

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF DENIAL OF**
A Lyce Ruberg, Applicant) **PRACTICAL NURSE LICENSURE**
) **BY DEFAULT**
)
) **Reference No. 17-00047**

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. A Lyce Ruberg (Applicant) applied for licensure as a Licensed Practical Nurse (LPN) in the state of Oregon on or about July 19, 2016.

This matter was considered by the Board at its meeting on July 12, 2017.

On April 20, 2017, a Notice stating that the Board intended to deny the application for LPN licensure was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant failed to disclose the extent of her arrest history, was arrested and convicted for possession and passing bad checks, fraud in obtaining public assistance, providing false information while applying for employment, and having a medical condition which may prevent her from being able to safely practice nursing.

The Notice granted Applicant an opportunity for hearing if requested within sixty (60) 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. On or about July 19, 2016, Applicant failed to disclose the extent of her arrest history on her LPN application.
2. Applicant has a history of arrests and convictions in 2002, 2003 and 2004 for possession of bad check/s, passing a bad check, fraud to obtain aid, perjury, petty theft, and failure to appear after written promise.

3. That Applicant admitted that in approximately 2002, 2003 and 2004 she obtained public assistance in the amount of approximately \$9,000 which she was not eligible for, and that she forged checks on more than one occasion and was aware that a relative was passing bad checks obtained from Applicant.

4. That Applicant provided false information while applying for various jobs at an Oregon hospital in 2012, 2013 and 2014, including: Applicant claimed education she does not have; falsely attested that she had been granted an Oregon Nursing Assistant Certificate and had applied for an Oregon Medication Aide Certificate; falsely claimed to have a Louisiana Emergency Medical Technician Certificate; and provided two different EMT certificate numbers which did not belong to her.

5. That Applicant disclosed that she has a medical condition which may prevent her from being able to safely practice as a nurse.

6. On April 12, 2017, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Nursing Assistant Certification.

5. On April 20, 2017, Board staff mailed a Notice of Proposed Denial of Practical Nurse License to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) 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.

II CONCLUSIONS OF LAW

1. That the Board has jurisdiction over Applicant, A'Lyce Ruberg, and over the subject matter of this proceeding.

2. That Applicant's conduct is in violation of **ORS 678.111 (1)(a)(f)(g)(i), OAR 851-031-0006 (2)(b)(d), and OAR 851-045-0070 (6)(e) and (7)(b)** which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.
- (i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

OAR 851-031-0006 General Eligibility, Limits on Eligibility, and Requirements

(2) Limits on Eligibility:

- (b) If an applicant has been arrested, charged or convicted of any criminal offense a determination shall then be made as to whether the arrest, charge or conviction bears a demonstrable relationship to the practice of nursing, in which case licensure may be denied.
- (d) If the applicant falsifies an application, supplies misleading information or withholds information, such action may be grounds for denial or revocation.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(6) Conduct related to licensure or certification violations:

- (e) Resorting to fraud, misrepresentation, or deceit during the application process for licensure or certification, while taking the examination for licensure or certification, while obtaining initial licensure or certification or renewal of licensure or certification.

(7) Conduct related to the licensee's relationship with the Board:

- (b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

3. That Applicant defaulted on the Notice by not requesting a hearing within the allotted sixty (60) 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 Application for Practical Nurse License of A'Lyce Ruberg is denied.

Dated this _____ day of July, 2017

FOR THE OREGON STATE BOARD OF NURSING

Colin Hunter, JD
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.