

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	NOTICE OF PROPOSED
Jenifer Gaskin, CNA)	SUSPENSION OF NURSING
)	ASSISTANT CERTIFICATE
)	
Certificate No. 201392602CNA)	Reference No. 18-00012

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. Jenifer Gaskin (CNA) was issued a Certified Nursing Assistant Certificate by the Board on September 19, 2013.

I.

On or about June 19, 2017, the Board received information that CNA had fraudulently claimed that she had been diagnosed with cancer and had collected over \$15,000.00 in donations. An investigation was opened into the matter.

Further investigation revealed that in May of 2014, CNA claimed to have cancer and said that she was terminally ill. An online fundraising account was setup and CNA collected over \$10,000.00 in donations. CNA collected an additional \$5,000.00 in donations from other forms of fundraisers. When local law enforcement requested that CNA produce documents supporting her cancer diagnosis, CNA failed to comply with their requests.

On July 10, 2017, Board staff mailed a letter was sent to CNA's address of record requesting that CNA schedule an interview to discuss the allegations. CNA was further instructed to provide a copy of her work history, provide a written statement regarding the allegation and to sign releases with each of her medical providers from 2014 – 2017. CNA failed to schedule an interview and did not provide any documents to the Board.

On July 25, 2017, a second letter was sent to CNA's address of record requesting that CNA contact the Board within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to send a written statement regarding the allegations and provide a current work history. CNA failed to schedule an interview and did not provide any documents to the Board.

II.

The Board alleges that not responding to its inquiries and requests, as described in section I above, constitutes a failure to cooperate with the Board during the course of an investigation, and that Certificate Holder has therefore engaged in conduct unbecoming a nursing assistant, in violation of ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(10)(a) and (c).

ORS 678.442(2)(f) 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 851-063-0080(6) 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:

(6) Conduct unbecoming a nursing assistant in the performance of duties ORS 678.442(2)(f).

OAR 851-063-0090(10)(a)(c) 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:

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

(a) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to waiver of confidentiality, except attorney-client privilege.

(c) Failing to provide the Board with any documents requested by the Board; or

III.

The Board proposes to suspend for an indefinite period Jenifer Gaskin's Nursing Assistant certificate on the basis of the violations of law and rule alleged in section II above. Such suspension shall be for a minimum period of two weeks and shall continue until such time as CNA fully cooperates with the Board's investigation.

In the event that the Board reinstates CNA's Nursing Assistant certificate following CNA's full cooperation with its investigation, the Board may at its discretion initiate further disciplinary action if that investigation determines that CNA committed other violations of the Nurse Practice Act (ORS 678 et seq) or any of the administrative rules adopted thereunder.

Dated this _____ day of August, 2017

FOR THE OREGON STATE BOARD OF NURSING

Jacy Gamble
Investigations Manager

Notice of Hearing Rights and Exhibit A attached.