

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	NOTICE OF PROPOSED
Hiwot Alemu, CNA)	REVOCATION
)	OF CERTIFICATE
)	
Certificate No. 201810062CNA)	Reference No. 20-00793

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. Hiwot Alemu (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on November 06, 2018.

I.

On or about February 1, 2020, Certificate Holder was reported to the Board for allegedly slapping a resident and failing to respect the resident's dignity and rights. The Board opened an investigation into the matter.

II.

The Board alleges that on or about February 1, 2020, Certificate Holder and another employee were providing care to resident, KD, who was known to exhibit dementia-related behaviors. It is alleged that Certificate Holder was attempting to place a wedge pillow under KD's legs when KD attempted to kick Certificate Holder. Certificate Holder slapped KD on the inside of their thigh which left a red mark. KD yelled out "God, help me" to which Certificate Holder reportedly responded "God's not going to help you, you are mean."

This is in violation of ORS 678.442(2)(f) and OAR 851-063-0090(1)(a), (3)(d)(g) and (8)(d)(h).

III.

The Board alleges Certificate Holder was untruthful when initially questioned by her Administrator about what happened. Certificate Holder reportedly responded "Nothing happened, he kept yelling, he was cussing at me and he was very rude to me." However, when the Administrator pointed out there was a witness to the incident, Certificate Holder acknowledged "I didn't mean to do anything, he was very rude to me."

This is in violation of ORS 678.442(2)(f) and OAR 851-063-0090(1)(b).

IV.

The Board alleges that Certificate Holder was untruthful to Board staff when she denied slapping KD's leg and making a derogatory statement to them.

This is in violation of ORS 678.442(2)(f) and OAR 851-063-0090(10)(b).

V.

The Board alleges that the above conduct is in violation of ORS 678.442(2)(f) and OAR 851-063-0090(1)(a)(b), (3)(d)(g), (8)(d)(h) and (10)(b) which read as follows:

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:

(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;

(b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

(3) Conduct related to client safety and integrity:

(d) Jeopardizing the safety of a person under the CNA's care;

(g) Failing to respect the dignity and rights of the person receiving nursing services, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, other physical attributes, or disability.

(8) Conduct related to other federal or state statutes/rule violations:

(d) Abusing a person;

(h) Engaging in other unacceptable behavior towards or in the presence of the client. Such behavior includes but is not limited to using derogatory names, derogatory or threatening gestures, or profane language.

(10) Conduct related to the certification holder's relationship with the Board:

(b) Failing to answer truthfully and completely any question asked by the Board on an application for certification, renewal of certification, during the course of an investigation, or any other question asked by the Board.

VI.

The foregoing violations are grounds to Revoke Hiwot Alemu's Nursing Assistant certificate.

Dated this _____ day of May, 2020

FOR THE OREGON STATE BOARD OF NURSING

Jacy Gamble
Investigations Manager

Notice of Hearing Rights and Exhibit A attached.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE