

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Shaunna Payne**

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

Certificate No. 201112280CNA

) **Reference No. 14-00435**

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. Shaunna Payne (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on September 8, 2011.

This matter was considered by the Board at its meeting on September 24, 2014.

On August 21, 2014, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Shaunna Payne was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder failed to cooperate with the Board during the course of an investigation and failed to comply with a Board Order.

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 (CNA) certificate in the state of Oregon on September 8, 2011.
2. In October 2013, the Board received a complaint concerning Certificate Holder. The Board opened an investigation into the matter.
3. Certificate Holder has been arrested twice for driving under the influence of alcohol, in July 2010 and in September 2012. Certificate Holder received a diverted sentence for

the first arrest. The second arrest resulted in conviction in May 2013.

4. On or about November 22, 2013, Board staff requested that Certificate Holder undergo a chemical dependency evaluation. Certificate Holder did not undergo the scheduled evaluation. On February 25, 2014, the Board issued an Order for Chemical Dependency Evaluation to Certificate Holder. The order instructed Certificate Holder to schedule an evaluation, to notify Board staff of the date and place of the evaluation, and to complete the evaluation within 30 days.
5. Certificate Holder presented for a screening evaluation at the Eastern Oregon Alcoholism Foundation (EOAF) on March 30, 2014; this screening did not meet the criteria for a Board-approved evaluation as set forth in the Board Order. The EOAF screener referred Certificate Holder to Umatilla County Human Services for a full assessment and treatment; Certificate Holder did not obtain either.
6. On June 2, 2014, and June 24, 2014, Board staff mailed certified letters to Certificate Holder's home and work addresses, instructing her to contact the Board and schedule an interview no later than July 3, 2014. Certificate Holder did not contact the Board or schedule an interview.
7. On July 3, 2014, the Board issued a Notice of Proposed Suspension of CNA certificate to Certificate Holder for failing to cooperate with the Board's investigation. Certificate Holder did not request a hearing within the allotted time, and defaulted on the Notice.
8. On August 13, 2014, the Board issued a Final Order of Suspension, suspending Certificate Holder's CNA certificate for a minimum of 14 days and until Certificate Holder cooperates with the Board as requested.
9. On August 21, 2014, 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.
10. Certificate Holder failed to respond to the Notice of Proposed Revocation within the required twenty days. Consequently, Certificate Holder's opportunity to request a hearing has expired and she is in default.

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CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Shaunna Payne, 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(9)(a) (c) and (d).

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 Shaunna Payne is REVOKED.

DATED this ____ day of September, 2014

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: SHAUNNA PAYNE:

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.