

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

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

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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 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 January 19, 2011. The Certificate Holder did not appear personally.

On November 29, 2010, a Notice stating that the Board intended to revoke the nursing assistant certificate of Certificate Holder was sent to the Certificate Holder by certified mail to her address of record. This Notice alleged that Certificate Holder had stolen a pair of pajamas from a resident and an end table from her employer in violation of the Nurse Practice Act.

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 Certificate Holder came to the attention of the Board on or about July 22, 2010, when the Board received information regarding allegations of theft from a resident.
- 1.3 Seniors and People with Disabilities Division (SPD) and law enforcement investigated this matter. Certificate Holder admitted to law enforcement that she stole a pair of pajamas from

a resident and an end table from her employer.

- 1.4 Certificate Holder failed to respond to the Board's request for contact regarding this matter.
- 1.5 On November 29, 2010, a Notice of Proposed Revocation of Certificate to Perform Duties as a Nursing Assistant was sent to the Certificate Holder by certified mail to her address of record.
- 1.6 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 behavior in regards to her providing contraband to a patient, her sexual misconduct with a patient, her failure to cooperate with the Board, and her drug arrests are grounds for disciplinary action pursuant to ORS 678.442 (2) (f); OAR 851-063-0080 (6); and OAR 851-063-0090 (2) (g) (i), (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 183.750, 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 is revoked.

According to OAR 851-001-0015 Certificate Holder will be eligible for reinstatement after three years. Certificate Holder shall appear before the Board to request reinstatement. Certificate Holder shall provide documented evidence of reformation. Certificate Holder may need to successfully complete a CNA training program and the certification examination. Should the Board reinstate the nursing assistant certificate of the Certificate Holder she will be subject to whatever terms and conditions the Board may impose.

Dated this \_\_\_\_\_ day of January 2011

For the Board of Nursing of the State of Oregon

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Patricia Markesino, RN  
Board President

To Maria Andrea Otero:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE