

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
3421 NORTH CAUSEWAY BOULEVARD, SUITE 505
METAIRIE, LOUISIANA 70002-3715
(504) 838-5791
FAX (504) 838-5279
www.lsbpne.com

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Mary Chatellier (Respondent), LPN License #970200
152 Barringer Rd, Ponchatoula, LA 70454**

On **January 14, 2010**, a formal complaint/notice of hearing (attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint/notice of hearing, as required by the LAC 46: XLVII. 306.I and therefore the respondent waived the right to a hearing. In accordance with the LAC 46: XLVII. 306.J, this order is issued by default.

LEGAL AUTHORITY AND JURISDICTION

The Board's legal authority and jurisdiction, in adjudication proceedings, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

FINDINGS OF FACT

1. On 10/31/08, the board office received a report from Pulse Home Health Care indicating that the respondent's employment had been terminated after evidence of false documentation was discovered. Reportedly, the respondent documented seeing 14 patients on 9/27/08. It was also documented that several of the patients were seen at the same times. The mileage summary indicated overlapping mileage reports. None of the patients' signatures for the visits matched the patients' signatures on original assignment of benefits documents. Five of the patients reported they had not been seen by the respondent.

That in her requested response to the board, the respondent indicated that the only explanation she could think of was that she may have put the wrong dates on her

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documents.

2. While investigating these allegations, the following was discovered in regards to the respondent's practice as an LPN:
 - a. Pontchartrain Health Care reported that the respondent was counseled on 10/28/06, regarding lack of proper documentation on MARs. The respondent was counseled 1/13/07, for failing to monitor a patient every hour as ordered, and failing to perform body audits on 2 patients. On 3/1/07, the respondent was warned concerning failure to properly document and pass on specific instructions called in by a physician's office. The respondent was terminated from Pontchartrain Health Care on 3/2/07.
 - b. Lallie Kemp Regional Medical Center reported that the respondent was terminated from their facility 4/11/08, due to allegations she had deviated from the appropriate instructions related to a patient.

That in her requested response to the board concerning these allegations, the respondent indicated that she had been terminated from Pontchartrain after missing 2 days of work because she had been PEC'd at Southeast Hospital.

3. On March 16, 2009, the board requested additional information from the respondent regarding the PEC at Southeast Hospital.

In her requested response to the board, the respondent indicated the PEC was due to severe depression and that she was released after 72 hours. She claimed that she currently was having treatment at a mental health center.

4. Records indicate the respondent has been receiving treatment at a mental health center since as early as 1985. In 1991, she was seen at an emergency room for a suicide gesture involving an overdose of ativan and klonopin. When the respondent was PEC'd again in February, 2007, after suicidal ideation, a history of treatment for anxiety, depression, and panic disorder with agoraphobia was indicated. The respondent noted to staff at the facility her depression had affected her ability to work.
5. To date, the respondent has failed to provide the board with all requested treatment records.

CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A.
(4); (c) is unfit, or incompetent by reason of negligence, habit or other causes; (e) is mentally incompetent; (f) is guilty of unprofessional conduct; (g) has violated any provisions of this Part.

And 978 A (8) Violate any provisions of this Part.

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections 306 T.
 3. **being unfit, or incompetent by reason of negligence, habit or other causes;**
 5. **being mentally incompetent;**
 8. **being guilty of unprofessional conduct;**
 - a. **failure to practice practical nursing in accordance with the standards normally expected;**
 - b. **failure to utilize appropriate judgment in administering nursing practice;**
 - c. **failure to exercise technical competence in carrying out nursing care;**
 - g. **improper use of drugs, medical supplies, or patients' records;**
 - i. **falsifying records;**
 - j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - p. **inappropriate, incomplete or improper documentation;**
 - r. **possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing;**
 - t. **violating any provisions of R.S. 37:961 et seq (the practical nursing practice act), as amended or aiding or abetting therein.**

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order.

That the license of the respondent, Mary Chatellier, license#970200 is **suspended** until the following stipulations are completed:

1. The respondent is not allowed to practice as a licensed practical nurse or to represent himself/herself as a practical nurse in any way.
2. The respondent must obtain, and cause to be submitted to the board office a **psychological assessment** conducted by a Board approved psychologist/psychiatrist which assessment must contain evidence that it is based on the use of objective and subjective evaluation tools. The assessment must also include a summary of the findings, treatment plan and list of medications prescribed, if appropriate. At the time of the assessment, the respondent must provide a copy of the Board Order and the Acknowledgement Form (copy enclosed) to the physician performing the assessment.
3. The respondent must notify the Board immediately, within three (3) days, and in writing, of any change in name, address, and/or telephone number.
4. The respondent is hereby fined \$500.00 for the violations detailed in the Conclusions of Law, payable by **cashier's check or money order only**, prior to reinstatement.
5. After all stipulations of the suspension have been satisfactorily fulfilled, the respondent may then submit a written request for reinstatement. If suspension stipulations included a chemical and/or psychological assessment, then the reinstatement request must include a letter from the mental health professional who conducted the original assessment, indicating that the respondent is safe to re-enter practice and under what conditions (i.e., recommendations for on-going treatment, and/or prescribed medications).

Upon receipt of all fines/fees, and after successful completion of the above suspension stipulations, the license of the respondent will then be placed on probation for a period of **one (1) year** with the following stipulations:

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1. The respondent is to submit a \$500.00 probation monitoring fee, payable by **cashier's check or money order only, 3 months after license reinstatement** and annually thereafter until the probation is satisfactorily completed.
2. The license of the respondent will be stamped "**PROBATION**".
3. Probation will run concurrent with employment as a LPN and the respondent must be employed a minimum of 10 days per month. If unemployed, or if not employed as an LPN, the respondent must submit a letter to the Board indicating same. The probationary period will not commence or progress until and unless the respondent is employed (as noted above). In addition, failure to maintain stable employment may be grounds for termination of the probation (**see violations**).
4. The respondent must provide a copy of the entire Board order immediately, to each and every current employer, and at the time of application, to potential future employers, if applicable.
5. If respondent is already employed as an LPN, then the current employer must submit a letter indicating awareness of the Board order and agreeing to monitor the respondent while on probation. If not currently employed then, upon obtaining employment as a Licensed Practical Nurse, the respondent must request that the employer submit, within 3 days, a "letter of hire" to the Board.
6. The respondent must practice under the *direct* supervision of a nurse (RN or LPN) or physician. Employment must provide for the supervisor to have regular and consistent opportunities to evaluate the performance of the respondent.
7. Supervisors must submit evaluative reports quarterly. Reports are due on or before the 10th day of January, April, July, and October of each year. An administrator of the facility must co-sign the evaluative report.
8. The respondent is prohibited from working in temporary staffing, as an agency nurse, for a nursing pool and/or in the home health setting or in any other similar setting including but not limited to working in a teaching capacity.
9. The respondent must notify the Board immediately (within 3 days), and in writing, of any change in name, address, telephone number, and employer(s).

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10. The respondent must abstain at all times from the use of controlled or abuse potential substances, except as prescribed by a licensed practitioner from whom he/she seeks medical attention. Should the respondent obtain a prescription from a licensed practitioner, **he/she shall submit a copy of the prescription to the Board within 48 hours.**

Respondent's licensed practitioner(s) must complete the board's **controlled medication form** and/or **medications form** (for abuse potential substances) (copy enclosed) and submit same within **5 (five) days** of the date of the prescription **directly** to the board office. The form must come from the provider to the board office by mail. **It may not pass through the respondent's hands; it may not be sent by facsimile.**

Furthermore, the respondent is hereby notified that failure to comply with the Orders of the Board may result in any or all of the following:

VIOLATIONS

Failure to comply with any and/or all sections of this Order may result in any and/or all of the following: a) immediate suspension of license, b) immediate indefinite suspension of license, c) ineligibility for annual renewal of license, d) additional fines/penalties up to \$500.00 per occurrence, e) increased probationary period f) summary suspension, and/or g) revocation.

FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING ABUSE POTENTIAL PRESCRIPTION AND/OR ILLEGAL DRUGS MAY RESULT IN A FOUR (4) YEAR PERIOD OF SUSPENSION WITH OR WITHOUT A HEARING BEFORE THE BOARD. During the period of suspension, if related to substance abuse, appropriate consistent treatment must be obtained, and the respondent must show evidence of two consecutive years of being drug/alcohol free prior to the respondent's initiation of a reinstatement request.

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LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

Claire Doody Glaviano

1/26/10

Claire Doody Glaviano
Executive Director

Date

Mailed this 26th day of January, 2010 by Certified Mail No. **7009 1680 0001 1685 5935** to:

Mary Chatellier
152 Barringer Rd
Ponchatoula, LA 70454

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January 14, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005 1820 0001 3862 5806

Mary Chatellier
152 Barringer Rd.
Ponchatoula, LA 70454

LICENSE #970200
D.O.B. 04/09/62

FORMAL COMPLAINT

The Louisiana State Board of Practical Nurse Examiners, hereinafter called the Board, files this formal complaint against the respondent. This serves as notice required by the Administrative Procedure Act R.S. 49:955(B).

A hearing will be conducted at the offices of the Board on the date and at the time specified here:

Date: **February 4, 2010**

Time: **1:00 P.M.**

Place: **3421 North Causeway Blvd., Ste 505, Metairie, Louisiana 70002**

The nature of the hearing is prosecution of the matter:

The Louisiana State Board of Practical Nurse Examiners
v.
Mary Chatellier

The Board's legal authority and jurisdiction, in this process of adjudication, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

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The hearing concerns alleged violations of the following sections of the statutes/rules:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4);
 - (c) is unfit, or incompetent by reason of negligence, habit or other causes;
 - (e) is mentally incompetent;
 - (f) is guilty of unprofessional conduct;
 - (g) has violated any provisions of this Part.

And 978 A (8) Violate any provisions of this Part.

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections § 306 T.
 3. being unfit, or incompetent by reason of negligence, habit or other causes;
 5. being mentally incompetent;
 8. being guilty of unprofessional conduct;
 - a. failure to practice practical nursing in accordance with the standards normally expected;
 - b. failure to utilize appropriate judgment in administering nursing practice;
 - c. failure to exercise technical competence in carrying out nursing care;
 - g. improper use of drugs, medical supplies, or patients' records;
 - i. falsifying records;
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
 - p. inappropriate, incomplete or improper documentation;
 - r. possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing;
 - t. violating any provisions of R.S. 37:961 et seq (the practical nursing practice act), as amended or aiding or abetting therein.

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The major issues involved include, but are not limited to the following:

1. On 10/31/08, the board office received a report from Pulse Home Health Care indicating that the respondent's employment had been terminated after evidence of false documentation was discovered. Reportedly, the respondent documented seeing 14 patients on 9/27/08. It was also documented that several of the patients were seen at the same times. The mileage summary indicated overlapping mileage reports. None of the patients' signatures for the visits matched the patients' signatures on original assignment of benefits documents. Five of the patients reported they had not been seen by the respondent.

That in her requested response to the board, the respondent indicated that the only explanation she could think of was that she may have put the wrong dates on her documents.

2. While investigating these allegations, the following was discovered in regards to the respondent's practice as an LPN:
 - a. Pontchartrain Health Care reported that the respondent was counseled on 10/28/06, regarding lack of proper documentation on MARs. The respondent was counseled 1/13/07, for failing to monitor a patient every hour as ordered, and failing to perform body audits on 2 patients. On 3/1/07, the respondent was warned concerning failure to properly document and pass on specific instructions called in by a physician's office. The respondent was terminated from Pontchartrain Health Care on 3/2/07.
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3. On March 16, 2009, the board requested additional information from the respondent regarding the PEC at Southeast Hospital.

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4. Records indicate the respondent has been receiving treatment at a mental health center since as early as 1985. In 1991, she was seen at an emergency room for a suicide gesture involving an overdose of ativan and klonopin. When the respondent was PEC'd again in February, 2007, after suicidal ideation, a history of treatment for anxiety, depression, and panic disorder with agoraphobia was indicated. The respondent noted to staff at the facility her depression had affected her ability to work.
5. To date, the respondent has failed to provide the board with all requested treatment records.

You have ten (10) days prior to the date fixed for the hearing to respond (response form enclosed) to this complaint. If you fail to respond, in writing, within this time, you will be deemed to have waived the right to a hearing and action may be taken on this complaint by default, or the hearing may proceed in your absence.

Please find enclosed, a copy of rules related to the formal hearing process.

RIGHT TO PETITION FOR REHEARING/APPEAL/JUDICIAL REVIEW

A decision issued by the Board, after the hearing in this matter, may be appealed. LRS 37:976 provides: "Appeals from decisions of the Board shall be to the Civil District Court of Orleans Parish..." The petition for appeal must be filed within thirty days of the date of the mailing of the notice of the board's final decision; copies of the petition must be served on the board and all parties of record (LRS 49:964). A request may also be made to the board for rehearing, re-opening or reconsideration of the board's order. This request must be filed within ten days from the date of the board order and set forth legally sufficient reasons for granting the requests. (LRS 49:959 and LAC 46:XLVII.306.S).

By: Claire Doody Glaviano
Claire Doody Glaviano, RN, MN
Executive Director

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January 14, 2010

Please sign, date and return to the board office at 3421 N. Causeway Blvd., Ste. 505, Metairie, LA 70002.

_____ I **admit** to the allegations contained in the notice of complaint and **will** appear for the scheduled formal hearing.

_____ I **admit** to the allegations contained in the notice of complaint and **will not** appear for the scheduled formal hearing.

_____ I **deny** the allegations contained in the notice of complaint and **will** appear for the scheduled formal hearing.

_____ I **deny** the allegations contained in the notice of complaint and **will not** appear for the scheduled formal hearing.

_____ I enclose my written response to the allegation(s) contained in the notice of complaint and **will not** appear for the scheduled formal hearing. I understand that in doing so my case will be heard without my appearance.

_____ I hereby waive my rights to a formal hearing in the matter. I **will not** appear for the scheduled formal hearing and understand that in doing so my case may either be heard without my appearance, or the board may issue an order by default.

NAME: _____

ADDRESS: _____

PHONE#: _____

DATE: _____

SIGNATURE: _____

LOUISIANA ADMINISTRATIVE CODE

TITLE 46

**PROFESSIONAL AND
OCCUPATIONAL STANDARDS**

Part XLVII. Nurses

Subpart 1. Practical Nurses

§306. Adjudication Proceedings

A. All adjudication proceedings (as defined in R.S. 49:951) conducted by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:955 et seq.

B. All proceedings calling for disciplinary action, as set forth in R.S. 37:969(4) or as set forth in this Section 306(R), regarding a license, shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) of any provisions of R.S. 37:961 et seq., as stated in that statute, or any provision of these rules and regulations of the Louisiana State Board of Practical Nurse Examiners.

C. Communications received by the board expressing such allegation(s) shall be privileged, confidential, and shall not be revealed to any person except when such document(s) are offered for evidence in a formal hearing.

D. The allegation(s) shall be investigated by the executive director, his/her designee, and/or staff. Any information and/or documents generated pursuant to such investigation of the allegation(s) shall be considered the work product of the board and shall be privileged, confidential, and shall not be revealed to any person except when such investigative information and/or documents are offered for evidence in a formal hearing.

E. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default. A consent order or agreed settlement shall be presented to the board for approval before it becomes binding on the board.

F. If formal proceedings are deemed necessary by the executive director, a formal hearing shall be conducted before a hearing officer designated by the board. A decision to initiate formal proceedings may be made if one or more of the following conditions exist.

1. The allegation(s) are sufficiently serious.
2. The respondent fails to reply to the board's correspondence concerning the allegation(s).
3. The response to the board's correspondence is deemed insufficient or unsatisfactory.

a. In furtherance of the objective(s) set forth in R.S. 37:961 et seq., and these rules and regulations of the Louisiana State Board of Practical Nurse Examiners, a respondent shall, upon written request, provide the board with any and all information, document(s) and/or thing(s) requested, within 10 days, including weekends and holidays, from the date of the board's request.

b. Failure to respond to a request by the board, or failure to provide a response that the board deems satisfactory or sufficient, may result in the immediate suspension of the respondent's license or may result in the board taking any other action the board deems necessary commensurate with its philosophy of commitment to the health, safety and welfare of the public.

4. An informal proceeding has failed to resolve all of the issues or allegation(s).

G. Proceedings that require an opportunity for hearing shall commence with the filing of a formal complaint by the board. The complaint shall serve as the notice required by the Administrative Procedure Act 49:955(B) and shall include the following:

1. a statement of the time, place and nature of the hearing;

2. a statement of the legal authority and jurisdiction under which the hearing is to be held;

3. a reference to the particular sections of R.S. 37:961 et seq., and a reference to the particular section of the rules and regulations of the Louisiana State Board of Practical Nurse Examiners;

4. a short and plain statement of the matters asserted. If the board is unable to state the matters in detail at the time the complaint is served, the initial complaint may be limited to a statement of the issues involved. Thereafter, upon request, a more definite and detailed statement shall be furnished.

H. The formal complaint shall be sent by certified mail, at least 20 days, including weekends and holidays, prior to the hearing date, to the last known address of the respondent. It is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

I. The respondent shall return his/her reply to the complaint to the board at least 10 days, including weekends and holidays, prior to the date fixed for the hearing or shall be deemed to have waived his/her

right to a hearing. In reply, the respondent shall either deny or admit the allegations of the complaint and may either:

1. appear for the scheduled hearing;
2. submit a written response to the hearing officer to be presented at the hearing in lieu of the respondent's live testimony; or
3. waive his/her right to a hearing.

J. If the respondent waives his/her right to a hearing, the board may take any appropriate disciplinary action by default. If the respondent does not reply in writing within the time allotted, the hearing may proceed as scheduled in the respondent's absence or the board may take any appropriate disciplinary action by default.

K. Opportunity shall be afforded to all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

L. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least seven days, including weekends and holidays, prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and necessary in promoting due process.

M. Discovery

1. Prior to a formal hearing, a respondent shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a respondent as a result of his/her exercise of said right shall be the sole responsibility and obligation of the respondent.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the board at least 10 days, including weekends and holidays, prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused. Such subpoenas include or are for the purpose of:

- a. requiring that a person appear and give testimony in the formal hearing; and/or
- b. requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:

i. the information requested is reasonable in terms of amount; and

ii. the scope of the information requested is limited to documentary material that is relevant to the proceeding;

iii. the information requested does not include those documents referred to in §306.C-D; and

iv. the requesting party deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in the proceedings is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.

3. Prior to a formal hearing, the respondent shall, upon written notice received by the board at least seven days, including weekends and holidays, prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Prior to a formal hearing the respondent, his/her attorney, or any party representing his/her interest is prohibited from having any contact whatsoever with any witness who will or may be called to give testimony in a formal hearing.

5. Depositions for the purpose of discovery are permitted and may also be allowed for the perpetuation of a witness' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

6. Motions may be made before, during, and/or after a formal hearing. All motions made before or after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request.

N. During a formal hearing, all parties shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and to cross-examine witnesses as well as call witnesses to give oral testimony. All testimony given during a formal hearing shall be under oath and may be before a certified stenographer.

O. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding need not be transcribed until such time as a party to the proceeding so requests and the requesting party pays for the cost of the transcript.

P. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board in

executive session and shall be considered privileged and confidential until and unless it is adopted in final form by the board.

Q. The board shall make a decision based on the entire record, including the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the respondent by certified mail.

R. Disciplinary action(s) imposed by the board may include reprimand, probation, suspension, revocation, denial, as well as penalties provided under R.S. 37:961 et seq., as amended and/or these rules and regulations of the Louisiana State Board of Practical Nurse Examiners and/or any combination thereof.

1. Reprimand. May include a personal conference between the licensee and the executive director and/or a letter to the licensee regarding the incident or incidents which have been brought to the board's attention and which may or may not be determined to warrant a hearing.

2. Probation. Will include stipulations which may be imposed by the board as a result of the findings of facts of a hearing and the order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the board may practice practical nursing in the state of Louisiana provided the probation terms are met.

3. Suspension. A license to practice practical nursing in the state of Louisiana may be withheld by the board. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated. The time of suspension may be a definite stated period or an indefinite term.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period, the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions that may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after the board determines, with or without hearing, that the cause/causes for the suspension no longer exist or that intervening circumstances have altered

the condition leading to the suspension. If reinstatement is granted, the licensee shall pay the required reinstatement fee.

4. Revocation. A license to practice practical nursing in the state of Louisiana may be withdrawn by the board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

5. Denial. An applicant may be denied licensure in the state of Louisiana. An applicant who has been denied licensure shall never be allowed to practice practical nursing in the state of Louisiana.

S. A petition by a party for reconsideration or rehearing must be filed in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

T. The grounds for disciplinary proceedings include, but are not limited to:

1. being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;

2. being guilty of a crime;

3. being unfit, or incompetent by reason of negligence, habit or other causes;

4. being habitually intemperate or addicted to the use of habit-forming drugs;

5. being mentally incompetent;

6. practicing practical nursing without being duly licensed to do so by the board;

7. using in connection with his/her name any designation tending to imply that he/she is a practical nurse without being duly licensed to practice by the board; or

8. being guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:

a. failure to practice practical nursing in accordance with the standards normally expected;

b. failure to utilize appropriate judgment in administering nursing practice;

c. failure to exercise technical competence in carrying out nursing care;

d. violating the confidentiality of information or knowledge concerning a patient;

e. performing procedures beyond the authorized scope of practical nursing;

f. performing duties and assuming responsibilities within the scope of the definition of practical nursing when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

g. improper use of drugs, medical supplies, or patients' records;

h. misappropriating personal items of an individual or the agency;

i. falsifying records;

j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;

k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;

l. leaving a nursing assignment without properly notifying appropriate personnel;

m. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;

n. being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;

o. being guilty of moral turpitude;

p. inappropriate, incomplete or improper documentation;

q. using or being under the influence of alcohol while on duty, and/or while making application for employment, or using or being under the influence of drugs which impair judgment while on duty, or using or being under the influence of illegal drugs whether on or off duty;

r. possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing;

s. refusing to cooperate with employer's request to submit to a drug screen;

t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

U. The board may, at its discretion, impose a reasonable monetary assessment against the respondent for the purpose of defraying expenses of a hearing and/or expenses of the board in monitoring any disciplinary stipulations imposed by order of the board.

V. If the board finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered by the executive director pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:978 and Acts 675 and 827, 1993.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 2:275 (September 1976), amended LR 3:193 (April 1977), LR 10:336 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 20:663 (June 1994), LR 26:2614 (November 2000), LR 28:2353 (November 2002), LR 30:1478 (July 2004), LR 34:1912 (September 2008), LR 35:1238 (July 2009), LR 35:2757 (December 2009).

Note: For more detailed information on your rights and responsibilities as a licensee, and on all matters relating to the rules and regulations of the Louisiana State Board of Practical Nurse Examiners and regarding practical nurse education, programs, and licensure in the state of Louisiana, please refer to the entire Louisiana Administrative Code, Title 46, Professional and Occupational Standards, Part XLVII. Nurses, Subpart 1. Practical Nurses, available for viewing on our website at www.lsbpne.com. You may also want to read the Administrative Procedure Act, R.S. 49:955 et seq. available for viewing on the Louisiana Legislative website.