

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

)

**In the Matter of** )  
**Maria Del Carmen Picasso, CNA** ) **FINAL ORDER BY DEFAULT**  
)  
)  
**Certificate No. 000037096CNA** ) **Reference No. 12-01042**

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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. Maria Del Carmen Picasso (Certificate Holder) is a Certified Nursing Assistant (CNA) in the State of Oregon.

This matter was considered by the Board at an interim teleconference board meeting in Portland, Oregon on July 18, 2012. Certificate Holder did not appear personally.

On June 27, 2012, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Maria Del Carmen Picasso was sent to Certificate Holder via certified and first-class mail to Certificate Holder's address of record. The Notice alleged that Certificate Holder failed to provide care to residents, roughly handled a resident, and failed to cooperate with the Board investigation of her conduct.

The Notice granted Certificate Holder an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. The Notice designated the Board's file on this matter as the record for purposes of default. No such request for hearing has been received by the Board.

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:

1.1 Certificate Holder was issued a Certified Nursing Assistant certificate in the state of Oregon on March 4, 1997. On July 9, 2011, Certificate Holder's Certified Nursing Assistant certificate expired and remains expired.

1.2 In November 2010, allegations of abuse were made against Certificate Holder while she

was employed as a Certified Nursing Assistant at a nursing facility. In the reported incidents, Certificate Holder failed to provide care to residents, did not toilet a resident, scolded a resident when the resident was incontinent, and roughly handled a resident during a transfer.

- 1.3 In October 2011, the Oregon Department of Human Services (DHS) determined that Certificate Holder failed to provide care or services to residents resulting in unreasonable discomfort and a serious loss of human dignity. DHS also determined that Certificate Holder subjected a resident to unreasonable pain and discomfort during a transfer, constituting abuse.
- 1.4 On or about March 27, 2012, Board staff mailed a letter to Certificate Holder at her address of record requesting that Certificate Holder schedule an interview to discuss the facts in this matter. Certificate Holder did not respond to that letter and failed to schedule an interview.
- 1.5 On or about May 10, 2012, Board staff mailed a letter to Certificate Holder at her address of record requesting that Certificate Holder contact Board staff within five business days to schedule an interview to discuss the facts in this matter. Certificate Holder did not respond to that letter and failed to schedule an interview.
- 1.6 On or about June 27, 2012, Board staff mailed a Notice of Proposed Revocation of Certified Nursing Assistant Certificate to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder 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. No such request for hearing has been received by the Board.

**-II-**

### **CONCLUSIONS OF LAW**

- 2.1 That the Board has jurisdiction over Certificate Holder, Maria Del Carmen Picasso, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's conduct constitutes a danger to public health and safety and by the above actions Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6) and OAR 851-063-0090(1)(c), (2)(d) & (e) and (9)(a).
- 2.3 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 183.310 to 183.750, 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 Maria Del Carmen Picasso is REVOKED.

DATED this \_\_\_\_\_ day of July, 2012

**FOR THE BOARD OF NURSING OF THE STATE OF OREGON**

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Kay Carnegie, RN, MS  
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.