

**HEALTH LICENSING OFFICE
LONG TERM CARE ADMINISTRATORS BOARD**

In the Matter of:

-) Notice of Intent to Assess a Civil Penalty, Right to Request a Hearing

Stacey Richey

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License No.

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NHA-RC-10209577

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Respondent,

Agency File No. 21-10132

Under ORS 676.565, 676.5868, 678.780 and 678.820, the Health Licensing Office (Office or HLO), Long-Term Care Administrators Board, is the State office charged with licensing and disciplining Nursing Home Administrators. Pursuant to ORS 676.612(1), ORS 676.992(1)(L) and (2), ORS 676.150(5), and ORS 678.780(1) and (2)(a), the Health Licensing Office hereby proposes to:

- 1) Assess civil penalties in the total amount of \$250, as follows:
 - 1.1 Stay the \$250 civil penalty if no violations of laws or rules related to profession for 1 year from date of final order.
 - 2) Assess against Respondent all of the HLO's costs of this disciplinary process and action, including but not limited to all legal costs from the Department of Justice, all hearing costs from the Office of Administrative hearings, all costs associated with any expert or witness, and all administrative costs specific to this proceeding, in an amount not to exceed \$5,000, pursuant to ORS 676.992(2).

FINDINGS OF FACT & CONCLUSIONS OF LAW

- 1) On or about March 10, 2002, Respondent was cited by Beaverton Police for Theft II that allegedly occurred on or about March 2, 2000.
- 2) On or about March 21, 2002, a complaint was filed (Case #02-01727) City of Beaverton vs. Stacey Nicole Richey.
- 3) On or about March 25, 2002, a Petition to Enter Plea of Guilty was signed by Respondent.
- 4) On or about March 25, 2002, a judgment was filed for the Citation.
- 5) On or about August 13, 2020, Respondent obtained licensure from HLO for a Nursing Home Administrators License #NHA-RC-10209577.
- 6) On or about March 30, 2021, A LEDS check revealed the 3/25/2002 THEFT II (Class A Misdemeanor). The respondent marked "No" on the application where it asks, "have you ever been convicted of a misdemeanor or felony".
- 7) Respondent misrepresented or concealed material facts in violation of ORS 676.612(2)(a) by falsely attesting "no" on the application to the question: Have you ever been convicted of a misdemeanor or felony.

APPLICABLE LAW

331-030-0000

Application Requirements

(1) An applicant who has been the subject of any adverse action, including the imposition of a civil or criminal penalty, is not qualified for an Oregon authorization to practice until the Office determines the scope and applicability of the disciplinary action as it relates to the applicant's fitness to practice or use a professional title under an Office-administered program. The disciplinary record may include, but is not limited to, actions imposed from:

(3) Material misrepresentation or material errors of fact on an application or renewal are grounds for disqualification of examination or discipline under ORS 676.612, or both.

ORS 676.612

Disciplinary authority: authority of office to require fingerprints

(1) Subject to ORS 676.616 and 687.445, and in the manner prescribed in ORS chapter 183 for contested cases and as specified in ORS 675.385, 676.685, 676.825, 678.780, 680.535, 681.755, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111, the Health Licensing Office may refuse to issue or renew, may suspend or revoke or may otherwise condition or limit an authorization or may discipline or place on probation an authorization holder for commission of the prohibited acts listed in subsection (2) of this section.

(2) A person subject to the authority of a board or council listed in ORS 676.583 commits a prohibited act if the person engages in:

(a) Fraud, misrepresentation, concealment of material facts or deception in applying for or obtaining an authorization to practice in this state, or in any written or oral communication to the office concerning the issuance or retention of the authorization

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(j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from or failure to conform to standards of practice in performing services or practicing in a regulated occupation or profession subject to the authority of the boards and councils listed under ORS 676.583

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(m) Violation of a statute regulating an occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565 (Oversight and centralized service by office).

(n) Violation of any rule regulating an occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565 (Oversight and centralized service by office).

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PROPOSED ORDER

Pursuant to ORS 676.612(1), ORS 676.992(1)(L) and (2), ORS 676.150(5), ORS 678.780(1) and (2)(a), the Office, Long Term Care Administrators Board finds and hereby proposes to:

- 1) Assess civil penalties in the total amount of \$250, as follows:
 - 1.1 Stay the \$250 civil penalty if no violations of laws or rules related to profession for 1 year from date of final order.
- 2) Assess against Respondent all of the HLO's costs of this disciplinary process and action, including but not limited to all legal costs from the Department of Justice, all hearing costs from the Office of Administrative hearings, all costs associated with any expert or witness, and all administrative costs specific to this proceeding, in an amount not to exceed \$5,000, pursuant to ORS 676.992(2).

DATED April 25, 2022

R Bothwell

Robert Bothwell, Manager
HLO Regulatory Operations Division
For Sylvie Donaldson, Director
Long Term Care Administrators Board

Enclosures: Request for Formal Hearing and OAR 331-020-0020; Notice of Contested Case Rights and Procedures

CERTIFIED MAIL: 7020 1810 0000 4210 2419

NOTICE OF RIGHTS TO REQUEST A HEARING

You have the right to a hearing to contest this Notice. The hearing, if requested, will be conducted according to the Administrative Procedures Act, ORS chapter 183. A **request for hearing** must be in writing and **must be received** by the Health Licensing Office (HLO) **within 30 days** from the date this Notice was mailed to you. The written request for a hearing must be sent to the Health Licensing Office, 1430 Tandem Ave. NE, Suite 180, Salem, OR 97301. If the Health Licensing Office does not receive your request for hearing in the time stated, then you will have waived the right to a contested case hearing.

If you request a hearing, you **are required to provide, with your request, an answer** to each factual matter alleged in the Notice and a short and plain statement of any **affirmative defense** you will raise at the hearing if this Notice alleges violations of any of the following: (1) ORS 675.360 to 675.410 which are certified sexual offense therapists statutes, ORS 687.405 to 687.495 which are direct entry midwifery statutes, or ORS 688.800 to 688.840 which are

respiratory therapist and polysomnographic technologists statutes; (2) the rules adopted under any of the aforementioned statutes; or (3) ORS 676.612 when related to the practice of sexual offense treatment, direct entry midwifery, respiratory care, or polysomnography. Please see OAR 331-020-0020. If a specific response is required, factual matters alleged in the notice and not denied in the answer shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; new matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the HLO; and evidence shall not be taken on any issue not raised in the notice and the answer. OAR 331-020-0020(3).

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free telephone number.

If you request a hearing, you will be notified of the date, time and place of the hearing. If you request a hearing you may be represented by an attorney at hearing and you may subpoena and cross-examine witnesses. Legal Aid providers may be available to assist a party with limited financial resources. Pursuant to OAR 137-003-0550, any respondent that is a corporation, partnership, limited liability company, unincorporated association, trust, or government body must be represented by an attorney licensed to practice in Oregon, including in its request for a hearing. If you request a hearing, you will also be given information on the procedures, right of representation and other rights relating to the conduct of the hearing before the commencement of the hearing.

If you fail to request a hearing within the time stated above, withdraw a request for hearing, notify HLO or the administrative law judge that you will not appear for hearing, or fail to appear at the scheduled hearing, the HLO may issue a final order by default and impose the above sanctions against you. If a final order by default is issued, the relevant portions of HLO's files, including all materials that you have submitted related to his matter, are designated and will serve as the record for the purpose of proving a *prima facie* case upon default.

If the final civil penalties and costs are not timely paid, interest on the final penalties and costs will accrue at the statutory rate of interest, currently 9% pursuant to ORS 82.010.