

In the Matter of
Permanent Registered Nurse
License Number 793372
Issued to ZACKERY NASH,
Respondent

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§
§

BEFORE THE TEXAS

BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: ZACKERY NASH
c/o DARRIN DEST
1602 E 7TH ST
AUSTIN, TX 78702

A public meeting of the Texas Board of Nursing was held on October 5, 2015 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 793372, issued to ZACKERY NASH was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of ZACKERY NASH and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On October 8, 2013, while employed with the Medical Center of Plano, Plano, Texas, Respondent lacked fitness to practice professional nursing in that he was acting extremely hyperactive and then very sluggish and admitted to his employer that he took Xanax belonging to a friend. Subsequently, Respondent refused to take a for cause drug screen. Additionally, Respondent admitted to taking his prescribed medications (Adderall and Hydrocodone) in excess of the prescribed dosage. Unlawful possession of Xanax is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Xanax by a Registered Nurse, while



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.
Patricia Thomas
Executive Director of the Board

subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a 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 a patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(E),(4),(5),(10)(A)&(11)(B).

CHARGE II.

On or about December 4, 2014, while employed as a Registered Nurse with Ethicus Hospital, Grapevine, Texas, Respondent lacked fitness to practice professional nursing in that he was found sleeping while on duty, seemed disoriented, slurred speech, lack of eye contact, drowsy and appeared off balance with poor coordination. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B) and 217.12(1)(A),(1)(B),(1)(E),(4)&(5).

CHARGE III.

On or about April 8, 2015, while employed as a Registered Nurse with Ethicus Hospital, Grapevine, Texas, Respondent left his patient assignment for over two (2) hours without notifying the appropriate supervisor. It was discovered that Respondent left for a lunch break at 3:10pm, was phoned three (3) times, and finally returned to his patient assignment at 5:30pm. Respondent's conduct exposed the patient unnecessarily to risk of harm in that leaving the nursing assignment

could have resulted in the patient not getting the care that the patient needed.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(I) and 217.12(1)(A),(1)(B),(4),(6)(C)&(12).

CHARGE IV.

On or about April 8, 2015, while employed as a Registered Nurse with Ethicus Hospital, Grapevine, Texas, Respondent lacked fitness to practice professional nursing in that he appeared disoriented, had red eyes, slow speech and unsteady gait. Additionally, Respondent refused to submit to a for cause drug screen. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B) and 217.12(1)(A),(1)(B),(1)(E),(4)&(5).

CHARGE V.

On or about April 8, 2015, while employed as a Registered Nurse with Ethicus Hospital, Grapevine, Texas, Respondent misappropriated Alprazolam and Lorazepam belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation in that he was the only one to access the drawer since shift count and subsequently, the count was off by one (1). Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8)&(10)(E).

CHARGE VI.

On or about April 8, 2015, while employed as a Registered Nurse with Ethicus Hospital, Grapevine, Texas, Respondent failed to assess and/or accurately and completely document Skilled Nursing Assessments for Patient No. 600002899, 600002954 and 600002829. Respondent's conduct resulted in an incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE VII.

On or about April 8, 2015, while employed as a Registered Nurse with Ethicus Hospital, Grapevine, Texas, Respondent failed to notify the proper physician when Patient Medical Record Number 600002954 became hypertensive. Additionally, when the patient had high blood sugar, Respondent failed to draw serum glucose levels and failed to administer insulin as ordered by the Physician. Respondent's conduct was likely to injure the patient in that failure to notify the proper physician could have resulted in non-efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(C),(1)(D),(1)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE VIII.

On or about July 4, 2015, while employed as a Registered Nurse with Doctors Hospital at White Rock Lake, Dallas, Texas, Respondent left his patient assignment multiple times for an extended period of time without notifying the appropriate supervisor. Respondent's conduct exposed the patient unnecessarily to risk of harm in that leaving the nursing assignment could have resulted

in the patient not getting the care that the patient needed.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(I) and §217.12(1)(A),(1)(B),(4),(6)(C)&(12).

CHARGE IX.

On or about July 4, 2015, while employed as a Registered Nurse with Doctors Hospital at White Rock Lake, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that he had slurred speech and glassy eyes. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B) and §217.12(1)(A),(1)(B),(1)(E),(4)&(5).

CHARGE X.

On or about July 23, 2015, while employed as a Registered Nurse with Doctors Hospital at White Rock Lake, Dallas, Texas, Respondent misappropriated Morphine, Trazadone, Ativan, Xanax, and Flexerill belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8)&(10)(E)

CHARGE XI.

On or about July 23, 2015, while employed as a Registered Nurse with Doctors Hospital at White Rock Lake, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that he was pale, diaphoretic, had glassy and dilated eyes, slurred speech and appeared somnolent. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

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The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by ZACKERY NASH constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 793372, is justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 793372, issued to ZACKERY NASH, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, TEXAS OCCUPATIONS CODE.

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IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 5th day of October, 2015.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of	§	BEFORE THE TEXAS
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FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ZACKERY NASH, is a Registered Nurse holding License Number 793372, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On October 8, 2013, while employed with the Medical Center of Plano, Plano, Texas, Respondent lacked fitness to practice professional nursing in that he was acting extremely hyperactive and then very sluggish and admitted to his employer that he took Xanax belonging to a friend. Subsequently, Respondent refused to take a for cause drug screen. Additionally, Respondent admitted to taking his prescribed medications (Adderall and Hydrocodone) in excess of the prescribed dosage. Unlawful possession of Xanax is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Xanax by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a 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 a patient in potential danger.

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NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

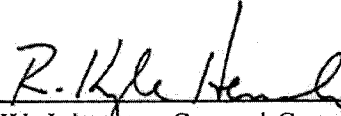
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 5th day of October, 2015.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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D(2015.02.24)