

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

November 8, 2013

FILE COPY

Stacey Colson
896 Williams Lake Rd.
Pineville, LA 71360

Dear Ms. Colson:

Enclosed you will find your board order with the stipulations set forth which you must follow throughout this order.

Please read the entire order completely and carefully. Failure to follow all stipulations set forth may result in further disciplinary action being taken against your practical nursing license, which may include additional fines, an extended probation period, suspension, and/or revocation.

You may also go to the board's website at www.lsbpne.com, at any time to review the Administrative Code pertaining to practical nurses, including the Rules and Adjudication, License Suspension and Revocation Proceedings, §306. This information was also included with your formal complaint.

If you have any questions or concerns you should submit them in writing to the board office, please include your current address and telephone number with your request.

LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS

M Lynn Ansardi RN

M. Lynn Ansardi, RN
Executive Director

MLA/tl

Stacey Colson
License #260042
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In the matter of: Stacey Colson
LICENSE #260042
D.O.B. 2/28/1977

This cause having come to be heard at a formal hearing conducted at the board office on July 12, 2013, upon the complaint filed in this matter. The nature of the hearing was prosecution of the matter.

FINDINGS OF FACT

During the formal hearing process, the following facts were confirmed:

1. The respondent was licensed as a practical nurse in Louisiana on January 12, 2006.
2. The respondent answered "YES" to question #H on her 2011 renewal application, which asks: SINCE YOUR LAST RENEWAL, HAVE YOU: been arrested, charged, convicted of, plead guilty, or no contest and/or nolo contendere or been sentenced for any criminal offense in any state? (NOTE: even though an arrest or conviction has been pardoned, expunged, dismissed or deferred and your civil rights have been restored, you must answer "yes" and attach a detailed written statement and certified copies of the criminal record(s)).

The respondent reported that she was arrested for the offense of Altering a Prescription for Soma, (Carisoprodol). She reported to the board (Exhibit D) that she and her husband went for a routine visit to the doctor to get refills on their medications. During her visit she explained to the nurse practitioner the following: "I had an exacerbation to my lower back muscles." She indicated that the nurse practitioner wrote her a "few Somas" to get her over the hump of her injury.

She reported that she was in so much pain that she waited in the car while her husband went into the pharmacy to fill the prescriptions. However, according to her sworn testimony, she and her husband went into the pharmacy to fill the prescriptions (refer to pg. 28 lines 2-4 of the hearing transcript).

She also reported that on April 12, 2010, after arriving home from the pharmacy, she opened her bag of medications and found, along with her regular medications, "a bottle of Somas #40." However, she was only given 30 pills that day.

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The hearing officer believes that the only way she could have known that 40 pills were prescribed is if she knew the prescription was changed from 10 pills to 40 pills, since the prescription was filled for 30 pills that day (Exhibit Q-3). She indicated that she took them for a couple of days and placed the remaining pills in her medicine cabinet.

3. At the hearing, Ms. Tracy Lyons, APRN, testified that the respondent complained of "neck pain" so she prescribed 10 Soma pills for the respondent that day. She stated that she only prescribed 10 because she doesn't want patients to be on it for a long period of time (refer to pg. 8 lines 25 through pg. 9 line 2 of the hearing transcript).

The respondent in her narrative statement (Exhibit D) reported her pain as being "exacerbation to my lower back muscles". According to her narrative statement of March 28, 2011, (Exhibit K) she reported her pain was related to "sciatic nerve pain." However, it was not until after Ms. Lyons testified that Ms. Colson testified that the location of her pain was in her neck (refer to pg. 24 lines 3-20 of the hearing transcript regarding the respondent's testimony).

4. According to the police report received, the respondent was arrested on May 25, 2010, for Obtaining CDS by Fraud and Insurance Fraud (Exhibit I). On April 12, 2010, it was reported that she presented a prescription for forty (40) Soma 350 mg. to Fred's Pharmacy. The prescription was written on a Griffin Family Medicine Clinic prescription pad for Stacey Colson (W/F, DOB: 2/28/1977) and signed by Tracy D. Lyons, APRN.

Due to monthly guidelines, the pharmacy filled thirty (30) pills on April 12, 2010, and then filled the remaining ten (10) pills on May 10, 2010. The monthly guidelines allow the pharmacy to fill a prescription for a one month supply depending on the physician's dosage instructions.

While the pharmacy was attempting to verify a refill on the prescription, it was discovered the original prescription was written for only ten (10) Soma 350 mg. Dr. Griffin's office contacted the Louisiana State Police Narcotics Division and reported the fraudulent prescription. During the course of their investigation they also discovered that the respondent used her personal insurance to pay for the fraudulent prescription.

5. The board (LSBPNE) received the pharmacy sign in sheet (Exhibits Q-2 and 3) regarding the altered prescription for Soma, which revealed that the respondent signed for the first thirty (30) tablets on April 12, 2010, and the remaining ten (10) tablets were obtained on May 10, 2010. Records from Fred's Pharmacy indicated that the respondent presented only the prescription for Carisoprodol (Soma) 350 mg. to Fred's Pharmacy on April 12, 2010 (Exhibit Q-3).

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However, the respondent claimed in her narrative statement to the board on January 10, 2011, and during her sworn testimony that she received numerous prescriptions on April 12, 2010, that were picked up by her husband (Exhibit D and also refer to pg. 22 lines 12-18 of the hearing transcript).

6. According to court documents submitted, the respondent, in lieu of prosecution, entered into a P.T.I. (Pre-trial intervention program) with the District Attorney for the charges of altering a prescription and insurance fraud. She was placed on active probation for 6 months with special conditions. After completing the conditions of her supervised probation, she was placed on unsupervised probation for a period of 1 year. After completing the stipulations of the P.T.I., the District Attorney dismissed the charges (Exhibits U-2 and 3 and pg. 45 lines 15-25 of the hearing transcript).

JURISDICTION

The board has jurisdiction over the parties hereto and the subject matter hereof.

CONCLUSIONS OF LAW

1. The Louisiana State Board of Practical Nurse Examiners has jurisdiction over this matter pursuant to Title 46, Professional and Occupational Standards, Part XLVII, Chapter 3 §306.T.
2. The board does not find the respondent to be credible by the fact that she has continuously falsified information submitted to the board and when comparing her narrative statements submitted to the board, (Exhibits D and K), to her sworn testimony, the board finds that the respondent gave conflicting testimony during the hearing. It is the board's belief that to ensure the protection of the public, the respondent's license should be monitored by being placed on probation.

Based on the facts set forth in the entire record and outlined herein above, the respondent is in violation of the following:

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;
(f) is guilty of unprofessional conduct;
(g) has violated any provisions of this Part;

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

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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;**
8. **being guilty of unprofessional conduct;**
 - i. **falsifying records;**
 - t. **violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.**

ORDER

The matter of Stacey Colson, LPN, license #260042 on November 8, 2013, came on for final action by the Louisiana State Board of Practical Nurse Examiners.

NOW THEREFORE, IT IS ORDERED, that the license of the respondent, Stacey Colson, license #260042, be placed on PROBATION for no less than two (2) years with the following stipulations:

1. **License:**

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

2. **Fines/Fees:**

- A. The respondent is hereby fined \$500.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, and payable within 90 days of the date of this board order.
- B. The respondent is hereby assessed a hearing assessment fee of \$500.00, **payable by cashier's check or money order only**, and must be paid within 90 days of the date of this board order.
- C. 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**.

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- D. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only.**
- i. Due within three (3) months of receiving a probated license, and annually thereafter until the probation is satisfactorily completed
 - ii. 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).
 - i. If the respondent is already employed as an LPN, then the current employer must submit the **Employer's Agreement Form** to the board office within ten (10) days of the date of the board order/consent order.
 - ii. Upon obtaining new employment as an LPN, the respondent must have the prospective employer submit the **Employer's Agreement Form** 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:
 - i. 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.
 - ii. It is the respondent's responsibility to ensure that his/her supervisor submits the evaluation reports quarterly.
 - a. 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)
 - b. 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 change 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:**

- 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 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 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 by-product containing the same.

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- E. The respondent's licensed practitioner(s) must complete the board's **medication 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 medication 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 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 an 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.
- 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 medication 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.

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- 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. 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.

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Violations

Furthermore, the respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any 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 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 immediately obtained, and the respondent must show evidence of two (2) consecutive years of being drug/alcohol free 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.

Rendered this 8th day of November, 2013, and signed this 8th day of November, 2013, at Metairie, Louisiana.


MYRON V. COLLINS, LPN
CHAIRMAN OF THE BOARD


M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

Rendered this 8th day of November, 2013, and mailed this 8th day of November, 2013, by U.S. postal service certified mail return receipt #7011 3500 0001 1842 6878 and regular mail to the following address:

Stacey Colson
896 Williams Lake Rd.
Pineville, LA 71360

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License #260042
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