

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of**

**Esther Rosenshein, CNA**

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

)

**Certificate No. 201010868CNA**

) **Reference No. 14-00576**

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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 February 19, 2014.

On January 22, 2014, a Notice stating that the Board intended to Revoke 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 abandoned her patient assignment, falsified documentation, and failed to cooperate with a Board investigation.

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 failing to show up for her hospice assignment and falsifying documentation by forgery to indicate she provided care when she did not. The Board opened an investigation into the matter.

3. On or about the week of October 1, 2013, Certificate Holder changed her hospice assignment date without permission from her supervisor and failed to show up for the assignment. The patient was to be provided care twice a week and did not receive care that week.
4. On or about October 3, 2013, Certificate Holder forged the signature of an Adult Foster Home provider to create a false record that she provided care to a hospice patient when she did not. This documentation was found in Certificate Holder's belongings and not left with the Adult Foster Home, according to the agency policy.
5. On December 10, 2013, Board staff mailed a letter to Licensee's address of record requesting that he schedule an interview to discuss the allegations. Licensee was further instructed to send a written statement regarding the allegations and a current work history. Licensee failed to schedule an interview and did not provide any documents to the Board.
6. On January 2, 2014, a second letter was sent to Licensee's address of record, requesting that he contact the Board within five (5) business days to schedule an interview to discuss the allegations. Licensee was also asked to provide a current work history and a written statement regarding the allegations. Licensee failed to schedule an interview and did not provide any documents to the Board.
7. On January 22, 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, 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); OAR 851-063-0090 (1) (a) and (2) (e) and (3) (a) (c) and (6) (a) and (9) (a) (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 REVOKED.

DATED this \_\_\_\_ day of February, 2014

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Kay Carnegie, RN, MS  
Board President

TO: ESTHER ROSENSHEIN:

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.

If, after a minimum of three (3) years, you wish to reinstate your Nursing Assistant Certificate, you may submit an application to the Board to request reinstatement.