

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

James Njuguna, CNA

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

Certificate No. 200712398CNA

) **Reference No. 15-00499**

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. James Njuguna (Certificate Holder) was issued a Certified Nursing Assistant License/Certificate by the Board on November 05, 2007.

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

On December 19, 2014, a Notice stating that the Board intended to Revoke the Certified Nursing Assistant certificate of James Njuguna was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder failed to engage with the Stipulated Order for Probation approved by the Board on August 13, 2014.

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 License/certificate in the state of Oregon on November 05, 2007.
2. On or about August 13, 2014, Certificate Holder's signed stipulation for probation was approved by the Board.
3. On September 24, 2014, certificate holder requested that he be allowed to voluntarily surrender his Certified Nursing Assistant Certificate as he was not able to complete the requirements of Probation.

4. On October 27, 2014, certificate holder was sent a Stipulated Order for Voluntary Surrender of his Certified Nursing Assistant certificate which was not returned to the Board.
5. On December 19, 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.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, James Njuguna, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of a Stipulated Order for Probation.
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 License/certificate of James Njuguna is Revoked.

DATED this _____ day of February, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickman, RN
Board President

TO: JAMES NJUGUNA:

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.

INCLUDE ONLY IF FOR REVOCATION: If, after a minimum of three (3) years, you wish to reinstate your Certified Nursing Assistant License/certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE