



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 BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 604100    §     AGREED  
issued to HARRY WAYNE GRIFFIN         §     ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of HARRY WAYNE GRIFFIN, License Number 604100, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(8 ) and (9), Revised Civil Statutes of Texas, as amended. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 30, 1999, by Katherine A. Thomas, MN, RN, 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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Grayson County College, Denison, Texas, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 10, 1994.

5. Respondent's professional employment history includes:

6/94 - 6/98	Staff Nurse Wilson N. Jones Memorial Hospital Sherman, Texas
11/98 - present	Staff Nurse Presbyterian Hospital of Greenville Greenville, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Wilson N. Jones Memorial Hospital, Sherman, Texas, and had been in this position for two (2) years and one (1) month.
7. On or about July 3, 1996, while employed with Wilson N. Jones Memorial Hospital, Sherman, Texas, Respondent engaged in the intemperate use of Hydrocodone in that he provided a specimen which resulted positive for Hydrocodone. The use of Hydrocodone is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Hydrocodone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about June 19, 1998, while employed with the aforementioned facility, Respondent engaged in the intemperate use of Oxazepam in that he provided a specimen for a drug screen which resulted positive for Oxazepam. The use of Oxazepam is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Oxazepam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about June 19, 1998, while employed with the aforementioned facility, Respondent engaged in the intemperate use of Temazepam in that he provided a specimen for a drug screen which resulted positive for Temazepam. The use of Temazepam is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Temazepam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about April 30, 1999, while employed with Presbyterian Hospital of Greenville, Greenville, Texas, Respondent engaged in the intemperate use of Hydrocodone in that he provided a specimen for a drug screen which resulted positive for Hydrocodone. The use of Hydrocodone is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Hydrocodone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
12. 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.
13. Respondent's conduct described in Findings Numbered Seven through Ten resulted from Respondent's impairment by dependency on chemicals.
14. 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 Article 4525, Revised Civil Statutes of Texas, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Article 4525(b)(8) and (9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1).
4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against License Number 604100, heretofore issued to HARRY WAYNE GRIFFIN, including revocation of Respondent's professional license 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 Article 4525a, Sec 8.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Article 4525.1, TEX. REV. CIV. STAT. ANN., 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 and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED AND ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et. seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and this Order.

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 revocation of Respondent's license to practice professional nursing in the State of Texas.

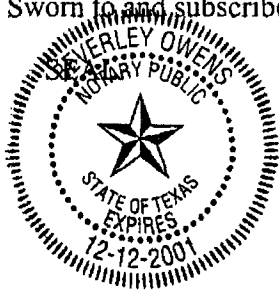
RESPONDENT'S CERTIFICATION

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 violations alleged herein. 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 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 Board of Nurse Examiners, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of November, 1999.

Harry Wayne Griffin  
HARRY WAYNE GRIFFIN, Respondent

Sworn to and subscribed before me this 1 day of Nov., 1999.



Beverly Owens  
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 1st day of November, 19 99, by HARRY WAYNE GRIFFIN, License Number 604100, and said Order is final.

Entered and effective this 8th day of November, 19 99.



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