BEFORE THE OREGON
STATE BOARD OF NURSING

	)	
In the Matter of	)	
Joseph Lucas, CNA	)	**FINAL ORDER BY DEFAULT**
	)	
	)	
Certificate No. 201011297CNA	)	**Reference No. 12-01295**

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. Joseph Lucas (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This matter was considered by the Board at an interim teleconference meeting in Portland, Oregon on March 21, 2012. Certificate Holder did not appear personally.

On February 23, 2012, a Notice stating that the Board intended to revoke the nursing assistant certificate of Certificate Holder was sent to Certificate Holder via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder stole money from residents of the Oregon Veterans' Home and failed to respond to requests from Board staff for information related to this investigation.

The Notice granted Certificate Holder an opportunity for hearing if requested within 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:

1.1 Certificate Holder was issued a Certified Nursing Assistant certificate in the state of Oregon on June 7, 2010.

1.2 On or about December 9, 2011, Certificate Holder was reported to the Board for alleged

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sexual abuse of a patient and alleged sexual harassment of female staff while working at the Oregon Veterans' Home. The Board opened an investigation into the matter.

1.3 On December 22, 2011, Board staff mailed a letter to Certificate Holder's address of record requesting that he schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a copy of his current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

1.4 On or about December 29, 2011, Certificate Holder was again reported to the Board. This complaint alleged that Certificate Holder stole money from residents of the Oregon Veterans' Home. The Board incorporated this allegation into the open investigation.

1.5 According to the police report, Certificate Holder was questioned by police on December 14, 2011 about ongoing thefts reported by residents at the facility. During that interview, Certificate Holder admitted to stealing money from several residents, multiple times during his employment at the facility.

1.6 On January 5, 2012, a second letter was sent to Certificate Holder's address of record, requesting that he contact the Board by January 12, 2012 (5 business days) to schedule an interview to discuss the allegations. Certificate Holder was also asked to provide a copy of his current work history and a written statement regarding the allegations. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.

1.7 On or about February 13, 2012, Certificate Holder was charged with First Degree Criminal Mistreatment, a felony.

-II-

CONCLUSIONS OF LAW

2.1 That the Board has jurisdiction over the Certificate Holder, Joseph Lucas, and over the subject matter of this proceeding.

2.2 That Certificate Holder's conduct constitutes a danger to public health and safety and, by the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(2)(g) and (9)(a) and (c).

2.3 That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted 20 days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

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-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 Joseph Lucas is REVOKED.

DATED this _____ day of March, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

_____
Kay Carnegie, RN, MS
Board President

To: Joseph Lucas: 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.

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