



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 § AGREED
Registered Nurse License Number 835471 §
issued to JAMES ANDREWS FISHER, II § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the considered the matter of JAMES ANDREWS FISHER, II, Registered Nurse License Number 835471, 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)(2), (8) & (10) and 301.453, 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 November 6, 2014.

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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Northwestern State University-Shreveport, Shreveport, Louisiana, on May 7, 1999. Respondent was licensed to practice professional nursing in the State of Texas on April 26, 2013.
5. Respondent's nursing employment history is unknown.

6. On or about January 24, 2013, Respondent submitted an endorsement application to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"

Respondent failed to disclose that from approximately April 4, 2007, through June 24, 2011, Respondent participated and successfully completed the Louisiana State Board of Nursing Recovering Nurse Program (RNP). Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license to him.

7. On or about September 11, 2014, Respondent's Louisiana Registered Nurse license was issued a Probated Suspension by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Louisiana State Board of Nursing Consent Order dated September 11, 2014, is attached and incorporated, by reference, as part of this Order.
8. The Respondent's conduct described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
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. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent explains that he did not understand the question to ask if he had been a participant in the RNP, and he does not consider RNP a treatment but a tool that the Louisiana Board uses to assist nurses to be accountable and safe to the public. Regarding the conduct outlined in Finding Fact Number Seven (7), Respondent states that he went into treatment in February 2014, and after he left he contacted RNP, and he subsequently signed the Consent Order from the Louisiana Board. Respondent adds that he had no intent to deceive anyone, and he wants to keep his license to practice in Texas as he may one day consider moving and working in the state. He states that he is willing to do whatever in order to keep his Texas nursing license.
11. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
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(s) of 22 TEX. ADMIN. CODE §217.12(4), (5) & (6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2), (8) & (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 835471, heretofore issued to JAMES ANDREWS FISHER, II, up to, and 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 835471, previously issued to JAMES ANDREWS FISHER, II, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00), waives confidentiality, and provides a copy of the fully executed TPAPN participation agreement to the Texas Board of Nursing;**

OR

B. **Applies to, is accepted into, and completes enrollment in the Louisiana Recovering Nurse Program (LRNP) as an alternative to TPAPN, waives confidentiality and provides a copy of the fully executed LRNP participation agreement to the Texas Board of Nursing.**

IT IS FURTHER AGREED, upon verification of successful completion of one of the above specified requirements (either the requirements of paragraph A or B), the Suspension will be **STAYED**, and **RESPONDENT** will be placed on **PROBATION** for such a time as is required for **RESPONDENT** to successfully complete the TPAPN or LRNP, as applicable, **AND** until Respondent fulfills the additional requirements of this Order.

- C. **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.
- D. This Order **SHALL** apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- E. This Order **SHALL** be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- F. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.
- G. **RESPONDENT SHALL** comply with all requirements of the applicable participation agreement during its term.
- H. **RESPONDENT SHALL** keep all applicable license(s) to practice nursing in current status.
- I. **RESPONDENT SHALL CAUSE** the applicable program to notify the Texas Board of Nursing of any violation of the participation agreement.

II. COMPLIANCE WITH LAW

While under the terms of this Order, **RESPONDENT** agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the suspension being stayed:

A Board-approved course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN or the Louisiana Recovering Nurse Program (LRNP) as an Alternative to TPAPN, such noncompliance will result in further disciplinary action including

TEMPORARY 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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 may be eligible for nurse licensure compact privileges, if any.

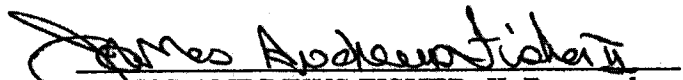
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RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses or the Louisiana Recovering Nurse Program, as applicable. By my signature on this Order, I agree to the entry of this Order and all conditions of said 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 11 day of December, 2014.


JAMES ANDREWS FISHER, II, Respondent

Sworn to and subscribed before me this 11 day of December, 2014.

SEAL

William Hebert 51458

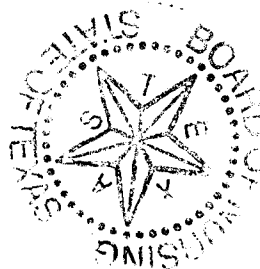
Notary Public in and for the State of Louisiana

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 11th day of December, 2014, by JAMES ANDREWS FISHER, II, Registered Nurse License Number 835471, and said Order is final.

Entered and effective this 16th day of December, 2014.



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



I certify this to be a true copy
of the records on file with the
Texas Board of Nursing
Date: 12/17/14
Signed: [Signature]

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

JAMES ANDREWS FISHER II
1819 BRYN MAWR ST.
#ALEXANDRIA, LA 71301

RN# and APRN
CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE

I, JAMES ANDREWS FISHER, (Respondent), voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, JAMES ANDREWS FISHER, do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On July 22, 1999, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
2. On June 28, 2005, Respondent signed a non-disciplinary agreement with the Recovering Nurse Program.
3. On or before April 30, 2007, Respondent relapsed.
4. On May 4, 2007, Respondent signed a non-disciplinary agreement for four years with the Recovering Nurse Program.
5. On June 24, 2011, Respondent successfully completed the Recovering Nurse Program.
6. On February 12, 2014, Respondent reported to the RNP that he had relapsed on alcohol.
7. On February 18, 2014, Respondent entered into treatment at an LSBN recognized treatment facility.
8. The Addictionist opined that Respondent was safe to return to the practice of nursing on April 14, 2014.

