

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

October 10, 2014

Oretha Lewis  
46337 North Baptist Rd.  
Hammond, LA 70401

Dear Ms. Lewis:

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, 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

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In the matter of:

**Oretha Lewis – respondent**

S.S.# ending in **3241**

This cause having come to be heard at a formal hearing conducted at the board office on May 28, 2014 at 10:30 a.m. The nature of the hearing was to determine if the respondent is eligible for licensure in the state of Louisiana.

1. The respondent was present for the scheduled hearing and did give sworn testimony.
2. There were no witnesses called to testify either by the board or the respondent at the formal hearing.
3. Exhibits A-H were admitted into evidence and were fully considered by the hearing officer.
4. The hearing officer also fully reviewed and considered the transcript of the hearing as prepared and certified by Dawn H. Hymel, CCR who was present and recorded the hearing.

The hearing officer, having reviewed all evidence, and being fully advised in the premises, makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

During the formal hearing process, the following facts were confirmed:

Upon enrollment into the practical nursing program at the Compass Career College - Hammond Area Campus, the applicant completed an Evaluation Form for Admission into the Practical Nursing Program, on which she responded "yes" to question #32 which asks:

"Have you ever been indicted, charged with, summoned into court as a defendant in a criminal proceeding, arrested (even if you were not taken away in handcuffs or incarcerated), fined, imprisoned, 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 dismissed and/or refused, or have

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you ever been convicted (including a nolo contendere plea or guilty plea) of any criminal misdemeanor and/or felony?"

(Exhibit C2, transcript page 6, lines 9-25 and page 7, lines 1-11)

The respondent was arrested in 2000 for failing to cooperate with an officer and reckless operation of a vehicle.

The board received the respondent's state criminal background records revealing an arrest on January 28, 2000, for the following charges:

- following too close
- operating a vehicle while intoxicated
- improper lane usage
- resisting; interference and/or obstruction of officer
- injuring public records

Additionally, she reported that she was charged with selling alcohol to a person under 21 in 2001, simple assault in 2002, and simple battery in 2004, theft of goods in 2007, and theft and forged prescriptions in 2011.

The board received certified court documents related to the following arrests/charges:

- January 28, 2000 - following too close, operating a vehicle while intoxicated, improper lane usage, resisting, interference and/or obstruction of officer, and injuring public records -**fine satisfied**
- 10/23/01 - Selling alcohol to person under 21 - **nolle prossed**
- 7/1/02 - simple assault - **nolle prossed**
- 7/12/04 - simple battery - **nolle prossed**
- 5/31/07 - theft of goods - **nolle prossed**
- 1/24/2011 - theft and forged prescriptions - **dismissed**

(Exhibits E2, E12, E16 and E22)

She also answered "yes" to the following questions:

26. "Have you ever been the subject of disciplinary action and/or sanctioned with regard to any professional or occupational license or certification, and/or have you ever voluntarily surrendered any professional or occupational license or certification?"

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27. "Have you ever had any professional or occupational privileges restricted or terminated by any professional or occupational authority, or any employer, or any employing facility, or any staff of an employing facility; or have you ever voluntarily or involuntarily resigned or withdrawn from an employment, or other association in order to avoid imposition of such measures?"

In regards to answering yes to question #26 and #27, the respondent reported that in July of 2011, she entered into a consent agreement with the Louisiana Board of Pharmacy, regarding "a price override" for a patient, and not for her 2011 arrest for theft and prescription forgery. Her pharmacy tech license was suspended for five (5) years. The suspension was stayed and her license was placed on probation for five years.

The respondent entered into a consent order with the Pharmacy Board for facilitating the dispensing of unauthorized prescriptions on August 17, 2011: (Exhibit F5-8)

Although most of the charges against the respondent were dismissed, rejected or settled; the hearing officer was alarmed by the number of arrests the respondent reported. The hearing officer did find the respondent to be credible.

### 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 the following:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Prut 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.**

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;**

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2. being guilty of a crime;
8. being guilty of unprofessional conduct;
  - i. falsifying records;
  - 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;
  - 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 **Oretha Lewis, applicant for licensure**, on **October 10, 2014** came on for final action by the Louisiana State Board of Practical Nurse Examiners.

**NOW THEREFORE, IT IS ORDERED**, the applicant, **Oretha Lewis, S.S. ending in 3241**, not be made eligible to take the NCLEX-PN until 2016. The applicant may be made eligible to take the NCLEX-PN in 2016 and upon successful completion of the NCLEX-PN, the respondent's license will immediately be placed on **probation for two (2) years** with the following stipulations:

1. **License:**
  - A. The license of the respondent will be stamped "**PROBATION**".
2. **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 fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.
  - D. 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, payable within **90 days** from the date this order is executed.

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E. The respondent is hereby assessed a hearing assessment fee of \$1000.00, **payable by cashier's check or money order only**, within **90 days** of the date of this order.

F. 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**.

3. **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 laws.

B. The respondent shall report to the board within **ten (10) days** any misdemeanor and/or felony arrest(s) or conviction(s).

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

A. The respondent shall notify the board in writing within **ten (10) days** of any change in personal address or telephone number.

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 the board order/consent 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) shall 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.

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- 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 or lpn) or physician whose license is unencumbered and must provide direct patient care as follows:
  - 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 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 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.
- I. The respondent shall notify the board in writing within **ten (10) days** of any change in employment. Changes in employment include accepting a new job, as well as resignation, or termination.
- J. Upon obtaining a prescription for controlled/abuse potential substance(s) while holding a probated license, the respondent is responsible for informing his/her employer within **three (3) days** from the date of the prescription(s).

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**Violations**

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 10th day of October, 2014 and signed this 10th day of October, 2014 at Metairie, Louisiana.



MYRON COLLINS, LPN  
CHAIRMAN OF THE BOARD



M. LYNN ANSARDI, RN  
EXECUTIVE DIRECTOR

Mailed this 10th day of October, 2014, by U.S. postal service certified mail return receipt #7014 1200 0000 2313 6554 and regular mail to the following address:

Oretha Lewis  
46337 North Baptist Rd.  
Hammond, LA 70401