BEFORE THE TEXAS BOARD OF NURSING

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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.
Executive Director of the Board

In the Matter of Vocational Nurse	§	AGREED
License Number 172158	§	
issued to JASON JOEL SPENRATH	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of JASON JOEL SPENRATH, Vocational Nurse License Number 172 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 18, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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.

2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Hill Junior College, Hillsboro, Texas, on May 14, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on June 24, 1999.

5. Respondent's vocational nursing employment history includes:

1999 - 2000	LVN	Goodall-Witcher Healthcare Foundation Clifton, Texas

Respondent's vocational nursing employment history continued:

2000 - 2001	LVN	Lake Whitney Medical Center Whitney, Texas
2001 - 2003	LVN	Integrated Health Services of Arlington Arlington, Texas
2003 - 2004	LVN	Medical Staffing Network Fort Worth, Texas
2004 - 2006	LVN	Harris Methodist HEB Hospital Bedford, Texas
2006 - 2007	LVN	Visiting Nurse Association Home Health Care Dallas, Texas
2007 - present	unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Harris Methodist HEB Hospital, Bedford, Texas, and had been in this position for approximately two (2) years.

7. On or about July 16, 2006, July 22, 2006 and July 23, 2006, while employed with Harris Methodist HEB Hospital, Bedford, Texas, Respondent removed Morphine and Zofran from the Pyxis medication dispensing system for patients, but failed to accurately and/or completely document its administration in the patient's medical record and/or nurse's notes, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record Time and Quantity	Medication Administration Record	Nurses Notes
7-16-06	433082	Morphine 4mg IV x 4 prn cont. pain	Morphine Sulfate 10mg 0404 (1)	No Entry	No Entry
7-16-06	368100	Morphine 4 mg IV x 2 prn cont. pain	Morphine Sulfate 4mg 0422 (3)	Morphine 4mg 0411 (1)	No Entry
7-16-06	368100	Morphine 4mg IV x 2 prn cont. pain	Morphine Sulfate 4mg 0422 (3)	Morphine 4mg 0424 (1)	No Entry
7-16-06	368100	Morphine 4mg IV x 2 prn cont. pain	Morphine Sulfate 4mg 0422 (3)	No Entry	No Entry
7-16-06	64630	Morphine 4mg IV x 2 prn pain	Morphine Sulfate 4mg 0640 (1)	0720 - charted by another nurse	No Entry

7-22-06	439478	No Order	Morphine Sulfate 2mg 2354 (1)	No Entry	No Entry
7-22-06	439478	No Order	Morphine Sulfate 4mg 2354 (1)	No Entry	No Entry
7-23-06	183727	Morphine 4mg IV x 2	Morphine Sulfate 4mg 0209 (1)	No Entry	No Entry
7-23-06	183727	Zofran 4mg IV	Ondansetron Hcl 4mg 0209 (1)	No Entry	No Entry
7-23-06	368398	Morphine 10 mg	Morphine Sulfate 10mg 0404 (1)	No Entry	0315 - medicated per Dr. orders

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose and placed the hospital in violation of Chapters 481 (Controlled Substances Act) and 483 (Dangerous Drugs Act) of the Texas Health and Safety Code.

8. On or about July 16, 2006, July 22, 2006 and July 23, 2006, while employed with Harris Methodist HEB Hospital, Bedford, Texas, Respondent removed Morphine and Zofran from the Pyxis medication dispensing system for patients, but failed to follow facility policy and procedure regarding the proper wastage of the unused portions of the medications, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record Time and Quantity	Medication Administration Record	Nurses Notes	Wastage
7-16-06	433082	Morphine 4mg IV x 4 prn cont. pain	Morphine Sulfate 10mg 0404 (1)	No Entry	No Entry	Not Documented
7-16-06	368100	Morphine 4mg IV x 2 prn cont. pain	Morphine Sulfate 4mg 0422 (3)	No Entry	No Entry	Not Documented
7-22-06	439478	No Order	Morphine Sulfate 2mg 2354 (1)	No Entry	No Entry	Not Documented
7-22-06	439478	No Order	Morphine Sulfate 4mg 2354 (1)	No Entry	No Entry	Not Documented
7-23-06	463355	Morphine 4-10mg IV	Morphine Sulfate 4mg 0114 (1)	Morphine 2mg 0234	0234 - pain 8/10 RLQ abd, medicated per orders	Not Documented
7-23-06	183727	Morphine 4mg IV x 2	Morphine Sulfate 4mg 0209 (1)	No Entry	No Entry	Not Documented
7-23-06	183727	Zofran 4mg IV	Ondansetron Hcl 4mg 0209 (1)	No Entry	No Entry	Not Documented
7-23-06	368398	Morphine 10 mg	Morphine Sulfate 10mg 0404 (1)	No Entry	0315 - medicated per Dr. orders	Not Documented

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapters 481 (Controlled Substances Act) and 483 (Dangerous Drugs Act) of the Texas Health and Safety Code of the Texas Health and Safety Code.

9. On or about July 22, 2006, while employed with Harris Methodist HEB Hospital, Bedford, Texas, Respondent removed Morphine Sulfate from the Pyxis medication dispensing system for Patient Medical Record Number 439478, without a valid physician's order, as follows:

Date	Patient MR#	Physician's Order	Medication Dispensing System Record Time and Quantity	Medication Administration Record	Nurses Notes
7-22-06	439478	No Order	Morphine Sulfate 2mg 2354 (1)	No Entry	No Entry
7-22-06	439478	No Order	Morphine Sulfate 4mg 2354 (1)	No Entry	No Entry

Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that the administration of Morphine without a physician's order could result in the patient suffering from adverse reactions.

10. On or about July 16, 2006, July 22, 2006 and July 23, 2006, while employed with Harris Methodist HEB Hospital, Bedford, Texas, Respondent misappropriated, or failed to take precautions to prevent such misappropriation of, Morphine and Zofran from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. On or about April 30, 2007, while employed with Visiting Nurse Association Home Health Care, Dallas, Texas, Respondent engaged in the intemperate use of Cocaine in that he produced a specimen for a random drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

14. Respondent's conduct described in Finding of Fact Numbers Seven (7) to Eleven (11) resulted from Respondent's impairment by dependency on chemicals.

15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(C)&(1)(D) and 217.12(1)(A),(4),(5),(6)(G),(10)(A),(10)(B),(10)(C),(10)(D)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 172158, heretofore issued to JASON JOEL SPENRATH, including revocation of Respondent's license to practice nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to JASON JOEL SPENRATH, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include

payment of a non-refundable participation fee in the amount of three hundred fiftyfive hundred dollars ($350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25th day of September, 2008.

Jason Joel Spenrath

JASON JOEL SPENRATH, Respondent

Sworn to and subscribed before me this 25th day of September, 2008.

SEAL

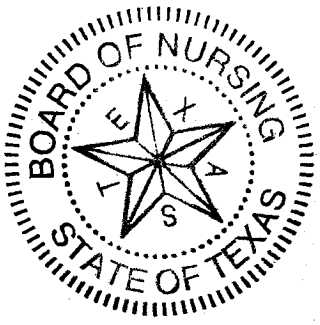
Kelli D. Townley

Notary Public in and for the State of Texas

KELLY D. TOWNLEY
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 2-26-2011

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 25th day of September, 20 08, by JASON JOEL SPENRATH, Vocational Nurse License Number 172158, and said Order is final.

Entered and effective this 13th day of October, 20 08.



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