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

In the Matter of the Accusation Against **BRENNA LEE JUPIN** **1836 Via Corina** **Alpine, CA 91901** **Registered Nurse License No. 680594** Respondent.	Case No. 2011-706 **ACCUSATION**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about June 12, 2006, the Board of Registered Nursing issued Registered Nurse License Number 680594 to Brenna Lee Jupin (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on October 31, 2011.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, the following:
>
> (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.
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> . . . .

REGULATIONS

7. California Code of Regulations, title 16, section 1443 states, in pertinent part:

> As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

8. California Code of Regulations, title 16, section 1443.5 states, in pertinent part:

> A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

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(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

9. Section 125.3 of the Code 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.

FACTS

10. Patient L.E. was a 58 year-old man admitted at UCSD Medical Center on November 28, 2006, with polycystic kidney and end stage liver disease. On December 5, 2006, Respondent and Nurse K.H. were assigned to provide nursing care for Patient L.E. At that time, Respondent had been working for UCSD Medical Center for 6 months and was under the supervision of Nurse K.H. Nurse K.H. was the preceptor[1] for Respondent. On December 5, 2006, a physician's order for Patient L.E. was written incorrectly "opium tincture 10% 5 ml po bid for diarrhea." The physician meant to order "opium tincture 10% 0.6 ml po bid for diarrhea." On December 5, 2006, at approximately 7:40 a.m., the medication dosage error was noted by the pharmacist, who

[1] A preceptor is an experienced nurse who provides practical experience and training to a less experienced nurse while working on the job.

changed the order and corrected it in the system. On December 5, 2006, at 0900, Respondent took the original order as written by the physician and administered opium tincture 10% 5 ml to Patient L.E., without verifying the medication order and dosage with the pharmacy. Approximately two hours after administration of the opium tincture medication, Patient L.E. had an adverse reaction to the medication and became unresponsive. His condition continued to deteriorate despite treatment and efforts to reverse the effects. On December 28, 2006, Patient L.E. died.

CAUSE FOR DISCIPLINE

(Incompetence)

11. Respondent is subject to disciplinary action under Code section 2761(a)(1) for unprofessional conduct in that she was incompetent in the nursing care she provided to Patient L.E. on December 5, 2006, while working as a registered nurse at UCSD Medical Center, located in San Diego, California. The circumstances are more fully set forth in paragraph 10 above, and incorporated herein by reference, and as follows.

12. Respondent was incompetent when she failed to realize that a patient with a diagnosis of kidney and liver disease, such as Patient L.E., may have several medications that can be contra-indicated and therefore warrant intensive review and caution before administration of any medication. Opium tincture has precautions for use in patients with liver disease.

13. Respondent was incompetent when she failed to do an intensive review of medications for Patient L.E. before any medication was given to him.

14. Respondent was incompetent when she failed to review and note the corrected dosage of the opium tincture on the Medication Administration Record for Patient L.E.

15. Respondent was incompetent when she administered the wrong dosage of opium tincture to Patient L.E. Respondent administered 5 ml of opium tincture when she should have only administered 0.6 ml of opium tincture.

16. Respondent was incompetent when she administered opium tincture to Patient L.E. without verifying that the drug had first been reviewed and approved by the pharmacy.

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17. Respondent was incompetent when she administered opium tincture to Patient L.E. without reviewing the medication guidelines for the drug.

18. Respondent was incompetent when she failed to review the Five Rights of medication prior to administering the opium tincture to Patient L.E.

19. Respondent was incompetent in not first conferring with her preceptor in her decision to administer the opium tincture to Patient L.E.

PRAYER

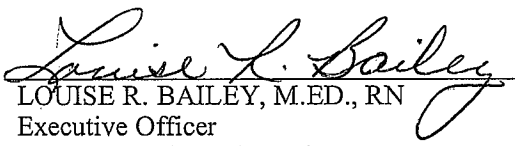
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 680594, issued to Brenna Lee Jupin;

2. Ordering Brenna Lee Jupin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 2/14/11



LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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