

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Sita Levu, CNA**

)
)
) **FINAL ORDER OF REVOCATION**
) **BY DEFAULT**
)

Certificate No. 000041066CNA

) **Reference No. 12-00627**

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. Sita Levu (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This matter was considered by the Board at an interim teleconference meeting in Portland, Oregon on October 17, 2012. Certificate Holder did not appear personally.

On September 26, 2012, a Notice stating that the Board intended to revoke the nursing assistant certificate of Certificate Holder was sent to Certificate Holder via certified and first-class mail to her address of record and an alternate address. The Notice alleged that Ms. Levu has a mental condition that has led her to engage in concerning behaviors, resulting in several civil and criminal charges being filed against her.

The Notice granted Certificate Holder an opportunity for hearing if requested within 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:

- 1.1 Certificate Holder was issued a Certified Nursing Assistant certificate in the state of Oregon on June 30, 1998.
- 1.2 On or about September 15, 2011, Certificate Holder self-reported to the Board that she violated a restraining order and was arrested for harassment in June, 2011. The Board opened an investigation into the matter.

- 1.3 In February 2007, a petition for a stalking protective order was filed against Certificate Holder based on the petitioner's report that Certificate Holder was repeatedly contacting him against his wishes.
- 1.4 In December 2010, a petition for an anti-harassment order was filed against Certificate Holder based on the petitioner's report that Certificate Holder had contacted him repeatedly against his wishes for many months. The petition was granted. Evidence indicates Certificate Holder told the man that God would punish him if he did not marry her.
- 1.5 In May 2011, Certificate Holder was arrested for two counts of Improper Use of 911 System. Certificate Holder had called 911 twice to report a murder, which had not occurred. Evidence indicates Certificate Holder told police that the information she reported came from a dream she had in 2010 that was from God.
- 1.6 Following a series of incidents between February 2011 and October 2011, Certificate Holder was charged with Stalking, two counts of Violation of Civil Anti-harassment Order, False Reporting and Harassment.
- 1.7 In January 2012, Certificate Holder was arrested for Failure to Appear on the above charges.
- 1.8 Certificate Holder's mental health treatment records show she is diagnosed with schizophrenia-paranoid type.
- 1.9 In February 2012, Certificate Holder was psychiatrically evaluated to determine her capacity to stand trial. The evaluator determined that Certificate Holder lacked capacity to assist in her own defense due to her mental illness. The evaluator recommended that Certificate Holder be hospitalized for competency restoration treatment.
- 1.10 In April 2012, after a period of hospitalization, Certificate Holder was again psychiatrically evaluated to determine her capacity to stand trial and her potential danger to others. The evaluator determined that Certificate Holder had not benefitted from competency restoration treatment. The evaluator determined Certificate Holder did not have capacity to understand the proceedings against her or assist in her own defense. The evaluator determined Certificate Holder presented with a moderate risk for future dangerous behavior and committing future criminal acts.
- 1.11 On September 26, 2012, 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 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

- 2.1 That the Board has jurisdiction over the Certificate Holder, Sita Levu, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's conduct is in violation of ORS 678.442(2)(c) & (f); OAR 851-063-0080(5) & (6); and OAR 851-063-0090(7)(b).
- 2.3 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 Sita Levu is REVOKED.

DATED this ____ day of October, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: SITA LEVU

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