

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of**

**James Shinholster, CNA**

**Certificate No. 201110018CNA**

)

) **FINAL ORDER OF REVOCATION**

) **OF NURSING ASSISTANT CERTIFICATE**

) **BY DEFAULT**

)

) **Reference No. 14-00803**

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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 Certified Nursing Assistants. James Shinholster (Certificate Holder) was issued a nursing assistant certificate by the Board on January 05, 2011.

This matter was considered by the Board at its meeting on March 19, 2014.

On February 25, 2014, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of James Shinholster was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder abused patients by giving them controlled substances which were not prescribed to them in exchange for prescription narcotics.

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 January 5, 2011.
2. On or about December 25, 2012, a patient alleged that Certificate Holder provided him/her with Adderall and Nicorette for which the patient did not have a prescription. Another patient alleged that Certificate Holder provided him/her with marijuana, amphetamines and Nicorette gum in exchange for the patient's prescribed oxycodone.

3. Letters were sent to Certificate Holder's address of record notifying him of the Board's investigation, instructing him to schedule an appointment for an interview and provide documents to the Board. Certificate Holder failed to schedule an appointment or provide the requested documents.
4. On February 25, 2014, Board staff mailed a Notice of Proposed Revocation 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.

**-II-**

**CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, James Shinholster, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(f), OAR 851-063-0080 (6), OAR 851-063-0090 (2)(g)(h), (6)(b) and (9)(a)(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 James Shinholster is REVOKED.

DATED this \_\_\_\_\_ day of March, 2014

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

\_\_\_\_\_  
Kay Carnegie, RN, MS  
Board President

TO: JAMES SHINHOLSTER:

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.

If, after a minimum of three (3) years, you wish to reinstate your Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE