

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

**In the Matter of**

**Victoria M. Brown, CNA**

**FINAL ORDER  
BY DEFAULT**

**Certificate No. 000032429CNA**

**Reference No. 12-00045**

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. Victoria M. Brown (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 16, 2011. Certificate Holder did not appear personally.

On September 30, 2011, a Notice stating that the Board intended to revoke the nursing assistant certificate of Certificate Holder was sent to Certificate Holder by certified mail to her address of record. This Notice alleged that Certificate Holder had engaged in patient abuse when failing to properly transfer a patient.

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.

**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 August 15, 1995.
- 1.2 Certificate Holder came to the attention of the Board on or about July 7, 2011, when it was reported that she had transferred a patient alone using a mechanical lift, resulting in the patient falling.
- 1.3 On September 30, 2011, a Notice of Proposed Revocation of Certificate to Perform Duties as a Nursing Assistant was sent to the Certificate Holder by certified mail to her address of record.
- 1.4 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, Victoria M. Brown, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's behavior is grounds for disciplinary action pursuant to ORS 678.442 (2) (f) and OAR 851-063-0080 (6); and OAR 851-063-0090 (2) (d) and (e); and (6) (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 183.750, 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 Victoria Brown's nursing assistant certificate is revoked.

According to OAR 851-001-0015 Certificate Holder will be eligible for reinstatement after three years. Certificate Holder shall appear before the Board to request reinstatement. Certificate Holder shall provide documented evidence of reformation. Certificate Holder may need to successfully complete a CNA training program and the certification examination. Should the Board reinstate the nursing assistant certificate of the Certificate Holder she will be subject to whatever terms and conditions the Board may impose.

DATED this \_\_\_\_\_ day of November, 2011

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Patricia Markesino, RN  
Board President

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE