



Respondent's professional nursing employment history continued:

January 2006 - May 2006	Unknown
June 2006 - October 2006	Staff RN University Behavioral Health Denton, Texas
November 2006 - June 2007	Unknown
July 2007 - December 2007	Staff RN Kindred Hospital - Walnut Hill Dallas, Texas
January 2008 - February 2008	Unknown
March 2008 - April 2008	Staff RN Continuum Medical Staffing Dallas, Texas
May 2008 - Present	Unknown

6. On or about July 1, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing which required him to participate in and successfully complete an alternative peer assistance program. A copy of the Findings of Fact, Conclusions of Law, and July 1, 2008, Agreed Order is attached and incorporated, by reference, as part of this Order.
7. On or about March 24, 2009, Respondent was issued a Stipulation, Settlement and Order by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, which required him to participate in and successfully complete the Peer Assistance Program of the Oklahoma Board of Nursing. A copy of the March 24, 2009 Stipulation, Settlement and Order is attached and incorporated, by reference, as part of this Order.
8. On or about July 13, 2009, Respondent's license to practice professional nursing in the State of Oklahoma was revoked by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma. Revocation is the result of Respondent's failure to be accepted into the Peer Assistance Program on or before May 21, 2009. Stipulation Number Two (2) of the March 24, 2009, Stipulation, Settlement and Order states, in pertinent part:

"If Respondent is not accepted in the Peer Assistance Program on or before May 21, 2009, or having been accepted is terminated from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby revoked for a period of two (2) years.

9. On or about July 13, 2009, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on July 1, 2008. Non-compliance is the result of Respondent's failure to complete the Oklahoma Peer Assistance Program as evidenced by the revocation of his license to practice professional nursing in the State of Oklahoma by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma. The Agreed Order dated July 1, 2008, states, in pertinent part:

"IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the Oklahoma Peer Assistance Program, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas."

10. Respondent admits to the conduct outlined in Findings of Fact Numbers Eight (8) and Nine (9). Respondent states that he was never released to work in Oklahoma and ultimately his license was revoked because he was unable to attend an inpatient facility due to economical issues. Respondent states that the Licensed Chemical Dependency Counselor (LCDC) he was referred to by the Oklahoma Peer Group and Oklahoma State Board recommended that Respondent see him for a couple of weeks and attend some nurse support groups. However, the LCDC did not submit his recommendation to the Peer Program before Respondent had to meet with them and, contrary to the LCDC's recommendation and findings, the Board made their own determination that Respondent should attend an inpatient facility of which five were acceptable in the U.S. Respondent states that he had gone to an inpatient program at Green Oaks in Dallas. He states that the fees to attending the facilities were astronomical and cost-prohibitive for him. The facility with the most attainable services cost a minimum of \$24,000.

Respondent contacted TPAPN and determined that he needed to relocate to Texas to continue his career and education. Respondent states that he is seeking permission from the Texas Board to allow him to work in this state. Respondent states that to be accepted to the Peer Program and receive permission to work in the State of Texas is of extreme importance to him. Respondent acknowledges his culpability in this situation. When he receives permission to work again he will certainly embrace and comply with any and all guidelines set forth by the program.

11. 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.
12. 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.
13. 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 a violations of Section 301.452(b)(1), (8) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
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 710953, heretofore issued to JAY LOREN FAULKNER, 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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 710953, previously issued to JAY LOREN FAULKNER, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent complies with Stipulation Numbers One (1) and Two (2):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

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

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and RESPONDENT SHALL

comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the TPAPN:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

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

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.

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, 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

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 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 Stipulation Numbers 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of March, 2010.

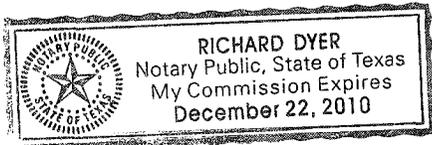
Jay Loren Faulkner  
JAY LOREN FAULKNER, Respondent

Sworn to and subscribed before me this 26<sup>th</sup> day of MARCH, 2010.

SEAL

Richard Dyer

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 accept and enter the Agreed Order that was signed on the 26th day of March, 20 10, by JAY LOREN FAULKNER, Registered Nurse License Number 710953, and said Order is final.

Effective this 6th day of April, 20 10.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse                   §     AGREED  
License Number 710953                               §  
issued to JAY LOREN FAULKNER                   §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAY LOREN FAULKNER, Registered Nurse License Number 710953, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 23, 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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Carl Albert State College, Poteau, Oklahoma, on May 1, 2003. Respondent was licensed to practice professional nursing in the State of Texas on November 1, 2004.
5. Respondent's professional nursing employment history includes:

November 2004 - December 2005

Staff RN  
Lewisville Medical Center  
Lewisville, Texas

Respondent's professional nursing employment history continued:

January 2006 - May 2006	Unknown
June 2006 - October 2006	Staff RN University Behavioral Health Denton, Texas
November 2006 - June 2007	Unknown
July 2007 - December 2007	Staff RN Kindred Hospital - Walnut Hill Dallas, Texas
January 2008 - February 2008	Unknown
March 2008 - April 2008	Staff RN Continuum Medical Staffing Dallas, Texas
May 2008 - Present	Unknown

6. On or about August 25, 2005, while employed with Medical Center of Lewisville, Lewisville, Texas, Respondent misappropriated Morphine belonging to the facility and its patients thereof, in that he admitted to such misappropriation for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
7. On or about August 25, 2005, while employed with Medical Center of Lewisville, Lewisville, Texas, Respondent engaged in the intemperate use of Morphine in that he submitted a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
8. On or about November 2005, through December 2005, while employed with Medical Center of Lewisville, Lewisville, Texas, Respondent misappropriated Morphine and Hydromorphone belonging to the facility and its patients thereof, in that he admitted to removing Morphine and Hydromorphone from the Medication Dispensing System without authorization and for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

9. On or about October 11, 2006, while employed with University Behavioral Health, Denton, Texas, Respondent engaged in the intemperate use of Cocaine in that he submitted a specimen for a 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 Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
10. On or about November 21, 2007, through December 5, 2007, while employed with Kindred Hospital-Walnut Hill, Dallas, Texas, Respondent misappropriated Hydromorphone and Morphine belonging to the facility and patients thereof, in that he admitted to such misappropriation for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. On or about November 26, 2007, while employed with Kindred Hospital-Walnut Hill, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that he was observed falling asleep while on duty. 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 April 2, 2008, through April 24, 2008, while employed with Continuum Medical Staffing, Dallas, Texas, and on assignment at Centennial Medical Center, Frisco, Texas, Respondent misappropriated Hydromorphone belonging to the facility and patients thereof, in that he admitted to such misappropriation for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
13. 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.
14. 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.
15. Respondent stated to the Board that he went through inpatient treatment for chemical dependency at Green Oaks, Dallas, Texas, from May 6, 2008, through May 10, 2008. Respondent is moving to Oklahoma where his family lives, and he has no plans to return to Texas.
16. Respondent's conduct described in Findings of Fact Numbers Six (6) through Twelve (12) resulted from Respondent's impairment by dependency on chemicals.

17. 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) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5), (6)(G), (8), (10)(A)(D) & (11)(B).
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 710953, heretofore issued to JAY LOREN FAULKNER, including revocation of Respondent's license to practice professional 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 an alternative peer assistance program approved by the Board and acceptable under the criteria established by Chapter 467, Health and Safety Code.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

Oklahoma Alternative to Texas Peer Assistance Program for Nurses (TPAPN)

IT IS FURTHER AGREED and ORDERED that this Order constitutes written permission for Respondent to participate in the Oklahoma Peer Assistance Program (OPAP) for chemical dependency in lieu of participation in the Texas Peer Assistance Program for Nurses (TPAPN) provided RESPONDENT remains enrolled in the OPAP for a minimum of two (2) years or successfully completes the Oklahoma program, whichever is longer in duration. RESPONDENT SHALL NOT practice in any other state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that SHOULD RESPONDENT desire to practice professional nursing in the State of Texas, prior to completing his contract with the OPAP, RESPONDENT SHALL petition the Board for such approval. RESPONDENT SHALL not work in the State of Texas on his Texas license or multistate privilege prior to receiving such approval.

Multistate Licensure

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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.

Remedy for Further Violation

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the Oklahoma Peer Assistance Program, such

noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, RESPONDENT may be issued an unencumbered license and multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

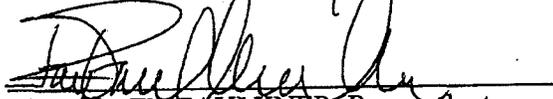
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RESPONDENT'S CERTIFICATION

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 violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Oklahoma Peer Assistance Program. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of June, 2008.

  
\_\_\_\_\_  
JAY LOREN FAULKNER, Respondent

Sworn to and subscribed before me this 20th day of June, 2008.

  
\_\_\_\_\_  
Notary Public in and for the State of Oklahoma



*My Commission expires  
5-20-12*

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 20th day of June, 2008, by JAY LOREN FAULKNER, Registered Nurse License Number 710953, and said Order is final.

Entered and effective this 1st day of July, 2008.

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

**BEFORE THE OKLAHOMA BOARD OF NURSING**

IN THE MATTER OF JAY LOREN FAULKNER, R.N.  
LICENSE NO. R0081275 (LAPSED)

**STIPULATION, SETTLEMENT AND ORDER**

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 10th day of March, 2009, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Jan Sinclair, R.N., a Nurse Investigator with the Board, appears in person, and Jay Loren Faulkner, r.n., (hereinafter, "Respondent") appears neither in person nor by counsel before the Panel on this date. Respondent and the Nurse Investigator participated in a telephonic conference on February 24, 2009, and subsequently consented to this Order.

**STIPULATION**

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent's license to practice registered nursing in the State of Oklahoma, being License No. R0081275, lapsed on the 1st day of April, 2006.
2. Respondent has submitted an Application for Reinstatement of License to practice registered nursing in the State of Oklahoma.
3. On or about July 1, 2008, Before the Texas Board of Nursing, Respondent was referred by Agreed Order to complete the Oklahoma Alternative to Texas Peer Assistance Program for Nurses (TPAPN) for misappropriation of CDS while employed with Medical Center of

Lewisville, Lewisville, Texas; testing positive for Cocaine while employed with University Behavioral Health, Denton, Texas; misappropriated of CDS while employed with Kindred Hospital-Walnut Hill, Dallas, Texas; and misappropriated CDS while employed with Continuum Medical Staffing, Dallas, Texas, attached as Exhibit A and made a part hereof.

4. Respondent admits to having a problem with controlled dangerous substances/alcohol.

5. Respondent has requested a referral to the Peer Assistance Program.

6. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

7. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against

Respondent for acts or omissions not specifically made a part of this stipulation.

9. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

10. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

11. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

#### **STIPULATED DISPOSITION AND ORDER**

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent is referred to the Peer Assistance Program of the Oklahoma Board of Nursing on the following terms and conditions:

1. The reinstatement of Respondent's license to practice registered nursing is hereby granted, but Respondent's license shall be immediately **temporarily suspended** until Respondent provides documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program by **May 21, 2009**.

2. If Respondent is not accepted into the Peer Assistance Program on or before **May 21, 2009**, or having been accepted is terminated from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby revoked for a period of two (2) years.

3. Upon Reinstatement, Respondent's license will be immediately placed in

temporary suspension pending readmission to the Peer Assistance Program. Respondent shall provide documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program within sixty (60) days of reinstatement.

4. In the event Respondent's license is revoked as provided herein, any application to reinstate Respondent's license shall not be considered by the Board until Respondent presents evidence satisfactory to the Board of compliance with the Board's Guidelines For Individuals Requesting Reinstatement After Suspension, Surrender Or Revocation For Misappropriation Or Misuse Of Drugs/Alcohol, a copy of which is attached hereto and made a part hereof. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.

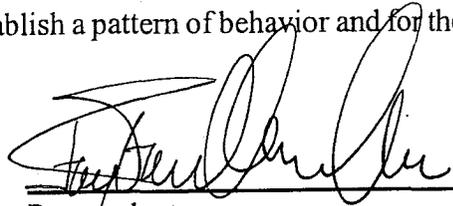
5. In the event Respondent's license is revoked as provided herein, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of Five Hundred Dollars (\$500.00). The administrative penalty shall be paid only by certified check, money order or cash. Any Application to Reinstate Respondent's license will not be considered until the administrative penalty is paid in full.

6. The parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this **Stipulation, Settlement and Order**, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

7. This stipulation shall not be effective until the fully executed Order is received in the Board office.

8. Upon successful completion by Respondent of Respondent's Contract, Amended Contract(s), and treatment plan with the Peer Assistance Program, no further Order of the Board shall be deemed necessary.

9. This Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

  
\_\_\_\_\_  
Respondent

Approved and ordered this 24<sup>th</sup> day of March, 2009.

OKLAHOMA BOARD OF NURSING

By:   
\_\_\_\_\_  
President

JS:sr

RECEIVED

DEC 24 2008

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BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 710953	§	
issued to JAY LOREN FAULKNER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAY LOREN FAULKNER, Registered Nurse License Number 710953, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 23, 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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Carl Albert State College, Poteau, Oklahoma, on May 1, 2003. Respondent was licensed to practice professional nursing in the State of Texas on November 1, 2004.
5. Respondent's professional nursing employment history includes:

November 2004 - December 2005

Staff RN  
Lewisville Medical Center  
Lewisville, Texas



RECEIVED

DEC 24 2008

OBN

Respondent's professional nursing employment history continued:

January 2006 - May 2006	Unknown
June 2006 - October 2006	Staff RN University Behavioral Health Denton, Texas
November 2006 - June 2007	Unknown
July 2007 - December 2007	Staff RN Kindred Hospital - Walnut Hill Dallas, Texas
January 2008 - February 2008	Unknown
March 2008 - April 2008	Staff RN Continuum Medical Staffing Dallas, Texas
May 2008 - Present	Unknown

6. On or about August 25, 2005, while employed with Medical Center of Lewisville, Lewisville, Texas, Respondent misappropriated Morphine belonging to the facility and its patients thereof, in that he admitted to such misappropriation for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
7. On or about August 25, 2005, while employed with Medical Center of Lewisville, Lewisville, Texas, Respondent engaged in the intemperate use of Morphine in that he submitted a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
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9. On or about October 11, 2006, while employed with University Behavioral Health, Denton, Texas, Respondent engaged in the intemperate use of Cocaine in that he submitted a specimen for a 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 Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
10. On or about November 21, 2007, through December 5, 2007, while employed with Kindred Hospital-Walnut Hill, Dallas, Texas, Respondent misappropriated Hydromorphone and Morphine belonging to the facility and patients thereof, in that he admitted to such misappropriation for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. On or about November 26, 2007, while employed with Kindred Hospital-Walnut Hill, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that he was observed falling asleep while on duty. 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 April 2, 2008, through April 24, 2008, while employed with Continuum Medical Staffing, Dallas, Texas, and on assignment at Centennial Medical Center, Frisco, Texas, Respondent misappropriated Hydromorphone belonging to the facility and patients thereof, in that he admitted to such misappropriation for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
13. 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.
14. 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.
15. Respondent stated to the Board that he went through inpatient treatment for chemical dependency at Green Oaks, Dallas, Texas, from May 6, 2008, through May 10, 2008. Respondent is moving to Oklahoma where his family lives, and he has no plans to return to Texas.
16. Respondent's conduct described in Findings of Fact Numbers Six (6) through Twelve (12) resulted from Respondent's impairment by dependency on chemicals.

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17. 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) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5), (6)(G), (8), (10)(A)(D) & (11)(B).
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 710953, heretofore issued to JAY LOREN FAULKNER, including revocation of Respondent's license to practice professional 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 an alternative peer assistance program approved by the Board and acceptable under the criteria established by Chapter 467, Health and Safety Code.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

Oklahoma Alternative to Texas Peer Assistance Program for Nurses (TPAPN)

IT IS FURTHER AGREED and ORDERED that this Order constitutes written permission for Respondent to participate in the Oklahoma Peer Assistance Program (OPAP) for chemical dependency in lieu of participation in the Texas Peer Assistance Program for Nurses (TPAPN) provided RESPONDENT remains enrolled in the OPAP for a minimum of two (2) years or successfully completes the Oklahoma program, whichever is longer in duration. RESPONDENT SHALL NOT practice in any other state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that SHOULD RESPONDENT desire to practice professional nursing in the State of Texas, prior to completing his contract with the OPAP, RESPONDENT SHALL petition the Board for such approval. RESPONDENT SHALL not work in the State of Texas on his Texas license or multistate privilege prior to receiving such approval.

Multistate Licensure

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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.

Remedy for Further Violation

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the Oklahoma Peer Assistance Program, such

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noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, RESPONDENT may be issued an unencumbered license and multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

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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 violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Oklahoma Peer Assistance Program. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of June, 2008.

Jay Loren Faulkner  
 JAY LOREN FAULKNER, Respondent

Sworn to and subscribed before me this 20th day of June, 2008.

Pamela S. Milvo  
 Notary Public in and for the State of Oklahoma

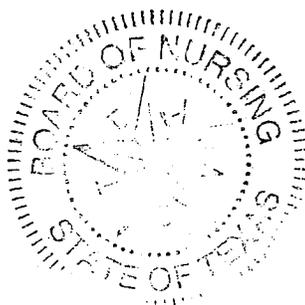
*My Commission expires 5-20-12*



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 20th day of June, 2008, by JAY LOREN FAULKNER, Registered Nurse License Number 710953, and said Order is final.

Entered and effective this 1st day of July, 2008.

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



I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date:

12-19-08

Signed:

