



Respondent's professional nursing employment history continued:

03/07 - 01/08	RN	Life Care Hospital San Antonio, Texas
02/08 - Present	RN	South West General Hospital San Antonio, Texas
2009 - Present	Instructor	Kaplan College San Antonio, Texas
2010 - Present	Instructor	Texas Career San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a registered nurse with St. Luke's Baptist Hospital, San Antonio, Texas, and had been in this position for three (3) years and six (6) months.
7. On or about June 29, 2009, while employed with St. Luke's Baptist Hospital, San Antonio, Texas, Respondent exceeded her authorized scope of professional nursing practice in that she administered an infusion of Nitroglycerin to Patient Medical Record Number 92205, after the physician had discontinued the Nitroglycerin drip, in response to the patient's continued complaint of upper gastrointestinal pain. Additionally, during the subsequent two (2) hours, the patient's blood pressure continued to decline while Respondent titrated down the rate of the Nitroglycerin being administered, without notifying the physician or obtaining orders, until Respondent stopped the Nitroglycerin altogether. Furthermore, when the patient's blood pressure remained low, Respondent again exceeded her scope of practice by administering a bolus of Normal Saline, without a physician's order, and did not contact the physician until one (1) hour later. Although Respondent administered a second bolus of Normal Saline at 0600 and documented twenty (20) minutes later that a physician's order for the Normal Saline boluses had been received, the physician did not sign the order for the boluses. Respondent's conduct was likely to injure the patient from medications administered without the benefit of a physician's expertise.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she learned in report that the nitroglycerin drip had been discontinued earlier that day and the patient had complained of chest pain soon after the nitroglycerin drip was discontinued. Morphine IV had been ordered and administered during the day shift to attempt and control the chest pain; however, the intervention failed to provide adequate pain control. Respondent states that she updated the physician on call with the current patient condition, but did not receive any new orders. Respondent states she administered morphine to the patient at 0000. At 0300, Respondent placed the patient back on the nitroglycerin drip at the rate and dosage of 5mcg/min. At 0430, since control of the chest pain was achieved,

Respondent states she decided to titrate the IV nitroglycerin to as low a rate as possible. The systolic blood pressure at baseline was approximately 110, and now the systolic blood pressure had started dipping to the low 80s and high 70s. Respondent states the patient was sleeping comfortably, his heart rate was unchanged and his oxygenation and respiration were both well within normal limits. Respondent attributed the drop in blood pressure to the accumulation of IV morphine doses, relief of pain, and the vasodilator nitroglycerin. Respondent states she felt that the nitroglycerin did not affect the blood pressure so drastically because of the low dose administered. At this point Respondent discontinued the IV nitroglycerin. The patient continued to rest quietly and his blood pressure slowly climbed back up, reaching the systolic level of 90s. At 0600, Respondent states she called the on call physician to report the blood pressure and the fact that she administered nitroglycerin. Respondent's states the on call physician's response to her actions was "that's fine." Respondent states that since she reported her findings to the on-call physician and no further escalation of care or interventions were ordered, her duty and oath as a RN required her to act boldly.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C),(1)(M),(1)(P)&(3) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 722340, heretofore issued to JESSICA M. ZERTUCHE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education,

Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board

has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order

to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior

to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited with the exception that Respondent may continue to work at Texas Career, San Antonio, Texas, and at Kaplan College, San Antonio, Texas, as a Clinical Instructor, in addition to the required minimum sixty-four hours per month of direct patient care and practice in a hospital, nursing home, or other clinical setting. The requirement for supervision may only be fulfilled in a hospital, nursing home or other clinical setting and must be fulfilled at all current employers. If Respondent ceases to work at Texas Career, San Antonio, Texas or Kaplan College, San Antonio, Texas, as a Clinical Instructor for any reason, multiple employers will be prohibited without exception and Respondent will be limited to working in a hospital, nursing home, or other clinical

setting for the duration of this order.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

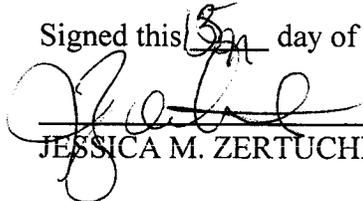
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RESPONDENT'S CERTIFICATION

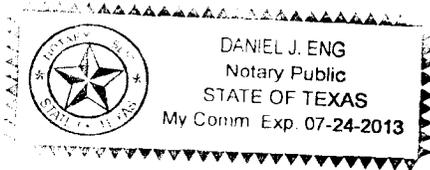
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5<sup>th</sup> day of May, 2011.

  
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JESSICA M. ZERTUCHE, Respondent

Sworn to and subscribed before me this 13<sup>th</sup> day of MAY, 2011.

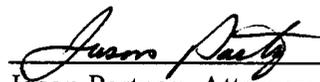
SEAL



  
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Notary Public in and for the State of TEXAS

Approved as to form and substance.

  
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Jason Partney, Attorney for Respondent

Signed this 16 day of May, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of May, 2011, by JESSICA M. ZERTUCHE, Registered Nurse License Number 722340, and said Order is final.

Effective this 14th day of June, 2011.



Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board