

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

**FILE COPY**

March 14, 2014

Terry Stevens  
19420 Hwy. 1061  
Amite, LA 70422

Dear Mr. Stevens:

Enclosed you will find your board order.

You may also go to the board's website at [www.lsbpne.com](http://www.lsbpne.com) at any time to review the administrative code pertaining to practical nurses.

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

In the matter of:

**Terry Stevens - respondent**  
**License #270489**

This cause having come to be heard at a formal hearing conducted at the board office on December 20, 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 issued a license to practice practical nursing in the state of Louisiana on March 8, 2007.
2. On September 4, 2012, the respondent was arrested by the Tangipahoa Parish Sheriff's Department on charges of domestic abuse battery. On or about August 14, 2012, police officers responded to Hood Memorial Hospital where the respondent's wife informed them that the respondent struck her in the face with a closed fist, used his head to strike her nose, and then committed to use his fore arms to place around her neck in an attempt to choke her.
3. On January 28, 2013, the respondent falsified his 2013 practical nursing renewal application by answering no to the question that asked: **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 submit a detailed written statement and certified copies of the criminal record(s) within 10 days of today.)**
4. While employed as a licensed practical nurse with Vital Link-Home Care Company the respondent received two patient complaints and was terminated on March 12, 2013, for unsatisfactory work quality and violation of company policies.
  - On March 8, 2013, prior to the respondent's visit, patient W.A. counted his Hydrocodone medication and noted 13 pills. Following the respondent's visit, the patient counted 3 pills. The patient called the respondent and demanded he return the medication. The respondent stated he would find some and returned to the patient's home at 8pm with 8 Hydrocodone tablets. The respondent in a written statement to the agency admitted to bringing the patient some of his personal

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medication but in a written statement submitted to the board office, he denied the allegations.

- On March 12, 2013, patient D.B. stated his Soma and Xanax medications were missing following the respondent's visit. The patient also indicated the medication was being refilled since December, 2012, without his knowledge. When he questioned the respondent about the medication he was told he was out of refills. However, the medication was being sent to his home and opened by the respondent.
5. The board received the respondent's medical records from Southeast Louisiana Veterans Health Care System indicating the following:
- On February 2, 2012, the respondent had a diagnosis of Axis I: ADHD, MDD, PTSD; Axis III: Hypertension, Low Back Pain. He was being prescribed Morphine Sulfate, Oxycodone/Acetaminophen and Adderall.
  - On April 25, 2012, the respondent's prescription refill request for Adderall was denied due to an unsubstantiated diagnosis of ADHD. The respondent was originally prescribed the medication on November 20, 2007. He was referred for testing due to the lack of historical documentation supporting the diagnosis. He was being prescribed Sertraline, Alprazolam, Hydroxyzine, Morphine and Oxycodone/Acetaminophen.
  - On May 18, 2012, during the respondent's office visit he was extremely angry about being abruptly taken off the stimulant medication. He displayed a hostile attitude, refused to discuss other stressors that may be causing him to be disorganized, and reported being angry with his other physician because she refused to adjust his pain medication stating they did not work anymore. He received the following diagnosis: adjustment disorder with mixed emotional features, MDD and PTSD. There were concerns that the respondent was displaying drug seeking behavior.
  - On June 29, 2012, the psychiatric note indicates the respondent was being tapered off his medication.
6. On July 2, 2013, the respondent reported to Hood Memorial Hospital with family complaints of being out of control with agitation. He was PEC'd to St. Charles Behavioral for (agitation, combative, and threatening violent behavior.) The patient had to be placed in physical and chemical restraints due to his agitated behavior, threats to

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physically harm his father, removal of I.V., being combative with staff and attempts to elope. The police were called. He was admitted on a suspected overdose of 30 Soma tablets. His wife reported the respondent had been drinking the past two days and was found on the floor with seizure like movements. He was diagnosed with depression and poly-substance dependence. His drug screen was positive for opiates, benzodiazepines and THC.

7. On July 11, 2013, the respondent's practical nursing license was suspended for failure to respond to the board's request for information.
8. On July 16, 2013, the respondent was seen by SWLVA Health Care System following his discharge from St. Charles Behavioral Hospital. The respondent requested a prescription for Alprazolam and Suboxone. He indicated he was going through withdrawals. He refused to address his substance abuse issues, refused to seek help for his withdrawal symptoms and refused to go through a substance abuse program to receive Suboxone. The psychiatrist was concerned the respondent was displaying drug seeking behavior and was concerned about the diversion of prescription medication.

The respondent also visited his primary care physician and requested a prescription for Suboxone. The physician refused and the respondent then asked for something like a narcotic until he could get Suboxone. He then asked for Lortab reporting that he was sick from withdrawals. The physician advised him to go to the hospital, the respondent refused, begging for Lortab, Vicodin, Percocet or Tylenol #3. When the physician refused, the respondent walked out of the office and slammed the door. The physician noted that the respondent detoxed while at St. Charles Behavioral Hospital and should not have had any opiates in his system, therefore should not have been in withdrawals.

9. On July 17, 2013, the respondent was seen by SWLVA Health Care System and reported he enrolled in a Methadone Program. He reported being prescribed 40 mg but was experiencing cravings. Toward the end of the interview he asked the doctor to prescribe low grade Xanax and became upset when the psychiatrist refused. He was diagnosed with opioid dependence on methadone maintenance and benzodiazepine dependence. The patient refused to participate in the substance abuse program and displayed drug seeking behavior.
10. On September 6, 2013, the respondent reported to the board office that he was no longer enrolled in the Methadone program and was re-establishing his life. The respondent's license remains suspended.

### **JURISDICTION**

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

### **CONCLUSIONS OF LAW**

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

1. According to the Louisiana Administrative Code, Title 46, Part XLVII, Subpart I, Section 306 T. a licensed practical nurse must not violate any provisions of the Nurse Practice Act. Section §306. 3. states that a licensed practical nurse cannot be unfit or incompetent by reason of negligence, habit, or other causes.

It is clear by the evidence presented and undisputed that the respondent is unfit and incompetent because of his habitual drug use/abuse and his violent criminal history.

2. Section §306. 4. states that a licensed practical nurse cannot be habitually addicted to the use of habit forming drugs.

The uncontested evidence presented shows that the licensee has an addiction to numerous controlled and illegal substances. His history demonstrates that he has tried unsuccessfully multiple times to treat his drug habit.

3. Section §306. 8. defines unprofessional conduct to include falsifying records. Mr. Stevens falsified his application to obtain his practical nursing license by answering “no” to the question if he had been arrested since he last renewed his license, as well as falsifying his drug abuse history and entering several drug rehabilitation centers.

The hearing officer and his former psychiatrist have strong concern for public safety, given his displays of drug seeking behavior, begging for narcotics and the fact that he has diverted narcotic medications from patients in his care and his refusal to complete a substance abuse program.

His drug and psychological impairments indicate that he poses a great risk to patients in his care, as well as harm to his recovery if he is allowed to remain an LPN.

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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;**  
**(d) is habitually intemperate or is addicted to the use of habit forming drugs;**  
**(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.**

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;**
4. **being habitually intemperate or addicted to the use of habit-forming drugs;**
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;**
  - g. **improper use of drugs, medical supplies, or patients' records;**
  - h. **misappropriating personal items of an individual or the agency;**
  - j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
  - o. **being guilty of moral turpitude;**
  - 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

The matter of **Terry Stevens, license #270489**, on **March 14, 2014** came on for final action by the Louisiana State Board of Practical Nurse Examiners.

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It is recommended that the practical nursing license of the respondent, **Terry Stevens, license #270489**, be **REVOKED** and:

1. **Return license to the board office:**

A. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of the board order.

2. **Fines/Fees:**

A. The respondent is to be fined \$500.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, payable within **90 days** of the date of the board order.

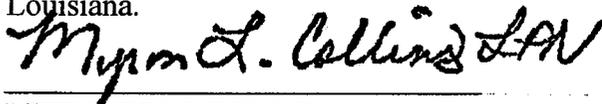
B. The respondent is to be assessed a hearing assessment fee of \$500.00, **payable by cashier's check or money order only**, within **90 days** of the date of the board order.

C. Fines/fees are **payable by cashier's check or money order only**.

**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 **14th** day of **March, 2014** and signed this **14th** day of **March, 2014** at Metairie, Louisiana.



