BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of	)	**FINAL ORDER OF SUSPENSION**
Rachel Sullivan, CNA	)	**BY DEFAULT FOR**
	)	**FAILURE TO COOPERATE**
	)	
Certificate No. 201210724CNA	)	**Reference No. 13-02330**

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. Rachel Sullivan (Certificate Holder) is a Certified Nursing Assistant in the state of Oregon.

This matter was considered by the Board at its meeting on November 20, 2013.

On October 1, 2013, a notice stating that the Board intended to suspend the nursing assistant certificate of Certificate Holder was sent to her via certified and first-class mail to her address of record. The Notice alleged that Rachel Sullivan failed to cooperate with the Board during the course of an investigation.

The Notice granted Certificate Holder 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. Certificate Holder was issued a Nursing Assistant Certificate in the state of Oregon on April 5, 2012.

2. On or about June 18, 2013, Certificate Holder was reported to the Board for failing to properly position a resident. The Board opened an investigation into the matter.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

3. On June 27, 2013, Board staff mailed a letter to Certificate Holder's address of record requesting that she schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

4. On July 16, 2013, a second letter was sent to Certificate Holder's address of record, requesting that she contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

5. On October 1, 2013, Board staff mailed a Notice of Proposed Suspension to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder 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.

6. Certificate Holder failed to respond to the Notice of Proposed Suspension within the required twenty (20) days. Consequently, Certificate Holder'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 Certificate Holder, Rachel Sullivan, and over the subject matter of this proceeding.

2. That Certificate Holder's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(9)(a) and (c).

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 Rachel Sullivan is SUSPENDED for

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as Rachel Sullivan has fully cooperated with the Board's investigation. Should the Board reinstate the nursing assistant certificate of Rachel Sullivan, she would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of November, 2013

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_____
Kay Carnegie, RN, MS
Board President

TO: RACHEL SULLIVAN:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE