

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF REVOCATION OF**
Michelle Loucks, CMA) **NURSING ASSISTANT AND**
) **MEDICATION AIDE CERTIFICATES BY**
) **DEFAULT**
Certificate No. 000008240CMA,)
000008240CNA) **Reference No. 15-00579**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Medication Aides. Michelle Loucks (CMA) was issued a Nursing Assistant certificate by the Board on January 1, 1990. CMA was issued a Medication Aide certificate by the Board on January 11, 2000.

This matter was considered by the Board at its meeting on July 15, 2015.

On June 24, 2015, a Notice stating that the Board intended to revoke the Nursing Assistant and Medication Aide certificates of Michelle Loucks was sent to her via certified and first-class mail to her address of record. The Notice alleged that CMA used drugs to an extent that impaired her ability to work safely, failed to fully cooperate with a Board investigation, and failed to follow a Board Order.

The Notice granted CMA 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. CMA was issued a Nursing Assistant certificate by the Board on January 1, 1990.
CMA was issued a Medication Aide certificate by the Board on January 11, 2000.
2. In September 2014, CMA underwent a for-cause urine drug screen at the request of her

employer, the results of which came back as positive for amphetamine and methamphetamine, neither of which CMA had a valid prescription for.

3. In January 2015, Board staff requested CMA provide a signed Oregon Health Authority (OHA) "Authorization for Use and Disclosure of Information" form, giving the Board permission to obtain certain records held by OHA that pertain to her. To date, the Board has not received the above-mentioned OHA form.
4. On April 15, 2015, the Board voted to issue CMA an Order for Chemical Dependency Evaluation. On April 20, 2015, Board staff mailed an Order for Chemical Dependency Evaluation to CMA's address of record via first-class and certified mail. That Order stated that CMA must undergo a chemical dependency evaluation within 30 days of the date the Order was mailed to her. CMA did not complete the chemical dependency evaluation within 30 days of April 20, 2015.
5. On June 24, 2015, Board staff mailed a Notice of Proposed Revocation of Nursing Assistant and Medication Aide Certificates to CMA via first-class and certified mail. The Notice granted CMA 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 CMA, Michelle Loucks, and over the subject matter of this proceeding.
2. That CMA's conduct is in violation of ORS 678.442(2)(d) and (f) and OAR 851-063-0080(4) and (6) and OAR 851-063-0090(10)(a) and (c) and (d) as well as the pre-2015 versions of OAR 851-063-0080(3) and (4) and (6) and OAR 851-063-0090(7)(a).
3. That CMA 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 and Medication Aide certificates of Michelle Loucks are revoked.

DATED this ____ day of July, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: MICHELLE LOUCKS:

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 and Medication Aide certificates, you may submit an application to the Board to request reinstatement.