

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF DENIAL OF**
Carla Neith, Applicant) **NURSING ASSISTANT CERTIFICATE**
) **BY DEFAULT**
)
Certificate No. 201112902CNA) **Reference No. 14-00671**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including CNAs. Carla Neith (Applicant) was issued a Certified Nursing Assistant by the Board on November 07, 2011.

This matter was considered by the Board at its meeting on July 16, 2014.

On April 2, 2014, a Notice stating that the Board intended to deny the renewal application for Certified Nursing Assistant certificate of Carla Neith was sent to her via certified and first-class mail to her address of record. The Notice alleged that Applicant financially exploited a resident whom she was providing care and failed to disclose a pending investigation on her renewal application.

The Notice granted Applicant an opportunity for hearing if requested within sixty (60) 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. Applicant was issued a Certified Nursing Assistant in the state of Oregon on November 07, 2011. Applicant's CNA certificate expired on January 2, 2014.
2. On or about November 7, 2013, Applicant was reported to the Board for allegations of abuse and financial exploitation of J.R. whom Applicant was providing care. The Board opened an investigation into the matter.
3. Between January 2011 and October 2013, Applicant used her relationship with J.R. to gain items of value from J.R. for Applicant's personal gain.
4. On or about January 19, 2014, Applicant submitted an application for renewal of her CNA certification to the Board. Applicant failed to disclose the pending abuse

investigation on her application for renewal.

5. On April 23, 2014, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assist Certificate to Applicant.
6. On April 24, 2014, Board staff mailed a Notice of Proposed Denial of Nursing Assist Certificate to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) 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.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Applicant, Carla Neith, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.442 (b) and (f) and OAR 851-063-0080(2) and (6) and OAR 851-063-0090 (2)(g) and (9)(b).
3. That Applicant defaulted on the Notice by not requesting a hearing within the allotted sixty (60) 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 Application for renewal of Certified Nursing Assistant Certification of Carla Neith is denied.

DATED this ____ day of July, 2014

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: CARLA NEITH:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE