



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 674688 §
issued to JASON RAY HARRIS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JASON RAY HARRIS, Registered Nurse License Number 674688, 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)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 28, 2016.

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 notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree from the University of New Mexico, Albuquerque, New Mexico, on December 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on January 23, 2001.
5. Respondent's nursing employment history includes:

2001 - 2010	RN	Memorial Hermann Hospital Houston, Texas
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Respondent's nursing employment history continued:

08/2010 - 09/2013	RN	Houston Methodist Hospital Houston, Texas
10/2013 - 01/2014	Unknown	
02/2014 - 06/2015	RN	Ben Taub Hospital Houston, Texas
07/2015 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, and had been in that position for three (3) years and one (1) month.
7. On or about September 27, 2013, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent withdrew one (1) ampule of Fentanyl 100mcg from the medication dispensing system for Patient 0512557843269 without a valid physician's order. Respondent's conduct was likely to injure the patient, in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about September 27, 2013, while employed as a Registered nurse with Houston Methodist Hospital, Houston, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 0512557843269 in excess frequency of the physician's order. Respondent's conduct was likely to injure the patient in that the administration of Morphine in excess frequency of the physician's order could result in the patient suffering from adverse reactions. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about September 27, 2013, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent falsely documented he administered 2 mg of Morphine and 4mg of Morphine to Patient 0512557843269 in the patient's Medication Administration Record (MAR), when there were no medication withdrawals from the medication dispensing system associated with the documented times of administration. Respondent's conduct created an inaccurate medical record, and failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.
10. On or about September 27, 2013, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent withdrew one (1) syringe of Morphine 4mg

and one (1) ampule of Fentanyl 100mcg, from the medication dispensing system for Patient 0512557843269, but failed to document, or completely and accurately document the administration of the medications in the patient's Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on his documentation to further medicate the patient, which would result in an overdose. Respondent's conduct also placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

11. On or about September 27, 2013, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent withdrew one (1) syringe of Morphine 4mg, one (1) ampule of Fentanyl 100mcg, and one (1) injection of Lorazepam 2mg, from the medication dispensing system for Patient 0512557843269, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct left medication unaccounted for, was likely to deceive the hospital pharmacy and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
12. On or about September 27, 2013, while employed as a Registered Nurse with Houston Methodist Hospital, Texas, Respondent misappropriated one (1) syringe of Morphine 4mg, one (1) ampule of Fentanyl 100mcg, and one (1) injection of Lorazepam 2mg, belonging to the facility or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patient of the cost of the medications.
13. On or about September 27, 2013, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent failed to assess and/or document the assessment of pain scores as ordered by the physician before administering Morphine to Patient 0512557843269. Respondent's conduct deprived subsequent caregivers of essential information on which to provide ongoing medical care.
14. On or about September 27, 2013, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent lacked fitness to practice nursing in that he exhibited multiple signs of impaired behavior, including: passing out in a chair, having slurred, rambling and incoherent speech, walking with a swaying gait, having glassy and bloodshot eyes, and not being able to carry his tray of food back to his unit. Additionally, when taken to the employee health clinic for probable cause drug screen, Respondent refused to submit a urine specimen and an empty vial of Fentanyl dropped out of his pocket. Respondent's condition could have impaired his ability to recognize subtle signs, symptoms, or changes in patient's conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

15. On or about February 2015, while employed as a Registered Nurse in the perioperative Services unit at Ben Taub Hospital, Houston, Texas, Respondent misappropriated two (2) vials of Dilaudid belonging to the facility or patients thereof, or failed to take precautions to prevent such misappropriation, in that two (2) open vials of Dilaudid were found in his "slot" after Respondent left for the day. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
16. On or about March 2015, while employed as a Registered Nurse in the Perioperative Services unit at Ben Taub Hospital, Houston, Texas, Respondent lacked fitness to practice nursing in that he exhibited signs of impaired behavior including wandering around aimlessly without purpose. Additionally, Respondent frequently left the unit after administering pain medications and would state "gave patient pain medication, going for break." Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
17. On or about June 5, 2015, while employed as a Registered Nurse in the Perioperative Services unit at Ben Taub Hospital, Houston, Texas, Respondent incorrectly removed Dilaudid/ Hydromorphone 2mg/ ml from the medication dispensing system, which resulted in a discrepancy in the narcotic unit. Respondent's conduct created an inaccurate medical record, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
18. In response to Findings of Fact Numbers Seven (7) through Seventeen (17), Respondent states he recently completed a treatment program with La Hacienda, Hunt, Texas. Respondent states he is under the care of an Addictionologist and participating in ongoing counseling.
19. Respondent presented for a chemical dependency evaluation conducted by Dr. Joyce Gayles, on June 6, 2016. Dr. Gayles states Respondent does not deny any of the allegations and admitted to a pattern of abusing prescription medication off and on between 2007 and 2015. Dr. Gayles states Respondent is currently participating in a recovery program and admitted himself into inpatient treatment and has participated in psychotherapy counseling since August 2015. Dr. Gayles recommends that Respondent be referred to TPAPN for support and monitoring.
20. 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.
21. Formal Charges were filed on June 29, 2015.

22. Formal Charges were mailed to Respondent on July 2, 2015.
23. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
24. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
25. 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 substance use disorder.
26. 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 301.451-301.555, 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 §217.11(1)(A),(1)(B),(1)(C),(1)(D)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(5),(6)(A),(6)(H),(10)(B),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 674688, heretofore issued to JASON RAY HARRIS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. 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 674688, previously issued to JASON RAY HARRIS, 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); and
- B. Waives confidentiality and **provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, 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 **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. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. 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.

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, 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

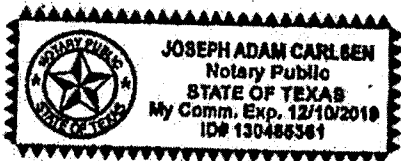
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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 30th day of September, 2016.

Jason Ray Harbis
JASON RAY HARBIS, Respondent

Sworn to and subscribed before me this 30th day of September, 2016.

SEAL



Joseph Adam Carlsen
Notary Public in and for the State of Texas

Approved as to form and substance.

Jeff B. McDonald
Jeff B. McDonald, Attorney for Respondent

Signed this 3rd day of October, 2016.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 30th day of September, 20 16, by JASON RAY HARRIS, Registered Nurse License Number 674688, and said Order is final.

Effective this 3rd day of October, 20 16.



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