

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Alexander Dresser, CNA

Certificate No. 200810535CNA

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**FINAL ORDER
BY DEFAULT**

Reference No. 11-02652

The Oregon State Board of Nursing (Board) considered this matter at a regular meeting in Portland, Oregon on September 21, 2011. On August 26, 2011, a Notice of Proposed Revocation of Certification as Nursing Assistant (Notice) was sent to Alexander James Dresser (Certificate Holder) via certified mail to his address of record. The Notice alleged that Mr. Dresser had diverted narcotic medications from the workplace and that on June 8, 2011, he had been convicted on one count of Criminal Mistreatment I, a class C felony in Washington County Circuit Court. The Notice further alleged that Certificate Holder failed to cooperate with the Board during the course of an investigation. The Notice informed Mr. Dresser of his right to a hearing, if requested within 20 days of the mailing of the Notice. The Board has received no such request for a hearing. 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, testimony and the agency file in this case, the Board finds the following:

- 1.1 That Certificate Holder is a Certified Nursing Assistant, and has been certified since March 21, 2008.
- 1.2 That on March 23, 2011, Certificate Holder came to the attention of the Board after it when it was reported that he were alleged to have diverted narcotics from the workplace.
- 1.3 That discrepancies were discovered in the narcotics log book at Certificate Holder's workplace during the time that he was on duty. Approximately 40 doses of oxycodone were unaccounted for.
- 1.4 That Certificate Holder administered a 5mg dose of oxycodone to a resident who had an order for only 2.5mgs of that medication. Certificate Holder did not document administering that dosage to the resident.
- 1.5 That Certificate Holder failed to administer pain medication (Fentanyl), to a resident who required that medication to control pain. A facility investigation determined that two Fentanyl patches were missing and unaccounted for.
- 1.6 That on March 31, 2011, Certificate Holder was indicted in Washington County Circuit Court on one charge of Criminal Mistreatment I, a class C felony, three counts of Tampering with Drug Records, a class C felony, two counts of Possession of a Controlled Substance, a class C felony, one count of Possession of a Controlled Substance, a misdemeanor, and Theft 2, a misdemeanor.

1.7 That On April 7, 2011, Certificate Holder failed to respond to Board staff's request that he contact the Board and schedule an appointment for a personal interview by no later than April 18, 2011.

1.8 That on May 12, 2011, Certificate Holder failed to appear for his scheduled 10:00 am personal interview with Board staff. He did not call the Board to re-schedule that interview or explain why he was unable to attend.

1.9 That on June 8, 2011, Certificate Holder was convicted of one count of Criminal Mistreatment I in violation of ORS 163.205 in Washington County Circuit Court.

2.0 That on June 22, 2011, the Board issued a Final Order suspending Certificate Holder's nursing certificate for failing to cooperate with the Board during the course of an investigation.

-II-

CONCLUSIONS OF LAW

2.1 That the Board has jurisdiction over the certificate holder, Alexander James Dresser, and over the subject matter of this proceeding.

2.2 That Mr. Dresser's history of arrests for crimes related to controlled substances, his conviction for Criminal Mistreatment I, and his failure to cooperate with the Board during the course of an investigation constitutes a threat to public safety. Therefore Mr. Dresser has engaged in conduct unbecoming a nursing assistant in violation of ORS 678.442 (2) (a), (d) and (f) and OAR 851-063-0080 (1), (4) and (6) and OAR 851-063-0090 (2) (h) and (i), (3) (c) and (9) (a) and OAR 851-063-0110 (1) (f).

2.3 That Mr. Dresser defaulted on the Notice by not requesting a hearing within the allotted 20 days and, accordingly, 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 Alexander James Dresser is Revoked.

DATED this _____ day of September, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Patricia Markesino, RN
Board President

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE