

**BEFORE THE OREGON
STATE BOARD OF NURSING**

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In the Matter of) **FINAL ORDER OF REVOCATION**
Christina Schwend, CNA) **BY DEFAULT**
)
)
Certificate No. 200510719CNA) **Reference No. 13-00939**

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. Christina Schwend (Certificate Holder) is a Certified Nursing Assistant in the state of Oregon.

This matter was considered by the Board at its meeting on March 20, 2013.

On February 26, 2013, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Christina Schwend was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder was impaired at work and tested positive for amphetamine, methamphetamine and marijuana. It further alleged that Certificate Holder failed to cooperate with a Board investigation.

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 March 21, 2005.
2. On or about November 1, 2012, Certificate Holder was observed at work exhibiting signs of impairment. She was relieved of her CNA duties and went home.

3. On or about November 6, 2012, Certificate Holder again exhibited signs of impairment while on duty. She submitted to a drug screen test which revealed the presence of amphetamines, methamphetamines and marijuana in her system.
4. On November 28 and December 13, 2012, Board staff mailed letters to Certificate Holder at her address of record requesting that she schedule an interview to discuss the allegations, and instructing her to send a written statement regarding the allegations. Certificate Holder failed to comply with the Board's requests.
5. On January 16, 2013, the Board voted to issue a Final Order of Suspension of Certificate Holder's nursing assistant certificate for failure to cooperate with a Board investigation.
6. On February 20, 2013, the Board voted to issue a Notice of Proposed Revocation of Certificate Holder's nursing assistant certificate.
7. On February 25, 2013, Board staff mailed a Notice of Proposed Revocation 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, Christina Schwend, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442 (2)(c), OAR 851-063-0080 (3) and OAR 851-063-0090 (7)(a), (9)(a)(c).
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 Nursing Assistant Certificate of Christina Schwend is REVOKED.

DATED this ____ day of March, 2013

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: CHRISTINA SCHWEND:

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 Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.