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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

9
10 In the Matter of the Accusation Against:

Case No. 2009-281

11
12 **JAMEY DWAYNE HAGAN**
370 Oakley Dr., Apt. 816
13 Nashville, TN 37211

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

14 Registered Nurse License No. 650764

15
16 Respondent.
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19 **FINDINGS OF FACT**

20 1. On or about May 11, 2009, Complainant Ruth Ann Terry, M.P.H., R.N., in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs, filed Accusation No. 2009-281 against Jamey Dwayne Hagan (Respondent)
23 before the Board of Registered Nursing (Board).

24 2. On or about January 11, 2005, the Board issued Registered Nurse License No.
25 650764 to Respondent. The Registered Nurse License expired on August 31, 2006, and has not
26 been renewed.

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1 9. California Government Code section 11520 states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
3 agency may take action based upon the respondent's express admissions or upon other evidence
4 and affidavits may be used as evidence without any notice to respondent.

5 10. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 evidence on file herein, finds that the allegations in Accusation No. 2009-281 are true.

8 11. The total cost for investigation and enforcement in connection with the Accusation
9 are eleven thousand seven hundred forty-nine dollars and twenty-five cents (\$11,749.25) as of
10 June 24, 2009.

11 **DETERMINATION OF ISSUES**

12 1. Based on the foregoing findings of fact, Respondent Jamey Dwayne Hagan has
13 subjected his Registered Nurse License No. 650764 to discipline.

14 2. A copy of the Accusation is attached.

15 3. The agency has jurisdiction to adjudicate this case by default.

16 4. The Board of Registered Nursing is authorized to revoke Respondent's Registered
17 Nurse License based upon the following violations alleged in the Accusation:

18 a. Business and Professions Code sections 2761, subdivision (a), 2762,
19 subdivision (a) – obtained or possessed controlled substances illegally;

20 b. Business and Professions Code sections 2761, subdivision (a), 2762,
21 subdivisions (a) and (b) – use of controlled substances in a dangerous manner;

22 c. Business and Professions Code sections 2761, subdivision (a), 2762,
23 subdivision (e) – falsified hospital records.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 650764, heretofore issued to Respondent Jamey Dwayne Hagan, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 30, 2009

It is so ORDERED November 30, 2009



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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LA2008601151

Attachment:
Exhibit A: Accusation No.2009-281

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of the State of California
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No: 2009-281

11 **JAMEY DWAYNE HAGAN**

12 370 Oakley Dr., Apt. 816
Nashville, TN 37211

13 Registered Nurse License No. 650764

14
15 Respondent.

ACCUSATION

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 ("Board"), Department of Consumer Affairs.

22 2. On or about January 11, 2005, the Board issued Registered Nurse License
23 No. 650764 to Jamey Dwayne Hagan ("Respondent"). The Registered Nurse License expired on
24 August 31, 2006, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code ("Code") unless
28 otherwise indicated.

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“(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.”

COST RECOVERY

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

9. **Hydromorphone**, generic name for Dilaudid, is an Opium derivative, which is classified as a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(k), and is a dangerous drug within the meaning of Business and Professions Code section 4022.

10. **Morphine/Morphine Sulfate**, a narcotic substance, is a Schedule II controlled substance pursuant to Health and Safety Code Section 11055(b)(1)(M), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

11. **Fentanyl** is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(c)(8), and is a dangerous drug pursuant to Business and Professions Code section 4022.

ST. JOHN’S HOSPITAL

12. Or on between February 17, 2005 to March 15, 2005, Respondent was employed as a traveling registered nurse at Saint John’s Health Center in the city of Santa Monica, California (“St. John’s”).

13. At all times relevant to the charges brought herein, St. John’s used a drug dispensing system called the “Omnicell”. The Omnicell is a computerized single dose medication dispensing machine. The user enters a unique user identified, password and/or thumbprint scan in order to access and dispense medication from the machine. The machine

1 records the user name, patient name, medication, dose, date and time of the
2 dispensing/withdrawal. The Omnicell is integrated with hospital pharmacy inventory
3 management systems.

4 14. On or between February 17, 2005 to March 15, 2005, while employed at
5 St. John's, Respondent was issued a password to access medication for patients via the Omnicell
6 system.

7 15. On or about March 15, 2005, the pharmacist for St. John's conducted a
8 routine review of narcotic dispensing records. The pharmacist noticed discrepancies involving
9 narcotics withdrawals by Respondent since there were no physician orders for the narcotics
10 dispensed from the Omnicell system. Respondent's password was not used outside of his
11 assigned shift and Respondent's password was used with patient numbers not assigned to him for
12 medication withdrawals.

13 16. Hospital personnel performed an audit of Respondent's Omnicell
14 withdrawals, and the hospital records revealed a total of 16mg Hydromorphone and 40mg
15 Morphine Sulfate as unaccountable in any hospital records as follows:

16 a. **Patient EH, MR #M0531952**

17 Physician's Orders

18 02/20/05 Morphine Sulphate 1mg IV every 4 hours as needed for pain

19 Omnicell Record/MAR/Nursing Notes

20 02/17/05

21 0545 a.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no
22 physician order; no documentation of medication administration to patient in
23 MAR or Nursing Notes

24 02/27/05

25 0709 p.m. Respondent removed 1 Morphine 8mg/1ml 1ml syringe; no waste
26 recorded; no documentation of medication administration to patient in MAR or
27 Nursing Notes

28 0753 p.m. Respondent removed 1 Morphine 8mg/1ml 1ml syringe; no waste
recorded; no documentation of medication administration to patient in MAR or
Nursing Notes

1. "MAR" is an abbreviation for Medication Administration Record.

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0844 p.m. Respondent removed 1 Morphine 8mg/1ml 1ml syringe; no waste recorded; no documentation of medication administration to patient in MAR or Nursing Notes

0946 p.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no physician order; no documentation of medication administration to patient in MAR or Nursing Notes

Unaccounted Drugs for this Patient

Hydromorphone (2 syringes or 4mg); Morphine Sulphate (3 syringes or 24mg)

b. Patient MP, MR #M0700247

Physician's Orders

02/22/05 Hydromorphone 1mg IVP every 6 hours as needed for pain

Omniceil Record/MAR/Nursing Notes

02/24/05

0615 a.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no waste recorded; no documentation of medication administration to patient in MAR or Nursing Notes

0707 a.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no waste recorded; no documentation of medication administration to patient in MAR or Nursing Notes

02/25/05

0314 a.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no waste recorded; no documentation of medication administration to patient in MAR or Nursing Notes

Unaccounted Drugs for this Patient

Hydromorphone (3 syringes or 6mg)

c. Patient RJC, MR #M0825573

Physician's Orders

03/10/05 Morphine Sulphate 2mg IV every 2 hours as needed for pain
Morphine Sulphate 3mg IV every 2 hours as needed for severe pain

Omniceil Record/MAR/Nursing Notes

03/10/05

0715 p.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no physician order; no documentation of medication administration to patient in MAR or Nursing Notes

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1026 p.m. Respondent removed 1 Morphine 8mg/1ml 1ml syringe; no waste recorded; no documentation of medication administration to patient in MAR or Nursing Notes

Unaccounted Drugs for this Patient

Hydromorphone (1 syringe or 2mg); Morphine Sulphate (1 syringe or 8mg)

d. **Patient BPS, MR #M0388982**

Physician's Orders

03/08/05 Morphine Sulphate 2mg IV every 1 hour as needed for pain
03/10/05 Morphine IV drip 1mg every 1 hour for continuous pain mgmt

Omniceil Record/MAR/Nursing Notes

03/13/05
0533 a.m. Respondent removed 1 Morphine 8mg/1ml 1ml syringe; no physician order; no documentation of medication administration to patient in MAR or Nursing Notes

Unaccounted Drugs for this Patient

Morphine Sulphate (1 syringe or 8mg)

e. **Patient FS, MR #M0388982**

Physician's Orders

No order for Hydromorphone

Omniceil Record/MAR/Nursing Notes

03/14/05
0822 p.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no physician order; no documentation of medication administration to patient in MAR or Nursing Notes

Unaccounted Drugs for this Patient

Hydromorphone (1 syringe or 2mg)

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f. **Patient BBL, MR #M0388982**

Physician's Orders

03/11/05 Hydromorphone 1mg IM or IV every 3 hours as needed for pain

Omnicell Record/MAR/Nursing Notes

03/14/05

0925 p.m. Respondent removed 1 Hydromorphone 2mg/1ml 1ml syringe; no waste recorded; no documentation of medication administration to patient in MAR or Nursing Notes

Unaccounted Drugs for this Patient

Hydromorphone (1 syringe or 2mg)

FIRST CAUSE FOR DISCIPLINE

(Obtain or Possess Controlled Substances Illegally)

17. Respondent is subject to disciplinary action under Code sections 2761, subdivision (a), and 2762, subdivision (a), on the grounds of unprofessional conduct, in that on or between February 17, 2005 to March 15, 2005, while employed as a traveling registered nurse at St. John's, Respondent unlawfully obtained or possessed controlled substances Hydromorphone and Morphine Sulphate from the hospital's Omnicell system involving seven (7) patients. A total of 16mg Hydromorphone and 40mg Morphine Sulfate were unaccounted for in any hospital records. Complainant refers to and incorporates all the allegations contained in paragraphs 12 - 16, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Use of Controlled Substances in a Dangerous Manner)

18. Respondent is subject to disciplinary action under Code sections 2761, subdivision (a), and 2762, subdivisions (a) and (b), on the grounds of unprofessional conduct, in that on or about March 16, 2005, after discovery of the medication discrepancies, hospital personnel requested Respondent to be screened for the presence of drugs. Respondent tested positive for the presence of Opiates, Morphine, Hydromorphone, and Fentanyl without a valid prescription. Complainant refers to and incorporates all the allegations contained in paragraphs 12 - 16, as though set forth fully.

