

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF REVOCATION**
Ebony Hardaway, CNA) **BY DEFAULT**
)
)
Certificate No. 201111829CNA) **Reference No. 16-01338**

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. Ebony Hardaway (Certificate Holder) was issued a Certified Nursing Assistant Certificate by the Board on July 21, 2011.

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

On June 16, 2016, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant certificate of Ebony Hardaway was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder financially exploited a patient and that she failed to answer questions asked by the Board truthfully.

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 21, 2011.
2. On or about October 1, 2015, Certificate Holder used a patient's debit card to obtain \$200.00 in cash from an ATM without the patient's knowledge or permission.

3. On or about December 12, 2015, Certificate Holder used a patient's debit card without the patient's knowledge or permission. Certificate Holder attempted five ATM withdrawal transactions totaling \$820.00. All five transactions were declined.
4. On or about December 13, 2015, Certificate Holder used a patient's debit card without the patient's knowledge or permission. Certificate Holder attempted three ATM withdrawal transactions totaling \$660.00. All three transactions were declined.
5. On or about December 23, 2015, Certificate Holder used a patient's debit card to obtain \$480.00 in cash from an ATM without the patient's knowledge or permission.
6. On or about December 24, 2015, Certificate Holder used a patient's debit card to obtain \$500.00 in cash from an ATM without the patient's knowledge or permission.
7. On about December 26, 2015, Certificate Holder used a patient's debit card without the patient's knowledge or permission. Certificate Holder attempted four ATM withdrawal transactions totaling \$480.00. All four transactions were declined.
8. On or about January 14, 2016, Certificate Holder used a patient's debit card to obtain \$120.00 in cash from an ATM without the patient's knowledge or permission.
9. Between October 2, 2015, and December 28, 2015, Certificate Holder used a patient's debit card without the patient's knowledge or permission, to pay her car insurance totaling \$954.08.
10. The Board alleges that on or about March 29, 2016, Certificate Holder failed to answer questions asked by the Board truthfully.
11. On June 16, 2016, 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, Ebony Hardaway, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(d)(f), OAR 851-063-0080(4)(6) and OAR 851-063-0090(8)(1)(10)(b).

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 Ebony Hardaway is REVOKED.

DATED this ____ day of July, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: EBONY HARDAWAY:

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.