**STATE OF RHODE ISLAND**
**AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH**
**HEALTH SERVICES REGULATION**
**BOARD OF NURSE REGISTRATION**
**AND NURSING EDUCATION**

**Vs**

**JAY A. MURRAY, RN (31220) RNA (31220)**

## CONSENT ORDER

Pursuant to Section 5-34-25 the General Laws of the State of Rhode Island, 2004 Reenactment, a complaint was filed with the Board of Nurse Registration and Nursing Education (hereinafter referred to as "Board") charging Jay A. Murray, RN, Respondent with a violation of Chapter 5-34 of the General Laws of the State of Rhode Island, 2008 Reenactment.

After consideration by the Investigating Committee of the Board, it was agreed by and between the parties:

1. Respondent is a registered nurse and certified registered nurse anesthetist able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. In 2008 the Respondent had a problem with alcohol abuse, in January of 2009 he was placed on probation in the state of Nebraska.
3. Subsequently he has entered treatment and has demonstrated a commitment to such.
4. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
5. That Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to final ratification by the Board. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Board.
6. Respondent hereby acknowledges and waives:

a) The right to appear personally or by counsel or both before the Board;

b) The right to produce witnesses and evidence in her behalf at a hearing;

c) The right to cross-examine witnesses;

d) The right to have subpoenas issued by the Board;

e) The right to further procedural steps except for those specifically contained herein;

f) Any and all rights of appeal of this Consent Order;

g) Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

h) Any objection to the fact that it will be necessary for the board to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;

i) Any objection to the fact that the Board reviewing this Consent Order may be the same as the Hearing Committee presiding over this matter should it later be brought to an administrative proceeding;

j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Board.

7. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board and Respondent's license shall reflect that the status is probationary.

8. Acceptance by the Respondent and approval by the Board of this Consent Order constitutes an admission of the facts contained herein.

9. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.

10. That the Respondent's registered nurse license/CRNA be placed on a (4) year (8) month period of probation subject to the terms and conditions set forth in this order.

11. That said probationary period shall commence upon the date of the execution of this Consent Order by all the parties and will abate for the duration of any period in which Respondent ceases to be employed as a registered nurse or CRNA.

12. Upon employment as a registered nurse/CRNA Respondent shall notify the Board as to the name and address of the employer and the date employment commenced.

13. That, during the period of probation, Respondent shall submit to the Board evaluations from the employer at (3) month intervals relating to Respondent's conduct and performance; that it shall be the responsibility of the Respondent to have the employer submit said reports.

14. That during the period of probation Respondent shall notify the Board forthwith of any changes in employment, including the name and address of the new employer(s) and the reason for said change.

15. When working as a CRNA the Respondent must practice under the supervision of an anesthesiologist/nurse anesthetist who will be responsible for advising the Board of employment related issues.

    Practice in the inpatient/outpatient surgical area.

    Work with a team of providers and surgeons that will be present during each case.

    Work up to and no more than a 48-hour work week on day/ evening shifts.

    Have time off on a regular basis to attend his treatment program.

16. That, during the period of probation, Respondent shall not work in a staffing agency and/or pool or in a home health environment.

17. Can practice independently when caring for patients provided there is an RN available for consultation.

    Work no more than 48 hours per work week.

    Have time off on a regular basis to attend his treatment program.

    Not work nights the 11-7 PM shift, which does not include 12 hour shifts for example 7AM-7PM.

18. The Respondent agrees that he will continue in individual counseling and or treatment for alcohol abuse with a Board approved health care provider, participate in weekly group therapy and submit to random drug and alcohol testing. Respondent must also attend AA and NA meetings.

19. Respondent waives confidentiality of treatment and will direct the healthcare professional rendering treatment to release any progress reports to the Board including, but not limited to, quarterly progress reports and monthly and random urine and drug screening reports for the duration of the Respondent's treatment program.

20. That Respondent's health care providers not prescribe any mood altering and or controlled substances unless there is no other reasonable alternative. In the event that such drugs are may be needed as a legitimate part of the Respondent's care, the Respondent shall notify the Board immediately.

21. The Respondent agrees to give his personal healthcare provider(s) permission to release information to the Board and allows the Board to contact the aforementioned personal healthcare provider(s) as deemed necessary. The Board may require consultation with an addictionologist and the Respondent shall agree to abide by any determination made by

the addictionologist.

22. That Respondent agrees to cease all patient care related nursing practice upon relapse, notify his employer of such and immediately return his license to the Board. The Respondent understands he may not practice nursing until cleared to return by the Board. If the respondent is in a non-patient care nursing position, he will immediately notify the Director of the Board who will evaluate his ability to continue to practice.

23. The Respondent shall give a copy of this Consent Order to the healthcare professional and the Respondent's employer with the understanding that the healthcare provider and employer shall notify the Board of any breach or termination by the Respondent of this consent agreement.

24. The Respondent agrees to obtain at least five (5) contact hours of continuing education per year in one or more of the following areas commencing upon execution of this agreement:

a) psycho-pharmacology of addiction;

b) the disease concept of addiction;

c) denial and other defenses related to substance abuse;

d) relapse prevention;

e) the family disease concept of addiction;

f) the addicted professional.

25. The Respondent must notify the Board and obtain approval for these courses prior to registering and enrolling in them. The Respondent must submit documentation of attendance at the continuing education program(s) including an outline of the presentation(s) and a certificate of attendance.

26. That should Respondent comply with the laws and regulations governing the practice of nursing during the period of probation and comply with the requirements of this Consent Order, Respondent may apply to the Board for an unrestricted license to practice as a registered nurse/CRNA.

27. That should Respondent fail to comply with the laws and regulations governing the practice of nursing and/or fail to comply with the terms of this Order, the license as a registered nurse/CRNA shall be subject to suspension or other appropriate disciplinary action.

Jay A. Murray, RN/CRNA

President, Board of Nurse Registration and Nursing Education

Ratified as an order of the Board of Nurse Registration and Nursing Education at a meeting held on this 13th day of December 2010.