

**BEFORE THE OREGON  
STATE BOARD OF NURSING**

)  
) **FINAL ORDER OF REVOCATION**  
) **BY DEFAULT**  
)  
) **Reference No. 14-00937**

**In the Matter of**  
**Nicole Hamberger**

**Certificate No. 201012066CNA**

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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. Nicole Hamberger (Certificate Holder) was issued a Certified Nursing Assistant certificate by the Board on September 1, 2010.

This matter was considered by the Board at its meeting on July 16, 2014.

On June 23, 2014, a Notice stating that the Board intended to revoke the Certified Nursing Assistant certificate of Nicole Hamberger was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder stole money from co-workers while working as a caregiver, was convicted of several theft charges and possession of methamphetamine, and failed to attend an interview with Board staff.

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 September 1, 2010.
2. On or about January 8, 2014, Certificate Holder was reported to the Board for having been recently arrested for theft. The Board opened an investigation into the matter.
3. On or about December 27, 2013, Certificate Holder stole cash from two co-workers while working as a caregiver.
4. On or about February 3, 2014, Certificate Holder was convicted of Theft in the Second Degree for theft of a debit card (a Class C felony), Possession of a Controlled Substance – Methamphetamine (a Class C felony), and Theft in the Third Degree for theft of a wallet (a

misdemeanor).

5. On or about February 25, 2014, Certificate Holder was convicted of Theft in the Third Degree for theft of cash from a co-worker.
6. On or about March 5, 2014, Certificate Holder was convicted of Theft in the Third Degree for theft of merchandise from a retail store.
7. Certificate Holder failed to schedule and attend an interview with Board staff to discuss the matters under investigation, as was requested by Board staff.
8. In a written statement received by the Board on or about February 3, 2014, Certificate Holder stated that her recent conduct was related to her substance abuse.
9. On June 23, 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.

**-II-**

#### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction over the Certificate Holder, Nicole Hamberger, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(a), (c) & (f), OAR 851-063-0080(1), (3) & (6), and OAR 851-063-0090(2)(h), (2)(i), (7)(a) & (9)(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 Nicole Hamberger is revoked.

DATED this \_\_\_\_ day of July, 2014

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

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Kay Carnegie, RN, MS  
Board President

TO: NICOLE HAMBERGER:

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