

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Curtis Hamilton, LPN

License No. 200530045LPN

)

) **FINAL ORDER OF REVOCATION OF**

) **PRACTICAL NURSE LICENSE BY**

) **DEFAULT**

)

) **Reference No. 15-01531**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Curtis Hamilton (Licensee) was issued a Practical Nurse license by the Board on March 15, 2005.

This matter was considered by the Board at its meeting on March 23, 2016.

On March 2, 2016, a Notice stating that the Board intended to revoke the Practical Nurse license of Curtis Hamilton was sent to him via certified and first-class mail to his address of record. The Notice alleged that Licensee had failed to accurately document medication administration at Avamere Court at Keizer (Avamere), had failed to properly administer medication at Avamere, had been terminated from Brookdale Geary Street (Brookdale) for inappropriate physical and verbal contacts with co-workers, had been recently convicted of Disorderly Conduct in the Second Degree, had failed to self-report his conviction, and had never responded to Board staff's subsequent requests for a telephonic interview and written explanation of his conviction.

The Notice granted Licensee 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:

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FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Licensee was issued a Practical Nurse license in the state of Oregon on March 15, 2005.
2. On April 20, 2015, the Board received a complaint alleging that, in January 2015,

Licensee possibly diverted medication while working at Avamere Court at Keizer (Avamere) where he had been working for approximately four months. The Board opened an investigation into the matter.

3. On December 25, 2014, Licensee signed out morphine sulfate from the Avamere narcotic log; however, he failed to document that administration in the electronic Medication Administration Record (eMAR). On January 24, 2015, Licensee signed out oxycodone; however, he failed to document that administration in the eMAR. On January 27, 2015, Licensee signed out Norco; however, he failed to document that administration in the eMAR.
4. On January 27, 2015, Licensee signed out a patient's last two Norco tablets and documented in her progress notes that he called her doctor for a new prescription; however, he failed to document that administration in the eMAR. That same day, the patient identified that the tablets Licensee had given her were Tylenol (which she did not have an order for).
5. In September 2014, Licensee was terminated from Brookdale Geary Street for multiple inappropriate physical and verbal contacts with co-workers both in and out of the workplace.
6. In August 2015, Licensee was convicted of misdemeanor Disorderly Conduct in the Second Degree. The conviction was the result of an incident in which Licensee was driving with his 14-year-old son and rear ended another vehicle causing minor damage. Upon being asking by the driver of the other vehicle to exchange information, Licensee threatened to physically harm him and then left the scene.
7. The Board became aware of Licensee's above-mentioned criminal conviction in November 2015 without his assistance and that, to date, he has not reported it to the Board.
8. On November 17, 2015, Board staff sent a message to Licensee's email address of record requesting that he contact them. That same day, Board staff left a voicemail at Licensee's telephone number of record requesting that he contact them. No response was forthcoming. On November 19, 2015, Board staff mailed a letter to Licensee's address of record requesting a telephonic interview and written explanation of his above-mentioned criminal conviction. No response was forthcoming. On December 4, 2015, Board staff mailed a second letter to Licensee's address of record requesting a telephonic interview and written explanation of his above-mentioned criminal conviction. No response was forthcoming.
9. On March 2, 2016, Board staff mailed a Notice of Proposed Revocation to Licensee via first-class and certified mail. The Notice granted Licensee 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.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Licensee, Curtis Hamilton, and over the subject matter of this proceeding.
2. That Licensee's conduct is in violation of ORS 678.111(1)(a) and (f) and (g) and OAR 851-045-0070(2)(i) and (3)(a) and (b) and (7)(a) and (c) and (9) and ORS 676.150(3).
3. That Licensee 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 Practical Nurse license of Curtis Hamilton is revoked.

DATED this _____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

TO: CURTIS HAMILTON;

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 Practical Nurse license, you may submit an application to the Board to request reinstatement.