



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Nurse Anesthetist and § AGREED
Registered Nurse License Number 246253 §
Issued to ROGER VAN GRISHAM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROGER VAN GRISHAM, Nurse Anesthetist and Registered Nurse License Number 246253, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), (9), & (10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 29, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional nursing and authorization as a Nurse Anesthetist in the State of Texas, both of which are in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas on December 1, 1978. Respondent completed training as a Nurse Anesthetist from Wilford Hall Medical Center of Anesthesia, San Antonio, Texas on August 31, 1984. Respondent was licensed to practice professional nursing in the State of Texas on March 28, 1979 and was recognized as a Nurse Anesthetist in the State of Texas on September 8, 1989.
5. Respondent's complete nursing employment history is unknown.

6. On or about October 12, 2011, Respondent received a Decision and Order from the New Mexico Board of Nursing wherein Respondent's current New Mexico Certified Registered Nurse Anesthetist Certification, Respondent's expired New Mexico Registered Nurse License and Respondent's Privilege to Practice from Texas associated with Registered Nurse License Number 246253 were Suspended for a period of one (1) year for Respondent's inability to practice safely due to chemical dependency. A copy of the Decision and Order issued by the New Mexico Board of Nursing dated October 12, 2011 is attached and incorporated by reference as a part of this Order.

The New Mexico Decision and Order permits the Respondent to return to the New Mexico Board of Nursing and petition for probation after six months, provided that Respondent can provide evidence of complete compliance with a DP (diversion program) in either New Mexico or Texas.

7. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
8. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
9. Charges were filed on February 27, 2012. Charges were mailed to Respondent on February 28, 2012.
10. First Amended Charges were filed and mailed to Respondent on May 18, 2012.
11. Respondent's conduct described in Finding of Fact Number Six (6) resulted from Respondent's impairment by dependency on chemicals.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(8), (9), & (10) Texas Occupations Code.

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Nurse Anesthetist and Registered Nurse License Number 246253, heretofore issued to ROGER VAN GRISHAM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all

respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

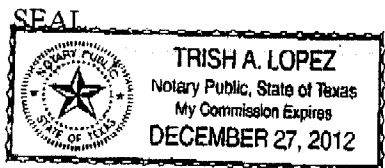
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 04 day of JUNE, 2012

Roger Van Grisham

ROGER VAN GRISHAM, Respondent

Sworn to and subscribed before me this 4th day of June, 2012.



Trish A. Lopez

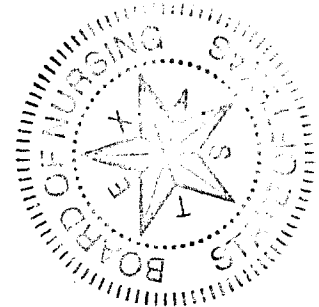
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 4th day of June, 2012, by ROGER VAN GRISHAM, Registered Nurse License Number 246253 and authorization as a Nurse Anesthetist, and said Order is final.

Entered and effective this 4th day of June, 2012.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board



BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:
Roger Grisham
LICENSE NO: R26710/CRNA01091

RESPONDENT.

I certify this to be a true copy of the
records on file with the New Mexico
Board of Nursing.

Signed: CP

DECISION AND ORDER

This matter having come before the New Mexico Board of Nursing ("BON") and a quorum being present and a majority voting in the affirmative, the BON finds as follow:

FINDINGS

1. The Respondent is licensed under the Nursing Practice Act, §61-3-1 et seq. N.M.S.A., and is subject to the jurisdiction of the BON.
2. A Notice of Contemplated Action was served on the Respondent in accordance with the Uniform Licensing Act, N.M.S.A. §61-1-1 et seq.,
3. On December 17, 2010, during a scheduled C-section, Respondent was providing anesthesia services for Lea Regional Medical Center. The Respondent was noted by the staff to have "inappropriate behavior" and "tremors". The Director of Women's Services was called to the OR to evaluate the situation and found the OR Charge Nurse already in attendance.
4. Respondent stated to the OR Charge Nurse that he was not feeling well and would not be able to perform the upcoming case. Respondent was noted to be slow to respond appropriately to questions. Respondent stated that he had been up all night, was diabetic, and had not

taken his morning medication or eaten. Respondent left the unit to go eat and returned approximately 45 minutes later. At that time he was noted to have slurred/incoherent speech, unsteady gait and inappropriate behavior.

