

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

<b>In the Matter of</b>	)	
	)	<b>FINAL ORDER</b>
<b>Belinda V. McCune, CNA</b>	)	<b>BY DEFAULT</b>
	)	
<b>Certificate No. 000016509CNA</b>	)	<b>Case No. 11C-052</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. Belinda V. McCune (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 October 4, 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. 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 October 7, 1991.
- 1.2 On or about June 10, 2010, Certificate Holder was reported for taking a picture of a naked patient and sending the picture, along with a derogatory comment to another person.
- 1.3 On June 22, 2010, Certificate Holder was sent a letter to her address of record requesting that she schedule a personal interview with Board staff to discuss the matter within 10 business days. Certificate Holder failed to respond to this request.

- 1.4 On September 28, 2010, Certificate Holder was sent a letter to her address of record requesting that she schedule a personal interview with Board staff within five (5) business days to discuss this matter. Certificate Holder failed to respond to this request.
- 1.5 On October 4, 2010, a Notice of Proposed Suspension of Certificate to Perform Duties of a Nursing Assistant was sent by certified mail to Certificate Holder's 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, Belinda V. McCune, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's failure to appear for a personal interview with Board staff 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) and 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 Belinda V. McCune's nursing assistant certificate in the State of Oregon is suspended.

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

The suspension will commence seven (7) calendar days from the date the Board order is signed.

Dated this \_\_\_\_\_ day of November 2010.

[SIGNATURE & DATED COPY ON FILE IN BOARD OFFICE]

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

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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.