

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF REVOCATION**
Annelynne Elizalde, CNA) **OF NURSING ASSISTANT**
) **CERTIFICATE BY DEFAULT**
Certificate No. 200911895CNA) **Reference No. 14-01374**

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. Annelynne Elizalde (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on July 17, 2009.

This matter was considered by the Board at its meeting on March 18, 2015.

On February 23, 2015, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Annelynne Elizalde was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder failed to answer truthfully.

The Notice granted Certificate Holder an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

**-I-
FINDINGS OF FACT**

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Certificate Holder was issued a Nursing Assistant certificate in the state of Oregon on July 17, 2009.
2. On or about March 13, 2014, Certificate Holder applied for renewal of her CNA certification. On that application Certificate Holder answered "no" to the questions regarding arrest history. A criminal background check revealed that Certificate Holder was arrested in April 2012. The Board opened an investigation into the matter.
3. On or about April 26, 2012, Certificate Holder was arrested on Domestic Violence-Assault 2 (felony), Unlawful use of a Weapon (felony) and Menacing (misdemeanor) charges following an incident at her home.
4. Certificate Holder failed to report her felony arrest to the Board within 10 days.
5. Certificate Holder failed to disclose her arrest on her March 2014 CNA renewal

application.

6. On or about June 4, 2012, Certificate Holder entered a guilty plea to one count of Assault 4, a misdemeanor. Certificate Holder failed to notify the Board of her misdemeanor conviction within 10 days.
7. Between May and December 2014, Board staff attempted to contact Certificate Holder on multiple occasions to obtain a written statement from her regarding the arrest. On December 11, 2014, Certificate Holder submitted a written explanation to the Board explaining the details of her April 2012 charges. The statement provided by Certificate Holder was inconsistent with the details listed in the police report.
8. On February 23, 2015, Board staff mailed a Notice of Proposed Revocation of Nursing assistant Certificate to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Annelynne Elizalde, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 6376.150 (3) and ORS 678.442 (2)(b),(d), and (f), and OAR 851-063-0080(2)(6) and OAR 851-063-0090(9)(b).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Certified Nursing Assistant License/certificate of Annelynne Elizalde is revoked.

DATED this ____ day of March, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: ANNELYNNE ELIZALDE:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

If, after a minimum of three (3) years, you wish to reinstate your Certified Nursing Assistant License/certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE