

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Brittany Thornton, CNA

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) **FINAL ORDER BY DEFAULT**

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Certificate No. 201012355CNA

) **Reference No. 12-00626**

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. Brittany Thornton (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This matter was considered by the Board at a regular meeting in Portland, Oregon on April 18, 2012. Certificate Holder did not appear personally.

On March 28, 2012, a Notice stating that the Board intended to revoke the nursing assistant certificate of Certificate Holder was sent to Certificate Holder via certified and first-class mail to her address of record. The Notice alleged that Ms. Thornton abused a resident and failed to cooperate with the Board during the course of an investigation.

The Notice granted 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.

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:

1.1 Certificate Holder was issued a Certified Nursing Assistant certificate in the state of Oregon on September 28, 2010.

1.2 On or about September 20, 2011, Certificate Holder was reported to the Board for allegedly failing to follow a resident care plan, resulting in an injury to the resident

while working at the Hood River Care Center. The Board opened an investigation into the matter.

- 1.3 On September 29, 2011 and October 13, 2011, Board staff mailed letters to Certificate Holder's address of record requesting that she schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a copy of her current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
- 1.4 On November 16, 2011, the Board issued a Final Order indefinitely suspending Certificate Holder's Nursing Assistant Certificate for having failed to cooperate with the Board's investigation. Certificate Holder's mail had not been returned as undeliverable and she had not made contact with Board staff since receiving the Board's Final Order indefinitely suspending her nursing certificate.
- 1.5 On December 9, 2011, the Department of Human Services (DHS) Seniors & People with Disabilities Division ordered that a finding of abuse be placed on the Nurse Assistant Registry against Certificate Holder's nursing assistant certificate based on their finding that she was responsible for resident neglect.
- 1.6 As stated in the facility incident report and subsequent investigation by DHS into the matter, Certificate Holder did not dispute the allegations. Certificate Holder acknowledged that she left the resident alone in her wheel chair and went on her break without telling anyone the resident was alone sitting in a wheel chair, unsupervised, knowing that the resident was at risk for falling and that her care plan required she be placed in a high traffic area when in her wheel chair. While Certificate Holder was on her break, the resident fell out of the wheel chair and received two lacerations on her forehead.

-II-

CONCLUSIONS OF LAW

- 2.1 That the Board has jurisdiction over the Certificate Holder, Brittany Thornton, and over the subject matter of this proceeding.
- 2.2 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 Brittany Thornton is REVOKED.

DATED this ____ day of April, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO BRITTANY THORNTON:

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.