

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Jason Varsch
License No. RN2299286
Expire 03/23/14

Docket Nos. NUR- 2015-0193 &
2015-0194

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Nursing (Board) and Jason Varsch (Licensee), a Registered Nurse (RN) licensed by the Board, License No. RN2299286 do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that complaints have been filed with the Board against his Massachusetts Registered Nurse license (license¹) related to the conduct set forth in paragraph 2, identified as Docket Nos. NUR-2015-0193 & NUR 2015-0194(Complaints).
2. The Licensee admits that effective September 18, 2015, the Arizona Board of Registration in Nursing (AZ Board) summarily suspended his license to practice as a Registered Nurse in Arizona for reasons set forth in the AZ Board's decision dated September 18, 2015. A copy of the AZ Board's decision is attached hereto as Exhibit 1 and incorporated herein by reference. The Licensee further admits that he submitted an application for licensure by reciprocity to the Board on February 9, 2015 and that he failed to disclose that he was the subject of a pending criminal case or investigation in AZ as of June 27, 2014. The Licensee acknowledges that his conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (31), (35), (37), (39), (44), (47) and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61, Board regulations at 244 CMR 7.04, Disciplinary Actions and pursuant to Anusavice vs. Board of Registration in Dentistry, 451 Mass. 786, 889 N.E.2d 953 (2008).
3. The Licensee agrees to **SURRENDER** his nursing license and right to renew said license for an indefinite period commencing with the date on which the Board signs this Agreement (Effective Date).



¹ The term "license" applies to both a current license and the right to renew an expired license. I do hereby certify the foregoing to be a true and certified copy of the document on file with the Massachusetts Board of Registration in Nursing.

On Clm
Authorized Signature

11/1/15
Date

4. After the Surrender Period when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph the Licensee may petition the Board for reinstatement of his license. The petition must be in writing and must include the following documentation of the Licensee's ability to practice nursing in a safe and competent manner, all to the Board's satisfaction:
- a. Evidence of completion of all continuing education required by Board regulations for the two (2) renewal cycles immediately preceding the date on which the Licensee submits his petition ("petition date");
 - b. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the petition date².
 - c. Written verification sent directly to the Board from each of the Licensee's medical care providers, which meets the requirements set forth in Attachment B1;
 - d. A report of a mental health evaluation, prepared within thirty (30) days of the petition date and sent directly to the Board, which meets the requirements set forth in Attachment B 2³.
 - e. Authorization for the Board to obtain a Criminal Offender Record Information (CORI) report of the Licensee conducted by the Massachusetts Department of Criminal Justice Information Services.
 - f. Documentation that the Licensee has completed, at least one (1) year prior to the petition date, all requirements imposed upon him in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2⁴. Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
 - g. Certified documentation from the state board of nursing of each jurisdiction in which the Licensee has ever been licensed to practice as a nurse, sent directly to the Massachusetts Board identifying his license status

² If the Licensee has not been employed during the year immediately prior to the petition date, Licensee shall submit an affidavit to the Board so attesting.

³ May be incorporated into the addictionologist evaluation.

⁴ If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

and discipline history, and verifying that his nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.

- h. Submit documentation that he has successfully completed the following continuing education⁵:
- i. Six (6) contact hours of continuing education on the topic of Medication Administration and Documentation in Nursing;
 - ii. Three (3) contact hours of continuing education on the topic of Legal and Ethical Aspects of Nursing;
 - iii. Three (3) contact hour of continuing education on the topic of Pain Management in Nursing;
 - iv. Three (3) contact hour of continuing education on the topic of Critical Thinking and Judgment in Nursing Practice;
 - v. Six (6) contact hours of continuing education on the topic of Effective Communication and Interpersonal Skills; and
 - vi. Six (6) contact hours of continuing education on the topic of Effective Conflict Resolution;

5. In addition to the items identified in Paragraph 4, the Licensee shall submit either a substance abuse (addictionologists) evaluation, prepared within thirty (30) days of the petition date and sent directly to the Board, which meets the requirements set forth in Attachment B 3, and verifies that the Licensee does not have and has never had any type of substance abuse, dependency or addiction problem or the following documentation of the Licensee's stable and fully sustained recovery from substance abuse, dependency and/or addiction for three (3) years immediately prior to the petition date, all to the Board's satisfaction:

- a. The results of random supervised urine tests for substances of abuse sent directly to the Board and collected from the Licensee according to the conditions and procedures outlined in Attachment A, no less than fifteen (15) times per year during the two (2) years immediately preceding the petition date. All such results are required to be negative.
- b. Documentation that the Licensee has obtained a sponsor and has regularly attended Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings at least three (3) times per week during the the two (2) years

⁵ These continuing education courses must be *in addition to* any contact hours required for license renewal. They may be taken as home study or as correspondence course, *provided that* they meet the requirements of Board Regulations at 244 CMR 5.00, Continuing Education.

immediately preceding the petition date. This documentation must include a letter of support from the Licensee's sponsor and signatures verifying the required attendance.

- c. Documentation prepared within thirty (30) days of the petition date and sent directly to the Board from a licensed mental health provider verifying that the Licensee has regularly attended group or individual counseling or therapy, or both, conducted by the mental health provider. Such documentation shall specify the frequency and length of the therapy and/or counseling and shall include a summary of the Licensee's progress in therapy and specific treatment recommendations for the Licensee's sustained recovery from substance abuse, dependency and addiction.
6. The Board may choose to reinstate the Licensee's license if the Board determines that reinstatement is in the best interests of the public at large. Any reinstatement of the Licensee's license may be conditioned upon the Licensee entering into a consent agreement for the PROBATION of his license for at least one (1) year including other requirements that the Board determines at the time of relicensure to be reasonably necessary in the best interests of the public health, safety and welfare.
7. The Licensee agrees that he will not practice as a Registered Nurse in Massachusetts from the Effective Date unless and until the Board reinstates his license⁶.
8. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the complaint.
9. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against his and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving her right to a formal adjudication of the complaints.

⁶ The Licensee understands that practice as a Registered Nurse includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a Registered Nurse or a paid or voluntary position requiring that the applicant hold a current Registered Nurse license. The Licensee further understands that if he accepts a voluntary or paid position as a Registered Nurse or engages in any practice of nursing after the Effective Date and before the Board formally reinstates his license, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution, as set forth in G. L. c. 112, ss. 65 and 80(A).

ARIZONA STATE BOARD OF NURSING
4747 N. 7TH STREET, SUITE 200
PHOENIX ARIZONA 85014-3655
602 771-7800

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN148323
ISSUED TO:
JASON MARK VARSCH,
RESPONDENT

FINDINGS OF PUBLIC
EMERGENCY AND ORDER OF
SUMMARY SUSPENSION
CASE NO: 1502006

On September 18, 2015, the Arizona State Board of Nursing ("Board") met at 4747 North 7th Street, Ste. 200, Phoenix, Arizona 85014-3655, to consider a complaint filed against ("Respondent"), Jason Mark Varsch, registered nurse license number RN148323. Information was presented to the Board and, as a result, the Board made the following Preliminary Findings of Fact, Conclusions of Law and Order.

PRELIMINARY FINDINGS OF FACT

1. On or about June 27, 2014, according to Phoenix Police Department Report number 2014 01104949, police responded to Respondent's residence in Phoenix, Arizona for a Domestic Violence call. Respondent admitted to grabbing his girlfriend by the hair and dragging her out of the house. On or about September 12, 2014, charges were filed against Respondent for 1 count of recklessly causing physical injury to another, a class 2 misdemeanor for Complaint number 20149018315 in Phoenix Municipal Court, Phoenix, Arizona. On or about October 29, 2014, Respondent pled guilty to Assault, Class 2 Misdemeanor, on Complaint number 20149018315-01 in Phoenix Municipal Court. Respondent's sentence included 2 years' probation, 5 days in jail, and completion of Domestic Violence Counseling Program. On or about July 31, 2015, a Failure to Appear Warrant was issued to Respondent by the Phoenix

1 Municipal Court in Phoenix, Arizona. Respondent failed to report this incident to the Board
2 within 10 days of being charged, as required.

3 2. On or about October 13, 2014, while employed as a nurse at West Valley
4 Hospital in Goodyear, Arizona, Respondent removed 250mcg fentanyl from the Omnicell,
5 documented a waste of 200mcg with a witness for Patient KD, with no order for fentanyl for the
6 patient and no documentation of administration of fentanyl for the patient. Respondent failed to
7 account for the remaining 50mcg of fentanyl.
8

9 3. On or about October 17, 2014, while employed as a nurse at West Valley
10 Hospital in Goodyear, Arizona, Respondent removed 250mcg fentanyl from the Omnicell for
11 trauma patient AH25, gave 100mcg, and failed to account for the remaining 150mcg fentanyl.

12 4. On or about October 21, 2014, while employed as a nurse at West Valley
13 Hospital in Goodyear, Arizona, Respondent removed 250mcg fentanyl from the Omnicell for
14 Patient JU, gave 75mcg, and failed to account for the remaining 175mcg fentanyl.
15

16 5. On or about November 12, 2014, while employed as a nurse at West Valley
17 Hospital in Goodyear, Arizona, Respondent removed 1mg hydromorphone from the Omnicell
18 for Patient AA, gave 0.5mg, and failed to account for the remaining 0.5mg hydromorphone.

19 6. On or about November 28, 2014, while employed as a nurse at West Valley
20 Hospital in Goodyear, Arizona, Respondent removed 250mcg fentanyl from the Omnicell for
21 trauma patient AK63, gave 25mcg, and failed to account for the remaining 225mcg fentanyl.
22

23 7. On or about January 14, 2015, police responded to Respondent's residence for a
24 Domestic Violence call. Respondent was found in possession of prescription narcotic and non-
25 narcotic drugs, including propofol, hydromorphone, lidocaine, toradol, promethazine,
26 diphenhydramine, ondansetron, and sensorcaine, syringes, intravenous (IV) supplies, bags of IV

1 fluids, and needles, which Respondent admitted to a Phoenix Police officer he had stolen from
2 John C. Lincoln Deer Valley Medical Center in Phoenix, Arizona while employed there as a
3 nurse in June and July of 2014.

4 8. On or about January 25, 2015, on an application for employment at AMN
5 Healthcare in San Diego, California, Respondent inaccurately noted his reason for leaving West
6 Valley Hospital in Goodyear, Arizona's employment was "To travel" when in fact, Respondent
7 had been involuntarily terminated from employment at West Valley Hospital.
8

9 9. From on or about February 6, 2015 to April 15, 2015, Respondent failed to notify
10 the Board in writing or electronically of a change in mailing address within 30 days. From on or
11 about March 5, 2015 to August 21, 2015, Respondent has failed to furnish in writing a full and
12 complete explanation of the complaint made against him on February 2, 2015 to the Arizona
13 State Board of Nursing in Phoenix, Arizona.
14

15 **PRELIMINARY CONCLUSIONS OF LAW**

16 1. The Board has the authority to regulate and control the practice of nursing in the
17 State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, 32-1664, and 41-1092.11(B). The
18 Board also has the authority, pursuant to A.R.S. § 32-1663 and A.R.S. § 32-1664, to impose
19 disciplinary sanctions against the holders of nursing licenses/certified nursing assistants for
20 violations of the Nurse Practice Act, A.R.S. §§ 32-1601 through 1669, and A.A.C. R4-19-101 to
21 R-19-815.
22

23 2. The conduct and circumstances described in the Preliminary Findings of Fact
24 constitutes unprofessional conduct and grounds to take disciplinary action pursuant to A.R.S. 32-
25 1663 and 32-1664.

26 A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601 (22) (effective August 2, 2012).

1 22. "Unprofessional conduct" includes the following whether occurring in this state or
2 elsewhere:

3 (d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient
4 or the public.

5 (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to
6 this chapter.

7 (h) Committing an act that deceives, defrauds or harms the public.

8 (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter.

9
10 **A.A.C. R4-19-403 (effective January 31, 2009).**

11 For purposes of A.R.S. § 32-1601, any conduct or practice that is or might be harmful or
12 dangerous to the health of a patient or the public includes one or more of the following:

13 2. Intentionally or negligently causing physical or emotional injury;

14 28. If a licensee or applicant is charged with a felony or a misdemeanor
15 involving conduct that may affect patient safety, failing to notify the Board in writing, as
16 required under A.R.S. § 32-3208, within 10 days of being charged. The licensee or applicant
17 shall include the following in the notification:

18 a. Name, address, telephone number, social security number, and license number, if
19 applicable;

20 b. Date of the charge; and

21 c. Nature of the offense;

22 31. Practicing in any other manner that gives the Board reasonable cause to believe the health
23 of a patient or the public may be harmed.

24 .A.C. R4-19-308. Change of Name or Address (adopted effective July 6, 2013)
25
26

1 B. A licensee or applicant shall notify the Board in writing or electronically through the
2 Board website of any change in mailing address within 30 days.

3 A.A.C. § R4-19-403 (adopted effective September 8, 2014) For purposes of A.R.S. § 32-
4 1601(22)(d), any conduct or practice that is or might be harmful or dangerous to the health of a
5 patient or the public includes one or more of the following:

6 1. A pattern of failure to maintain minimum standards of acceptable and prevailing nursing
7 practice;

8 9. Failing to take appropriate action to safeguard a patient's welfare or follow policies and
9 procedures of the nurse's employer designed to safeguard the patient;

10 16. Removing, without authorization, a narcotic, drug, controlled substance, supply, equipment,
11 or medical record from any health care facility, school, institution, or other work place location;

12 18. Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal
13 drug in violation of any federal or state criminal law, or in violation of the policy of any health
14 care facility, school, institution, or other work location at which the nurse practices;

15 25. Failing to:

16 a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. §
17 32-1664, or

18 b. Respond to a subpoena issued by the Board;

19 27. Making a false or misleading statement on a nursing or health care related employment or
20 credential application concerning previous employment, employment experience, education, or
21 credentials;

22 31. Practicing in any other manner that gives the Board reasonable cause to believe the health of
23 a patient or the public may be harmed.
24
25
26

1 FINDING OF PUBLIC EMERGENCY AND ORDER

2 Based upon the facts and circumstances set forth in the Preliminary Findings of Fact and
3 Preliminary Conclusions of Law, the Board finds that the public health safety and welfare
4 imperatively requires emergency action.

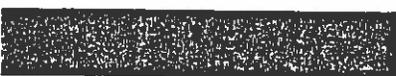
5 **IT IS THEREFORE ORDERED**, pursuant to A.R.S. § 41-1092.11(B) and effective
6 immediately, that Jason Mark Varsch ("Respondent"), the holder of registered nurse license
7 number RN148323 is **SUMMARILY SUSPENDED** pending proceedings for revocation and
8 other action by the Board. A hearing in this matter shall be promptly instituted and determined.

9 Dated this 18th day of September, 2015.

10 SEAL

11 
12 _____
13 Joey Ridenour, R.N., M.N., F.A.A.N.
14 Executive Director

15 COPIES mailed this 18th day of September, 2015, by First Class Mail and
16 Certified Mail Receipt No. 70090080000064317889 to:

17 Jason Mark Varsch
18 

19 COPIES hand-delivered this 18th day of September, 2015, to:

20 Elizabeth Campbell
21 Assistant Attorney General
22 1275 W Washington LES Section
23 Phoenix AZ 85007

24 By: T. Smith
25 Hearing Department Staff
26