

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: GLENN HARRIS, R.N.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on June 12, 2008, in Henrico County, Virginia. Mr. Harris was present and was represented by John C. Warley, Esquire. Jane E. Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2008, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Harris was not present; however, was represented by the legal counsel of John C. Warley, Esquire.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Glenn Harris was issued License No. 0001-137735 to practice professional nursing in Virginia on June 1, 1994. The license is current.
2. By letter dated May 14, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Harris, notifying him that an informal conference would be held on June 12, 2008. The Notice was sent by certified and first class mail to 545 Virginia Avenue, Norfolk, VA 23508, the address of record on file with the Board of Nursing.
3. During his employment at the Naval Medical Center, Portsmouth, Virginia ("Naval Medical"):

a. By his own admission, from January, 2007, until September 10, 2007, Mr. Harris diverted Demerol Carpujects 50 mg. (meperidine, Schedule II) from the Pyxis without authorization. At the informal conference, Mr. Harris stated that he diverted the Demerol in the hope that the Navy “would take notice” of problems around the hospital, specifically, the activities of a sexual predator on the hospital staff who was permitted to work with patients while complaints were being investigated. Mr. Harris stated that diverting the Demerol to attract attention was “a stupid decision and not rational thinking.” Mr. Harris stated that he never ingested the Demerol.

b. On September 10, 2007, during his nursing shift, Mr. Harris manifested signs of impairment including inappropriate smiles, “glassy eyes,” and odd conversation. He was encouraged to leave the hospital due to his condition, which he did. The hospital did not request that Mr. Harris submit to a urine screen. However, Mr. Harris submitted to a hair 5-drug panel on September 24, 2007, which yielded negative results. Mr. Harris denied impairment by use of narcotics. He stated at the informal conference that he was emotionally distraught on the day in question because of flashbacks related to Post-Traumatic Stress Disorder (“PTSD”), which were about his sexual abuse as a child, and that an anxiety attack, with symptoms of sweating, shaking and incoherent speech, mimicked drug-induced impairment.

4. Mr. Harris has been under the care of a psychologist and psychiatrist on a regular basis since July, 2006. According to these mental health professionals, Mr. Harris experienced exacerbations of his PTSD, triggered by the behavior of the sexual predator mentioned above, which led to the self-defeating behavior of diversion. Neither provider acknowledged treating Mr. Harris for substance abuse dependency.

5. On May 15, 2008, Mr. Harris’ psychologist stated that Mr. Harris was “totally fit for return to full-time work as a nurse specialist.

CONCLUSIONS OF LAW

1. Finding of Fact #3a constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations.
2. Finding of Fact 3b constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Glenn Harris, R.N., be, and hereby is, placed on PROBATION for two years of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Mr. Harris has completed two years of active employment as a professional nurse. The license of Mr. Harris shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.

2. Mr. Harris shall inform his current nursing employer and each future nursing employer that the Board has placed him on probation and shall provide each employer with a complete copy of this Order. If Mr. Harris is employed through a staffing agency, he shall inform his supervisor in each facility where assigned that he is on probation.

3. Performance Evaluations shall be provided, at the direction of Mr. Harris, by all nursing employers as provided by the Compliance Case Manager.

4. Mr. Harris shall have his current psychologist and psychiatrist submit to the Board written reports of their evaluations, including diagnosis, recommended course of therapy, and prognosis within

forty-five (45) days from the date this Order is entered. Mr. Harris shall comply with any recommendations of his current therapists. Written quarterly progress reports by the therapists shall be sent to the Board by the last day of the months of March, June, September and December until Mr. Harris is discharged from therapy. Mr. Harris shall direct the therapists to notify the Board if he withdraws from the treatment program before being officially discharged by the therapists.

5. Mr. Harris shall be required to have one supervised, unannounced random drug screen a month, from a Board-approved testing entity, which include(s) testing for alcohol and the following drug of choice: Demerol. Mr. Harris shall ensure that the first set of results are received by the Board no later than sixty (60) days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Mr. Harris refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

6. Mr. Harris shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any consultants designated by the Board.

7. Mr. Harris shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than sixty (60) days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December, until the period of probation ends.

8. Mr. Harris shall return all copies of his license to practice as a professional nurse to the Board office within ten (10) days of the date of entry of this Order along with a payment of a fee of \$5.00.

Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

9. Mr. Harris shall conduct himself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

10. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Glenn Harris, R.N., and an administrative proceeding shall be held to decide whether his license shall be revoked.

This Order is subject to appeal to the Board. If Mr. Harris desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, he must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

Pursuant to § 54.1-2400.2 of the Code, 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 P. Douglas
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: October 10, 2008

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Glenn Harris, R.N., at 545 Virginia Avenue, Norfolk, VA 23508, and John C. Warley, Esquire, Law Office of John C. Warley, PLLC, 1320 Central Park Blvd., Suite 227, Fredericksburg, VA 22401.

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing
October 10, 2008
DATE

Certified True Copy
By *dgraham*
Virginia Board of Nursing