

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

IN RE: YOLUNDA DAVIS, L.P.N.
License #270080
D.O.B. 12/17/1977

This cause having come to be heard at a formal hearing conducted at the Board on February 1, 2011, at 12:00 noon upon the complaint filed in this matter.

The nature of the hearing is prosecution of the matter.

1. The respondent was present for the scheduled hearing and did give sworn testimony.
2. There were four (4) witnesses called by the Board to testify at the Formal Hearing. The four (4) witnesses who were present for the Formal Hearing included:
 - A. Ashlyn Hilburn, MBA (Masters of Business Administration), NFA (Nursing Facility Administrator), LPN (Licensed Practical Nurse), Administrator, St. Francisville Country Manor, St. Francisville, LA
 - B. Carline Kimbro, RN, DON, St. Francisville Country Manor
 - C. LaTarsha Stephens, LPN, St. Francisville Country Manor
 - D. Robin Williams, CNA, St. Francisville Country Manor
3. No witnesses were called by the respondent.
4. The Hearing Officer fully considered Exhibits A through J that were admitted into evidence.
5. The Hearing Officer also fully reviewed and considered the transcript of the hearing as prepared and certified by the Certified Court Reporter, Dawn Hymel, CCR, who was present and recording the hearing.

Yolunda Davis, LPN
License #270080

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

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

1. The respondent received a license to practice practical nursing in the state of Louisiana on January 23, 2007.
2. On August 17, 2010, while employed at St. Francisville Country Manor, the respondent, with an open hand, hit a resident on the buttocks approximately four times. (Refer to the sworn testimony of LaTarsha Stephens, LPN on pages 59-86; the sworn testimony of Carline Kimbro, RN, DON on pages 32-57 of the hearing transcript and to Exhibits B4, B10, and B13.)
3. The respondent picked the resident up by her arms and legs and with the assistance of a CNA and carried her to her room. (Refer to the sworn testimony of LaTarsha Stephens, LPN on pages 59-86; the sworn testimony of Robin Williams, CNA on pages 88-95 of the hearing transcript, and to Exhibits B4, B5, B10, B12, B13, and G3.)
4. The respondent used profanity while administering care to the resident (Refer to the sworn testimony of Carline Kimbro, RN, DON on pages 32-57; the sworn testimony of Latarsha Stephens, LPN on pages 59-86 of the hearing transcript, and to Exhibits B9-10, B13.)
5. The respondent was issued a disciplinary warning notice on January 18, 2010 for insubordination, and arbitrary and belligerent behavior. (Refer to the sworn testimony of Carline Kimbro, RN, DON on pages 32-57 of the hearing transcript, and to Exhibit F4).
6. The respondent was informally counseled for being too loud while passing medications to residents (Refer to the sworn testimony of Carline Kimbro, RN, DON on pages 32-57 of the hearing transcript, and to Exhibit D2.)
7. The testimony of the board witnesses was found to be credible.

Yolunda Davis, LPN
License #270080

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

CONCLUSIONS OF LAW

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

The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4); 978; and

- (c) Is unfit, or incompetent by reason of negligence, habit, or other causes; and**
- (f) Is guilty of unprofessional conduct; and**
- (g) Has violated any provisions of this Part.**

And 978 A (8) Violate any provisions of this Part. AND

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; and**
- 8. being guilty of unprofessional conduct;**
 - a. failure to practice practical nursing in accordance with the standards normally expected; and**
 - b. failure to utilize appropriate judgment in administering nursing practice; and**
 - t. violating any provisions of R.S.37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein**

Yolunda Davis, LPN
License #270080

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

ORDER

The matter of **Yolunda Davis, license #270080**, on June 17, 2011 came on for final action by the Louisiana State Board of Practical Nurse Examiners.

NOW THEREFORE, IT IS ORDERED, that the license of the respondent,

YOLANDA DAVIS, LPN

REMAIN SUSPENDED FOR A MINIMUM PERIOD OF TWO (2) YEARS WITH CREDIT FOR TIME HER LICENSE WAS ALREADY SUSPENDED AND WITH THE FOLLOWING SUSPENSION STIPULATIONS

1. **Courses:**

The respondent must take and satisfactorily complete Board approved courses in the following areas: Communication Skills in Nursing; Conflict Resolution Skills; Legal and Ethical Dilemmas; Stress Management; and Managing Difficult Patients. She must take and satisfactorily complete a Board approved course in Anger Management. This anger management course may not be taken online and may only be taken in a class room/office setting. Evidence of completion of the course(s) is due in the Board office prior to any reinstatement request.

2. **Fines/Fees:**

- A. The respondent is to be assessed a hearing assessment fee of \$500.00, **payable by cashiers check or money order only**, and must be paid within 90 days of the date of the Board order.
- B. The respondent is to be fined \$500.00, **payable by cashiers check or money order only**, for the violations detailed in the Conclusions of Law, and payable within 90 days of the date of the Board order.
- C. The respondent must pay any/all fines/fees owed to the Board, including a reinstatement fee, if/when applicable. Fines/fees are **payable by cashiers check or money order only**.

3. **Practicing as a licensed practical nurse:**

- A. The respondent **shall not** practice nursing during the period that the license of the respondent is suspended.

Yolunda Davis, LPN
License #270080

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

4. **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 criminal laws.
- B. The respondent shall report to the Board, within ten (10) days, any misdemeanor or felony arrest or conviction.

5. **Notify Board of Change of Address/Telephone Number/Employment**

The respondent shall notify the Board, in writing, within ten (10) days of any change in personal address, telephone number, or employment.

6. **Reinstatement requirements:**

- A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.
- B. The respondent is to submit a written request for reinstatement to the Board office.

When all of the items above have been satisfactorily completed the license of the respondent may then be placed on probation for a **minimum period of three (3) years** with the following stipulations:

PROBATION STIPULATIONS

1. **License:**

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 cashiers check or money order only**
 - i. Due within three (3) months of receiving a probated license, and annually thereafter until the probation is satisfactorily completed
 - ii. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

Yolunda Davis, LPN
License #270080

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

3. **Employment:**

- A. The respondent must provide a copy of the entire Board order/consent order to include the Findings of Facts 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, then the current employer must submit the Letter of Hire 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 must have the prospective employer submit the Letter of Hire to the Board office within ten (10) days of the date of hire.
- B. All current and prospective employers must agree to monitor the respondent while on probation.
- 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 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.
- F. 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.
- G. Failure to maintain stable employment may be grounds for termination of probation.
- H. The respondent must practice under the supervision of a nurse (RN or LPN whose license is unencumbered) or physician 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.

Yolunda Davis, LPN
License #270080

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

- 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 by the Board)
 - b. Only the respondent's supervisor may complete the evaluations according to the observations made during the supervision.
- I. 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.
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.

Violations

Furthermore, 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.

Yolunda Davis, LPN
License #270080

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

Rendered this 17th day of June, 2011 and signed this 17th day of June, 2011 at Metairie, Louisiana.



BOBBY FULMER, M.D.
CHAIRMAN OF THE BOARD



CLAIRE D. GLAVIANO, RN
EXECUTIVE DIRECTOR

Mailed this 20th day of June, 2011 by U.S. postal service certified mail return receipt #7009 2820 0003 7946 7374 and regular mail to the following address:

Yolunda Davis
27 Firetower Rd.
Natchez, MS 39120

Yolunda Davis, LPN
License #270080