

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Vocational Nurse	§	AGREED
License Number 159329 and	§	
Registered Nurse License Number 670747	§	
issued to JENNIFER ANN LORUSSO	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JENNIFER ANN LORUSSO, Vocational Nurse License Number 159329 and Registered Nurse License Number 670747, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10) & (13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on December 19, 2006, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Lamar University-Port Arthur, Texas, on August 16, 1996, and an Associate Degree in Nursing from Lamar University-Orange, Orange, Texas, on May 1, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on September 24, 1996, and professional nursing on July 18, 2000.

5. Respondent's vocational and professional nursing employment history includes:

9/96 - 1/01	LVN Home Health Nurse	Med/Psych Associates Beaumont, Texas
9/96 - 3/03	Assistant Director of Nursing	Harvest Care Center Beaumont, Texas
6/98 - 10/99	LVN Staff Nurse Med/Surg	Silsbee Doctors Hospital Beaumont, Texas
12/02 - 2/03	Staff Nurse	Christus St. Elizabeth Beaumont, Texas
4/03 - 7/04	Director of Nursing	Schlesinger Geriatric Center Beaumont, Texas
12/03 - present	PRN Staff Nurse	MAXIM Healthcare Beaumont, Texas
6/04 - 7/04	Staff Nurse	Village Choice Healthcare Beaumont, Texas
10/04 - 7/05	Staff Nurse	Hillside Health and Rehabilitation Wells, Texas
8/05 - present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Village Choice Healthcare, Beaumont, Texas, and had been in this position for one (1) month.

7. On or about July 20, 2004, while employed at Village Choice HealthCare, Inc., Beaumont, Texas, Respondent engaged in the intemperate use of marijuana and opiates, in that she produced a specimen for a drug screen which resulted positive for marijuana and opiates. Possession of marijuana and opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of marijuana and opiates by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about October 5, 2004, Respondent failed to provide her complete employment history on an employment application submitted to Hillside Health and Rehab., Inc., Wells, Texas, in that she failed to include her employment with Village Choice HealthCare. Respondent conduct may have affected Hillside Health and Rehab's decision to employ her.
9. At the time of the incident in Findings of Fact Numbers Ten (10) through Thirteen (13), Respondent was employed as a Staff Nurse with Hillside Health and Rehabilitation, Wells, Texas, and had been in this position for eight (8) months.
10. On or about May 10, 2005, while employed at Hillside Health and Rehabilitation, Wells, Texas, Respondent engaged in the intemperate use of Tramadol in that she produced a specimen for a drug screen which resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
11. On or about May 14, 2005, while employed at Hillside Health and Rehabilitation, Wells, Texas, Respondent gave an LVN verbal consent via telephone to pronounce a resident legally dead without Respondent entering the facility or conducting an assessment of the resident. Respondent delegated the pronouncement of death to an LVN, who does not have the authority to legally determine death, diagnose death, or otherwise pronounce death in the State of Texas.
12. On or about June 14, 2005, while employed at Hillside Health and Rehabilitation, Wells, Texas, Respondent exhibited impaired behavior while on duty in that she appeared to be "high on something" and patients expressed concerns of feeling unsafe with her nursing care. Respondent's condition may have prevented her from delivering safe nursing care.
13. On or about June 21, 2005, while employed at Hillside Health and Rehabilitation, Wells, Texas, Respondent exhibited impaired behavior which included appearing glassy-eyed and acting as if she was "on something" and subsequently produced a specimen for a drug screen which resulted positive for benzodiazepines. Possession of benzodiazepines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of benzodiazepines by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

14. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
15. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
16. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Thirteen (13) was significantly influenced by Respondent's impairment by dependency on chemicals.
17. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9), (10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)(S), and §217.12(1)(E), (5), (6)(I) & (10)(A)(D)(as amended September 2004).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 159329 and Registered Nurse License Number 670747, heretofore issued to JENNIFER ANN LORUSSO, including revocation of Respondent's licenses to practice vocational and professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the

Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this

Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational or professional nursing in the State of Texas.

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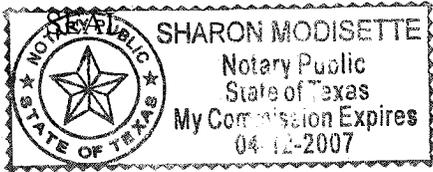
RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 to practice vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of February, 2007.

Jennifer Ann Lorusso  
JENNIFER ANN LORUSSO, Respondent

Sworn to and subscribed before me this 21 day of February, 2007.



Sharon Modisette  
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]  
Louis Leichter, Attorney for Respondent

Signed this 22 day of Feb, 2007.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 21st day of February, 2007, by JENNIFER ANN LORUSSO, Vocational Nurse License Number 159329 and Registered Nurse License Number 670747, and said Order is final.

Entered and effective this 5th day of March, 2007.



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