

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)	
)	FINAL ORDER
MARY ANN PICKLE, CNA)	
Certificate No. 000014268CNA)	Case No. <u>11-01089</u>
_____)	

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing/certifying, regulating and disciplining certain health care providers, including certified nursing assistants in the State of Oregon. Mary Ann Pickle (Certificate Holder) is a certified nursing assistant in Oregon.

The Oregon State Board of Nursing considered this matter on May 24, 2011. Certificate Holder did not appear personally.

On April 13, 2011, the Board properly served notice on Certificate Holder that it intended to revoke Certificate Holder's nursing assistant certificate for conduct unbecoming a nursing assistant. The Notice offered to Certificate Holder an opportunity for hearing, if requested within the 20 days of mailing of the Notice. The Notice designated the relevant portions of the Board's file on this matter, including all materials submitted by Certificate Holder as the record for purposes of default.

-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 On April 19, 2010, Certificate Holder neglected a client in her care when Certificate Holder failed to respond to her client's calls for assistance in a timely manner.
- 1.2 On April 19, 2010, Certificate Holder failed to respond to her client's needs in a manner consistent with the standards of care for a client in need for assistance with activities of daily living specific to elimination.
- 1.2 On April 19, 2010, rather than assisting her client to the commode as her client requested, Certificate Holder gave her client the option to use the bedpan, which caused her client extreme discomfort and embarrassment, or to urinate and have a bowel movement in her bed.

- 1.3 On April 19, 2010, Certificate Holder caused injury, pain and suffering to her client during an improper transfer to the commode when Certificate Holder grabbed and pulled her client by her left hand, causing bruising.
- 1.4 On April 19, 2010, Certificate Holder caused injury, pain and suffering to her client during an improper transfer to the commode when Certificate Holder moved her clients' recently fractured, surgically repaired leg in a rough manner.
- 1.5 On October 27, 2010, the Oregon State Board of Nursing placed a designation of substantiated abuse next to Certificate Holder's name on the Board's nursing assistant registry because the Oregon Department of Human Services found that on April 19, 2010, Certificate Holder was responsible for the abuse of her client.
- 1.6 On January 19, 2011, the Oregon State Board of Nursing (Board) suspended the nursing assistant certificate of Certificate Holder for failure to cooperate during the course of an investigation.

-II-

CONCLUSIONS OF LAW

Based on the foregoing Findings of fact, the Board makes the following Conclusions of Law:

- 2.1 That the Board has jurisdiction over Certificate Holder, and over the subject matter of this proceeding.
- 2.2 That Certificate Holder's conduct constitutes a grave danger to public health and safety, and by the above actions is subject to discipline pursuant to violations of ORS 678.442 (2) (f); OAR 851-063-0080 (6); 851-063-0090 (1) (c); (2) (d) and (e); (6) (a); (9) (a) and (c).
- 2.3 That Certificate Holder defaulted on the Notice by not requesting a hearing by May 4, 2011, 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, Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Oregon nursing assistant certificate of Mary Ann Pickle is revoked.

DATED this _____ day of May 2011

Patricia Markesino, RN
Board President

To Mary Ann Pickle:

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 the 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 service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.