

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF REVOCATION**
John Clay, RN) **OF REGISTERED NURSE LICENSE**
) **BY DEFAULT**
)
License No. 200441562RN) **Reference No. 16-01064**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. John Clay (Licensee) was issued a Registered Nurse License by the Board on July 27, 2004.

This matter was considered by the Board at its meeting on March 23, 2016.

On February 19, 2016, a Notice stating that the Board intended to revoke the Registered Nurse License of John Clay was sent to him via certified and first-class mail to his address of record. The Notice alleged that Licensee violated the terms and conditions of a Board Order.

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 Registered Nurse License in the state of Oregon on July 27, 2004.
2. On April 15, 2015, the Board placed Licensee's Registered Nurse License on probation for a twenty-four (24) month period after Licensee admitted that he had accepted narcotic medication from a colleague for his own personal consumption. Licensee had been diagnosed with a Substance Use Disorder and entered treatment. Licensee agreed to maintain monthly contact with probation staff, participate in the Board's random urine drug testing program, and abstain from alcohol and other mind altering substances.
3. On or about January 4, 2016, Licensee reported being arrested for Driving Under the Influence of Intoxicants (DUII).

4. On or about January 14, 2016, Board staff received the report from the Monmouth Police Department. According to the police report, Licensee had a six pack of unopened beer in his car and admitted to the police officer that he had taken non-prescribed oxycodone and Vicodin. This is a violation of his Board Order
5. As of January 14, 2016, Licensee stopped participating in the Board's random urine drug testing program. This was also the date of Licensee's last contact with probation staff. These are violations of his Board Order.
6. On February 19, 2016, Board staff mailed a Notice of Proposed Revocation 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.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, John Clay, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111 (1) (f), OAR 851-045-0070 (5) (d) and (7) (d).
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 Registered Nurse License of John Clay is revoked.

DATED this ____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: JOHN CLAY:

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.

INCLUDE ONLY IF FOR REVOCATION: If, after a minimum of three (3) years, you wish to reinstate your Registered Nurse License/certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE