

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.

**Jared Hooter (Respondent), LPN License #20120115
457 Cross Drive, Haughton, LA 71037**

On **August 13, 2013**, 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 formal 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. The respondent was licensed as a practical nurse in Louisiana on 01/23/2012.
2. The respondent self-reported to the board that he had been admitted to an inpatient facility for a narcotics issue. The respondent subsequently submitted to the board office a copy of his evaluation from Serenity Springs Specialty Hospital dated 12/5/12. The evaluation indicated that the respondent was on duty as a licensed practical nurse when he took a resident's Ativan, Xanax, and Percocet, and passed out. He was taken to the emergency room at Minden Medical Center and then admitted to the ICU. Later, the respondent was admitted to inpatient treatment at Serenity Springs under a PEC on

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12/4/12. There, he admitted that he used marijuana as well as percocet and lortab belonging to others. The respondent indicated that that he had opiate dependency in the past and that he was treated 5 or 6 years ago following a suicide attempt by drug overdose. His current diagnosis includes polysubstance dependency (opiates and benzodiazepines). According to the preliminary discharge plan signed 12/7/12 by the respondent, it was recommended that he attend aftercare/continuing care group.

3. The board found that on his evaluation form for admission to an approved practical nursing program, on 8/24/09, the respondent answered "no" to question #10, which asks: "Do you now have or have you ever had a physical, mental, or emotional condition that might affect your ability to practice as a student practical nurse or licensed practical nurse?" The respondent failed to report his prior treatment for opiate dependency and suicide attempt on his application.
4. The board received information from Town and Country Health and Rehabilitation that the respondent was terminated on 12/17/12, for a positive drug screen, falsification of documents, and suspected drug diversion. On December 2, 2012, the respondent was observed by multiple witnesses to be impaired while on duty. He was witnessed to be lethargic with slurred speech, drooling from the mouth, and had an unsteady gait. He was taken to the emergency room and given narcan. A drug screen was performed, which indicated that the respondent tested positive for benzodiazepines and opiates (oxazepam and morphine). Review of the respondent's documentation during his earlier shift revealed that his records were not legible and were incorrect. He also punched several medications out of blister packs incorrectly. It was also noted that he opened a bottle of liquid morphine on his shift and replaced the liquid morphine with water. Additionally, an ultram tablet was found in the hospital bed with him by Workfit staff during collection of his urine drug screen. It was determined that he signed out an ultram during his shift.
5. On April 29, 2013, the respondent's practical nursing license was suspended for failing to respond to the board's request for information.
6. To date, the respondent's practical nursing license remains suspended.

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)

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- (a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;**
- (c) is unfit, or incompetent by reason of negligence habit, or other causes;**
- (d) is habitually intemperate or is addicted to the use of habit forming drugs;**
- (e) is mentally incompetent;**
- (f) is guilty of unprofessional conduct;**
- (g) has violated any provisions of this Part; and**

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

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections 306 T.

- 1. **being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;**
- 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;**
- 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;**
 - 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;**
 - 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. **possess a physical or psychological impairment which 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, **Jared Hooter, license #20120115** remain **suspended for no less than two (2) years.**

During this suspension time the respondent must abide by the following stipulations:

1. **Return License to the Board Office:**

- A. Within **ten (10) days** of the date of this order, the respondent shall return his/her current practical nursing license to the board office.
- B. The respondent shall not practice nursing during the period that the license of the respondent is suspended.

2. **Obey All Laws:**

- A. The respondent shall obey all laws/rules governing the practice of practical nursing in this state and obey all federal, state and local criminal laws.
- B. The respondent shall report to the board, within **ten (10) days**, any misdemeanor or felony arrest or conviction.

3. **Notify Board of Change of Address/Telephone Number/Employment:**

- A. The respondent shall notify the board, in writing, within **ten (10) days** of any change in personal address, telephone number or employment.

