

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER
Registered Nurse License Number 792986 §
issued to JOEL SEBASTIAN §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOEL SEBASTIAN, Registered Nurse License Number 792986, 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),(9),(10)&(12), 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 May 4, 2023.

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 an Associate Degree in Nursing from Vance-Granville Community College, Henderson, North Carolina, on May 14, 2010. Respondent was licensed to practice professional nursing in the State of Texas on October 21, 2010.
5. Respondent's nursing employment history includes:

10/2010 – 10/2011 RN Regency Village Webster, Texas

Respondent's nursing employment history continued:

11/2011 – 1/2012	Unknown	
2/2012 – 7/2018	RN	Houston Methodist Sugar Land Sugarland, Texas
8/2018 – 11/2018	Unknown	
12/2018 – 8/2019	RN	CHI St. Luke's-Baylor St. Luke's Medical Center Houston, Texas
9/2019 – Present	Unknown	

6. On or about January 24, 2020, Respondent's license(s) to practice nursing in the State of Texas was/were Suspended and Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the January 24, 2020, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about November 16, 2021, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on January 24, 2020. Noncompliance is the result of Respondent's failure to successfully complete the course, Texas Nursing Jurisprudence and Ethics. Section III of the Agreed Order, dated January 24, 2020, states:

“...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.”

8. On or about July 20, 2022, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on January 24, 2020. Non-compliance is the result of Respondent's failure to comply with the requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that he provided a specimen for a random drug screen that resulted positive for Ethyl Glucuronide and Ethyl Sulfate, metabolites of alcohol. Additionally, Respondent admitted to his TPAPN case manager that he consumed alcohol on two occasions. Respondent failed to comply with Section I, Stipulation E of the Order, which states:

“(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.”

On or about March 3, 2023, Respondent's case was closed and dismissed back to the board.

9. In response to Findings of Fact Number Seven (7) and Eight (8), Respondent states he is accepting both the charges. Respondent states he will complete all remedial education needed as early as possible. Respondent continues that he will abide by the rules of the Board and will refrain from using any substance deemed dangerous.
10. Formal Charges were filed on March 10, 2023.

#### 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 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(9),(10), & (12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 792986, heretofore issued to JOEL SEBASTIAN.
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.

#### 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 792986, previously issued to JOEL SEBASTIAN, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Completes an appropriate treatment program approved by the Board;
- B. Provides documentation of successful completion; and

- C. Obtains twelve (12) consecutive months of sobriety, which may be demonstrated by monthly urine drug screens consistent with the "DRUG AND ALCOHOL RELATED REQUIREMENTS" of this Order.

**Any relapse prior to the completion of the required twelve (12) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.**

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 a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.
- E. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- F. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- g. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- H. 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. SUPERSEDING ORDER**

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

**IV. 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.

**V. 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. **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. **The course "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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](http://www.bon.texas.gov/compliance).*

**VI. MONITORING FEE**

RESPONDENT SHALL **pay a monitoring fee in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the suspension being stayed.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**VII. 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 twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) 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. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, 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.
- D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- E. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- F. **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.
- G. **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.

- H. **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 twelve (12) quarters [three (3) years] of employment as a nurse.

#### VIII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL **abstain from the use of alcohol, nalbuphine, propofol and all 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 the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL **submit to random periodic screens for alcohol, nalbuphine, propofol and all controlled substances**. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1<sup>st</sup> quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.



- For the next three (3) month [2<sup>nd</sup> quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3<sup>rd</sup> & 4<sup>th</sup> quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE initially conducted through urinalysis, and subsequent testing or required re-tests, when applicable, may be obtained through blood, hair/nail, and/or breathalyzer, as directed by the Board's drug and alcohol testing program. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. 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 stipulation/probation period.

**Specimens shall be screened** for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butabarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **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.

**Consequences of Positive or Missed Screens.** Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to 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. 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.

- C. While under the terms of this Order, 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) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

#### **IX. CONSEQUENCES OF CONTINUED NONCOMPLIANCE**

Continued noncompliance with the unfulfilled requirements of this or any Order previously issued by the Texas Board of Nursing, as applicable, may result in further investigation and subsequent disciplinary action, including denial of licensure renewal or revocation of RESPONDENT'S license(s) and/or privileges to practice nursing in the State of Texas.

#### **X. 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.

**XI. 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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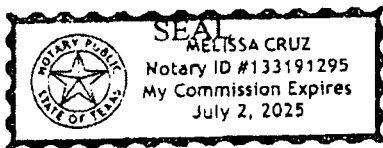
**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I 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 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 17 day of July, 2023.

J. Sebastian  
JOEL SEBASTIAN, RESPONDENT

Sworn to and subscribed before me this 17 day of July, 2023.



Melissa Cruz  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17<sup>th</sup> day of July, 2023, by JOEL SEBASTIAN, Registered Nurse License Number 792986, and said Agreed Order is final.

Effective this 8<sup>th</sup> day of August, 2023.



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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

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In the Matter of  
Registered Nurse License Number 792986  
issued to JOEL SEBASTIAN

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AGREED ORDER

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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 January 16, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Vance-Granville Community College, Henderson, North Carolina, on May 14, 2010. Respondent was licensed to practice professional nursing in the State of Texas on October 21, 2010.
5. Respondent's nursing employment history includes:

10/2010 – 10/2011	RN	Regency Village Webster, Texas
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Respondent's nursing employment history continued:

11/2011 – 1/2012	Unknown	
2/2012 – 7/2018	RN	Houston Methodist Sugar Land Sugar Land, Texas
8/2018 – 11/2018	Unknown	
12/2018 – 8/2019	RN	CHI St. Luke's - Baylor St. Luke's Medical Center Houston, Texas
9/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Houston Methodist Sugar Land, Sugar Land, Texas, and had been in that position for six (6) years and five (5) months.
7. On or about July 26, 2018, through July 27, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent lacked fitness to practice nursing in that he exhibited signs of impaired behavior while on duty, including, but not limited to: red eyes, stuttered when he spoke, and was confused. Furthermore, Respondent had a fresh needle stick with blood on his forearm. Additionally, Respondent's first urine sample was cold and smelled like the soft drink he carried into the restroom and his second urine sample appeared to be water. Respondent subsequently admitted he used intravenous drugs. 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 July 26, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew three (3) vials of Hydromorphone 2mg and one (1) vial of Fentanyl 100mcg from the medication dispensing system for Patient Medical Record Number 013478565 but failed to administer and/or document and/or accurately and completely document the administration of the medication in the patients' 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.
9. On or about July 26, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew Fentanyl 100mcg from the medication dispensing system for Patient Medical Record Number 013478565 and failed

to document the pain assessment in the patient's medical records. Respondent's conduct was likely to injure the patient from clinical care decisions formulated based upon incomplete assessment information.

10. On or about July 26, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew three (3) vials of Hydromorphone 2mg and one (1) vial of Fentanyl 100mcg from the medication dispensing system for Patient Medical Record Number 013478565 but failed to follow the facility's policy and procedure 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.
11. On or about July 26, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent misappropriated three (3) vials of Hydromorphone 2mg and Fentanyl 25mcg belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
12. On or about July 27, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew Morphine 4mg/ml from the medication dispensing system for Patient Medical Record Number 034877266 but failed to document and/or accurately and completely document the administration of the medication in the patients' 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 July 27, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew Morphine 4mg/ml from the medication dispensing system for Patient Medical Record Number 034877266 but failed to follow the facility's policy and procedure 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 July 27, 2018, while employed as a Registered Nurse with Houston Methodist Sugar Land Hospital, Sugar Land, Texas, Respondent misappropriated Morphine 4mg/ml belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
15. On or about August 14, 2019, through August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent



- withdrew thirteen (13) Morphine Inj. 2mg from the medication dispensing system for Patient 02503326 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.
16. On or about August 14, 2019, through August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew thirteen (13) Morphine Inj. 2mg from the medication dispensing system for Patient 02503326 but failed to follow the facility's policy and procedure 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.
  17. On or about August 14, 2019, through August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent misappropriated thirteen (13) Morphine Inj. 2mg belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
  18. On or about August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew four (4) Hydromorphone Inj. 0.5mg from the medication dispensing system for Patient 05585837 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.
  19. On or about August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew four (4) Hydromorphone Inj. 0.5mg from the medication dispensing system for Patient 05585837 but failed to follow the facility's policy and procedure 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.
  20. On or about August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent misappropriated four (4) Hydromorphone Inj. 0.5mg belonging to the facility and patients thereof, or failed to take

precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

21. On or about August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew two (2) Hydromorphone 0.5mg tablets from the medication dispensing system for Patient 03149673 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.
22. On or about August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew two (2) Hydromorphone Inj. 0.5mg from the medication dispensing system for Patient 03149673 but failed to follow the facility's policy and procedure 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.
23. On or about August 15, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent misappropriated two (2) Hydromorphone Inj. 0.5mg belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
24. On or about August 17, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew seven (7) Morphine Inj. 4mg from the medication dispensing system for Patient 02542864 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.
25. On or about August 17, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew seven (7) Morphine Inj. 4mg from the medication dispensing system for Patient 02542864 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication. 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.

26. On or about August 17, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent misappropriated seven (7) Morphine Inj. 4mg belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
27. On or about August 22, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew four (4) Morphine Inj. 2mg from the medication dispensing system for Patient 02333577 in excess frequency and/or dosage of the physician's orders. Respondent's conduct was likely to injure the patient in that the administration of medication in excess frequency and/or dosage of the physicians' orders 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.
28. On or about August 22, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew four (4) Morphine Inj. 2mg from the medication dispensing system for Patient 01234115 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.
29. On or about August 22, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew four (4) Morphine Inj. 2mg from the medication dispensing system for Patient 01234115 but failed to follow the facility's policy and procedure 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.
30. On or about August 22, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent misappropriated four (4) Morphine Inj. 2mg belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
31. On or about August 22, 2019, through August 23, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew three (3) Hydromorphone Inj. 0.5mg from the medication dispensing system for Patient 05231854 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.

32. On or about August 22, 2019, through August 23, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent withdrew three (3) Hydromorphone Inj. 0.5mg from the medication dispensing system for Patient 05231854 but failed to follow the facility's policy and procedure 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.
33. On or about August 22, 2019, through August 23, 2019, while employed as a Registered Nurse with CHI St. Luke's Baylor St. Luke's Medical Center, Houston, Texas, Respondent misappropriated three (3) Hydromorphone Inj. 0.5mg belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
34. In response to Findings of Fact Numbers Eight (8) through Eleven (11), Respondent states he was psychologically and emotionally drained and gave himself Hydromorphone intravenously. Respondent relates he took two (2) vials of Hydromorphone from Patient Medical Record Number 013478565 and administering them to himself, but denies taking a third vial of Hydromorphone or the Fentanyl. In response to Findings of Fact Numbers Twelve (12) through Fourteen (14), Respondent states his orientee properly wasted the Morphine 4mg due to patient refusal.
35. Formal Charges were filed on March 22, 2019.
36. 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),(1)(E),(4),(5),(6)(G),(8),(10)(C),(10)(E)& (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 792986, heretofore issued to JOEL SEBASTIAN.
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 792986, previously issued to JOEL SEBASTIAN, 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](http://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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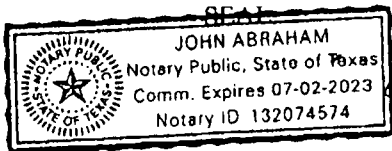


**RESPONDENT'S CERTIFICATION**

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 23 day of January, 2020.  
J. Sebastian  
JOEL SEBASTIAN, RESPONDENT

Sworn to and subscribed before me this 23 day of January, 2020.



[Signature]  
Notary Public in and for the State of TX

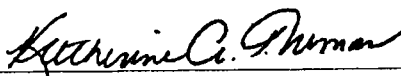
Approved as to form and substance.

[Signature]  
Yong An, Attorney for Respondent

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
01/23/2020

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 23rd day of January, 2020, by JOEL SEBASTIAN, Registered Nurse License Number 792986, and said Agreed Order is final.

Effective this 24th day of January, 2020.



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