

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Ashley Richmond, CNA

Certificate No. 201111622CNA

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT OF NURSING**

) **ASSISTANT CERTIFICATE**

)

) **Reference No. 16-00337**

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. Ashley Richmond (CNA) was issued a Nursing Assistant Certificate by the Board on July 5, 2011.

This matter was considered by the Board at its meeting on January 13, 2016.

On November 23, 2015, a Notice stating that the Board intended to revoke the Nursing Assistant certificate of Ashley Richmond was sent to her via certified and first-class mail to her address of record. The Notice alleged that CNA failed to disclose her criminal history and failed to cooperate with the Board during the course of an investigation.

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 5, 2011.
2. On or about August 18, 2015, CNA made application to the Board for renewal of her Nursing Assistant certificate. CNA failed to disclose a criminal history. The Board opened an investigation into the matter.
3. The Board alleges that on or about January 6, 2015, CNA was arrested for the unlawful possession of heroin (felony) and Theft II (misdemeanor). On November 9, 2015, CNA was convicted of both charges.

4. The Board alleges that on or about February 6, 2015, CNA was arrested for the unlawful possession of methamphetamine and the unlawful possession of heroin. On November 9, 2015, CNA was convicted of the unlawful possession of heroin (felony) and the possession of methamphetamine charge was dismissed.
5. The Board alleges that on or about February 17, 2015, CNA was arrested for two separate Theft II charges, both misdemeanors. On May 18, 2015, CNA was convicted of one charge and the second was dismissed.
6. The Board alleges that on or about July 2, 2015, CNA was arrested for Theft II, a misdemeanor. On September 14, 2015, CNA was convicted of Theft II.
7. The Board alleges that on or about September 11, 2015, Board staff mailed a letter to CNA's address of record requesting that CNA schedule an interview to discuss the allegations. CNA was further instructed to send a written statement regarding the allegations and a current work history. CNA failed to schedule an interview and did not provide any documents to the Board. On September 28, 2015, a second letter was sent to CNA's address of record requesting that CNA contact the Board within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to send a written statement regarding the allegations and provide a current work history. CNA failed to schedule an interview and did not provide any documents to the Board.
8. The Board alleges that on or about September 23, 2015, CNA failed to appear in court and a warrant was issued for her arrest. CNA was arrested on or about October 19, 2015 and convicted of felony failure to appear on November 9, 2015.
9. The Board alleges that on or about October 7, 2015, Board staff mailed a Notice of Proposed Suspension of Nursing Assistant Certificate via first-class and certified mail to CNA's address of record. The Notice alleged that CNA failed to cooperate with the Board during the course of an investigation. The Notice granted CNA twenty (20) days from the date of the mailing of the Notice to request a hearing and designated that the agency file would be the record for purposes of default. No such request for hearing was received by the Board. On November 18, 2015, the Board issued a Final Order of Suspension by Default for Failure to Cooperate for a minimum of two weeks and until such time as CNA has fully cooperated with the Board's investigation.
10. On November 23, 2015, Board staff mailed a Notice of Proposed Revocation 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.
11. CNA failed to respond to the Notice of Proposed Revocation within the required twenty days. Consequently, CNA'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 CNA, Ashley Richmond, and over the subject matter of this proceeding.
2. That CNA's conduct is in violation of ORS 678.442(2)(f), OAR 851-063-0080(6), (7)(c), (8)(n)(o), (9)(a) and OAR 851-063-0090(10)(a)(c).
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 Ashley Richmond is REVOKED.

DATED this _____ day of January, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: ASHLEY RICHMOND:

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.