



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
Registered Nurse License Number 792068
issued to JACOB WARREN OWENS

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JACOB WARREN OWENS, Registered Nurse License Number 792068, 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 June 14, 2021.

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 professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Christian University, Fort Worth, Texas, on August 7, 2010. Respondent was licensed to practice professional nursing in the State of Texas on September 28, 2010.
5. Respondent's nursing employment history includes:

9/2010 – 5/2018	Registered Nurse	Children's Health Dallas Dallas, Texas
5/2018 – 8/2018	Unknown	

Respondent's nursing employment history continued:

8/2018 – 11/2018	Registered Nurse	Dell Children's Medical Center Austin, Texas
11/2018 – 2/2019	Unknown	
2/2019 – 9/2019	Registered Nurse	Cook Children's Medical Center Fort Worth, Texas
9/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Children's Health Dallas, Dallas, Texas, and had been in that position for seven (7) years and four (4) months.
7. On or about January 2, 2018, while employed as a Registered Nurse with Children's Health Dallas, Dallas, Texas, Respondent lacked fitness to practice nursing in that he exhibited signs of impaired behavior, including, but not limited to: being groggy, fighting the urge to fall asleep, and slurred speech. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, 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 January 18, 2018, while employed as a Registered Nurse with Children's Health Dallas, Dallas, Texas, Respondent lacked fitness to practice nursing in that he exhibited signs of impaired behavior, including, but not limited to: erratic behavior and making multiple trips for medications, including IV lines, for patients not assigned to him. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, 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.
9. On or about January 22, 2018, while employed as a Registered Nurse with Children's Health Dallas, Dallas, Texas, Respondent lacked fitness to practice nursing in that he exhibited signs of impaired behavior, including, but not limited to: difficulty staying awake and slurred speech. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, 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.

10. On or about April 23, 2018, while employed as a Registered Nurse with Children's Health Dallas, Dallas, Texas, Respondent engaged in the intemperate and unlawful use of Fentanyl in that he produced a specimen for a reasonable suspicion drug screen that resulted positive for Fentanyl. Unlawful possession of Fentanyl is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Fentanyl 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, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
11. On or about November 23, 2018, while employed as a Registered Nurse with Dell Children's Medical Center, Austin, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent lacked fitness to practice nursing in that he exhibited signs of impaired behavior while on duty, including, but not limited to: difficulty staying awake, repeating himself, and inarticulate speech. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, 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.
12. On or about November 23, 2018, while employed as a Registered Nurse with Dell Children's Medical Center, Austin, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent withdrew one (1) bag of Fentanyl 50mcg/1mL 50mL from the medication dispensing system for Patient MRN 7883305, but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or nurses' 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 could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
13. On or about November 23, 2018, while employed as a Registered Nurse with Dell Children's Medical Center, Austin, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent withdrew one (1) bag of Fentanyl 50mcg/1mL 50mL from the medication dispensing system for Patient MRN 7883305, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications 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.
14. On or about November 23, 2018, while employed as a Registered Nurse with Dell Children's Medical Center, Austin, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent misappropriated one (1) bag of Fentanyl 50mcg/1mL 50mL from Patient MRN 7883305, belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriations. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

15. On or about November 23, 2018, while employed as a Registered Nurse with Dell Children's Medical Center, Austin, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent failed to take precautions to secure Fentanyl belonging to the facility and patients thereof in that he left an empty bag of Fentanyl and a Fentanyl 20cc syringe with 1ml remaining at the bedside of Patient MRN 7883305. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
16. On or about November 23, 2018, while employed as a Registered Nurse with Dell Children's Medical Center, Austin, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent engaged in the intemperate and unlawful use of Fentanyl in that he produced a specimen for a reasonable suspicion drug screen that resulted positive for Fentanyl. Unlawful possession of Fentanyl is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Fentanyl 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, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
17. On or about May 30, 2019, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent withdrew one (1) syringe of Morphine 2mg from the medication dispensing system for Patient MRN M002192016, but failed to document and/or completely and accurately document the administration of the medication in the patient's Medication Administration Record (MAR) and/or nurses' 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 could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
18. On or about May 30, 2019, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent withdrew one (1) syringe of Morphine 2mg from the medication dispensing system for Patient MRN M002192016, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications 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.
19. On or about May 30, 2019 through May 31, 2019, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent failed to administer vancomycin to Patient MRN M002192016 as ordered by a physician and failed to adequately communicate the status of the patient to the medical team. As a result, the patient required more ventilator support and multiple interventions. Respondent's conduct was likely to injure the patient in that

failure to administer the medication as ordered by a physician communicate the patient's status could have resulted in non-efficacious treatment.

20. On or about August 15, 2019 and August 27, 2019, Respondent underwent a chemical dependency evaluation with Joyce Gayles, PhD, wherein Dr. Gayles advised that Respondent had a low probability of a substance use disorder and had no significant psychological dysfunction or distress. Dr. Gayles recommended continuation of current treatment and recommended therapy reports to the Board.
21. On or about August 29, 2019, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent falsely documented an IV assessment for Patient MRN M002136088 in that he pre-charted the assessment. Respondent's conduct created an inaccurate medical record and failure to monitor the patient could have resulted in non-efficacious treatment.
22. On or about September 19, 2019, while employed as a Registered Nurse with Cook Children's Medical Center, Fort Worth, Texas, and assigned to the Pediatric Intensive Care Unit (PICU), Respondent submitted orientation documents with fraudulent initials. Respondent's conduct was likely to deceive the facility in his preparedness to work at the facility.
23. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent denies impaired behavior while on duty, stating he may have acted out of his normal due to other issues, including difficulty sleeping, but that he was never impaired. In response to Finding of Fact Number Ten (10), Respondent denies Fentanyl use. In addition, Respondent provided a hair follicle test, dated December 18, 2018, which was negative for Fentanyl. In response to Finding of Fact Number Eleven (11), Respondent states he had attempted to call in to work after not sleeping for over thirty-six (36) hours for a family vacation, but was told he had to come in, and throughout his shift, he notified the charge nurse he could not continue to work, but he was told to continue to work. In response to Findings of Fact Numbers Fourteen (14) through Sixteen (16), Respondent denies misappropriation or use of Fentanyl. Respondent states he changed the Fentanyl bag during his shift and this was his only interaction with Fentanyl, and that he had asked if he could wash his hands prior to submitting a specimen, but was told he was not allowed to. In response to Findings of Fact Seventeen (17) through Nineteen (19) and Twenty-One (21) through Twenty-two, Respondent denies the allegations.

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.

1. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(6)(A),(6)(G),(6)(H),(6)(I),(8),(10)(A),(10)(B),(10)(C),(10)(D),(10)(E) &(11)(B).
3. 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 792068, heretofore issued to JACOB WARREN OWENS.
4. 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.

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 792068, previously issued to JACOB WARREN OWENS, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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 effective date of this Order, unless otherwise specifically indicated:**

- A. **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.
- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards

related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.

- C. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

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.*

V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment"

form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, 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). 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.

- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. 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 of 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.

- E. **Nursing Performance Evaluations:** 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. THERAPY REPORTS

While working as a nurse under the terms of this Order, RESPONDENT SHALL participate in therapy with a professional counselor with 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 nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period RESPONDENT works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the RESPONDENT is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until RESPONDENT is dismissed from therapy, whichever is earlier.

VII. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against 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.

VIII. 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.

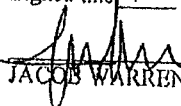
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RESPONDENT'S CERTIFICATION

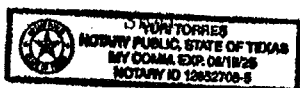
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

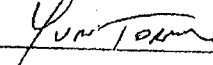
Signed this 12 day of October, 2021.



JACOB WARREN OWENS, RESPONDENT

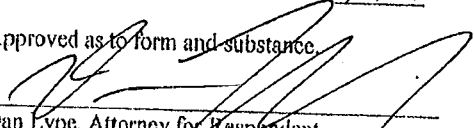
Sworn to and subscribed before me this 12th day of October, 2021.





Notary Public in and for the State of Texas

Approved as to form and substance.



Dan Lype, Attorney for Respondent

Signed this 14 day of October, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of October, 2021, by JACOB WARREN OWENS, Registered Nurse License Number 792068, and said Agreed Order is final.

Effective this 9th day of November, 2021.



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