

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)

Larry R. McDade, CNA)

Certificate No. 000022247CNA)

FINAL ORDER BY DEFAULT

Case No. 08C-068, 11-02784

To: Larry R. McDade, CNA:

Larry R. McDade (Respondent) was certified as a CNA in Oregon on November 3, 1992. On September 21, 2010, Respondent was served Notice of Proposed Revocation of Nursing Assistant Certificate by first class and certified mail. Respondent requested a hearing and that hearing was scheduled for June 7, 2011, before the Office of Administrative Hearings at the Oregon State Board of Nursing.

On January 19, 2011, the Board filed a motion for partial summary determination, requesting a finding that Respondent was in violation of the facts and rules related to Respondent’s abuse of patients. On April 21, 2011, the Administrative Law Judge granted the Board’s motion for partial summary determination.

On April 25, 2011, Respondent was sent a Second Amended Notice of Proposed Revocation of Nursing Assistant Certificate and Proposed Denial of Renewal Application. This notice included violations related to Respondent’s March 2011 renewal form. The notices designated the Board’s file on this matter as part of the record. On June 3, 2011, Respondent requested a postponement of the hearing. The Administrative Law Judge denied the request. Respondent failed to appear for the aforementioned hearing on June 7, 2011, at the scheduled time of 9:00AM and is hereby in default.

FINDINGS OF FACT

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

1. Respondent was certified as a nursing assistant by endorsement on November 3, 1992.
2. On or about September 3, 2007, while Respondent was working at the Green Valley Rehabilitation Health Center in Eugene, Respondent was abusive to three patients. In sum referring to a resident as a “fat lady,” threatening leave a resident if the resident did not “quiet down,” and calling a resident picky, smearing moisturizer on the resident’s face in a way that upset the resident. Additionally, Respondent refused the residents’ request for a female CNA,

and told her after she began to cry that she might as well shut up “because emotions don’t get to me.”

3. On or about November 5, 2008 a Final Order was issued and on or about December 9, 2008 an amended Final Order was issued by the Department of Human Services (DHS) finding that Respondent abused residents through loss of dignity, verbal abuse and mental abuse for incidents that are described above.

4. On or about November 5, 2008 Respondent was placed on the registry for Substantiated Abuse at the Oregon State Board of Nursing indicating that a finding or findings of substantiated abuse has been made by Seniors and People with Disabilities (SPD). Respondent remains on this registry.

5. On or about March 26, 2009 Respondent submitted a Certification Renewal Application to the Board of Nursing. On the aforementioned application, Respondent failed to disclose that Respondent had been investigated for abuse since the date of the last renewal and failed to disclose that Respondent’s privilege to practice health care had been censured and restricted since Respondent’s last renewal.

6. On or about March 24, 2011, Respondent submitted a Certification Renewal Application to the Board of Nursing. This application was incomplete. Respondent submitted a completed application on or about April 6, 2011. On that application, Respondent provided the following written explanation to question #3 on the application as to whether Respondent was currently being investigated for any type of abuse or mistreatment: “The case has been resolved.” Respondent answered “no” to the question asking if Respondent have any pending discipline. These were untruthful statements.

7. Respondent also reported that he worked a total of 600 hours from January 6, 2010 through July 09, 2011. According to ORS 851-062-0070 (3) (c) (A), a certified nursing assistant must document at least 400 hours of paid employment as a CNA within the CNA authorized duties, under supervision or monitoring by a nurse, in the two years immediately preceding the certification expiration date. Respondent listed Healthcare Services as his employer. However, Respondent did not work 600 hours during that time. Respondent did not work for Healthcare Services in 2009, Respondent worked 248.75 hours in 2010, and Respondent has not worked for Healthcare Services in 2011. Respondent’s statement that Respondent worked 600 hours in the preceding renewal period was untruthful. Further, Respondent is lacking the required hours for renewal.

CONCLUSIONS OF LAW

Based on the foregoing Findings of fact, the Board makes the following Conclusions of Law:

The above conduct constitutes conduct unbecoming a nursing assistant, and by the above actions Respondent are subject to discipline pursuant to violations of ORS 678.442 (2) (b) & (f) and OAR 851-063-0080 (2) and (6) and OAR 851-063-0090 (1) (c); (2) (d) and (f).

ORDER

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

ORDERED that Larry McDade's nursing assistant certification be revoked, and his renewal application for nursing assistant certification be denied.

Dated this _____ day of _____ 2011.

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

To Larry McDade:

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 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 the 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 60 days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.