

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of

Preston Walker, CNA

Certificate No. 201391206CNA

)

) **FINAL ORDER OF REVOCATION**

) **OF NURSING ASSISTANT**

) **CERTIFICATE BY DEFAULT**

)

) **Reference No. 16-00815**

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. Preston Walker (Certificate Holder) was issued a Nursing Assistant Certificate by the Board on July 29, 2013.

This matter was considered by the Board at its meeting on March 23, 2016.

On February 22, 2016, a Notice stating that the Board intended to revoke the Nursing Assistant Certificate of Preston Walker was sent to him via certified and first-class mail to his address of record. The Notice alleged that Certificate Holder engaged in conduct unbecoming a nursing assistant.

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 July 29, 2013.
2. On or about March 15, 2015 Certificate Holder was arrested for DUII, Reckless Driving and Reckless Endangering in Linn County, Oregon.
3. On or about May 22, 2015, Certificate Holder was convicted of DUII and Reckless Endangering in Linn County, Oregon.
4. On or about September 4, 2015, Certificate Holder was charged with Initiating a False

Report, Misuse of 911 and Possession of a Controlled Substance, methamphetamine charges in Linn County Oregon.

5. On or about January 8, 2016, Certificate Holder was convicted of Possession of a Controlled Substance, methamphetamine and Initiating a False Report in Linn County Oregon.
6. Certificate Holder failed to cooperate with the Board's investigation.
7. Certificate Holder engaged in inappropriate conduct while working as a CNA.
8. On February 22, 2016, 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, Preston Walker, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.442(2)(a),(c), and (f), OAR 851-063-0080(6) and OAR 851-063-0090 (1)(a) and (b) and (7)(b) and (c) and (8)(n) and (o) and (10)(a) and (c).
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 Preston Walker is REVOKED.

DATED this ____ day of March, 2016

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN

Board President

TO: PRESTON WALKER:

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