4. **Participate in any and all Treatment/Aftercare Programs as Prescribed:**

- A. The respondent shall enroll and participate in board approved treatment/aftercare programs as prescribed or recommended by the chemical addiction/mental health evaluator.

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- B. The respondent shall have the aftercare counselor submit to the board office proof of the respondent's entry into an appropriate facility, inpatient program, outpatient program, halfway house, residential long-term treatment, and/or a combination thereof.
 - C. The respondent shall execute the release of information forms to allow the treatment facility/center/counselor/practitioner of record to communicate with and supply information to the board.
 - D. The respondent must submit evidence of **continued compliance with treatment plan/counseling**, if applicable. Treatment/aftercare compliance must be maintained throughout the suspension period.
 - E. The respondent shall cause the aftercare counselor to submit quarterly to the board office progress reports indicating compliance with treatment recommendations. Reports are due on or before the 10th day of January, April, July, and October of each year until treatment is deemed complete.
 - F. Upon completion of the treatment/aftercare program(s), the respondent shall also have the aftercare counselor provide the board with documentation indicating the respondent's successful completion of the program.
5. **Select One Primary Pharmacy:**
- A. The respondent must notify the board of the name, address, and telephone number of his/her selected pharmacy within **ten (10) days** of the date of the board order. If the respondent acquires a new pharmacy, written notification must be received within **ten (10) days** of the first use.
6. **Abstain from Unauthorized Drug Use and Controlled/Abuse Potential Substances**
- A. The respondent must abstain at all times from the use of controlled or abuse potential substances and illegal drugs as defined by law, except as prescribed by a licensed practitioner from whom he/she seeks medical attention.
 - B. In the event the respondent obtains a prescription from a licensed practitioner for any controlled/abuse potential substance, the **respondent shall submit a copy of the prescription to the board within 48 hours.** The prescription must be for a

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current condition. The respondent must not arbitrarily take medications prescribed for a past illness or take a prescription that is prescribed for another person. The respondent shall also have his/her prescribing provider notify the board in writing within **ten (10) days** of the provider's issuance of the prescription. The board at any time may request the practitioner to document the continued need for the prescribed medication(s).

- C. If the respondent obtains prescription(s) from more than one prescriber, he/she must inform each physician of any/all medication(s) being prescribed. The prescriber(s) must submit a letter to the board indicating that they are aware that the respondent is being medicated by other providers.
- D. The respondent, if enrolled in aftercare, must inform the aftercare counselor of any/all prescriptions, and the aftercare counselor must submit a letter to the Board within **ten (10) days** of the prescription date indicating that they are aware of any/all prescriptions.
- The respondent shall **NOT** consume hemp, poppy seeds, or any product or by-product containing the same.
- E. The respondent's licensed practitioner(s) must complete the board's **Controlled Medication(s)/Abuse Potential Substance(s) form** for controlled medication(s)/abuse potential substances, and submit it within **ten (10) 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.**
- F. The controlled medication/abuse potential substance form must contain a record of all health care providers treating the respondent along with the condition(s) being treated and prescription(s) ordered for listed condition(s).
- G. The prescribing provider must acknowledge in writing and by documenting on the controlled medication form that said provider has knowledge of the respondent's dependency and/or use of controlled or abuse potential substances. The provider must identify the medication, dosage, and the date the medication was prescribed.
- H. No medications from a prescription over six (6) months old should be taken without updated prescription verification. Using prescribed medication(s) over six (6) months old without an updated verification is grounds for further disciplinary action as stated in this order.

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- I. If prescription drugs are refilled, the board must also have a letter from the prescribing practitioner attesting to the continued need for the medication(s) and the controlled medication/abuse potential substance form must updated every six (6) months. The form is required to be re-submitted to the board at that time.

• **Failure to follow these procedures when obtaining a prescription may be grounds for further disciplinary action as stated in this order.**

7. **Enroll in a Drug Screening Program:**

- A. Within **ten (10) days** of the date of this order, the respondent shall register with a drug screening firm selected by the board. Drug screens will begin immediately upon registration with the drug screening firm.
- B. It is the responsibility of the respondent to ensure that he/she has properly registered with the drug screening firm selected by the board.
- C. The respondent shall submit to and pay for random drug and/or alcohol screens. The random testing shall be done at a minimum of once per month but may be required more frequently as requested by the board. The board may at any time request additional testing, including but not limited to, hair and/or blood samples.
- D. Occurrence of any of the following conditions constitutes noncompliance with the Board order:
1. failure to register with the selected firm within **ten (10) days** of the date of this order;
 2. a positive drug screen;
 3. failure to call the testing firm daily;
 4. failure to submit a specimen on the date selected for screening;
 5. refusal to furnish a specimen;
 6. submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants or submission of a sample that is below acceptable volume or temperature to be tested;
 7. Failure to follow requested procedure in obtaining a specimen.
- E. Drug screen results indicating an abnormal/dilute specimen or a result indicating a low specific gravity with low creatinine levels will be considered positive and non-compliant with board order and grounds for further disciplinary action as stated in this order.

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- F. The respondent must listen to the entire message. Failing to listen to the entire message will be considered non-compliant with this order and grounds for further disciplinary action as stated in this order.
- G. Failure to properly fill out or maintain a proper chain of custody form in any way that is not accepted by the drug testing facility will be considered positive and non-compliant with the board order and grounds for further disciplinary action as stated in this order.
- H. The respondent shall adhere to all guidelines set forth by the board and the drug screening firm. The drug screening firm will report any/all violations of their guidelines, policies and procedures to the board.

8. **Obtain a State and F.B.I. Criminal Background Check:**

Within 6 months prior to any reinstatement request, the respondent must submit to State and F.B.I. criminal background record checks. Information on how to obtain the State background record is enclosed. In order to obtain the F.B.I. background records, please go to their website at www.fbi.gov.

Note these are two different agencies. The State background information is mailed to the following address:

Louisiana State Police
Bureau of Criminal Identification and Information
P.O. Box 66614 (Mail Slip A-6)
Baton Rouge, LA 070896

and for your records, the following is the physical address for the F.B.I.:

FBI CJIS Division - Record Request
1000 Custer Hollow Road
Clarksburg, West Virginia 26306
www.fbi.gov

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Once the respondent receives the information back from the F.B.I., the respondent is to forward the information to the board office. The board will receive the State background check directly from the State Police Department. This must be received by the board prior to any reinstatement request.

9. **Fines/Fees:**

- A. The respondent is hereby fined **\$500.00, payable by cashier's check or money order only**, for the violation detailed in the conclusions of law, **due within 90 days of the date of this order.**
- B. The respondent must pay any/all fines/fees owed to the board, including a reinstatement fee, if/when applicable. Fines/fees are **payable by cashier's check or money order only.**

10. **Reinstatement Requirements:**

- A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.
- B. The respondent is to submit a written request for reinstatement to the board office.
- C. If aftercare or treatment was recommended, the mental health professional who conducted the original assessment must submit a letter to the board office indicating that he/she feels the respondent can safely return to the practice of practical nursing and under what conditions (i.e., recommendations for ongoing treatment and a list of medications being prescribed). Furthermore, if the assessment included a treatment plan to be completed prior to reinstatement, evidence of compliance with this plan must also be submitted to the board.

Upon favorable review of the reinstatement request, the license of the respondent may then be placed on probation for a minimum period of **two (2) years** with the following stipulations:

1. **License:**

- A. The license of the respondent will be stamped "**PROBATION**".

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2. **Fines/Fees:**

A. The respondent is to submit a **\$500.00** annual probation monitoring fee, **payable by cashier's check or money order only**

- Due within **three (3) months** of receiving a probated license, and annually thereafter until the probation is satisfactorily completed.
- Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

3. **Employment:**

A. The respondent must provide a copy of the entire board order/consent order to include the findings of facts and conclusions of law immediately to any/all current employer(s) and at the time of application to any/all prospective employer(s).

