

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)
) **FINAL ORDER OF REVOCATION**
) **BY DEFAULT**
)
) **Reference No. 14-00887**

In the Matter of
Marcie Garcia

Certificate No. 200910972CNA

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. Marcie Garcia (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on April 17, 2009.

This matter was considered by the Board at its meeting on January 14, 2015.

On November 25, 2014, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Marcie Garcia was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder had attempted to shoplift merchandise from a store, had used narcotics that were not prescribed to her, and had removed two blank checks from work that belonged to a resident for whom she was providing care.

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 certificate in the state of Oregon on April 17, 2009.
2. On or about December 31, 2013, Certificate Holder was reported to the Board for allegedly being arrested and found in possession of checks belonging to a resident she cared for while working as a nursing assistant. The Board opened an investigation into the matter.
3. On or about December 30, 2014, Certificate Holder attempted to shoplift merchandise from a Walmart store. At the time of her arrest, Certificate Holder was found in possession of the following: two blank checks from a bank account belonging to a resident at her workplace, a narcotic medication that had not been prescribed to her, drug paraphernalia, and a substance that field tested as methamphetamine. Certificate Holder had removed two blank checks from her workplace without authorization, which belonged to a resident for whom she was providing

care.

4. Certificate Holder was criminally charged for the above incident, and on or about September 29, 2014, Certificate Holder pled no contest to one count of Identity Theft.
5. In an interview with Board staff on or about April 16, 2014, Certificate Holder acknowledged she has a history of addiction to narcotic medication, which she had obtained without a prescription.
6. On November 25, 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.
7. Certificate Holder failed to request a hearing on the Notice of Proposed Revocation within the required twenty (20) days.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Marcie Garcia, 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(2)(g), (2)(h), (2)(i) & (7)(a).
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 Marcie Garcia is revoked.

DATED this _____ day of January, 2015

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Gary Hickmann, RN
Board President

TO: MARCIE GARCIA:

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE