

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF SUSPENSION**
Tracy Button, CNA) **BY DEFAULT**
)
Certificate No. 200512716CNA) **Reference No. 14-01857**

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. Tracy Button (Certificate Holder) was issued a Nursing Assistant certificate by the Board on November 18, 2005.

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

On June 20, 2014, a Notice stating that the Board intended to suspend the Nursing Assistant certificate of Tracy Button was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder was reported to the Board by the Oregon Department of Revenue (Department) for failure to maintain tax compliance and that, pursuant to ORS 305.385(4), the Board is required to suspend a Certificate Holder's certificate upon request by the Department.

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 November 18, 2005.
2. On or about June 13, 2014, the Board received a notice from the Department instructing the Board to suspend Certificate Holder's Nursing Assistant certificate based on the Department's determination that she is not in compliance with Oregon tax laws. In its notice, the Department alleged that:
 - a. Certificate Holder has neglected or refused to file tax return(s) or pay tax;

- b. The Department has not been able to collect the tax through other collection methods; and
 - c. Certificate Holder has not filed a good-faith appeal before the Department.
3. On June 20, 2014, Board staff mailed a Notice of Proposed Suspension 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.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Tracy Button, and over the subject matter of this proceeding.
2. That Certificate Holder's failure to maintain tax compliance with the Oregon Department of Revenue is grounds for suspension pursuant to ORS 305.385.
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 Tracy Button is **SUSPENDED** for a minimum of two weeks, commencing five business days from the date this Order is signed, and shall continue until such time as the Board receives a certificate issued by the Oregon Department of Revenue that Certificate Holder is in good standing with respect to any returns due and taxes payable to the Department as of the date of the certificate.

DATED this ____ day of July, 2014

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: Tracy Lee Button

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.

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE