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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 661538 §
& Vocational Nurse License Number 160192 §
issued to JEFFREY RYAN PARKER §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JEFFREY RYAN PARKER, Registered Nurse License Number 661538, and Vocational Nurse License Number 160192, 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)(9),(10),(12)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 20, 2020.

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 Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Del Mar College, Corpus Christi, Texas, on August 15, 1996. Respondent received a Diploma in Nursing from Baptist Health System, San Antonio, Texas, on June 1, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 1, 1999.

5. Respondent's nursing employment history includes:

10/1996 – 1998	LVN	Wachenhut Correction Lockhart, Texas
01/1997 – 07/2001	RN	Brown School San Marcos, Texas
05/1999 – 01/2001	RN	Northeast Baptist Hospital San Antonio, Texas
01/2001 – 01/2002	RN	Columbine Agency McAllen, Texas
01/2002 – 03/2002	RN	Mission Hospital Mission, Texas
03/2002 – 08/2002	RN	North Point Surgical Center Edinburg, Texas
08/2002 – 04/2004	RN	Main Methodist Hospital San Antonio, Texas
04/2004 – 11/2007	RN	South Texas Health System McAllen, Texas
12/2007 – 07/2011	Unknown	
08/2011 – 03/2018	RN	DHR Health Edinburg, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with DHR Health, Edinburg, Texas, and had been in that position for six (6) years and seven (7) months.

7. On or about March 6, 2018, while employed as a Registered Nurse with DHR Health, Edinburg, Texas, Respondent lacked fitness to practice nursing in that he reported to work exhibiting signs of impaired behavior, including: appearing dazed, unable to make eye contact, slurred speech, falling asleep, unable to write legibly and stumbling. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' condition, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. On or about March 6, 2018, while employed as a Registered Nurse with DHR Health, Edinburg, Texas, Respondent engaged in the intemperate use of Opiates and Alcohol in that he produced a specimen for a reasonable suspicion drug screen that resulted positive for Opiates and an Alcohol level of 0.04 gm/ml. The use of opiates and alcohol by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing a patient in potential danger.
9. On or about January 26, 2018, while employed as a Registered Nurse with DHR Health, Edinburg, Texas, Respondent failed to administer Acetaminophen Suppository to Patient Medical Record Number 631516 as ordered by a physician. More specifically, Respondent self-reported the wrong route of administration of a suppository. Respondent's conduct was likely to injure the resident in that failure to administer the medication as ordered by a physician could have resulted in non-efficacious treatment.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states he was medicated with cough syrup from Dr. Garza's office with codeine and Phenergan, which was prescribed by his Physician's Assistant, Leroy Moreno. Respondent states he was sick at the time with the flu and pneumonia and he tried to call in but the house supervisor said to call the charge nurse. Respondent states the charge nurse did not answer and states the hospital had a zero tolerance call in policy. Respondent states he went to work and asked to go home, but was told no, and was floated to a different surgical area on short notice. Respondent states the opiate was a prescribed medication. He states the codeine in the cough syrup and Vicoprofen for pain, stating both were prescribed by Dr. Garza's office. Respondent states on March 5, 2018 he had a few drinks with his friends for his birthday. He states it was slow to break down because he had compromised liver function. Respondent states this is the only positive drug screen in 23 years of nursing. Respondent states the wrong medication route was never confirmed. He states Anesthesiologist Marivic Salarda, CRNA told him to give the medication. He states the patient was covered in clothes, so he started at the small of the back and worked his way to the anus. Respondent states something felt abnormal to him and Salarda told him to leave it and she would get the fit. Respondent stated the PACU Nurse said there was white cream on the buttocks area. Respondent states he self-reported and he had a clean UDS.
11. Formal Charges were filed on July 11, 2019.
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 301.451-301.555, 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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E), (4),(5),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 661538, and Vocational Nurse License Number 160192, heretofore issued to JEFFREY RYAN PARKER.
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 that Registered Nurse License Number 661538, and Vocational Nurse License Number 160192, previously issued to JEFFREY RYAN PARKER, to practice nursing in the State of Texas is/are 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 to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;**
- B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **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 time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. 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.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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, unless otherwise specifically indicated:**

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 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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

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 Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

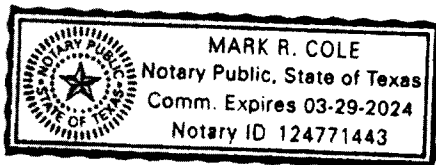
Signed this 25 day of August, 2020.

[Signature]
JEFFREY RYAN PARKER, RESPONDENT

Sworn to and subscribed before me this 25th day of Aug., 2020.

SEAL

[Signature]
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 ratify and adopt the Agreed Order that was signed on the 25th day of August, 2020, by JEFFREY RYAN PARKER, Registered Nurse License Number 661538, and Vocational Nurse License Number 160192, and said Agreed Order is final.

Effective this 25th day of August, 2020.



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