

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Ryan Penner, CNA) **BY DEFAULT FOR**
) **FAILURE TO COOPERATE**
)
Certificate No. 201011724CNA) **Reference No. 13-00262**

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 (CNA's). Ryan Penner is a CNA in the State of Oregon.

This matter was considered by the Board at a regular (OR interim teleconference) meeting in Portland, Oregon on November 14, 2012. CNA did not appear personally.

On October 22, 2012, a Notice stating that the Board intended to suspend the nursing assistant certificate of CNA was sent to CNA via certified and first-class mail to CNA's address of record. The Notice alleged that Ryan Penner failed to cooperate with the Board during the course of an investigation.

The Notice granted CNA 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. CNA was issued a Certified Nursing Assistant certificate in the state of Oregon on July 23, 2010.
2. On or about July 30, 2012, CNA was reported to the Board for allegedly physically abusing a patient. The Board opened an investigation into the matter.
3. On August 14, 2012, Board staff mailed a letter to CNA's address of record requesting

that he schedule an interview to discuss the allegations. CNA was further instructed to send a written statement regarding the allegations and a current work history. CNA failed to schedule an interview and did not provide any documents to the Board.

4. On August 30, 2012, a second letter was sent to CNA's address of record, requesting that he contact the Board within five (5) business days to schedule an interview to discuss the allegations. CNA was also asked to provide a current work history and a written statement regarding the allegations. Although CNA contacted Board staff by telephone, he failed to schedule an interview and did not provide any documents to the Board.
5. On October 22, 2012, Board staff mailed a Notice of Proposed Suspension to CNA via first-class and certified mail. The Notice granted CNA 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.
6. CNA failed to respond to the Notice of Proposed Suspension within the required 20 days. Consequently, CNA's opportunity to request a hearing has expired and CNA is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Ryan Penner, and over the subject matter of this proceeding.
2. That CNA's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(9)(a) and (c).
3. That CNA 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 Ryan Penner is SUSPENDED for a minimum of two weeks, commencing five business days from the date this Order is

signed, and shall continue until such time as Ryan Penner has fully cooperated with the Board's investigation. Should the Board reinstate the nursing assistant certificate of Ryan Penner, he would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of November, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE