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**FILED**

JUL 10 2013

**N.J. BOARD OF NURSING**

By: Barbara J.K. Lopez  
Deputy Attorney General  
(973) 648-7454

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

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IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF : Administrative Action  
: :  
ESTRELLA JIMENEZ, RN :  
License # 26NR06753200 : CONSENT ORDER  
: :  
TO PRACTICE NURSING :  
IN THE STATE OF NEW JERSEY :  
: :

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This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information that Estrella Jimenez, RN ("Respondent") was terminated from McCarrick Care Center for failure to rescue a patient during a medical emergency that occurred on or about March 23, 2012. The Board issued a Demand for Written Statement Under Oath and Respondent replied, with the assistance of counsel, in or around January 8, 2013. On May 21, 2013, Respondent appeared and gave testimony before a committee of the Board, with counsel, at an investigative inquiry.

A review of available information reveals that on March 23, 2012, an LPN on duty in the Long Term Care Unit notified Respondent, the RN responsible for delegating to the LPN, that a patient was complaining of shortness of breath. Respondent administered oxygen and commenced a nebulizer treatment. The patient indicated that she wanted to go to the hospital. Respondent proceeded to the nursing station, dialed 911, called her supervisor, and began paperwork for the transfer. The supervisor arrived and provided care to the patient, along with the LPN. Respondent continued to do paperwork and failed to return to the patient, despite the situation becoming a medical emergency requiring the crash cart and suction machine, and despite that the LPN -- whom Respondent was supposed to be covering -- remained in the room caring for the patient. The patient died.

In 2007, Respondent was the subject of a disciplinary action that involved similar circumstances. In that case, Respondent was advised that a patient had become unresponsive. Respondent assessed the patient, and instead of calling a code and initiating CPR, she called the nurse whom she thought was assigned to the patient. After the other nurse arrived, the other nurse called a code and initiated CPR. The patient died. A Consent Order based upon Respondent's professional misconduct was filed on March 6, 2007 and Respondent was reprimanded, placed on probation for one year (not allowed to

work more than 50 hours per week), and ordered to take a physical assessment course with a clinical component. Respondent took a physical assessment course and her probation was lifted.

The Board finds that Respondent's March 23, 2012 failure to rescue and failure to supervise demonstrates that she has once again engaged in professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and that Respondent is subject to enhanced penalties pursuant to N.J.S.A. 45:1-25 for subsequent violations. The Board having reviewed this matter, and having considered the nature of the above conduct, and the parties desiring to resolve this matter, and the Board having determined that the within Order is sufficiently protective of the public health, safety and welfare, in lieu of further proceedings, and for other good cause shown;

IT IS on this 10<sup>th</sup> day of July, 2013

HEREBY ORDERED AND AGREED that:

1. Respondent's license to practice nursing shall be suspended for six months active, which suspension shall commence on the date of filing of this Order.
2. Respondent is hereby reprimanded.
3. Respondent shall, prior to reinstatement of her license, provide proof of successful completion of a Board-approved RN nursing

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<sup>1</sup> At her investigative inquiry on May 21, 2013, Respondent testified that she had taken the physical assessment course in a hotel and that it did not include a clinical component.

refresher course with a clinical component.

4. Respondent shall be placed on probation for five years. The period of probation shall commence after Respondent's license is reinstated and shall only run, or be in effect, while Respondent works as a nurse. During this period of probation, Respondent shall not work more than forty (40) hours per week and is required to report to the Board any arrest, indictment, or conviction for any crime or disorderly persons offense within ten (10) days of the event. Any arrest, indictment, or conviction for any crime or disorderly persons offense within the probationary period shall be considered a violation of probation.

5. Respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of nursing in the State or jurisdiction in which she practices nursing. Respondent shall obey the policies of the facility in which she practices nursing.

6. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, Respondent's license may be automatically suspended by the Board until further Order of the Board. Within fifteen days

following receipt of such notice, Respondent may request a hearing to contest the entry of such an Order. At any such hearing, the sole issue shall be whether any of the information received was materially false. In addition, the Board reserves the right to bring further disciplinary action upon receipt of any new information.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PLD APN  
Patricia Murphy, PhD, APN  
Board President

I have read and understand  
the within Consent Order  
and agree to be bound by  
its terms.

Estrella Jimenez RN  
Estrella Jimenez, RN  
License # 26NR06753200

Consent as to Form and entry.

Kevin J. McGee, Esq.  
Attorney for Estrella Jimenez, RN