BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered	§	AGREED
License Number 688836	§	
issued to MATTHEW ROY JACOBSEN	§	ORDER

TEXAS BOARD OF NURSING
I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of MATTHEW ROY JACOBSEN, Registered License Number 688[illegible], hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 15, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 representation by counsel, informal proceedings, 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.

4. Respondent received a Baccalaureate Degree in Nursing from Oregon Health & Science University School of Nursing, Portland, Oregon, on June 9, 2000, and received a Master's Degree in Nursing specializing as a Nurse Anesthetist from The University of Texas Health Science Center, Houston, Texas, on May 6, 2005. Respondent was licensed to practice nursing in the State of Texas on July 22, 2002; and became Board recognized as a Nurse Anesthetist in the State of Texas on June 21, 2005.

5. Respondent's professional nursing employment history includes:

7/2000-8/2002	Registered Nurse	Salem Regional Hospital Salem, Oregon
9/2002-6/2005	Unknown	
7/2005-Present	Certified Registered Nurse Anesthetist	Northwest Anesthesiology and Pain Management Houston, Texas
6/2006-Present	Certified Registered Nurse Anesthetist	Jess M. Hamilton, Jr., DDS Kingwood, Texas

6. On or about June 2006 through May 2010, while employed as a Certified Registered Nurse Anesthetist with Jess M. Hamilton, Jr., DDS, Kingwood, Texas, Respondent failed to register his provision of anesthesia services in an outpatient setting with the Board, as required. Respondent's conduct denied the Board information needed to effectively regulate the practice of nursing.

7. At the time of the incident in Findings of Fact Numbers Eight (8) and Nine (9), Respondent was employed as a Certified Registered Nurse Anesthetist with Jess M. Hamilton, Jr., DDS, Kingwood, Texas, and had been in this position for two (2) years and three (3) months.

8. On or about September 4, 2008, while employed as a Certified Registered Nurse Anesthetist at the office of Jess M. Hamilton, Jr., DDS, Kingwood, Texas, Respondent failed to complete and document a pre-anesthesia risk assessment of obese Patient RRP prior to administering anesthesia. Respondent's conduct was likely to injure the patient from clinical care decisions formulated based upon incomplete assessment information.

9. On or about September 4, 2008, while employed as a Certified Registered Nurse Anesthetist at the office of Jess M. Hamilton, Jr., DDS, Kingwood, Texas, Respondent administered excessive doses of Sublimaze and Versed to the aforementioned Patient RRP too rapidly, instead of administering by slow titration and monitoring for respiratory depression. Within 17 minutes of initiating anesthesia, the patient experienced respiratory and cardiac arrest; however, Respondent administered only minimal doses of agents to reverse the effects of the Sublimaze and Versed and Respondent had not maintained current competency in advanced cardiac life support, as required. The patient was pronounced deceased shortly after being transported emergently to a local hospital. Respondent's conduct may have contributed to the patient's demise.

10. On or about September 19, 2008, through August 14, 2009, while employed as a Certified Registered Nurse Anesthetist at the office of Jess M. Hamilton, Jr., DDS, Kingwood, Texas, Respondent failed to report the death of the aforementioned Patient RRP in writing to the Board, as required. Respondent's conduct deprived the Board of timely information needed to regulate the practice of nursing.

11. In response to the incidents in Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that a medical history of the patient with a list of medications and allergies was in the patient's chart performed by Dr. Hamilton. Respondent reviewed the medical history in the chart with the patient and the clearances from her doctors. Patient RRP had a history of extreme anxiety and often suffered panic attacks. She also had a long history of using benzodiazepines which builds up tolerance to the midazolam that Respondent uses for the anesthesia. The patient arrived to the operating suite already in a high state of anxiety and this increased after talking to her and starting her IV. At 10:30 Respondent gave RRP 10mg of midazolam and 100mcg of fentanyl. Respondent then spent 10 minutes finding a suitable vein and drawing blood for the Plasma Rich Growth Factor (PRGF). The patient was showing no changes in her already high level of anxiety and kept asking to be more relaxed. Her vital signs were stable and she was still showing no signs of relief in her level of anxiety. Respondent gave another 5mg of midazolam. We waited approximately 10-15 min for the blood to spin down for the PRGF. The patient was still awake, talking, following commands with stable vital signs. Dr. Hamilton began the surgery by placing a bite block and injecting lidocaine with epinephrine into the surgical site. RRP began shaking her head in pain and squirming. As soon as the patient became non-responsive, Respondent states that he then administered 0.4mg of naloxone and 0.3mg of flumazenil. As for giving insufficient doses of reversal agents, Respondent states he would have given more flumazenil had the IV not accidentally been dislodged during the administration of epinephrine. Respondent agrees that Naloxone can be given through the ETT but felt that 0.4mg of naloxone IV was more than enough to reverse 200mcg of fentanyl. Respondent agrees that he should have contacted the Board of Nursing, instead of the American Association of Nurse Anesthetists, to verify personally whether or not he had to report the death.

12. On or about September 4, 2009, Respondent completed a course in Advanced Cardiac Life Support, which would have been a requirement of this Order.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(R),(3)(A)&(4)(A), 217.12(1)(A),(1)(B)&(4) and 221.16(c)(1),(c)(5),(c)(6)(D)&(d).

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 688836, heretofore issued to MATTHEW ROY JACOBSEN, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 688836, previously issued to MATTHEW ROY JACOBSEN, to practice professional nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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 is encumbered by this order the 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.

(1) 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.

(2) RESPONDENT SHALL, within one (1) of entry of this Order, successfully complete a Nurse Anesthetist Review Update/Refresher Workshop. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurse Anesthetists and shall be approved by the American Association of Nurse Anesthetists (AANA). It shall be a minimum of twenty (20) contact hours/credits in length, at least half of which must include content on the pharmacology of commonly used agents for monitored anesthesia care and on the use pharmacology and use of reversal agents. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the verification of course completion (continuing

education certificate) for this workshop 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 one such workshop can be found at the following website: *http://www.anesthesiareviewcourse.com.*

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete an academic course in advanced practice physical assessment with a minimum passing grade of not less than "C" or "Pass" if using a "Pass/Fail" grading system. The academic course

SHALL BE for at least three (3) semester credit hours, including not less than one (1) semester credit hour, or three (3) clock hours per week, of clinical practicum. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Instruction SHALL BE provided by an Advanced Practice Registered Nurse. RESPONDENT SHALL perform physical assessments on live patients in the clinical practicum component; 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, available from the Board's website at ftp://www.bon.state.tx.us/i17.pdf, 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 and in addition to any continuing education requirements the Board has for relicensure.

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(6) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension

being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of a cashier's check or U.S. money order.

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 PROBATION CONDITIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WITH NURSE ANESTHETIST AUTHORIZATION WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions 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 probation conditions 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.

(8) 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.

(9) For the first year of employment as a Nurse Anesthetist under this Order, RESPONDENT SHALL be directly supervised by a Certified Nurse Anesthetist or Anesthesiologist. Direct supervision requires another Nurse Anesthetist or Anesthesiologist to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(10) For the remainder of the probationary period, RESPONDENT'S practice of professional nursing will be monitored by an Anesthesiologist or Certified Registered Nurse Anesthetist who has been approved by the Board. Respondent must provide a list of three (3) Anesthesiologists and/or three (3) Certified Registered Nurse Anesthetists for the Board to select. For the Anesthesiologist and/or Certified Registered Nurse Anesthetist, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT's receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT's progress in overcoming these

deficiencies to the office of the Board at the end of each three (3) month period for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

(11) 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 two (2) years of employment as a nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license 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 waive representation by counsel. 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of June, 2010.

MATTHEW ROY JACOBSEN, Respondent

Sworn to and subscribed before me this 17th day of JUNE, 2010.

SEAL

Notary Public in and for the State of TEXAS

MICHELLE MARIE RAMIREZ DE MIRANDA
Notary Public, State of Texas
My Comm. Expires Sept. 20, 2011

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of June, 2010, by MATTHEW ROY JACOBSEN, Registered License Number 688836, and said Order is final.

Effective this 17th day of August, 2010.

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