



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 § AGREED
License Number 699743 §
issued to JASON SCOTT SINCLAIR § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JASON SCOTT SINCLAIR, Registered Nurse License Number 699743, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 17, 2010, 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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Alvin Community College, Alvin, Texas on May 12, 2003. Respondent was licensed to practice professional nursing in the State of Texas on August 12, 2003.
5. Respondent's professional nursing employment history includes:

5/03-5/05

RN

Bay Shore Medical Center
Pasadena, Texas

Respondent's professional nursing employment history continued:

6/05-8/06	RN	Cornerstone Healthcare Group Webster, Texas
9/06-11/06	RN	Clearlake Regional Medical Center Webster, Texas
12/06-5/08	RN	Triumph Hospital East Houston Houston, Texas
6/08-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a registered nurse with Triumph Hospital East Houston, Houston, Texas, and had been in this position for approximately one (1) year and five (5) months.
7. On or about May 11, 2008, while employed with Triumph Hospital East, Channelview, Texas, Respondent was confrontational with patient # 00008057's family in that he used a tone of voice which the family interpreted as angry and loud enough for others to hear and stated "what do you expect us to do with your mother?... Well, you all have to pay the bills so this DNR order must not be any good." Respondent then crumpled the DNR page. Respondent's conduct was likely to cause emotional injury to the patient's family and could have interfered or disrupted the patient's treatment.
8. Respondent states he found the DNR form and approached the family in the hall and asked them if they wanted them to adhere to the form and "let her go" or to start the medicine and "bring her back". Alarms were going off loudly and the patient's blood pressure was very low so Respondent states he was talking to the family with a sense of urgency hoping they would make a decision, to which they decided to "let her go". Respondent reports that he clarified that (staff) were going to follow the DNR and not start the medications the doctor ordered to which the family replied "we want you to do what the doctor says". Respondent states he explained what the DNR form was and stated they needed to carefully review it. Respondent adds that he made the comment that the doctor was in charge of the patient's care but added that it was the family who makes those type of decisions because they are the ones who "pay the bills here". One of the family members stated he wanted staff to follow the doctors orders so in haste, Respondent states he crumbled the DNR form and held on to it, while one of the family members started talking to him and another one asked to see the form. Respondent states he kept his attention on one of the family members and handed the form to the another. Respondent admits that it was a mistake to crumple the form, but this was the first time someone had changed their mind.

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 of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 699743, heretofore issued to JASON SCOTT SINCLAIR, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

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

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

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully

complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following*

web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

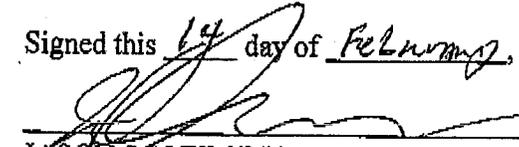
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RESPONDENT'S CERTIFICATION

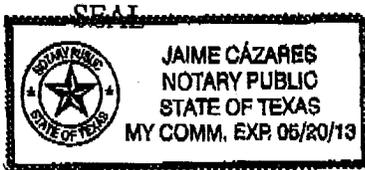
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

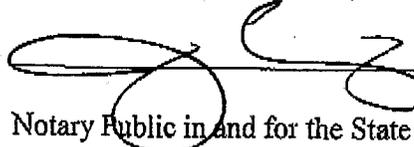
Signed this 14 day of February, 20 11.



JASON SCOTT SINCLAIR, Respondent

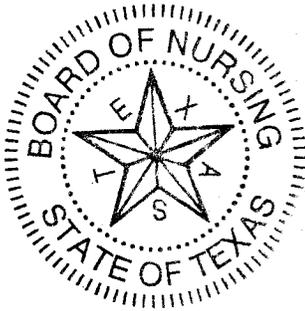
Sworn to and subscribed before me this 14 day of February, 20 11.





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 14th day of February 2011, by JASON SCOTT SINCLAIR, Registered Nurse License Number 699743, and said Order is final.



Effective this 15th day of February, 2011.

A handwritten signature in black ink, appearing to read 'Katherine A. Thomas'.

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