

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Victoria Tooley, CNA

Certificate No. 000028872CNA

)

) **FINAL ORDER OF 15-DAY SUSPENSION**

) **OF NURSING ASSISTANT CERTIFICATE**

) **BY DEFAULT**

)

) **Reference No. 14-00186**

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. Victoria Tooley (CNA) was issued a nursing assistant certificate by the Board on July 19, 1994.

This matter was considered by the Board at its meeting on April 23, 2014.

On March 18, 2014, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Victoria Tooley for 15 days 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 CNA on which she failed to disclose a recent arrest as required.

The Notice granted CNA 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. CNA was issued a Nursing Assistant Certificate in the state of Oregon on July 19, 1994.
2. In March 2013, CNA was arrested for Driving Under the Influence of Intoxicants, Unlawful Possession of less than 1 oz. of Marijuana, and other related charges.
3. In July 2013, the Board received a renewal application from CNA on which she failed to disclose the above arrest as required.
4. On March 18, 2014, Board staff mailed a Notice of Proposed 15-Day Suspension of

Nursing Assistant Certificate to CNA via first-class and certified mail. The Notice granted CNA 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 CNA, Victoria Tooley, and over the subject matter of this proceeding.
2. That CNA's conduct is in violation of ORS 678.442(2)(d) and (f) and OAR 851-063-0090(9)(b).
3. That CNA 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 Victoria Tooley is suspended for a period of 15 days, commencing five business days from the date this Order is signed.

DATED this ____ day of April, 2014

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: VICTORIA TOOLEY:

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