



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 &	§	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 be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 9, 2013, subject to ratification by the Board.

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 is currently licensed to practice as a Nurse Anesthetist and Registered Nurse in the State of Texas.
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 June 4, 2012, Respondent was issued an Agreed Order requiring him to participate in the Texas Peer Assistance Program for Nurses (TPAPN) by the Texas Board of Nursing as a result of being issued a Decision and Order by 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 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 Agreed Order issued by the Texas Board of Nursing, dated June 4, 2012, is attached and incorporated by reference as part of this Order.
7. On or about August 7, 2012, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on June 4, 2012. Non-compliance is the result of Respondent's failure to comply with the terms and conditions of the TPAPN which included, but was not limited to, his failure to complete outpatient substance use disorder treatment, provide Self Reports or evidence of attendance to 12-step meetings for August 2012, September 2012 or October 2012. Stipulation number three (3) of the Agreed Order dated June 4, 2012, states: "(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".
8. Respondent's last known date of sobriety is April 16, 2013.
9. 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.
10. First Amended Formal Charges were filed on March 29, 2013.
11. First Amended Formal Charges were mailed to Respondent on March 29, 2013.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(9).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), 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.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Nurse Anesthetist and Registered Nurse License Number 246253, previously issued to ROGER VAN GRISHAM, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A CRNA OR REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A CRNA OR REGISTERED NURSE (RN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of employment as a Certified Registered Nurse Anesthetist (CRNA) or registered nurse under this Order, RESPONDENT SHALL be directly supervised. If the RESPONDENT is practicing as a CRNA, the direct supervision shall be provided by a CRNA or an

Anesthesiologist. If the RESPONDENT is practicing as a registered nurse, the direct supervision shall be provided by a Registered Nurse or CRNA. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the probation period, RESPONDENT SHALL be indirectly supervised. If the Respondent is practicing as a CRNA, the supervision shall be provided by a CRNA or an Anesthesiologist. If the Respondent is practicing as a registered nurse, the supervision shall be provided by a Registered Nurse or CRNA. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(9) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(11) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(12) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period,

random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(13) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT is dismissed from therapy.

(14) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order,

all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

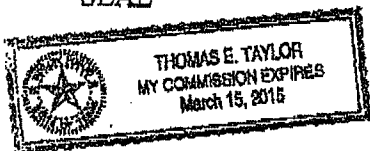
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 16 day of April, 2013.

Roger Van Grisham
ROGER VAN GRISHAM, Respondent

Sworn to and subscribed before me this 16th day of April, 2013.

SEAL



Thomas E. Taylor
Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of April, 2013, by ROGER VAN GRISHAM, Nurse Anesthetist and Registered Nurse License Number 246253, and said Order is final.

Effective this 14th day of May, 2013.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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



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
Registered Nurse License Number 246253
Issued to ROGER VAN GRISHAM

§
§
§

AGREED

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.

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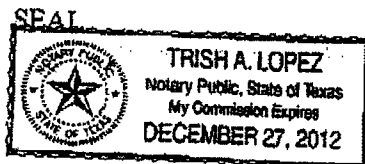
RESPONDENT'S CERTIFICATION

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.



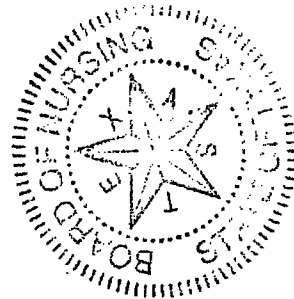
Trish A. Lopez
Notary Public in and for the State of Texas

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: CA

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, 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: C. H.

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
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Interim Director
6301 Indian School RD NE
Suite 710
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 76102780 0002 85524775
RETURN RECEIPT REQUESTED