

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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In the matter of: Gene Cobb
 34843 Gravesbriar Dr.
 Denham Springs, LA 70706

License #980421

Date offered: November 12, 2014

Date offer expires: December 2, 2014

CONSENT AGREEMENT/ORDER

The Louisiana State Board of Practical Nurse Examiners does hereby offer this consent agreement/order to Gene Cobb, license #980421 based on the following:

FINDINGS OF FACT

1. On January 31, 2009, the respondent's practical nursing license became delinquent.
2. On June 22, 2010, the respondent self-reported to the board that he had been arrested for possession of drugs twice since July 2008. He stated that he pled guilty to 1 count of possession and had to complete court ordered substance abuse treatment. He indicated that he was currently serving court ordered probation. He was instructed to submit a detailed narrative statement and certified court documents related to these arrests.
3. On July 20, 2010, the board received a narrative statement from the respondent regarding his arrests. In July 2008, he was charged with Possession with Intent to Distribute Xanax and Adderall. The respondent stated that the medications were for his personal use and he had a legal prescription for the Xanax. The Xanax charge was dropped, and the respondent pled guilty to one count of Possession of Adderall.

In November 2008, the respondent was charged with Distribution of Roxicodone and Hydromorphone. In his narrative, the respondent stated both medications were legally prescribed to him by a physician and that it was his girlfriend who contacted the police after an argument.

Enclosed with his statement were the following:

- A letter from Capital Area Recovery Program stating the respondent was admitted on September 11, 2009 and successfully completed the chemical dependency program on October 8, 2009.

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- A letter from O'Brien House confirming the respondent enrolled on October 8, 2009 and successfully completed the Substance Abuse Treatment Program on December 18, 2009.
- A letter written on June 21, 2010 from Oxford House-Wenham stating the respondent had been a member there for over five months, had passed all urine drug screens and attended his chemical dependency meetings.

4. On July 29, 2010, the board received the respondent's addiction assessment and psychiatric evaluation from Capital Area Recovery Program, including the aftercare plan. The respondent reported that he was bothered by his drug problems and drug treatment was of profound importance.

The respondent's treatment plan included the following: attending an in-patient treatment program at a 28 day residential treatment facility, individual psychotherapy, group psychotherapy, family therapy, milieu therapy and substance abuse education/treatment. After completing this treatment plan, he was released to a half-way house for follow-up.

5. On July 29, 2010, the board received certified court documents related to the respondent's arrest from June 12, 2008. According to these documents, the respondent was arrested and charged with Possession of Adderall; Possession of Xanax. On June 22, 2010, the respondent pled guilty to Count I: Possession of Adderall and the state dismissed Count II: Possession of Xanax. The court placed the respondent on active, supervised probation for three (3) years.

According to the police report, the respondent was arrested on November 14, 2008, for the charges of Possession of Drug Paraphernalia, Possession with Intent to Distribute, Manufacture Schedule II, and another count of Distribution/Manufacture Schedule II.

6. On August 24, 2010, the respondent's practical nursing license was suspended for failing to respond to the board's request for information.

7. On December 3, 2010, the board received documents from James A. Wood, Attorney at Law. Included was a letter from the Office of Public Defender outlining the State's plea offer to the respondent:

- Docket #06-08-0709
 - Count 1-Possession of Adderall-plead guilty as charged.
 - Count 2-Possession of Xanax will be dismissed.
- Docket #12-08-0024
 - Count 1-Possession with Intent to Distribute Oxycodone will be dismissed.



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- o Count 2-Possession with Intent to Distribute Hydromorphone will be dismissed.
- Surrender his nursing license for two years, with credit given for any time his license was suspended.

Also received was a court ordered assessment from J.J. Ferina, LAC, performed on June 1, 2009. Mr. Ferina's diagnostic impression was DSM-IV poly substance dependence 304.80, continuous and progressive pattern. He recommended enrollment in a long term inpatient substance abuse facility when released from jail. Respondent should comply with all treatment rules and recommendations including halfway house referral or extended treatment. Also, respondent should abstain from all mood altering chemicals including alcohol, attend 90 AA meetings in 90 days with proof of attendance and select a sponsor.

