

**BEFORE THE OREGON
STATE BOARD OF NURSING**

)

In the Matter of) **FINAL ORDER OF REVOCATION**
Bethany Austin) **BY DEFAULT**
)
Certificate No. 200712609CNA) **Reference No. 12-01388**

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. Bethany Austin (Certificate Holder) was issued a nursing assistant certificate by the Board on December 10, 2007.

This matter was considered by the Board at its meeting on March 19, 2014.

On February 24, 2014, a Notice stating that the Board intended to revoke the nursing assistant certificate of Bethany Austin was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder stole money from a resident while working as a caregiver and was convicted of First Degree Criminal Mistreatment.

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 nursing assistant certificate in the state of Oregon on December 10, 2007.
2. On or about December 29, 2011, the Board received information that Certificate Holder had been arrested for theft from a resident at the facility where she was employed as a caregiver. The Board opened an investigation into the matter.
3. On or about December 22, 2011, Certificate Holder stole cash from a resident while

working as a caregiver.

4. On or about December 23, 2013, Certificate Holder was convicted of First Degree Criminal Mistreatment for that incident. Certificate Holder was sentenced to 12 months bench probation, including the term that she not work as a caregiver.
5. On February 24, 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, Bethany Austin, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(a) & (f), OAR 851-063-0090(2)(g), and OAR 851-063-0110(1)(f).
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 nursing assistant certificate of Bethany Austin is revoked.

DATED this ____ day of March, 2014

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: BETHANY AUSTIN:

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 nursing assistant certificate, you may submit an application to the Board to request reinstatement.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE