

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

In the Matter of)	
)	FINAL ORDER
Maria Andrea Otero, CNA)	BY DEFAULT
)	
<u>Certificate No. 200910219CNA</u>)	Case No. 11C-006

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. Maria Andrea Otero (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on November 17, 2010. The Certificate Holder did not appear personally.

On September 23, 2010, a Notice stating that the Board intended to suspend the nursing assistant certificate of Certificate Holder was sent to the Certificate Holder by certified mail to her address of record and to an alternate address. This Notice alleged that Certificate Holder failed cooperate with the Board during the course of an investigation.

The Notice further granted to the 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.

-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 is a Certified Nursing Assistant in the State of Oregon and has been since January 23, 2009.
- 1.2 On or about July 22, 2010, the Board received information regarding allegations of theft from a resident. The Board opened an investigation into the matter.
- 1.3 Certificate Holder failed to respond to letters sent to her address of record requesting that she schedule an interview. Board staff attempted to contact Certificate Holder by telephone with negative results.

- 1.4 On September 23, 2010, a Notice of Proposed Suspension of Certification as Nursing Assistant was sent by certified mail to Certificate Holder's address of record and to an alternate address.
- 1.5 Certificate Holder did not request a hearing within the allotted 20 days and is thereby in default.

-II-

CONCLUSIONS OF LAW

Based on the foregoing Findings of fact, the Board makes the following Conclusions of Law:

- 2.1 That the Board has jurisdiction over the Certificate Holder, Maria Andrea Otero, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's failure to respond to the Board's request for an interview constitutes a failure to cooperate with the Board during the course of an investigation and is grounds for disciplinary action pursuant to ORS 678,442 (2) (f), OAR 851-063-0080 (6) and OAR 851-063-0090 (9) (a).
- 2.3 That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted 20 days and as a result, pursuant to ORS 183.310 to 183.550, 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 Maria Andrea Otero's nursing assistant certificate in the State of Oregon is suspended.

The suspension shall remain in effect for a minimum of two (2) weeks and until such time that Ms. Otero has fully cooperated with the Board's investigation.

Dated this _____ day of November 2010.

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

Patricia Markesino, RN
Board President

To Certificate Holder:

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.