

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

Sean Sweeney
39675 W. Timberlane Dr.
Ponchatoula, LA 70454

LICENSE #220427
D.O.B 5/22/1967

Dear Mr. Sweeney:

Enclosed you will find your Board Order with the stipulations set forth which you **must follow** throughout your Suspension and/or Probation period.

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

In the matter of:

Sean Sweeney- respondent
License #220427
D.O.B. 5/22/1967

This cause having come to be heard at formal hearings conducted at the board office on August 23, 2013, and September 20, 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:

The hearing officer, having reviewed all evidence and testimony and being fully advised in the premises, makes the following findings of fact and conclusions of law based on the entire record:

1. On January 5, 2012, the board received a license verification request from the Tangipahoa Parish Sheriff's Office (T.P.S.O.) regarding the respondent's current license status. In reviewing the respondent's license statistics, the board discovered that the respondent did not submit a renewal application to the board office to obtain his 2011 practical nursing license (Exhibits B and C).

On January 6, 2012, the board sent the verification of licensure to the T.P.S.O., which indicated that the respondent's practical nursing license expired on January 31, 2011, and informing them that the respondent did not possess a current license to practice practical nursing (Exhibit D-4).

After receiving the board's verification, the T.P.S.O. submitted the copy of the 2011 practical nursing license the respondent presented to them (Exhibit B-4).

On this same date the board submitted an employment verification request to the T.P.S.O. requesting the respondent's dates of employment and his employment status with their agency.

After receiving the employment verification from the T.P.S.O., it came to the board's attention that the respondent was practicing as a licensed practical nurse without a valid license to do so since his previous license expired on January 31, 2011.(Exhibit C-1) (Compare exhibit C-1 to exhibit B-4).

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2. On January 6, 2012, the board sent a notice to the respondent informing him of the allegations and demanding that he cease and desist the practice of practical nursing unless he is duly licensed to do so. The board also requested a detailed narrative statement and his original 2010 practical nursing license (Exhibit E).
3. On January 11, 2012, the board received the respondent's narrative statement indicating that he thought he renewed his license for 2011 and thought that his license was current. He stated that he could offer no excuse as to what happened. Also enclosed was his original 2010 practical nursing license (Exhibit G).

In reviewing his original 2010 license he submitted to the board office and the copy of the 2011 license he presented to his employer, T.P.S.O., the board discovered that his 2010 license was used to create the copy of the 2011 license he presented to his employer (Compare exhibit C-1 to exhibit B-4).

4. On January 20, 2012, the board suspended the respondent's practical nursing license for failing to sufficiently respond to the board's request for information (Exhibit I).
5. On January 23, 2012, the board received a narrative statement from the respondent through his attorney indicating that he admitted to working without a current license. He reported that his employer was going through a certification of their facility and asked that he provide his current license. When he discovered that he did not renew for 2011, his wife thinking that his 2011 license had been misplaced, marked a 1 through the 2010 card and provided the copy to his employer, T.P.S.O. Also enclosed was a sworn affidavit of his wife indicating the above (Exhibit J 1-3).
6. On March 13, 2012, the respondent was denied reinstatement of his license since he had not sufficiently responded to the board's request for information by not submitting the license his wife stated she changed to appear as his 2011 license (Exhibit L).
7. The respondent's F.B.I. criminal background records revealed the respondent was arrested on August 22, 2012, for the charges of 1) injuring public records and 2) forgery, (forgery of LPN license), along with other arrests/convictions the respondent previously reported to the board (Exhibit O).

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8. In October 2012, the board received information indicating that the respondent was terminated from the Tangipahoa Sheriff's Office. The board also received information indicating that during his employment with the Tangipahoa Sheriff's Office, he was counseled on many occasions. According to this report, on December 21, 2011, he was sent a notice regarding the following: (Exhibit U)
- Three years of significant findings and/or deficiencies were discovered in the medical office. Most were not addressed or corrected in accordance with DOC Basic Jail Guidelines.
 - Repeated instances of incomplete or missing documentation was discovered (medicine logs in particular). Although not his responsibility to complete daily, he was responsible for insuring they were completed and were accurate.
 - Poor attendance and excessive absences were documented.
 - Employees, visitors, and offenders made informal complaints many times during his employment regarding his demeanor and/or mood swings, he was disciplined due to unprofessional outbursts.
 - Medical files, as reported by the respondent, were not ready for inspection without notice.
 - He was unwilling to cooperate with the legal defense team at times.
 - He failed to consult with the physician on issues beyond his scope of practice.
9. To date, the respondent has failed to sufficiently respond to the board's request for information, thus his practical nursing license remains suspended.

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 finds the respondent was not truthful regarding knowledge of his forged 2011 practical nursing license presented to his employer.

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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);

- (a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;
- (b) is guilty of a crime;
- (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.

And, The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 978. A:

- (3) Practice practical nursing unless duly licensed to do so under the provisions of this Part;
- (4) Use in connection with his name any designation tending to imply that he is a practical nurse, unless licensed to practice under the provisions of this Part.
- (5) Practice practical nursing during the time his license has lapsed because of his intentional failure to renew the license.

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;
- 2. being guilty of a crime;
- 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;
- 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;
 - i. falsifying records;
 - o. being guilty of moral turpitude;

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- p. **inappropriate, incomplete or improper documentation;**
- 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 Sean Sweeney, LPN, license #900349 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, Sean Sweeney, license #220427, remain **suspended** pending the outcome of all criminal proceedings regarding any/all criminal matters with the courts. During the suspension period the respondent shall comply with 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.

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4. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas: 1) Anger management; 2) ethical nursing practice; and 3) documentation for nurses. Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

5. **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 \$1,000.00, **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**.

6. **Reinstatement requirements:**

- A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.
- B. The respondent shall submit certified court documents reflecting the outcome of any/all arrests to include but not limited to his arrest of August 22, 2012, for the charges of: 1) injuring public records and 2) forgery, (forgery of LPN license).
- C. The respondent is to submit a written request for reinstatement to the board office.

Upon receipt of certified court documents indicating outcome of all criminal proceedings, and the respondent's written request for reinstatement of his practical nursing license, he shall be scheduled for a formal hearing before the board for further determination regarding licensure in the state of Louisiana.

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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.

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 L. Collins LPN

MYRON L. COLLINS, LPN
CHAIRMAN OF THE BOARD

M. Lynn Ansardi RN

M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

Mailed this 8th day of November, 2013, by U.S. postal service certified mail return receipt #7011 3500 0001 1842 6908 and regular mail to the following address:

Sean Sweeney
39675 W. Timberlane Dr.
Ponchatoula, LA 70454

Cc:
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