

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of)
Nicole Pando, CMA) **FINAL ORDER BY DEFAULT**
)
Certificates No. 200610385CNA,) **Reference No. 12-02301**
200620141CMA

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 and certified medication aides, in the state of Oregon. Nicole Pando (Certificate Holder) is a certified nursing assistant (CNA) and certified medication aide (CMA) in the state of Oregon.

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on October 17, 2012.

On September 26, 2012, a Notice stating that the Board intended to revoke the nursing assistant and medication aide certificates of Nicole Pando was sent by certified and regular mail to Ms. Pando's address of record. The Notice alleged that Certificate Holder diverted controlled substances from clients in her care for her personal use or use by others, that she withheld medications from patients, and that she falsified medication administration records.

The Notice granted to Certificate Holder an opportunity for hearing, if requested, within 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 the records and files of the Board 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 Between April and May 2012 Certificate Holder diverted controlled substances from clients in her care for her personal use or use by others.
- 1.2 Certificate Holder removed bound narcotic log books from her place of employment without authorization.
- 1.3 On more than one occasion, Certificate Holder documented removing narcotics from her client's medication supply but did not document that she administered those drugs.
- 1.4 On more than one occasion, Certificate Holder documented administering drugs to clients on days she was not at work.

- 1.5 On more than one occasion, Certificate Holder documented giving doses of medications to clients which exceeded the dose and frequency as ordered by the physician.
- 1.6 Multiple facility clients denied ever receiving drugs that Certificate Holder documented that she had administered to them.

-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)(d) and (f); OAR 851-063-0080(4) and (6); 851-063-0100 (1) and (2) and (3) and (5) and (7) and (11); 851-063-0090(1)(c); (2)(g) and (h) and (i); (3)(a) and (b) and (c) and (e) and (f)
- 2.3 That Certificate Holder defaulted on the Notice by not requesting a hearing within the time allowed, 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 nursing assistant and medication aide certificates of Nicole Pando be revoked.

DATED this _____ day of October, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE