

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Philip Atkisson, CNA

)

)

) **FINAL ORDER BY DEFAULT**

)

)

Certificate No. 000005244CNA

) **Reference No. 11-02679**

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, in the State of Oregon. Philip Atkisson (CNA) has been a certified nursing assistant in the State of Oregon since January 1, 1990.

This matter was considered by the Board during a teleconference meeting on August 15, 2012.

On August 30, 2012, a Notice of Proposed Revocation of Certified Nursing Assistant certificate was sent to CNA by certified and regular mail to his address of record. This Notice alleged that the Board received a renewal application from CNA in which he failed to disclose his criminal history and that he failed to provide documentation requested by the Board.

The Notice further granted to CNA 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 CNA has been a certified nursing assistant in the State of Oregon since January 1, 1990.
- 1.2 On or about March 29, 2011, the Oregon State Board of Nursing received a renewal application from CNA in which he failed to disclose any of his criminal history. CNA had been arrested on August 1, 2010, for Assault 4-Domestic Violence and Strangulation and was convicted later that year of the Assault 4-Domestic Violence charge.
- 1.3 During the course of the investigation of the aforementioned application, CNA failed to provide the Board requested documentation in connection with the aforementioned arrest and conviction.

1.4 On August 15, 2012, the Board voted to issue a Notice of Proposed Revocation of Certified Nursing Assistant certificate.

**-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 the CNA and over the subject matter of this proceeding.
- 2.2 That CNA's conduct is grounds for revocation of his Certified Nursing Assistant certificate pursuant to ORS 678.442 (2)(a)(b)(d)(f); and OAR 851-063-0080 (1), (2), (4), (6); and OAR 851-063-0090 (9)(b)(c).
- 2.3 That CNA defaulted on the Notice by not requesting a hearing within the allotted 20 days 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 Certified Nursing Assistant certificate of Philip Atkisson be REVOKED.

DATED this ____ day of September, 2012

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

To Philip Atkisson:

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