

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Ludvig Gilbertson, CNA

Certificate No. 200910413CNA

)

) **FINAL ORDER OF REVOCATION**

) **BY DEFAULT**

)

) **Reference No. 13-01812**

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. Ludvig Gilbertson (Certificate Holder) is a Certified Nursing Assistant in the state of Oregon.

This matter was considered by the Board at its meeting on October 16, 2013.

On September 26, 2013, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Ludvig Gilbertson was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder failed to answer truthfully on his renewal application and failed to cooperate with the Board's investigation.

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 Nursing Assistant Certificate in the state of Oregon on February 20, 2009.
2. On or about April 10, 2013 Certificate Holder was reported to the Board for allegations of inappropriate sexual contact with a minor. The Board opened an investigation into the matter.
3. On or about July 16, 2012, following an incident at his residence, Certificate Holder was charged with Communicating with a Minor for Immoral Purposes, a misdemeanor, in Pacific County Washington.
4. On or about March 15, 2013, Certificate Holder submitted an application for renewal of his

nursing assistant certificate to the Board. On that application, Certificate Holder failed to disclose his criminal charge and pending investigation in the State of Washington.

5. Between June 26, 2013 and July 30, 2013, Board staff requested Certificate Holder sign a release of information with Dr. Senn at Willamette River Forensics, P.C. In addition, Board staff requested Certificate Holder provide a copy of the psychosexual evaluation completed by Dr. Senn. Certificate Holder failed to provide these documents to the Board.
6. On September 25, 2013, the Board voted to issue Certificate Holder a Notice of Proposed Revocation of his Nursing Assistant Certificate.
7. On September 26, 2013, 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.

**-II-
CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, Ludvig Gilbertson, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(b) and (f), OAR 851-063-0080(2) and (6), and OAR 851-063-0090 (9)(a), (b) and (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 Nursing Assistant Certificate of Ludvig Gilbertson is revoked.

DATED this _____ day of October, 2013

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: LUDVIG GILBERTSON:

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

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE