

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of  
Jennifer Hall, CNA**

**FINAL ORDER**

**Certificate No. 000041365CNA**

**Reference No. 11-02510**

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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. Jennifer Hall (Applicant) applied for reactivation of her certification as a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Board on June 22, 2011. Applicant did not appear personally. The issue for the Board was whether to approve the Stipulation signed by Applicant on June 3, 2011 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 Applicant on June 3, 2011 be approved and by this reference incorporated herein, and, it is further

**ORDERED** that Board accept the Stipulation for Probation of Jennifer Hall's Certified Nursing Assistant certificate and that the Stipulation for Probation be adopted.

DATED this \_\_\_\_\_ day of June, 2011

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Patricia Markesino, RN  
Board President

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **STIPULATION FOR**  
**Jennifer Hall** ) **PROBATION**  
)  
**Certificate No. 000041365CNA** ) **Reference No. 11-02510**

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Jennifer Hall, hereinafter referred to as “Applicant,” obtained certification as a Certified Nursing Assistant (CNA) in the State of Oregon on August 11, 1998. On May 17, 2001, Applicant’s CNA certificate expired and remains expired.

On or about February 22, 2011, Applicant submitted an application to the Oregon State Board of Nursing (Board) for reactivation of her CNA certificate.

On her reactivation application Applicant disclosed her arrest history, stating she was convicted of assault as a juvenile and convicted of unauthorized use of a motor vehicle, theft and possession of drug paraphernalia in 2005. She also disclosed her conviction for failure to perform the duties of a driver in 2010.

A criminal background check confirmed the following arrests:

- 2/5/90 Assault and Battery (juvenile arrest)
- 4/26/05 Possession of a Controlled Substance (convicted of Attempt PCS-misdemeanor)
- 5/24/05 Forgery 2, Unauthorized Use of Motor Vehicle, Possession of Stolen Vehicle, Possession of Controlled Substance (convicted of UUMV-felony, all other charges dismissed)
- 7/21/05 Failure to Appear on attempt to possess controlled substance (probation violation was dismissed)
- 5/18/09 Failure to Perform Duties of a Driver, Criminal Mischief 2 (convicted of Failure to Perform Duties of a Driver-misdemeanor, remaining charge dismissed)
- 6/9/10 Probation Violation (dismissed)

Applicant provided additional information on her arrests at the request of Board staff. She explained that the arrests that occurred in 2005 were the result of poor decisions she made while using methamphetamine. Applicant stated she had used methamphetamine to cope with an incident in which she was the victim of a serious assault. Regarding her arrest in May 2009 for Failure to Perform Duties of a Driver, Applicant explained that she was unaware that she had hit a parked car and the damage to that vehicle was minimal.

Applicant was assessed by Mid-Columbia Center for Living on April 2, 2007. She was diagnosed with Amphetamine Dependence, Cannabis Dependence, Post Traumatic Stress Disorder and Depressive Disorder-Not Otherwise Specified. At the time of that assessment, Applicant had been participating in inpatient drug treatment and had maintained sobriety for the preceding six months.

Applicant successfully completed intensive outpatient treatment on March 27, 2008. She also completed mental health counseling through the Family Dependency Court Program during the same time period. Applicant reports she has maintained her sobriety since October 2006.

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

**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:
- (c) Impairment as defined in ORS 676.303.

**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:

- (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.

Applicant admits that the above allegations occurred and constitute violations of the Nurse Practice Act. She 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 Applicant:

**That Jennifer Hall's certificate be monitored by the Oregon State Board of Nursing from the date of signature on the Stipulation. That Applicant, in her performance of duties as a Certified Nursing Assistant, will be placed on probation for a twenty-four (24) 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 thirty-six (36) months from Board acceptance of this Stipulation to complete probation. Any period in which Applicant does not perform Certified Nursing Assistant duties in the State of Oregon will not count toward the probationary period.**

Applicant must comply with the following terms and conditions of 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 shall maintain an active certificate.
4. 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.
5. 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.
6. 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.
7. She shall inform current and prospective employers of the probationary status of her certificate, the reasons for her probation, and the terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Applicant's probationary status.
8. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Applicant is employed.
9. 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.
10. 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. She shall not work in any practice setting in which on-site supervision is not available.
11. She shall participate in the Board's random urine program. She shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or her employer. She shall sign any release of information necessary to ensure the Board will receive the results of such testing. Failure to comply with the random urine program will result in an immediate removal from the performance of nursing assistant duties. The presence of unauthorized substances may be considered a violation of the

terms and conditions of this stipulation. She will obtain a re-evaluation by a Board approved chemical dependence evaluator upon request of the probation coordinator. She understands that she will be financially responsible for the costs related to this testing and evaluation.

12. 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.
13. 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.
14. She will notify any health care providers of the nature of her chemical dependence diagnosis, to ensure that her health history is complete, before receiving any treatment, including medical and dental treatment. She will provide a copy of this Stipulation to her provider. She further agrees to provide the Board with the names of her health care providers, to sign releases of information with the providers, and produce to the Board documentation of the health care provided (medical records).
15. 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.
16. She is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the Stipulation.
17. 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 the terms of probation the Board may take 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 understands that this Stipulation is a public document.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Jennifer Hall, CNA

FOR THE OREGON STATE BOARD OF NURSING

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Marilyn Hudson RN, MSN, CNS, FRE  
Investigation Manager  
Investigation Department

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