

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Samuel Carbaugh, CNA

Certificate No. 200313581CNA

)

) **FINAL ORDER OF REVOCATION**

) **OF NURSING ASSISTANT**

) **CERTIFICATION BY DEFAULT**

)

) **Reference No. 13-01764**

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. Samuel Carbaugh (Certificate Holder) is a Certified Nursing Assistant in the state of Oregon.

This matter was considered by the Board at its meeting on September 25, 2013.

On August 30, 2013, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Samuel Carbaugh was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder failed to follow residents care plans.

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 December 11, 2003.
2. On or about April 2, 2013, Certificate Holder was reported to the Board failing to follow a resident's plan of care. The Board opened an investigation into the matter.
3. On or about March 12, 2013, Certificate Holder transferred NA independently. NA's plan of care required a two person assist.
4. In in February 2013, Certificate Holder transferred RC without using a care planned

transfer board. RC was injured as a result of the transfer. Certificate Holder failed to notify the facility that the incident occurred.

5. On August 30, 2013, 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, Samuel Carbaugh, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442 (2)(f) and OAR 851-063-0080 (6) and OAR 851-063-0090 (2)(e)(3)(g) and (6)(a).
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 Samuel Carbaugh is revoked.

DATED this _____ day of September, 2013

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: SAMUEL CARBAUGH:

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