

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of** )  
**Paige Garcia, CNA** ) **FINAL ORDER BY DEFAULT**  
)  
**Certificate No. 200712283CNA** ) **Reference No. 12-02337**

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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. Paige Garcia (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on September 19, 2012. The Certificate Holder did not appear personally.

On August 28, 2012, a Notice stating that the Board intended to suspend the nursing assistant certificate of Certificate Holder was sent to her by certified mail to her address of record. This Notice alleged that Certificate Holder failed to cooperate with the Board during the course of an investigation.

The Notice granted to 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.

**-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 is a certified nursing assistant in the State of Oregon and has been certified since October 22, 2007.
- 1.2 On or about May 14, 2012, Certificate Holder was reported to the Board after she exhibited signs of impairment at work, and her drug test was positive for marijuana and cocaine. A case was opened and an investigation initiated.
- 1.3 On May 23, 2012, a Board investigator sent a letter to Certificate Holder's address of record, informing her of the complaint, and asking that she contact the Board's office within 10 business days to schedule an interview to discuss the allegations. The letter also requested that Certificate Holder send a written statement and a copy of her work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
- 1.4 On August 13, 2012, a Board investigator sent Certificate Holder a final letter to her address of record, asking that she contact the Board's offices within 5 business days to schedule a personal interview and provide the requested documents. She failed to respond.

1.5 On August 28, 2012, a Notice of Proposed Suspension of Certificate to Perform Duties of a Nursing Assistant was sent by certified mail to Certificate Holder's address of record.

1.6 Certificate Holder did not request a hearing within the allotted 20 days and is thereby in default.

**-II-  
CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

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

2.2 That Certificate Holder's failure to attend a personal interview with Board staff and provide documents requested by the Board constitutes a failure to cooperate with the Board during the course of an investigation and is grounds for disciplinary action pursuant to ORS 678.442 (2) (f) and OAR 851-063-0080 (6) and OAR 851-063-0090 (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 183.750 to 183.550, the Board may enter a Final Order by Default.

**-III-  
ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that Paige Garcia's nursing certificate in the State of Oregon is suspended.

The suspension shall be for a minimum of two (2) weeks and remain in effect until such time that Ms. Garcia has fully cooperated with the Board's investigation.

The suspension will commence seven (7) calendar days from the date the Board Order is signed.

DATED this \_\_\_\_\_ day of September, 2012

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

\_\_\_\_\_  
Kay Carnegie, RN, MS  
Board President

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE