

## BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **JERRY RAY HARPER, III, R.N.**  
**License Number: 0001-213992**  
**Case Number: 163529**

---

**CONSENT ORDER**

---

**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Nursing ("Board") and Jerry Ray Harper, III, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Mr. Harper's license to practice as a professional nurse in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Jerry Ray Harper, III, R.N. was issued License Number 0001-213992 to practice as a professional nurse on July 14, 2008, which is scheduled to expire on March 31, 2018. His primary state of residence is Virginia.

2. Mr. Harper violated Virginia Code § 54.1-3007(5) and (8) in that he made multiple medication withdrawal, administration and documentation errors. Specifically:

a. During the course of Mr. Harper's employment with Memorial Hospital of Martinsville and Henry County, Martinsville, Virginia ("MHM") a routine pharmacy audit and subsequent investigation revealed that between January 2015 and March 2015, Mr. Harper had an unusually high number of Dilaudid (hydromorphone, C-II) and Percocet (oxycodone, C-II) withdrawals with no documentation of administration or return. Mr. Harper explained that the discrepancies were merely a result of "sloppy documentation" on his part. Mr. Harper's employment with MHM was terminated on April 27, 2015.

b. During the course of Mr. Harper's employment as a travel nurse with Cirrus Medical Staffing, Charlotte, North Carolina ("Cirrus Staffing") while assigned to Wake Forest University Baptist Medical Center ("WFU"), a WFU facility audit revealed discrepancies in Mr. Harper's medication withdrawals, dispensing and charting. Specifically, an audit of 73 of Mr. Harper's records revealed unaccounted for medications including fentanyl (C-II), hydromorphone (C-II), and oxycodone (C-II). The audit also revealed a pattern of not scanning medications, multiple instances of late charting, and documenting that medications were administered before they were dispensed. Mr. Harper's contract with WFU was terminated on December 18, 2015.

3. Mr. Harper violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing in that, in an email to Cirrus Staffing dated January 12, 2016, Mr. Harper falsely stated "I have never had any issue with medication administration, charting, or issues with dispensing narcotics in the past. I have never been under investigation from and (sic) employer or state governing body with regards to any matter." In fact, Mr. Harper's employment with MHM was terminated on April 27, 2015 for medication administration errors, charting errors, and dispensing errors involving narcotics. In addition, in an August 21, 2015 email to an investigator with the Virginia Department of Health Professions, Mr. Harper acknowledged that he was the subject of an investigation by the Department.

### CONSENT

Jerry Ray Harper, III, R.N., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
5. I admit to the Findings of Fact and Conclusion of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my right to practice as a professional nurse in the Commonwealth of Virginia.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Jerry Ray Harper, III, R.N. is REPRIMANDED.
2. Within 60 days from the date of entry of this Order, Jerry Ray Harper, III, R.N. shall provide written proof satisfactory to the Board of successful completion of the following NCSBN course: *Documentation: A Critical Aspect of Client Care*.
3. Jerry Ray Harper, III, R.N. shall comply with all laws and regulations governing the practice of nursing in the Commonwealth of Virginia.
4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of nursing shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

Jay Douglas  
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED: August 17<sup>th</sup>, 2016

SEEN AND AGREED TO:

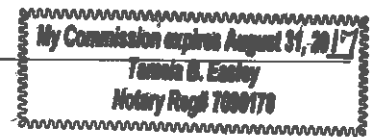
Jerry Ray Harper, III  
Jerry Ray Harper, III, R.N.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Henry, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 4<sup>th</sup> day of August, 2016.

Jameia B. Easley  
Notary Public

My commission expires: August 31 2017



7090178

Certified True Copy

Registration No.:

By M. Baylor  
Virginia Board of Nursing