

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

In the matter of: **Diana Yates**
390 May Road
Chatham, LA 71226

License #840506

Date offered: **October 17, 2013**

Date offer expires: **November 6, 2013**

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NOV 05 2013

L.S.B.P.N.E

CONSENT ORDER

To facilitate a conclusion to the allegations against Diana Yates, LPN, the Louisiana State Board of Practical Nurse Examiners does hereby offer this consent order. The allegations include:

1. The board received information from Winnfield Nursing and Rehab indicating that the respondent was terminated on 3/05/2013 for verbal abuse and neglect of care to a resident. On 3/01/2013, the respondent was assigned to care for resident, L. Love. She entered the resident's room to hang an IVPB, but the resident refused. She continued to hang the IVPB. The resident became angry and pulled out the IV with his teeth. The respondent admitted calling the resident a "nasty bastard". The respondent had the CNA call another nurse to care for the resident.
2. The board received additional information from Winnfield Nursing and Rehab indicating that on or about 9/14/12, members in attendance at a resident council meeting complained that the respondent was rude and gave them attitude. On 10/26/12, a resident's family reported that soiled gloves were found on the floor of the resident's room. When questioned, the respondent claimed that she left the soiled gloves on the floor to show the CNA; however, the CNA was not in the building at the time and the respondent failed to return to the resident's room to clean it up.
3. According to records from Forest Haven Nursing and Rehab Center, the respondent was hired on 1/10/11 and fired on 2/2/11 for using unprofessional tones with staff, residents and physician offices.

Based on the evidence submitted, the board has concluded that Ms. Yates is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, Section 969 A. 4. (c) is unfit, or incompetent by reason of negligence habit, or other causes; (f) is guilty of unprofessional conduct; (g) has violated any provisions of this Part; and §978. A. (8) and B.

Diana Yates C.A.

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As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 306.T:

3. being unfit, or incompetent by reason of negligence, habit or other causes;
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;
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
 - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

In lieu of a formal hearing on the matter, the respondent consents to accept and abide by the following orders of the board:

1. That she be issued a Letter of Reprimand as disciplinary action against her license for the violations of the Nurse Practice Act.
2. That she be fined \$250.00 for the violations of the Nurse Practice Act, payable by cashier's check or money order only due within thirty (30) days of the acceptance of this order.

Furthermore, the respondent is hereby notified and by signature *Diana Reeves Yates* acknowledges and agrees 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) 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.

Diana Yates C.A.

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LETTER OF REPRIMAND

In the matter of: **Diana Yates**
390 May Road
Chatham, LA 71226

License #840506

Date: **October 17, 2013**

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The Louisiana State Board of Practical Nurse Examiners hereby issues this Letter of Reprimand against Diana Yates, LPN based on the following:

1. The board received information from Winnfield Nursing and Rehab indicating that the respondent was terminated on 3/05/2013 for verbal abuse and neglect of care to a resident. On 3/01/2013, the respondent was assigned to care for resident, L. Love. She entered the resident's room to hang an IVPB, but the resident refused. She continued to hang the IVPB. The resident became angry and pulled out the IV with his teeth. The respondent admitted calling the resident a "nasty bastard". The respondent had the CNA call another nurse to care for the resident.
2. The board received additional information from Winnfield Nursing and Rehab indicating that on or about 9/14/12, members in attendance at a resident council meeting complained that the respondent was rude and gave them attitude. On 10/26/12, a resident's family reported that soiled gloves were found on the floor of the resident's room. When questioned, the respondent claimed that she left the soiled gloves on the floor to show the CNA; however, the CNA was not in the building at the time and the respondent failed to return to the resident's room to clean it up.
3. According to records from Forest Haven Nursing and Rehab Center, the respondent was hired on 1/10/11 and fired on 2/2/11 for using unprofessional tones with staff, residents and physician offices.

Based on the evidence submitted, the board has concluded that Ms. Yates is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, Section 969 A. 4. (c) is unfit, or incompetent by reason of negligence habit, or other causes; (f) is guilty of unprofessional conduct; (g) has violated any provisions of this Part; and §978. A. (8) and B.

Diana Yates C.A.

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CONSENT ORDER ACCEPTANCE

I, Diana Yates, agree that the board has jurisdiction over this matter. I specifically waive my right to contest these findings in any subsequent proceedings before the board. I understand that this consent order shall constitute as public record and is disciplinary action by the board.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Practical Nurse Examiners in resolving these charges, and intend to comply with all stipulations of this order.

I voluntarily agree to sign and have witnessed the terms of this order for the purpose of avoiding a formal hearing with the Louisiana State Board of Practical Nurse Examiners.

I do say that I freely, knowingly and voluntarily enter into this order. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this order.

I understand that this order is effective immediately upon signature of the executive director and will become an order of the board. It is understood that this order does not preclude the Board of Practical Nurse Examiners from requiring a formal hearing of my case. I further understand that should the consent order not be accepted by the board, I agree that presentation to and consideration of the consent order, the documenting evidence and information by the board shall not unfairly or illegally prejudice the board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this respondent.

Diana Reeres Yates 11-3-2013
Signature of licensee Date

Delva Newman 11-3-2013
Signature of witness # 1 Date

James Yates 11-3-2013
Signature of witness # 2 Date

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L.S.B.P.N.E

Louisiana State Board of Practical Nurse Examiners

M. Lynn Ansardi R 11/13/13

M. LYNN ANSARDI Date
EXECUTIVE DIRECTOR