- If the respondent is already employed as an LPN, then the current employer must submit the Letter of Hire to the board office within **ten (10) days** of the date of the board order/consent order.
- Upon obtaining new employment as an LPN, the respondent must have the prospective employer submit the Letter of Hire to the board office within **ten (10) days** of the date of hire.

B. All current and prospective employers must agree to monitor the respondent while on probation.

C. Probation will run concurrent with employment as an LPN.

D. The respondent must be employed a minimum of 80 hours per month.

E. The respondent shall notify the Board, in writing, within **ten (10) days** of any change in personal address, telephone number, or employment. Changes in employment include accepting a new job, as well as resignation, or termination.

F. The probationary period will not commence or progress until and unless the respondent is employed and delivering direct patient care as a licensed practical nurse.

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G. Failure to maintain stable employment may be grounds for termination of probation.

H. The respondent must practice under the supervision of a nurse (RN or LPN whose license is unencumbered) or physician and must provide direct patient care as follows:

- The respondent must be supervised on a regular and consistent basis by his/her assigned supervisor. The supervisor must observe and work closely enough with the respondent to be able to give an informed evaluation of the respondent. The employer must be willing to allow this supervision and provide opportunities for the same supervisor to evaluate the performance of the respondent.
- It is the respondent's responsibility to ensure that his/her supervisor submits the evaluation reports quarterly.

1. Reports are due on or before the 10th day of January, April, July and October of each year. (Note: these forms will be provided to the employer by the board.)

2. Only the respondent's supervisor may complete the evaluations according to the observations made during the supervision.

I. 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, as a travel nurse and /or on an "as needed" basis-PRN.

4. **Notify Board of Change of Address/Telephone Number/Employment:**

A. The respondent shall notify the Board, in writing, within **ten (10) days** of any changes in personal address, telephone number or employment. Changes in employment include accepting a new job, as well as resignation, or termination.

5. **Select One Primary Pharmacy:**

A. The respondent must notify the Board of the name, address, and telephone number of his/her selected pharmacy within **ten (10) days** of the date of the Board Order. If the respondent acquires a new pharmacy, written notification must be

received within **ten (10) days** of the first use. This is required regardless of whether the respondent is employed in nursing.

6. **Abstain from Unauthorized Drug Use and Controlled/Abuse Potential Substances (including alcohol):**

- A. The respondent must abstain at all times from the use of controlled or abuse potential substances, including alcohol, and illegal drugs as defined by law, except as prescribed by a licensed practitioner from whom he/she seeks medical attention.
- B. In the event the respondent obtains a prescription from a licensed practitioner for any controlled/abuse potential substance, the **respondent shall submit a copy of the prescription to the Board within 48 hours.** The prescription must be for a current condition. The respondent must not arbitrarily take medications prescribed for a past illness or take a prescription that is prescribed for another person. The respondent shall also have his/her prescribing provider notify the Board in writing within **ten (10) days** of the provider's issuance of the prescription. The Board at any time may request the practitioner to document the continued need for the prescribed medication(s).
- C. If the respondent obtains prescription(s) from more than one prescriber, he/she must inform each physician of any/all medication being prescribed. The prescriber(s) must submit a letter to the Board indicating that they are aware that the respondent is being medicated by other providers.
- D. The respondent, if enrolled in aftercare, must inform the aftercare counselor of any/all prescriptions, and the aftercare counselor must submit a letter to the Board within **ten (10) days** of the prescription date indicating that they are aware of any/all prescriptions.
- **The respondent shall NOT consume hemp, poppy seeds, or any product or byproduct containing same.**
- E. The respondent's licensed practitioner(s) must complete the Board's **Controlled Medication/Abuse Potential Substance(s) Form** for controlled medication(s)/abuse potential substances, and submit it within **ten (10) 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.**

