

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Cynthia Chiado**

)
) **FINAL ORDER OF REVOCATION**
) **BY DEFAULT**
)
)

Certificate No. 200412368CNA

) **Reference No. 16-00243**

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. Cynthia Chiado (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on September 21, 2004.

This matter was considered by the Board at its meeting on November 18, 2015.

On October 22, 2015, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Cynthia Chiado was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder used drugs in a manner dangerous to herself and others and failed to cooperate with the Board during the investigation of her conduct.

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 Certified Nursing Assistant certificate in the state of Oregon on September 21, 2004.
2. On or about August 6, 2015, Certificate Holder was reported to the Board for allegedly being under the influence of illegal drugs while working as a nursing assistant. The

Board opened an investigation into the matter.

3. On or about July 31, 2015, Certificate Holder was asked to submit to drug testing while at work. There had been recent concerns that Certificate Holder was not providing timely care to residents and was having increasing absences from work. Certificate Holder admitted she had been using marijuana and methamphetamine. Certificate Holder was terminated from her position.
4. Certificate Holder has a history of substance-related issues, which led to previous disciplinary actions from the Board. Certificate Holder was arrested for Driving Under the Influence of Intoxicants in August 1989, October 1989, August 1998 and August 2010. Certificate Holder was arrested for Possession of Methamphetamine in January 2011. Certificate Holder's substance use history and arrest history led to Certificate Holder being on disciplinary probation with the Board from September 2004 to October 2006 and from September 2012 to August 2014.
5. Despite multiple attempts by Board staff to contact Certificate Holder by mail, email and telephone in August and September 2015, Certificate Holder did not comply with requests from Board staff during the present investigation. On September 23, 2015, Board staff sent a Notice of Proposed Suspension to Certificate Holder's address of record for failing to cooperate with the Board investigation. Certificate Holder did not respond to the Board's Notice of Proposed Suspension. Certificate Holder has continued to fail to comply with requests from Board staff during the present investigation.
6. On October 22, 2015, 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.
7. Certificate Holder failed to request a hearing on the Notice of Proposed Revocation within the required twenty (20) days.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Cynthia Chiado, 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), and OAR 851-063-0090(7)(c), (8)(i), (10)(a) & (10)(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 Certified Nursing Assistant certificate of Cynthia Chiado is revoked.

DATED this _____ day of November, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: CYNTHIA CHIADO:

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 Certified Nursing Assistant certificate, you may submit an application to the Board to request reinstatement.