

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

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Ronald Pevey (respondent), LPN, license #20120588
42119 S. Elmwood Loop, Hammond, LA 70403**

On **October 15, 2014**, a formal complaint/notice of hearing (attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint/notice of hearing, as required by the LAC 46: XLVII. 306.I and therefore the respondent waived the right to a 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 licensed as a practical nurse in the state of Louisiana on May 17, 2012.
2. The board received a report from Evergreen Life Services indicating that the respondent resigned his employment with the facility during an investigation into an incident on 10/13/13. Reportedly, the respondent administered a second evening dose of medication to each of the 14 residents of the home, without first checking the MAR and without noticing that the medications had already been punched from the blister cards. Following this, resident, J. Ulm, was found to have been in prolonged seizure activity, and was sent to the emergency room by ambulance. Resident, M. Cornay, was found lethargic and was also transported to the emergency room.

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3. The board received additional information from Evergreen Life Services indicating that the respondent received a second warning employee notice for substandard work on 3/28/13 for failing to administer 6 am medication to an individual in home 638. The medication was left in a cup on top of the cart with a tongue depressor labeled with the individual's first name.
4. The respondent's practical nursing license was suspended on May 19, 2014, for failing to sufficiently respond to the board's request for information.
5. The respondent's practical nursing license was reinstated on May 23, 2014.
6. The board received information from Forest Manor Nursing and Rehabilitation Center that the respondent was verbally counseled on 3/18/14 for violation of company policies and procedures and substandard work quality. On 3/14/14, the respondent failed to obtain neuro-checks on a resident who returned from the hospital. On 4/22/14, he received a warning report for violation of company policies and procedures and substandard work quality. On 4/21/14, the respondent caused a medication error on a resident. A resident with an order for 30 mg of Oxycodone was given 60 mg. The error was discovered when the narcotic count was off. He indicated that he was distracted by multiple residents and possibly popped 2 pills instead of one and administered them.

CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

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;**
 - (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;**
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;
- 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;
- 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.

That the license of the respondent, **Ronald Pevey license #20120588** be placed on **probation** for a minimum period of **two (2) years** from the date of this order.

During this probation time, the respondent must abide by 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 within **ten (10) days** of the date of this order, so that 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 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 hereby fined \$1000.00, **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.

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- B. The respondent 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 these fine/fees in the time allotted will result in the immediate suspension of the respondent's practical nursing license.
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) 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.
- C. Probation will run concurrent with employment as an lpn.
- D. The respondent must be employed a minimum of 80 hours per month.

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- 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 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.

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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.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

M. Lynn Ansardi, RN

10/29/14

M. Lynn Ansardi, RN
Executive Director

Date

Rendered this 29th day of October, 2014, and mailed this 29th day of October, 2014, by U.S. Postal Service, Regular and Certified Mail No. 7014 1200 0000 2313 6547 to:

Ronald Pevey
42119 S. Elmwood Loop
Hammond, LA 70403