

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)
) **FINAL ORDER OF SUSPENSION**
) **BY DEFAULT**
)
)
) **Reference No. 14-00576**

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. Esther Rosenshein (Certificate Holder) was issued a Nursing Assistant certificate by the Board on April 19, 2010.

This matter was considered by the Board at its meeting on January 15, 2014.

On December 2, 2013, a Notice stating that the Board intended to suspend the Nursing Assistant certificate of Esther Rosenshein was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder failed to cooperate with a Board investigation and failed to provide requested documents.

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 April 19, 2010.
2. On or about October 17, 2013, Certificate Holder was reported to the Board for failure to appear for scheduled assignments and for falsified documentation. The Board opened an investigation into the matter.

3. On October 25, 2013, Board staff mailed a letter to Certificate Holder's address of record requesting that Certificate Holder schedule an interview to discuss the allegations. Certificate Holder was further instructed to send a written statement regarding the allegations and a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
4. On November 13, 2013, a second letter was sent to Certificate Holder's address of record requesting that Certificate Holder contact the Board within five (5) business days to schedule an interview to discuss the allegations. Certificate Holder was also asked to send a written statement regarding the allegations and provide a current work history. Certificate Holder failed to schedule an interview and did not provide any documents to the Board.
5. On December 2, 2013, Board staff mailed a Notice of Proposed 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, Esther Rosenshein, 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(9)(a) and (c).
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 Esther Rosenshein is Suspended.

DATED this _____ day of January, 2014

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President