MYRA COLLINS, LPN  
CHAIRMAN OF THE BOARD



M. LYNN ANSARDI, RN  
EXECUTIVE DIRECTOR

Mailed this **14th** day of **March, 2014**, by U.S. postal service certified mail return receipt **#7012 3460 0003 2404 2000** and regular mail to the following address:

Terry Stevens  
19420 Hwy. 1061  
Amite, LA 70422

**LOUISIANA ADMINISTRATIVE CODE**  
**TITLE 46**  
**Professional and Occupational Standards**  
**Part XLVII. Nurses**  
**Subpart 1. Practical Nurses**

**§306. Adjudication Proceedings**

A. All adjudication proceedings (as defined in R.S. 49:951) conducted by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:955 et seq.

B. All proceedings calling for disciplinary action, as set forth in R.S. 37:969(4) or as set forth in this Section 306(R), regarding a license, shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) of any provisions of R.S. 37:961 et seq., as stated in that statute, or any provision of these rules and regulations of the Louisiana State Board of Practical Nurse Examiners.

C. Communications received by the board expressing such allegation(s) shall be privileged, confidential, and shall not be revealed to any person except when such document(s) are offered for evidence in a formal hearing.

D. The allegation(s) shall be investigated by the executive director, his/her designee, and/or staff. Any information and/or documents generated pursuant to such investigation of the allegation(s) shall be considered the work product of the board and shall be privileged, confidential, and shall not be revealed to any person except when such investigative information and/or documents are offered for evidence in a formal hearing.

E. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default. A consent order or agreed settlement shall be presented to the board for approval before it becomes binding on the board.

F. If formal proceedings are deemed necessary by the executive director, a formal hearing shall be conducted before a hearing officer designated by the board. A decision to initiate formal proceedings may be made if one or more of the following conditions exist.

1. The allegation(s) are sufficiently serious.
2. The respondent fails to reply to the board's correspondence concerning the allegation(s).
3. The response to the board's correspondence is deemed insufficient or unsatisfactory.

a. In furtherance of the objective(s) set forth in R.S. 37:961 et seq., and these rules and regulations of the Louisiana State Board of Practical Nurse Examiners, a respondent shall, upon written request, provide the board with any and all information, document(s) and/or thing(s) requested, within 10 days, including weekends and holidays, from the date of the board's request.

b. Failure to respond to a request by the board, or failure to provide a response that the board deems satisfactory or sufficient, may result in the immediate suspension of the respondent's license or may result in the board taking any other action the board deems necessary commensurate with its philosophy of commitment to the health, safety and welfare of the public.

4. An informal proceeding has failed to resolve all of the issues or allegation(s).

G. Proceedings that require an opportunity for hearing shall commence with the filing of a formal complaint by the board. The complaint shall serve as the notice required by the Administrative Procedure Act 49:955(B) and shall include the following:

1. a statement of the time, place and nature of the hearing;
2. a statement of the legal authority and jurisdiction under which the hearing is to be held;
3. a reference to the particular sections of R.S. 37:961 et seq., and a reference to the particular section of the rules and regulations of the Louisiana State Board of Practical Nurse Examiners;

4. a short and plain statement of the matters asserted. If the board is unable to state the matters in detail at the time the complaint is served, the initial complaint may be limited to a statement of the issues involved. Thereafter, upon request, a more definite and detailed statement shall be furnished.

H. The formal complaint shall be sent by mail, at least 20 days, including weekends and holidays, prior to the hearing date, to the last known address of the respondent. It is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

I. The respondent shall return his/her reply to the complaint to the board at least 10 days, including weekends and holidays, prior to the date fixed for the hearing or shall be deemed to have waived his/her right to a hearing. In reply, the respondent shall either deny or admit the allegations of the complaint and may either:

1. appear for the scheduled hearing;
2. submit a written response to the hearing officer to be presented at the hearing in lieu of the respondent's live testimony; or
3. waive his/her right to a hearing.

J. If the respondent waives his/her right to a hearing, the board may take any appropriate disciplinary action by default. If the respondent does not reply in writing within the time allotted, the hearing may proceed as scheduled in the respondent's absence or the board may take any appropriate disciplinary action by default.

