

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of**

**Mark Mitchell, CMA**

)

) **FINAL ORDER OF SUSPENSION**

) **BY DEFAULT**

)

)

**Certificate No. 201110214CNA,  
201320069CMA**

) **Reference No. 14-00266**

---

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Medication Aides. Mark Mitchell (Certificate Holder) was issued a Nursing Assistant certificate on January 24, 2011, and Medication aide certificate by the Board on June 18, 2013.

This matter was considered by the Board at its meeting on January 15, 2014.

On December 10, 2013, a Notice stating that the Board intended to suspend the Nursing Assistant and Medication Aide Certificates of Mark Mitchell was sent to him via certified and first-class mail, to his address of record. The Notice alleged that Certificate Holder failed to cooperate with a Board investigation, failed to provide requested documents, and failed to conform to the standards and authorized duties in the Certified Medication Aide rules.

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 on January 24, 2011, and a Medication Aide certificate in the state of Oregon on June 18, 2013.
2. On or about August 28, 2013, Certificate Holder was reported to the Board for alleged narcotic diversion and he was terminated from his position at a skilled nursing facility. The Board opened an investigation into the matter.

3. On October 3, 2013, Certificate Holder met with Board staff to discuss the allegations. Certificate Holder was asked to provide Board staff with a copy of the results of a “for cause” urine drug screen (UDS), taken by his employer, along with his valid prescription for opioids. Certificate Holder was also asked to complete a chemical dependency assessment by a Board approved evaluator.
4. On October 15, 2013, Board staff spoke with Certificate Holder and reminded him that he was to send a copy of the UDS taken by his employer and his valid prescription for opioids. Certificate Holder was reminded that he needed to complete a chemical dependency evaluation.
5. On November 8, 2013, a message was left for Certificate Holder to inform him that the documents requested by Board staff were not received as requested by October 29, 2013. Further, Certificate Holder did not arrange to have a chemical dependency evaluation. Certificate Holder was informed he needed to provide all of the above information by November 15, 2013.
6. On December 6, 2013, a message was left for Certificate Holder to contact Board staff regarding his ongoing investigation and he did not contact Board staff.
7. On December 10, 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.

**-II-**

**CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, Mark Mitchell, 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(9)(a)(c) and OAR 851-063-0100(11).
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 and Medication Aide certificates of Mark Mitchell is Suspended.

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

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

---

Kay Carnegie, RN, MS  
Board President

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE