

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Keagan O'Brien, CNA

)
)
) **FINAL ORDER**
) **BY DEFAULT**
)

Certificate No. 201110311CNA

) **Reference No. 12-00719**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistances in the state of Oregon. Keagan O'Brien (Certificate Holder) is a Certified Nursing Assistant in the State of Oregon.

The Oregon State Board of Nursing considered the matter at a regular meeting in Portland, Oregon on January 18, 2011. On November 14, 2011, a Notice of Proposed Suspension of Certification as a nursing assistant (Notice) was sent to Keagan O'Brien (Certificate Holder) via certified mail to his address of record. The Notice alleged that Mr. O'Brien had failed to cooperate with the Board during the course of an investigation. The Notice informed Mr. O'Brien of his right to a hearing, if requested within 20 days of the date of mailing of the Notice. 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

1.1 That Certificate Holder was a Certified Nursing Assistant in Oregon from January 31, 2011, to the present.

1.2 That on October 3, 2011, Certificate Holder was reported to the Board for failing to follow a resident care plan while working at Marquis Care at Piedmont, resulting in an injury to the resident.

1.3 That on October 14, 2011, a letter was sent to Certificate Holder's address of record, requesting he contact the Board within ten (10) business days to schedule an interview to discuss the matter. Additionally, Certificate Holder was instructed to provide a written statement regarding the allegations, and provide a copy of his current work history. No response was forthcoming.

1.4 That on October 28, 2011, a second letter was sent to Certificate Holder's address of record, requesting him to contact the Board within five (5) business days to schedule an interview to discuss the allegations. Additionally, Certificate Holder was instructed to provide a written statement regarding the allegations, and provide a copy of his current work history. No response was forthcoming.

II

CONCLUSIONS OF LAW

2.1 That the Board has jurisdiction over the Certificate Holder, Keagan O'Brien, 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) (f), OAR 851-063-0800 (6) and OAR 851-0090 (9) (a) and (c).

2.3 That Certificate Holder did not request a hearing within the allotted timeframe and thereby is in default on the Notice. 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 Keagan O'Brien is SUSPENDED for a minimum of two weeks commencing five (5) business days from the date of the Board Order is signed, and shall continue until such time as Mr. O'Brien has fully cooperated with the Board's investigation. Should the Board reinstate the nursing certificate of Mr. O'Brien, he would be subject to whatever terms and conditions the Board may impose.

DATED this ____ day of January, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

To Keagan O'Brien:

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