

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

)  
) **FINAL ORDER OF REVOCATION**  
) **BY DEFAULT**  
)  
)  
) **Reference No. 14-01951**

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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. Melissa Hattabaugh (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on July 30, 2010.

This matter was considered by the Board at its meeting on January 14, 2015.

On November 25, 2014, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Melissa Hattabaugh was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder presented to work under the influence of alcohol and failed to cooperate with the Board's investigation.

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 Certified Nursing Assistant certificate in the state of Oregon on July 30, 2010.
2. On or about June 26, 2014, Certificate Holder was reported to the Board for exhibiting signs of impairment at work. The Board opened an investigation into the matter.
3. On or about June 24, 2014, while working as a nursing assistant, Certificate Holder

presented to work under the influence of alcohol.

4. After the above incident, Certificate Holder was placed on leave from work and attended a chemical dependency assessment. The assessment resulted in a recommendation for Certificate Holder to complete chemical dependency treatment and to have close supervision and monitoring with follow up drug and alcohol testing for two years. Certificate Holder ultimately did not follow the recommendations.
5. On or about July 3, 2014, Board staff sent a letter to Certificate Holder requesting that Certificate Holder schedule an interview with Board staff and send a written statement about the incident at work. That letter also included a request that Certificate Holder sign releases of information and have all records of any recent chemical dependency and/or mental health treatment forwarded directly to the Board office, and that Certificate Holder provide a list of her healthcare providers.
6. On or about July 17, 2014, Certificate Holder returned to the workplace. On that day, Certificate Holder submitted to an alcohol breath test and tested positive for alcohol.
7. Despite several follow-up contacts by Board staff, Certificate Holder did not attend an interview with Board staff and did not provide the requested documents to the Board.
8. On November 25, 2014, 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.
9. Certificate Holder failed to request a hearing on the Notice of Proposed Revocation within the required twenty (20) days.

**-II-**

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, Melissa Hattabaugh, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(c) & (f), OAR 851-063-0080(3) & (6), and OAR 851-063-0090(7)(a), (9)(a) & (9)(c).
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 Certified Nursing Assistant certificate of Melissa Hattabaugh is revoked.

DATED this \_\_\_\_\_ day of January, 2015

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

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Gary Hickmann, RN  
Board President

TO: MELISSA HATTABAUGH:

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 Certified Nursing Assistant certificate, you may submit an application to the Board to request reinstatement.