

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Charleen Smith**

)
) **FINAL ORDER OF REVOCATION AND**
) **DENIAL OF NURSING ASSISTANT AND**
) **MEDICATION AIDE CERTIFICATES BY**
) **DEFAULT**

**Certificate No. 200820133CMA,
000034237CNA**

)
) **Reference No. 15-00098**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including certified medication aides. Charleen Smith (CMA) was issued a Nursing Assistant certificate by the Board on March 19, 1996. CMA was issued a Medication Aide certificate by the Board on November 24, 2008.

This matter was considered by the Board at its meeting on June 17, 2015.

On April 17, 2015, a Notice stating that the Board intended to revoke and deny the Nursing Assistant and Medication Aide certificates of Charleen Smith was sent to her via certified and first-class mail to her address of record. The Notice alleged that the Board received a renewal application from CMA that was not timely and on which she failed to disclose a recent arrest history.

The Notice granted CMA an opportunity for hearing if requested within (sixty) 60 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. CMA was issued a Nursing Assistant certificate by the Board on March 19, 1996. CMA was issued a Medication Aide certificate by the Board on November 24, 2008.
2. In June 2011, CMA was cited for misdemeanor theft and was subsequently convicted of that offense after the charge was reduced to a violation. In July 2012, the Board received a renewal application from CMA on which she failed to disclose her above-mentioned citation.

3. In December 2012, CMA was terminated following a drug screen in which she tested positive for methamphetamine, amphetamine, and marijuana.
4. In October 2013, CMA was arrested for theft and she was subsequently convicted of attempted theft (misdemeanor).
5. In November 2013, CMA was arrested for driving under the influence of intoxicants, menacing, and reckless driving. However, the assigned deputy district attorney declined to prosecute. On July 22, 2014, the Board received a renewal application from CMA on which she failed to disclose any arrest history.
6. In July 2014, CMA worked as a certified nursing assistant while her Nursing Assistant certificate was expired.
7. On August 5, 2014, Board staff mailed a letter to CMA's address of record requesting that she schedule a telephonic interview in addition to providing a copy of her work history along with a written explanation of her criminal history and why she failed to disclose it. On August 8, 2014, Board staff called CMA who agreed to voluntarily undergo a chemical dependency evaluation that she would have provided to the Board prior to her telephonic interview (which she said she would schedule in the near future.) On August 15, 19, and 27, 2014, CMA called Board staff and stated that she was still in the process of scheduling an evaluation. On September 2, 2014, Board staff mailed a second letter to CMA's address of record requesting that she schedule a telephonic interview in addition to providing the above-mentioned requested documents. That same day, Board staff left CMA a voicemail asking to be contacted. No response was forthcoming. On November 7, 2014, Board staff called CMA who provided the address of a motel she was staying at and stated that she would call the following week about scheduling a chemical dependency evaluation. On December 12, 2014, CMA called Board staff and stated that she was still staying at the same motel, and that she would call back soon about scheduling a chemical dependency evaluation. CMA has not contacted Board staff since December 12, 2014, nor has she provided any of the above-mentioned requested documents.
8. On April 17, 2015, Board staff mailed a Notice of Proposed Revocation and Denial of Nursing Assistant and Medication Aide Certificates to CMA via first-class and certified mail. The Notice granted CMA (sixty) 60 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 CMA, Charleen Smith, and over the subject matter of this proceeding.

2. That CMA's conduct is in violation of ORS 678.442(2)(a) and (b) and (d) and (f) and OAR 851-063-0080(1) and (2) and (3) and (4) and (6) and OAR 851-063-0090(7)(a) and (8)(g) and (9)(a) and (b) and (c) and OAR 851-063-0100(11).
3. That CMA defaulted on the Notice by not requesting a hearing within the allotted (sixty) 60 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 and Medication Aide certificates of Charleen Smith are revoked and denied.

DATED this _____ day of June 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: CHARLEEN SMITH:

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 and Medication Aide certificates, you may submit an application to the Board to request reinstatement.