holder's work-related conduct or personal behavior that may affect Certificate Holder's ability to perform the duties of a nursing assistant.

12) Certificate Holder shall notify Board staff when there is a change in status of employment, including resignations and terminations.

13) Certificate Holder shall not work in any work setting when on-site monitoring is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.

14) Certificate Holder shall not be approved for enrollment in clinical practicum hours for the purpose of obtaining an additional degree or license.

15) Certificate Holder shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Certificate Holder shall submit to Board staff a copy Certificate Holder's completion certificate or discharge summary. Certificate Holder shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with Certificate Holder's

treatment provider and release Certificate Holder's treatment records to the Board.

16) Certificate Holder shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Certificate Holder's immediate removal from working as a nursing assistant. Certificate Holder shall submit to observed tests to determine the presence of unauthorized substances immediately upon request by Board staff or Certificate Holder's employer. Certificate Holder shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Stipulated Order. Upon request of Board staff, Certificate Holder shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Certificate Holder understands that Certificate Holder is financially responsible for any and all costs related to testing and evaluating. Certificate Holder's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Stipulated Order.

17) Certificate Holder shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over-the-counter and prescription drugs, and alcohol while participating in the Board's random urine drug testing program, except as provided in **Section 19** below. Certificate Holder shall avoid any over the counter products and food items containing alcohol, marijuana and poppy seeds.

18) Certificate Holder may take medication for a documented medical condition, provided that Certificate Holder obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Certificate Holder will notify Board staff within 72 hours in the event Certificate Holder is prescribed such medication, and shall sign a release of information authorizing the prescribing person to communicate with Board staff about Certificate Holder's medical condition. Certificate Holder shall produce the medical records pertaining to the medical condition and medication use. Certificate Holder will discard any unused prescription medications when it is no longer needed or expired.

19) Certificate Holder shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with Certificate Holder's employer.

20) Certificate Holder shall notify any and all healthcare providers of the nature of Certificate Holder's chemical dependency to ensure that Certificate Holder's health history is complete before receiving any treatment, including medical and dental. Certificate Holder shall provide Board staff with the names and contact information of any and all health care providers. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with Certificate Holder's healthcare providers and release Certificate Holder's medical and treatment records to the Board. Certificate Holder is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.

21) Certificate Holder shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.

22) Certificate Holder shall cooperate fully with Board staff in the supervision and investigation of Certificate Holder's compliance with the terms and conditions of this Stipulated Order.

Certificate Holder understands that the conduct resulting in the violations of law described in this Stipulated 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 Certificate Holder engages in future conduct resulting in violations of the terms of this Stipulated Order and/or the Nurse Practice Act, the Board may take further disciplinary action against Certificate Holder's certificate, up to and including revocation of Certificate Holder's certification to perform the duties of a Certificate Holder.

Certificate Holder understands that this Stipulated 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, Certificate Holder waives the right to an administrative hearing under ORS 183.310 to 183.540. Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce Certificate Holder to sign this Stipulated Order.

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

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

IT IS SO AGREED:

Matthew Langley, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Barbara Turnipseed, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE