

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
131 AIRLINE DRIVE, SUITE 301
METAIRIE, LOUISIANA 70001-6266
(504) 838-5791
FAX (504) 838-5279
www.lsbpne.com

August 18, 2014

Michelle Pusateri
#2006 Highway 1187
Mansura, LA 71350

Dear Ms. Pusateri:

Enclosed you will find your Board Order.

You may 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, 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 any requests.

RIGHT TO PETITION FOR REHEARING/APPEAL/JUDICIAL REVIEW

A decision issued by the Board, after the hearing in this matter, may be appealed. LRS 37:976 provides: "Appeals from decisions of the Board shall be to the Civil District Court of Jefferson Parish..." The petition for appeal must be filed within thirty days of the date of the mailing of the notice of the board's final decision; copies of the petition must be served on the board and all parties of record (LRS 49:964). A request may also be made to the board for rehearing, re-opening or reconsideration of the board's order. This request must be filed within ten days from the date of the board order and set forth legally sufficient reasons for granting the requests (LRS 49:959 and LAC 46:XLVII.306.S).

**LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS**

M. Lynn Ansardi RN

M. Lynn Ansardi, RN
Executive Director

MLA/kl

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Michelle Pusateri (respondent), LPN, license #810394
#2006 Highway 1187, Mansura LA 71350**

On **August 7, 2014**, a formal complaint/notice of hearing (attachment A) was mailed to the last known address of the respondent. The respondent replied to the complaint/notice of hearing, as required by the LAC 46: XLVII. 306.I and waived the right to a formal hearing. In accordance with the LAC 46: XLVII. 306.J, this order is issued by default.

LEGAL AUTHORITY AND JURISDICTION

The board's legal authority and jurisdiction, in adjudication proceedings, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on May 30, 1981.
2. The respondent's practical nursing license expired on January 31, 1991, due to non-renewal.
3. On January 21, 2014, the respondent requested reinstatement of her practical nursing license.
4. The respondent was licensed as a practical nurse in the state of Pennsylvania. She reports that she had a 19 year history of chronic back pain. She was prescribed Vicodin and Percocet and became addicted.

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On or about July 15, 1999, the respondent entered into the voluntary recovery program with the Pennsylvania Board of Nursing due to her chemical dependency that began in 1990.

On November 8, 2000, the respondent contacted the Pennsylvania Board of Nursing stating she no longer wanted to participate in the program. On February 3, 2001, the respondent permanently surrendered her Pennsylvania license.

5. In 2009, the respondent was arrested on seven counts of felony prescription fraud. She admits to calling in unauthorized prescriptions of Tussionex. As part of a plea agreement, the respondent pled guilty to four counts of felony prescription fraud and entered into the Rappahannock Area Regional Drug Treatment Court Program. On each count the respondent was sentenced to serve 5 years in the state penitentiary with four years and six months suspended.
6. The respondent reported that she was found in violation of the Drug Treatment Court Program and served 19 months.
7. On June 25, 2014, the respondent sent a narrative to the board office indicating the following:

“I understand I did request to start proceedings to get my Louisiana license back, but the information you requested was just too overwhelming for me to obtain – I will not be seeking reinstatement of my license. I have since changed my mind and I will no longer be asking for any more of your time. I do not wish to practice as a nurse ever again in Louisiana or in any other state.”

CONCLUSIONS OF LAW

Based on the facts set forth in the entire record and outlined herein above, the respondent is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, §969 A. (4):

- (b) **is guilty of a crime;**
- (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.

As further defined in the Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, §306. T.

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;
 - 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 enters 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;
 - 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

In view of the above findings of fact and conclusions of law, the board issues the following order by default:

The license of the respondent, **Michelle Pusateri, license #810394** is hereby **revoked**, effectively immediately upon execution of this order. Revocation is permanent in the state of Louisiana.

Furthermore, the respondent must:

- A. Return his/her current practical nursing license to the board office within **five (5) days** of the date of this order.

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- B. Shall not practice as a practical nurse in the state of Louisiana.
- C. Submit a fine of **\$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 this order.

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.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

M Lynn Ansardi RN

M. Lynn Ansardi, RN
Executive Director

08.18.2014

Date

Rendered this **18th** day of **August, 2014**, and mailed this **18th** day of **August, 2014**, by U.S. postal service certified mail return receipt **#7014 0150 0001 8287 9926** and regular mail to the following address:

Michelle Pusateri
#2006 Highway 1187
Mansura, LA 71350

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August 7, 2014

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7014 0150 0001 8287 9810**

**Michelle Pusateri
#2006 Highway 1187
Mansura, LA 71350**

**LICENSE #810394
D.O.B 6/7/1962**

FORMAL COMPLAINT

The Louisiana State Board of Practical Nurse Examiners, hereinafter called the board, files this formal complaint against the respondent. This serves as notice required by the Administrative Procedure Act R.S. 49:955(B).

A hearing will be conducted at the offices of the board on the date and at the time specified here:

Date: September 2, 2014

Time: 11:00 a.m.

Place: 131 Airline Dr., Suite 301, Metairie, LA 70001

The nature of the hearing is prosecution of the matter:

The Louisiana State Board of Practical Nurse Examiners

v.

Michelle Pusateri

The board's legal authority and jurisdiction, in this process of adjudication, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

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The hearing concerns alleged violations of the following sections of the statutes/rules:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4):
 - (b) is guilty of a crime;
 - (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.

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;
 - 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 enters 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;
 - 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.

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The major issues involved include, but are not limited to the following:

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on May 30, 1981.
2. The respondent's practical nursing license expired on January 31, 1991, due to non-renewal.
3. On January 21, 2014, the respondent requested reinstatement of her practical nursing license.
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will not be seeking reinstatement of my license. I have since changed my mind and I will no longer be asking for any more of your time. I do not wish to practice as a nurse ever again in Louisiana or in any other state.”

You have ten (10) days prior to the date fixed for the hearing to respond (response form enclosed) to this complaint. If you fail to respond, in writing, within this time, you will be deemed to have waived the right to a hearing and action may be taken on this complaint by default, or the hearing may proceed in your absence.

Please find enclosed, a copy of rules related to the formal hearing process.

RIGHT TO PETITION FOR REHEARING/APPEAL/JUDICIAL REVIEW

A decision issued by the board, after the hearing in this matter, may be appealed. LRS 37:976 provides: "Appeals from decisions of the board shall be to the Civil District Court of Jefferson Parish..." The petition for appeal must be filed within thirty days of the date of the mailing of the notice of the board's final decision; copies of the petition must be served on the board and all parties of record (LRS 49:964). A request may also be made to the board for rehearing, re-opening or reconsideration of the board's order. This request must be filed within ten days from the date of the board order and set forth legally sufficient reasons for granting the requests. (LRS 49:959 and LAC 46:XLVII.306.S).

M Lynn Ansardi RN

By: _____
M. Lynn Ansardi, RN
Executive Director