

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** ) **FINAL ORDER OF SUSPENSION**  
**Michele McMullen, LPN** ) **BY DEFAULT FOR**  
 ) **FAILURE TO COOPERATE**  
 )  
**License No. 201330210LPN** ) **Reference No. 15-01637**

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Michele McMullen (Licensee) was issued a Licensed Practical Nurse License by the Board on May 31, 2013.

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

On October 9, 2015, a notice stating that the Board intended to suspend the Licensed Practical Nurse License of Licensee was sent to her via certified and first-class mail to her address of record. The Notice alleged that Michele McMullen failed to cooperate with the Board during the course of an investigation.

The Notice granted Licensee 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. Licensee was issued a Licensed Practical Nurse License in the state of Oregon on May 31, 2013.
2. On or about May 5, 2015, Licensee was reported to the Board for possible drug use. The Board opened an investigation into the matter.
3. In an interview on September 14, 2015, Licensee agreed to sign a release with her provider and request that the records be forwarded to the Board. Licensee also agreed

to provide a copy of a police report related to an incident between herself and another person. Licensee failed to provide any documents to the Board.

4. On September 23, 2015, Board staff mailed a letter to Licensee's address of record requesting that she sign a release with her provider and request that the records be forwarded to the Board. Board staff also requested that Licensee provide a copy of a police report related to an incident between herself and another person. Licensee failed to provide any documents to the Board.
5. On October 1, 2015, Board staff sent an email to Licensee at the email address that had been previously used to communicate with Licensee, again requesting that she provide the requested documents. Licensee failed to provide the requested documents to the Board.
6. On October 9, 2015, Board staff mailed a Notice of Proposed Suspension to Licensee via first-class and certified mail. The Notice granted Licensee 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.
7. Licensee failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Licensee's opportunity to request a hearing has expired and she is in default.

**-II-**

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Licensee, Michele McMullen, and over the subject matter of this proceeding.
2. That Licensee's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(7)(a)(c).
3. That Licensee 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 Licensed Practical Nurse License of Michele McMullen is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Michele McMullen has fully cooperated with the Board's investigation. Should the Board reinstate the Licensed Practical Nurse License of Michele McMullen, she would be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_ day of November, 2015

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Gary Hickmann, RN  
Board President

TO: MICHELE MCMULLEN:

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.