K. Opportunity shall be afforded to all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

L. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least seven days, including weekends and holidays, prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and necessary in promoting due process.

**M. Discovery**

1. Prior to a formal hearing, a respondent shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a respondent as a result of his/her exercise of said right shall be the sole responsibility and obligation of the respondent.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the board at least 10 days, including weekends and holidays, prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused. Such subpoenas include or are for the purpose of:

- a. requiring that a person appear and give testimony in the formal hearing; and/or
- b. requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:

- i. the information requested is reasonable in terms of amount; and
- ii. the scope of the information requested is limited to documentary material that is relevant to the proceeding;
- iii. the information requested does not include those documents referred to in §306.C-D; and
- iv. the requesting party deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in the proceedings is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.

3. Prior to a formal hearing, the respondent shall, upon written notice received by the board at least seven days, including weekends and holidays, prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Prior to a formal hearing the respondent, his/her attorney, or any party representing his/her interest is prohibited from having any contact whatsoever with any witness who will or may be called to give testimony in a formal hearing.

5. Depositions for the purposes of discovery are permitted and may also be allowed for the perpetuation of a witness' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

6. Motions may be made before, during, and/or after a formal hearing. All motions made before or after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request.

N. During a formal hearing, all parties shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and to cross-examine witnesses as well as call witnesses to give oral testimony. All testimony given during a formal hearing shall be under oath and may be before a certified stenographer.

O. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding need not be transcribed until such time as a party to the proceeding so requests and the requesting party pays for the cost of the transcript.

P. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board in executive session and shall be considered privileged and confidential until and unless it is adopted in final form by the board.

Q. The board shall make a decision based on the entire record, including the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the respondent by mail.

R. Disciplinary action(s) imposed by the board may include reprimand, probation, suspension, revocation, denial, as well as penalties provided under R.S. 37:961 et seq., as amended and/or these rules and regulations of the Louisiana State Board of Practical Nurse Examiners and/or any combination thereof.

1. Reprimand. May include a personal conference between the licensee and the executive director and/or a letter to the licensee regarding the incident or incidents which have been brought to the

board's attention and which may or may not be determined to warrant a hearing.

2. Probation. Will include stipulations which may be imposed by the board as a result of the findings of facts of a hearing and the order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the board may practice practical nursing in the state of Louisiana provided the probation terms are met.

3. Suspension. A license to practice practical nursing in the state of Louisiana may be withheld by the board. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated. The time of suspension may be a definite stated period or an indefinite term.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period, the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions that may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after the board determines, with or without hearing, that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the suspension. If reinstatement is granted, the licensee shall pay the required reinstatement fee.

4. Revocation. A license to practice practical nursing in the state of Louisiana may be withdrawn by the board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

5. Denial. An applicant may be denied licensure in the state of Louisiana. An applicant who has been denied licensure shall never be allowed to practice practical nursing in the state of Louisiana.

S. A petition by a party for reconsideration or rehearing must be filed in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

T. The grounds for disciplinary proceedings include, but are not limited to:

- 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;
- 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;
- 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; or

[Type text]

Louisiana Administrative Code

as amended through March, 2011

8. being guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:

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;

d. violating the confidentiality of information or knowledge concerning a patient;

e. performing procedures beyond the authorized scope of practical nursing;

f. performing duties and assuming responsibilities within the scope of the definition of practical nursing when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

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;

k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;

l. leaving a nursing assignment without properly notifying appropriate personnel;

m. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;

n. being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;

o. being guilty of moral turpitude;

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. possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing;

s. refusing to cooperate with employer's request to submit to a drug screen;

t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

U. The board may, at its discretion, impose a reasonable monetary assessment against the respondent for the purpose of defraying expenses of a hearing and/or expenses of the board in monitoring any disciplinary stipulations imposed by order of the board.

V. If the board finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered by the executive director pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

**Note: For more detailed information on your rights and responsibilities as a licensee, and to obtain all of the rules and regulations of the Louisiana State Board of Practical Nurse Examiners, please refer to the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1. Practical Nurses. This is available at <http://www.doa.louisiana.gov/osr/>.**

**You may also want to read the Administrative Procedure Act, R.S. 49:955 et seq. available on the Louisiana Legislative website.**