

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS  
131 AIRLINE DRIVE, SUITE 301  
METAIRIE, LOUISIANA 70001-6266  
(504) 838-5791  
FAX (504) 838-5279  
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JUN 30 2014

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**In the matter of:**      **Phyllis Williams**  
                                 **4128 Ellis St.**  
                                 **Lake Charles, LA 70615**

**Endorsement Applicant for licensure, S.S. # ending with 1732**

**Date offered:**            **June 23, 2014**

**Date offer expires:**    **July 23, 2014**

### **CONSENT AGREEMENT/ORDER**

The Louisiana State Board of Practical Nurse Examiners does hereby offer this consent agreement/order to **Phyllis Williams, applicant for licensure**, based on the following:

#### **FINDINGS OF FACT**

On February 10, 2014, the board received the respondent's application for licensure by endorsement to the State of Louisiana. The applicant answered "YES" to the question that asks the following:

"Have you ever been indicted, charged with or summoned into court as a defendant in a criminal proceeding, arrested (even if you were not taken away in handcuffs or incarcerated), fined, imprisoned or placed on probation or ordered to deposit bail for the violation of any law, police regulation or ordinance, misdemeanor and/or felony offense (except for minor traffic violations) whether or not charges were **expunged/dismissed and/or refused**; or have you ever been convicted (including a nolo contendere plea, guilty plea, or entered into a district attorney intervention program) of any criminal **misdemeanor and/or felony**?"

On March 21, 2014, the board received the applicant's FBI background check, which revealed the following:

- Arrested 8/13/1991-Lake Charles Sheriff's Office
  - Charge 1-Warrant Felony Theft
- Arrested 4/23/2002-USM Service Shreveport
  - Charge 1-USC 846, 841 A-1 853 Conspiracy/Distribute Substance or PWITD PCP

The applicant indicated in her narrative statement to the board and through court documents that  
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her felony theft arrest from 1991 was expunged from her record in 1995.

In the applicant's narrative related to her second arrest, she states she pled guilty to *possession with intent to distribute phencyclidine*, a felony offense. As a result of the conviction, applicant was imprisoned for a period of five months. Upon release, applicant was placed on probation for a period of three years. Certified court documents reflect the applicant completed all terms of her probation, and was released early.

On the same application, the respondent answered "NO" to the question that asks the following:

"Have you ever been denied a license, or has your license ever been disciplined by any nursing board in any jurisdiction, voluntarily surrendered your license, entered into an agreement restricting or monitoring practice, or are there charges pending against you in any state or jurisdiction?"

However, the board received information indicating the applicant had entered into an Eligibility Order with the Texas Board of Nursing on May 29, 2013. In the applicants narrative statement to the board she explains that she applied for the Declaratory Order because of her past felony charges. The Texas Board of Nursing required her to get a Chemical Dependency Evaluation, which was completed in February 2013, by Joyce Gayles, PhD, who concluded: "Ms. Williams does not have a substance abuse problem or substance related impairment that would prevent her from practicing nursing with reasonable skill and safety to patients. Therefore, it is expected that Ms. Williams can fulfill the duties and responsibility of a nurse and act in a professional manner."

On April 2, 2014, the board received notification from the Texas Board of Nursing that the applicant had completed all requirements of her Order entered on May 29, 2013.

### CONCLUSIONS OF LAW

Based on the evidence submitted, the board has concluded that Ms. Williams is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, 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;
- (c) is unfit, or incompetent by reason of negligence habit, or other causes;

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- (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.

As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 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;
- 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;
  - i. falsifying records;
  - 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;
  - 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 applicant consents to accept and abide by the following orders of the board:

1. **License:**

- A. The applicant be granted licensure as an LPN in Louisiana and this license shall then **IMMEDIATELY** be placed on **PROBATION** for a **minimum of one (1) year with the following stipulations:**

2. **Obey all laws:**

- A. The applicant shall obey all laws/rules governing the practice of practical nursing in this state and obey all federal, state, and local laws.
- B. The applicant shall report to the board within **ten (10) days** any misdemeanor and/or felony arrest(s) or conviction(s).

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3. **Fines/Fees:**

- A. The applicant is hereby fined \$500.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, due within **90 days** from the date this order is executed.
- B. The applicant is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only**.
- C. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.
- D. Failure to pay this fine/fee in the time allotted will result in the immediate suspension of the applicant's practical nursing license.

4. **Notify board of change of address/telephone number/employment:**

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

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- B. All current and prospective employers must agree to allow the applicant's direct supervisor to monitor the applicant while on probation as well as timely submission of evaluations.
- C. Probation will run concurrent with employment as an lpn.
- D. The applicant must be employed a minimum of 80 hours per month.
- E. The probationary period will not commence or progress until and unless the applicant 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 applicant must practice under the supervision of a nurse (rn or lpn) or physician, whose license is unencumbered, and must provide direct patient care as follows:
  - i. The applicant must be supervised on a regular and consistent basis by his/her assigned supervisor. The supervisor must observe and work closely enough with the applicant to be able to give an informed evaluation of the applicant. The employer must be willing to allow this supervision and provide opportunities for the same supervisor to evaluate the performance of the applicant.
  - ii. It is the applicant's responsibility to ensure that his/her supervisor submits the evaluation reports quarterly.
    - a. Reports are due on or before the 10<sup>th</sup> day of January, April, July, and October of each year. (Note: these forms will be provided to the employer)
    - b. Only the applicant's direct supervisor may complete the evaluations according to the observations made during the supervision.
- H. The applicant 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.
- I. Upon obtaining a prescription for controlled/abuse potential substance(s) while

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holding a probated license, the applicant is responsible for informing his/her employer within **three (3) days** of the date of the prescription(s).

6. **Select one primary pharmacy:**

- A. The applicant shall notify the board of the name, address, and telephone number of his/her selected pharmacy within **ten (10) days** from the date this order is executed. If the applicant acquires a new pharmacy, written notification must be received within **ten (10) days** of the first use.

7. **Select one primary care physician:**

- A. The applicant shall notify the board within **ten (10) days** from the date this order is executed, the name, address and telephone number of his/her selected primary care physician. The physician must hold an unencumbered license. All medical care received by the applicant for the duration of this order shall be furnished by the primary care physician or by the referral of the primary physician with the exception of emergency care. In the event emergency medical care is necessary, the applicant must notify the board within **three (3) days** from the date the emergency care was rendered if the treatment included administration of mood-altering, controlled, or addictive substances.
- B. The applicant shall execute the **Release of Information Form** to allow the primary care physician/referred specialist to communicate with and supply information to the board.

8. **Abstain from unauthorized drug use and controlled/abuse potential substances:**

The applicant shall abstain at all times from the use of controlled or abuse potential substances and illegal drugs as defined by law, except as prescribed by the primary care physician from whom he/she seeks medical attention.

The applicant shall not consume hemp, poppy seeds, or any product or by-product containing the same.

- A. The applicant shall present a copy of his/her board order/consent order to include the findings of fact and conclusions of law to their primary care physician/referred

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specialist at the time of obtaining a prescription for controlled/abuse potential substances.

- B. In the event the applicant obtains a prescription from their primary care physician/referred specialist for any controlled/abuse potential substance, **the applicant shall submit a copy of the prescription to the board within 48 hours.** The prescription must be for a current condition. The applicant must not arbitrarily take medications prescribed for a past illness or take a medication that is prescribed for another person.

No medications from a prescription over **six (6) months old** will be accepted 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.

- C. The applicant's primary care physician/referred specialist must complete the board's **Medication Form** for controlled medication(s)/abuse potential substances, and the **Board Order Acknowledgement Form**. He/she must submit the forms within **ten (10) days** of the date of the prescription directly to the board office. The forms must come from the provider to the board office by mail. **They may not pass through the respondent's hands. THEY MAY NOT BE SENT BY FACSIMILE.**

The **Medication Form** must contain the identification of the primary care physician/referred specialist along with the condition(s) being treated and the prescription(s) ordered. The condition that warrants the medication must be identified.

If prescription medications are refilled, the board must also have a letter from the primary care physician/referred specialist 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 directly from the primary care physician/referred specialist.