5. A capillary blood glucose was obtained and was noted to be 91 mg/dl. Respondent would not follow directions and stated he was going to the physician's lounge. At 0945 hours, this concern regarding the Respondent's condition and the need for a urine drug screen was presented to the Chief Nursing Officer and Chief Executive Officer who agreed.
6. Respondent was found in the physician's lounge with Dr. Gonzales. Respondent leaning against the wall and was unable to stand or converse appropriately. Respondent was informed of the need to draw a serum blood glucose if this truly was a diabetic issue, with confirmation by a glucometer. Respondent was escorted to the lab where the laboratory director drew the specimen. Respondent was then informed of the need for a urine drug screen, and he stated that he would be positive due to his prescriptions. On the way to Human Resources, Respondent continued to have slurred speech, glassy eyes, had difficulty conversing, and was confused and disoriented.
7. On December 20, 2010, Respondent called and admitted to the Human Resources Director that he had been taking more medications than allowed by his prescriptions.
8. On December 21, 2010, Respondent called again and stated he had voluntarily reported himself to the Texas Board

of Nursing and voluntarily requested participation in the Texas Peer Assistance Program for Nurses.

9. On December 28, 2010, a confirmatory report showing the Respondent tested positive for Fentanyl at 1.0 ng/ml (0.5 ng/ml confirmatory level) was received and verified by the Medical Review Officer.

CONCLUSIONS

The BON is authorized to revoke, suspend, reprimand or place on probation the Respondent's license for violations of §61-3-28 N.M.S.A. 1978.

ORDER

It is therefore ordered that Respondent's license is:

Suspended for 1 year, may return to the New Mexico Board of Nursing after six months to ask that the suspension revert to probation if he provides evidence of complete compliance with a DP in either NM or Texas.

This order shall be applicable to applicant's/licensee's multistate licensure privilege, if any, to practice professional nursing in the State of New Mexico.

While applicant's/licensee's license is encumbered by this order, the applicant/licensee may not work outside the State of New Mexico pursuant to a multistate licensure privilege without the written permission of the State of New Mexico and the Board of Nursing in the party state where the applicant/licensee wishes to work.

10-12-11

DATE

Robin Jones
ROBIN JONES, CHAIRPERSON
NEW MEXICO BOARD OF NURSING

A person entitled to a hearing provided for in the Uniform Licensing Act (61-1-1 to 61-1-31, NMSA 1978), who is aggrieved by an adverse decision of a board issued after hearing, may obtain a review of the decision in district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978. Unless standing is further limited by a specific statute, a person aggrieved by a final decision may appeal the decision to district court by filing in district court a notice of appeal within thirty days of the

date of filing of the final decision. The appeal may be taken to the district court for the county in which the agency maintains its principal office or the district court of any county in which a hearing on the matter was conducted. When notices of appeal from a final decision are filed in more than one district court, all appeals not filed in the district court in which the first appeal was properly filed shall be dismissed without prejudice. An appellant whose appeal was dismissed without prejudice pursuant to the provisions of this subsection shall have fifteen days after receiving service of the notice of dismissal to file a notice of appeal in the district court in which the first appeal was properly filed.

USP TRACKING NO: K199 2045158

**BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:
Roger Grisham
License No. R26710/CRNA01091
Texas RN246253

Respondent.

I certify this to be a true copy of the records on file with the New Mexico Board of Nursing.

Signed: 

NOTICE OF CONTEMPLATED ACTION

1. The Respondent is licensed under the Nursing Practice Act, NMSA 1978, §61-3-1 et seq., and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").
2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to NMSA 1978, §61-3-28.
3. The general nature of the allegations is contained in Exhibit 1 to this Notice of Contemplated Action.
4. Unless the Respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the

production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Date: 4-22-11

Nancy Darbro PhD, APRN
Nancy Darbro, PhD, APRN
Interim Director
6301 Indian School RD NE
Suite 710
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 76102280 0002 85524775
RETURN RECEIPT REQUESTED