

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Joshua Jennings, CNA

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) **FINAL ORDER BY DEFAULT**

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Certificate No. 200910518CNA

) **Reference No. 12-01121**

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. Joshua Jennings (Certificate Holder) is a certified nursing assistant in the State of Oregon.

This matter was considered by the Board at a regular meeting in Portland, Oregon on June 20, 2012.

On May 23, 2012, a Notice stating that the Board intended to suspend the Certified Nursing Assistant certificate of Joshua Jennings was sent to the Certificate Holder by certified and regular mail to his address of record. This Notice alleged that Certificate Holder had failed to disclose multiple arrests on his CNA applications.

The Notice further granted to 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.

NOW THEREFORE, after consideration of the records and files of the Board 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:

- 1.1 Certificate Holder has been a certified nursing assistant in the State of Oregon since March 3, 2009.
- 1.2 On or about November 11, 2011, the Oregon State Board of Nursing received a renewal application from Certificate Holder. Board staff's criminal background resources later revealed that Certificate Holder failed to disclose multiple crimes that he had been charged with in 2010 and a crime he had been charged with 2009.

- 1.3 On November 16, 2011, Board staff sent a letter to Certificate Holder's mailing address of record requesting that he provide a letter of explanation of all of his crimes including why he failed to fully disclose them along with a copy of court documentation pertaining to all his arrests. No response was forthcoming even though Board staff stated in their letter that Certificate Holder was to provide one by December 8, 2011.
- 1.4 On December 8, 2011, Board staff left Certificate Holder a voicemail asking that he contact them. No response was forthcoming.
- 1.5 On December 13, 2011, Board staff sent a letter to Certificate Holder's mailing address of record requesting that he provide a letter of explanation of all of his crimes including why he failed to fully disclose them along with a copy of court documentation pertaining to all of his arrests. No response was forthcoming even though Board staff stated in their letter that Certificate Holder was to provide one by January 11, 2012.
- 1.6 On January 12, 2012, Board staff had a conversation with Certificate Holder on the telephone during which he requested more time to provide the requested documents. Board staff told Certificate Holder to provide the requested documents by February 23, 2012. No response was forthcoming.
- 1.7 On March 30, 2012, Board staff had a conversation with Certificate Holder on the telephone during which he stated that he had recently moved, that he had not properly changed his address of record, and what his new address was. Certificate Holder informed Board staff that he would provide the requested documents and properly change his address of record; however, neither happened.
- 1.8 On April 2, 2012, Board staff sent a letter to Certificate Holder's new address (incorrectly printed as April 2, 2011, in the Notice). This third letter again requested that Certificate Holder provide a letter of explanation of all of his crimes including why he failed to fully disclose them along with a copy of court documentation pertaining to all his arrests. No response was forthcoming.

-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 and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's failure to cooperate with the Board during the course of an investigation is grounds for disciplinary action pursuant to ORS 678.442 (2)(d)(f); OAR 851-063-0080 (4), (6); and OAR 851-063-0090 (9)(a)(b)(c).
- 2.3 That Certificate Holder defaulted on the corrected Notice by not requesting a hearing

within the allotted 20 days and as a result, pursuant to ORS 183.310 to 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 the Certified Nursing Assistant certificate of Joshua Jennings be **SUSPENDED** for a minimum of two weeks, commencing five business days from the date this Order is signed, and until such time as Mr. Jennings has fully cooperated with the Board's investigation. Should the Board reinstate the Certified Nursing Assistant certificate of Mr. Jennings, he would be subject to whatever terms and conditions the Board may impose.

DATED this _____ day of June, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

To Joshua Jennings:

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 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 60 days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.