To facilitate submission of this Consent Agreement, I do not offer any defense to the FINDINGS OF FACTS. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911, et seq. I admit to all of the above facts and I agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to the National Practitioners Data Bank (NPDB) as 1125: Probation of License

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LOUISIANA STATE
BOARD OF NURSING


Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

JAMES ANDREWS FISHER II
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NPDB Narrative: Respondent's license is suspended with stay and probated after a second relapse.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Nursing in resolving this matter and intend to comply with all stipulations of this Order.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

The license of this registrant is suspended, with a stay of the said suspension, and that the license is probated for five (5) years, with the following stipulations:

1. Within 5 days, sign and adhere to agreement with RNP for a minimum of five (5) years.
2. Continue to submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. If monitoring is recommended, license suspension with stay and probation shall be required and Respondent must work and practice nursing in the state of Louisiana during the monitoring time period. This stipulation shall continue until Respondent is fully discharged by the respective professionals and until approved by the Board staff.
3. Shall remain free of alcohol and all un-prescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician (or other qualified treating prescriber(s)) knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the prescribing physicians/qualified prescriber(s) within five (5) days from the effective date of this agreement/order and within five (5) days from the date(s) of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.
4. Shall maintain complete and total abstinence from any and all potentially addictive chemicals whether over-the-counter, scheduled or unscheduled (including but not limited to alcohol, alcohol containing products, marijuana, tranquilizers, sedatives, stimulants, narcotics, opioids including ultram (tramadol), nubain, soporifics, androgenic steroids, or any other addictive drug) except as prescribed for a bona fide medical condition by a

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- healthcare provider who is knowledgeable in, and aware of Respondent's history with the Board:
5. Present documented evidence of unencumbered license(s) in all jurisdictions.
 6. Shall voluntarily submit to random and observed drug screens, for a minimum of 24 times a year, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the Board and/or employer. If selected for a screen, failure to provide sufficient specimen (bodily fluids, hair, nails etc.) for analysis or failure to test may be considered a positive screen. Random drug screens will be a minimum of 24 times a year. It is the Respondent's responsibility to assure that lab personnel observe all urine specimen collections. If urine specimen collection is not observed the results are invalid. The Respondent agrees to call the toll free number or check the testing notification via computer daily. Compliance with checking daily is monitored and failure to check may result in additional screens. It is the Respondent's responsibility to maintain a current account with testing administrator. If Respondent misses a test due to a suspended account or fails to test on the day of notification it will be considered a positive screen and appropriate action will be taken including but not limited to, further evaluation, additional testing, and suspension of license. The results of any such testing will be reported directly to the Board. Any and all such testing shall be performed at Respondent's expense. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
 7. Shall avoid exposure to anything that will cause a urine drug test to be positive. In that regard, Respondent shall avoid such items as "hemp oil", "coca tea", and poppy seeds (which can be found in curry sauces, breads, salad dressings, and in or on other foods). Respondent agrees to not use ethyl alcohol in any form (including N.A. or alcohol- "free" wine or beer, over-the-counter drugs containing alcohol (cough syrup, Nyquil or other similar OTC drugs or supplements), mouthwash or other hygiene products containing ethanol, foods containing ethanol (desserts, vanilla extract, etc.), communion wine, or any other form of ethyl alcohol). Intentional use of any of these products or medications without a physician's order is a violation of this order.
 8. Respondent agrees to execute a written authorization, along with execution of this Consent Order/agreement, allowing the Louisiana State Board of Nursing, and any authorized designees thereof, to access prescription monitoring information submitted to, or maintained by, the Louisiana Board of Pharmacy through its Prescription Monitoring Program (PMP) for the purpose of monitoring compliance with this Order and to determine fitness and ability to practice nursing with reasonable skill and safety. Respondent shall cause to be submitted a completed authorization release form to the

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RN# and APRN
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- Louisiana Board of Pharmacy and shall cause information and reports to be sent to the Louisiana State Board of Nursing, such written authorization to be effective for the duration of this Order. Respondent may also be required during this time period duration to provide to the board/board staff copies of prescription monitoring information maintained by the Board of Pharmacy.
9. Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Respondent is responsible to submit a copy of all pages of this agreement to each employer and nursing supervisor.
 10. Within 5 days, shall cause all employers to submit to the Board, signed Employer's Agreement from each employer.
 11. Have all immediate nursing supervisors submit a performance evaluation report bimonthly, commencing from the first date of employment.
 12. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse or healthcare professional that is higher than Respondent on organizational chart. Not be employed in agency/pool/staffing, home health services, or nursing homes.
 13. Submit certified copies of all criminal charges. Have resolved any and all pending criminal arrests, convictions, probation, and parole including any pre-trial diversion programs prior to request for Board consideration.
 14. Immediately (within 72 hours) inform the Board in writing of any change in address.
 15. Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
 16. If unemployed, inform the Board in writing on a quarterly basis.
 17. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum twenty-four (24) consecutive months.
 18. Within twelve (12) months, submit payment of \$200.00 to the Board as cost of Consent Order at the rate of \$15.00 per month beginning October 1, 2014.
 19. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, beginning October 1, 2014.
 20. Not have any misconduct, criminal violations, or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
 21. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of Respondent's license for a minimum of two (2) years. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

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#ALEXANDRIA, LA 71301

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I, JAMES ANDREWS FISHER, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this Respondent.

Dated 9/18/14 2014

Candace Adams

Witness

James Andrew Fisher II
JAMES ANDREWS FISHER II

Janita Ballard
Witness

LOUISIANA STATE BOARD OF NURSING

Karen C. Lyon 9/18/14
Karen C. Lyon, PhD, APRN, AGNS, NEA Date
Executive Director