The primary care physician/referred specialist must acknowledge in writing and by documenting on the **Medication Form** that said provider has knowledge of the applicant's dependency and/or use of controlled or abuse potential substances. The provider must identify the medication, dosage, and the date the medication was

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prescribed. **The practitioner must state whether the medication(s) being prescribed will negatively impact the applicant's ability to perform his/her nursing duties.**

- D. In the event of an emergency or referral to a specialist by the primary care physician the applicant must notify the emergency care provider and/or specialist of any/all medication already being prescribed. Should the applicant obtain any prescriptions from the emergency care provider and/or specialist for controlled medication(s)/abuse potential substance(s) the applicant shall inform his/her primary care physician. Each prescriber/physician/specialist must submit a letter to the board office indicating they are aware that the applicant is being prescribed controlled medication(s)/abuse potential substance(s) by the other provider(s) and include the reason(s). These notices must be received at the board office within **ten (10) days** of the date of the prescription(s) and must include a list of medication(s) being prescribed by each physician.
- E. The applicant, if enrolled in aftercare, shall 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.

Failure to follow these procedures when obtaining a prescription may be grounds for further disciplinary action as stated in this order.

9. **Enroll in a drug screening program:**

- A. Within **ten (10) days** from the date this order is executed, the applicant shall register with the drug screening firm selected by the board. The applicant is required to call into the system immediately upon registering with the drug screening firm.
- B. It is the responsibility of the applicant to ensure that he/she has properly registered with the drug screening firm selected by the board.
- C. The applicant 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. All drug screens must be observed. The board may at any time request additional testing, including but not limited to, hair and/or blood samples.

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- D. Occurrence of any of the following conditions constitutes noncompliance with this board order: 1) failure to register with the selected drug testing firm within **ten (10) days** from the date this order is executed; 2) a positive drug screen; 3) failure to contact the testing firm daily; 4) failure to submit a specimen on the date selected for screening; 5) refusal to furnish a specimen; 6) failure to be observed when submitting a specimen or reporting that the facility did not observe screening process; 7) 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; 8) 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 this board order. Positive screens are grounds for further disciplinary action as stated in this order.
- F. When checking in with the drug testing company daily by telephone, the applicant must listen to the entire message. Failing to complete the call 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 applicant 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.
- J. Upon obtaining a prescription for controlled/abuse potential substance(s) while holding a probated license, the applicant is responsible for informing his/her employer within **three (3) days** from the date of the prescription(s).

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The applicant is hereby notified and by signature Phyllis Williams 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.

**FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING ABUSE POTENTIAL PRESCRIPTION DRUGS MAY RESULT IN A FOUR YEAR PERIOD OF SUSPENSION WITHOUT A HEARING BEFORE THE BOARD.**

**During the period of suspension, if related to substance abuse, appropriate consistent treatment must be obtained, and the respondent must show evidence of two consecutive years of being drug/alcohol free immediately prior to the respondent's initiation of a reinstatement request. If during your 2 consecutive years of sobriety you relapse, your 2 consecutive years of sobriety will re-start on date of 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.

*P. W.*  
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**CONSENT ORDER ACCEPTANCE**

I, Phyllis Williams, the undersigned applicant, agree that the board has jurisdiction over the matter and specifically waive my right to contest these findings in any subsequent proceedings before the board. I understand that this agreement shall constitute as public record and is considered disciplinary action by the board. I also understand that this action will be reported as mandated to all state and federal agencies.

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

I voluntarily agree to sign and have witnessed the terms of this agreement 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 agreement. I understand that I have a right to a hearing in the matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I understand that this agreement is effective immediately upon signature of the executive director and will become an order of the board. It is understood that this agreement does not preclude the Board of Practical Nurse Examiners from requiring a formal hearing of my case. I further understand that should this agreement not be accepted by the board, I agree that presentation to and consideration of this agreement, the documenting evidence and information obtained 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.

I further agree that if at any point during the execution of this agreement, I violate the stipulations set forth, my license will be suspended. In order for my license to be reinstated, I must demonstrate, to the satisfaction of the board that I pose no danger to the practice of nursing or to the public and that I can safely and competently perform the duties of a practical nurse. The board, in reinstating my license, will require a period of probation, along with supportive conditions or stipulations as outlined in this agreement to ensure that patients and the public are protected.

*Phyllis Williams*

Signature of licensee/applicant

6/27/14

Date

*Ken Stephenson, RN*

Signature of witness #1

6/27/14

Date

*Mary Leonard, NFA*

Signature of witness #2

6/27/14

Date

M. LYNN ANSARDI, RN  
EXECUTIVE DIRECTOR

7/3/14

Date

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