

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Penny Saul, CNA**

)
) **FINAL ORDER OF SUSPENSION**
) **BY DEFAULT**
)

Certificate No. 200810081CNA

) **Reference No. 13-01526**

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. Penny Saul (Certificate Holder) is a Certified Nursing Assistant in the state of Oregon.

This matter was considered by the Board at its meeting on July 17, 2013.

On June 24, 2013, a Notice stating that the Board intended to suspend the Nursing Assistant Certificate of Penny Saul for 30 days was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder verbally abused and intimidated a patient, and breached patient confidentiality.

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 Nursing Assistant Certificate in the state of Oregon on January 14, 2008.
2. On or about February 12, 2013, Certificate Holder was reported to the Board for verbal abuse and intimidation of a patient, and for breach of patient confidentiality. The Board opened an investigation into the matter.

3. On or about January 20, 2013, Certificate Holder allegedly told a patient she was going to dump urine from his urinal onto his head. Certificate Holder admitted that she said this after the patient was rude and uncooperative.
4. Certificate Holder also admitted that on or about February 4, 2013, she posted the patient's name on her Facebook page, thereby breaching his confidentiality.
5. On June 24, 2013, Board staff mailed a Notice of Proposed 30-day Suspension 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, Penny Saul, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(1)(c) and (2)(d).
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 Nursing Assistant Certificate of Penny Saul is SUSPENDED for thirty (30) days, commencing five business days from the date this Order is signed.

DATED this _____ day of July, 2013

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: PENNY SAUL:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE