

**BEFORE THE BOARD OF NURSING  
OF THE STATE OF OREGON**

<b>In the Matter of</b>	)	
	)	<b>FINAL ORDER</b>
<b>Johnathan Davila, CNA</b>	)	<b>BY DEFAULT</b>
	)	
<b>Certificate No. 200911431 CNA</b>	)	<b>Case No. 10C-295</b>

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, in the State of Oregon. Johnathan Davila (Certificate Holder) is a Certified Nursing Assistant (CNA) in the State of Oregon.

This Matter was considered by the Oregon State Board of Nursing at its regularly scheduled meeting on August 18, 2010.

On July 12, 2010, a Notice stating that the Board intended to suspend the nursing assistant certificate of Johnathan Davila was sent to the certificate holder by certified and regular mail to his address of record. This Notice alleged that Certificate Holder had failed to cooperate with the Board during the course of an investigation. The Notice further granted to Certificate Holder an opportunity for hearing, if requested, within 20 days of the mailing of the Notice. No 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 the records and files of the Board 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 Johnathan Davila is a Certified Nursing Assistant in the State of Oregon and has been since June 2, 2009.
- 1.2 On June 8, 2010, Mr. Davila was reported to the Board for neglecting clients under his care while working as a nursing assistant at Sherwood Park Nursing and Rehabilitation.
- 1.3 On June 10, 2010, Board staff sent a letter to Mr. Davila at his address of record, requesting that he contact the Board within 10 business days to schedule an interview with Board staff to discuss the matter. No response was forthcoming.

- 1.4 On June 23, 2010 Board staff sent a second letter to Mr. Davila's address of record requesting he contact Board staff and schedule an interview within 5 business days to discuss the matter. No response was forthcoming.
- 1.5 On July 2, 2010, Board staff sent a third letter to Mr. Davila's address of record requesting he contact Board staff and schedule an interview within 5 business days to discuss the matter. No response was forthcoming.
- 1.6 On July 12, 2010, a Notice stating that the Board intended to suspend the nursing assistant certificate of Mr. Davila was sent to the Certificate Holder by certified and regular mail to his address of record. This Notice alleged that Certificate Holder had failed to cooperate with the Board during the course of an investigation. The Notice further granted to Certificate Holder an opportunity for hearing, if requested, within 20 days of the mailing of the Notice. The Notice designated the Board's file on this matter as the record for purposes of default. No request for hearing was received by the Board
- 1.7 Johnathan Davila did not request a hearing within the allotted 20 days.

**-II-**

**CONCLUSIONS OF LAW**

- 2.1 That the Board has jurisdiction over the certificate holder, Johnathan Davila, and over the subject matter of this proceeding.
- 2.2 That Johnathan Davila's failure to cooperate with the Board during the course of an investigation as described in Section I above, constitutes conduct unbecoming a nursing assistant, in violation of ORS 678.442(2)(f) and OAR 851-063-0080(6) and OAR 851-063-0090 (9)(a).
- 2.3 That Johnathan Davila defaulted on the Notice by not requesting a hearing within the allotted 20 days and as a result, pursuant to ORS 183.341 and 678.150, 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 Johnathan Davila's nursing assistant certificate in the State of Oregon is suspended for a minimum of 14 days and continue until such time he fully cooperates with the Board's investigation.

Should the Board reinstate the nursing assistant certificate of Johnathan Davila, he would be subject to whatever terms and conditions the Board may impose.

Dated this \_\_\_\_\_ day of August 2010

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

For the Board of Nursing of the State of Oregon by:

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Patricia Markesino, RN  
Board President

To Johnathan Davila:

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 the 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 service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.