

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

Tammy Foster
2820 Jett St.
Sulphur, LA 70665

Dear Ms. Foster:

Enclosed you will find your board order.

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.

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/kp

Tammy Foster, LPN
License # 200074
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In the matter of: Tammy Foster
License # 200074
D.O.B. 9/27/1967

This cause having come to be heard at a formal hearing conducted at the board office on September 27, 2013, upon the complaint filed in this matter.

FINDINGS OF FACT

During the Formal Hearing process, the following facts were confirmed:

1. The respondent was licensed as a practical nurse in the state of Louisiana on 02/11/2000.
2. It came to the attention of the board that the respondent had been employed as a licensed practical nurse at The Pediatric Center of Southwest Louisiana from 12/17/01 to 07/18/13. The board determined that since the respondent's licensure for 2001, she had never applied for the annual renewal of her practical nursing license. The respondent has not held a current license to practice practical nursing since January 31, 2002; therefore, she has been working without a current license to do so for 11 years.
3. Review of the respondent's file with the board indicated that she completed a delinquent/inactive form on 07/23/2009, and indicated that she was employed as a licensed practical nurse since 2002 with The Pediatric Center of Southwest Louisiana. The respondent also answered "yes" to question # 8 on the form, which asks the following: "Have you ever been arrested, charged, convicted, pled no contest, entered into a District Attorney Intervention program or are charges pending against you for a crime (misdemeanor or felony) in any state? If yes, attach all court documents or intervention papers along with detailed narrative statement(s)."
4. On July 29, 2009, the respondent was sent a letter by the board demanding that she cease and desist, immediately, the practice of practical nursing. At that time, the board assessed a fine of \$500.00 to be paid immediately and requested that the respondent submit to State and F.B.I. criminal background checks.
5. As of July 19, 2013, the board had not received the respondent's fine or any information previously requested. Additionally, the respondent continued to work as a licensed practical nurse without holding a current practical nursing license. The respondent was sent another letter from the board addressing new allegations and requesting that she submit the information and fine previously requested.

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6. On August 7, 2013, the respondent's license was suspended for failing to respond to the board's request for information.
7. On August 8, 2013, the board received the respondent's narrative, money orders for a fine previously assessed and court documents related to a previously reported arrest for distribution of marijuana which occurred in January of 1988.
8. To date, the respondent has not submitted copies of the money orders indicating she has requested State and F.B.I. criminal background checks and her practical nursing license remains suspended.
9. The board received information from The Pediatric Center regarding the respondent's employment. She was hired as a nurse on 12/17/01. Throughout her personnel file dating back to 2003, she was either classified as a "nurse" or signed her name as an "LPN". According to "Employee Performance Review" documents dated 2009, 2010, 2011, and 2012, her job title was listed as "nurse" and the department was listed as "nursing". Additionally, she was classified as a "nurse" on "Exposure Identification Forms" for the years 2006, 2008, 2009, 2010, 2011, 2012, and 2013. The respondent was classified as a nurse on OSHA training records, blood borne pathogen training records, hazard communication training records, workplace violence protection training records, and monthly safety meeting records, dating back to 2002.
10. On 1/31/2007, a medication report form indicated that the respondent had given an immunization to the wrong patient. She failed to correctly identify the patient before administering the immunization. On 6/29/10, a medication form indicated that she had given a patient an allergy shot without authorization from the patient's cardiologist. The patient was not to get an allergy shot until cleared by the cardiologist. The respondent failed to follow proper protocol regarding administration of allergy shots. It should be noted that the respondent made these nursing errors during the time her practical nursing license was expired.
11. At the hearing, the respondent admitted in her sworn testimony that she worked without a current license and continued to that date to work as a licensed practical nurse without a current license. (Refer to exhibit M-1 and to pg. 80 line 1-16 of the hearing transcript)

JURISDICTION

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

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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.
2. Willfully committing the act of wrongful intent by dishonesty in the duties of an LPN demonstrates a severe deviation from professional standards. Ms. Foster did act with a general lack of integrity with the purpose of deceit by working without a current practical nursing license and continuing to work as a licensed practical nurse after receiving a Cease and Desist Notice from the board in 2009.

The board concludes that it is well established that Ms. Foster has for years practiced as a licensed practical nurse with disregard for professional standards expected. She has clearly demonstrated a lack of conscience in her professional duties.

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

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;
- (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

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;
- (8) Violate any provisions of this Part; and

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;

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3. **being unfit, or incompetent by reason of negligence, habit or other causes;**
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;**
 - 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;**
 - 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 Tammy Foster license #200074, 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 respondent, Tammy Foster, license number 200074, remain suspended for no less than six (6) months with the following stipulations:

1. The respondent is to submit a hearing assessment fee of \$500.00, payable within 6 months of the date of this board order.
2. The respondent is to be fined \$500.00 for the violations contained in the conclusions of law, payable within 6 months of the date of this board order.
3. The respondent is to submit any/all past due fines/fees owed to the board, payable within 6 months of the date of this board order.
3. The respondent is to submit a delinquent fee of \$70.00 for each year she failed to renew her practical nursing license, for a total of \$840.00, payable prior to the respondent's request to renew her practical nursing license and within 6 months of the date of this board order.

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5. Fines/fees are **payable by cashier's check or money order only.**
6. Satisfactorily complete a board approved refresher course within 6 months of the date of this order.

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:

- If stipulations are not completed within six (6) months from the date of this board order, the respondent's license shall be revoked.

Upon favorable review of the reinstatement request, the license of the respondent may then be placed on probation for no less than two (2) years with the following stipulations:

1. **License:**
 - A. The license of the respondent will be stamped "PROBATION".
 - B. The respondent shall return his/her current practical nursing license to the board office with the signed agreement, so the license can be stamped with the mandatory probation stamp.
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 and/or felony arrest(s) or conviction(s).
3. **Fines/Fees:**
 - A. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only.**
 - B. The probation monitoring fee is due within **three (3) months** of receiving a probated license, and annually thereafter until the probation is satisfactorily completed.
 - C. Failure to pay this fine/fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

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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. **Employment:**

A. The respondent shall provide a copy of the entire board order/consent order including the findings of fact 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, the respondent and the current employer shall enter into the board's **Employer's Agreement** (form(s) issued by board). The signed form(s) shall be submitted to the board office within **ten (10) days** of the date of this order.

ii. Upon obtaining new employment as an lpn, the respondent shall enter into the board's **Employer's Agreement** (form(s) issued by board) with the prospective employer. The signed form(s) is to be submitted to the board office within **ten (10) days** of the date of hire.

B. All current and prospective employers must agree to allow the respondent's direct supervisor to monitor the respondent while on probation as well as timely submission of evaluations.

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

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

G. The respondent must practice under the supervision of a nurse (rn, lpn, or physician whose license is unencumbered) and must provide direct patient care as follows:

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- 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)
 - b. Only the respondent's direct supervisor may complete the evaluations according to the observations made during the supervision.
- H. 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.

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.

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

Myron L. Collins LPN

M. Lynn Ansardi RN

MYRON L. COLLINS, LPN
CHAIRMAN OF THE BOARD

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 6892 and regular mail to the following address:

Tammy Foster
2820 Jett St.
Sulphur, LA 70665