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- F. The controlled medication/abuse potential substance form must contain a record of all health care providers treating the respondent along with the condition(s) being treated and prescription(s) ordered for listed condition(s).
- G. The prescribing provider must acknowledge in writing and by documenting on the controlled medication form that said provider has knowledge of the respondent's dependency and/or use of controlled or abuse potential substances. The provider must identify the medication, dosage, and the date the medication was prescribed.
- H. No medications from a prescription over six (6) months old should be taken without updated prescription verification. Using prescribed medications(s) over six (6) months old without an updated verification is grounds for further disciplinary action as stated in this order.
- I. If prescription drugs are refilled, the Board must also have a letter from the prescribing practitioner attesting to the continued need for the medication(s) and the controlled medication/abuse potential substance form must be updated every six (6) months. The form is required to be re-submitted to the Board at that time.

• Failure to follow these procedures when obtaining a prescription may be grounds for further disciplinary action as stated in this order.

7. Enroll in a Drug Screening Program:

- A. If the respondent is not already registered with a drug testing firm, the respondent shall within **ten (10) days** of the date of this order, register with a drug screening firm selected by the Board. Drug screens will begin immediately upon registration with the drug screening firm.
- B. It is the responsibility of the respondent to ensure that he/she has properly registered with the drug screening firm selected by the Board.
- C. The respondent shall submit to and pay for random drug and/or alcohol screens. The random testing shall be done at a minimum of once per month but may be required more frequently as requested by the Board. The Board may at any time request additional testing, including but not limited to, hair and/or blood samples.

- D. Occurrence of any of the following conditions constitutes noncompliance with the Board order:
- Failure to register with the selected firm within **ten (10) days** of the date of this order;
 - A positive drug screen;
 - Failure to call the testing firm daily;
 - Failure to submit a specimen on the date selected for screening;
 - Refusal to furnish a specimen;
 - Submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants or submission of a sample that is below acceptable volume or temperature to be tested;
 - Failure to follow requested procedure in obtaining a specimen.
- E. Drug screen results indicating an abnormal/dilute specimen or a result indicating a low specific gravity with low creatinine levels will be considered positive and non-compliant with Board Order and grounds for further disciplinary action as stated in this order.
- F. The respondent must listen to the entire message. Failure to listen to the entire message will be considered non-compliant with this order and grounds for further disciplinary action as stated in this order.
- G. Failure to properly fill out or maintain a proper chain of custody form in any way that is not accepted by the drug testing facility will be considered positive and non-compliant with the Board Order and grounds for further disciplinary action as stated in this order.
- H. The respondent shall adhere to all guidelines set forth by the Board and the drug screening firm. The drug screening firm will report any/all violations of their guidelines, policies and procedures to the Board.

Violations

Furthermore, the respondent is hereby notified that failure to comply with any stipulations of this Order of the Board may result in any of the following:

- a. Immediate suspension of license;
- b. Indefinite suspension of license;
- c. Ineligibility for annual renewal of license;

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- d. Additional fines/penalties up to \$500.00 per occurrence;
- e. Increased probationary period;
- f. Summary suspension; and
- 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 SUSPENSION OF UP TO A FOUR (4) YEAR PERIOD 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 (2) consecutive years** of being drug/alcohol free immediately prior to the respondent's initiation of a reinstatement request. If during the **two (2) consecutive years** of sobriety the respondent relapses, the **two (2) consecutive years** of sobriety will re-start on the date of the relapse occurrence, provided that the respondent is in treatment.

Public Records

This Order is public record. All disciplinary actions of the Board will be reported to all required data banks and agencies as required by law.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

M. Lynn Ansardi R.N.

9/3/13
Date

M. Lynn Ansardi, RN
Executive Director

Mailed this 3rd day of September, 2013 by U.S. Postal Service, Regular and Certified Mail No. 7011 3500 0001 1842 5598 to:

Jared Hooter
457 Cross Drive
Haughton, LA 71037