8. On January 25, 2012, the board received the respondent's state criminal background check. On May 17, 2012, the board received the respondent's F.B.I. criminal background check. Both revealed only the arrests previously reported to the board.
9. On July 24, 2012, the board received a narrative statement from the respondent informing the board of a two story fall he had doing air conditioning work for his place of employment.
10. On April 28, 2014, the board received certified court documents indicating that on April 4, 2012, the respondent's probation was terminated satisfactorily and that the charges and proceedings were dismissed.

CONCLUSIONS OF LAW

Based on the evidence submitted, the board has concluded that Mr. Cobb, (respondent) is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, 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;
- (g) has violated any provisions of this Part;

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



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As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 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;
 - o. being guilty of moral turpitude;
 - 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.

In lieu of a formal hearing in the matter, the respondent consents to accept and abide by the following orders of the board:

That the license of the respondent, Gene Cobb, license #980421 remains suspended until the stipulated chemical dependency and psychological evaluations are completed, submitted and approved by the board office. The provider who conducted the assessment must submit a letter to the board office indicating that he/she feels the respondent can safely return to the practice of practical nursing.

During this suspension time, the respondent must abide by the following stipulations:

1. Return license to the board office:
 - A. The respondent, if applicable, shall return his/her current practical nursing license to the board office within ten (10) days from the date this order is executed.
 - B. The respondent shall not practice nursing during the period that his/her license is suspended.



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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. **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.
4. **Obtain the following evaluation(s):**
- **chemical dependency and psychological**
- A. Within **thirty (30) days** from the date this order is executed, the respondent shall undergo the above ordered evaluation(s). The evaluation(s) shall be conducted by a licensed certified psychologist/psychiatrist/addictionologist of the respondent's choice. The evaluation(s) shall be conducted using both objective and subjective assessment tools.
- B. Prior to the evaluation(s), the respondent shall furnish the evaluator with a copy of the board order/consent order to include the findings of fact, conclusions of law, and the **Board Order Acknowledgement Form**. The evaluator shall verify receipt and review of these documents in the evaluation(s) of the respondent.
- C. The respondent shall execute the **Release of Information Form** to allow the evaluator to communicate with and supply information to the board.
- D. The respondent shall direct the evaluator to submit directly to the office of the board the **Release of Information Form, the Board Order Acknowledgement Form** and the evaluative report(s).
- E. The report of the evaluation(s) shall include, but not be limited to, the following:
- i. history of chemical/alcohol use
 - ii. past and present treatment and/or recovery activities
 - iii. results of any testing conducted



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- iv. a summary of the findings
 - v. treatment plan, if applicable
 - vi. list of medications prescribed, if applicable
 - vii. an assessment as to respondent's ability to practice safely as a practical nurse
- F. The respondent shall satisfactorily complete any and all recommendations made by the evaluator. If treatment or therapy is recommended, the respondent shall, within **thirty (30) days** of the evaluator's report, initiate all treatment and/or therapeutic activities. If treatment or therapy is recommended, the respondent shall submit to the board the name and credentials of the therapists and/or the name and address of the treatment facilities.
- G. The respondent shall undergo subsequent evaluations by a board approved psychologist/psychiatrist/addictionologist if requested by the board following a relapse or for other related causes.
5. **Participate in any and all treatment/aftercare programs as prescribed:**
- A. The respondent shall enroll and participate in board approved treatment/aftercare programs as prescribed or recommended by the chemical addiction/psychological evaluator.
 - B. The respondent shall have the aftercare counselor submit to the board office proof of the respondent's entry into an appropriate facility, inpatient program, outpatient program, halfway house, residential long-term treatment, and/or a combination thereof.
 - C. The respondent shall execute the **Release of Information Form** to allow the treatment facility/center/counselor/practitioner of record to communicate with and supply information to the board.
 - D. The respondent shall submit evidence of **continued compliance with the treatment plan/counseling**. Treatment/aftercare compliance must be maintained throughout the duration of this order or until treatment is deemed complete.
 - E. The respondent shall cause the aftercare counselor to submit quarterly to the board office progress reports indicating compliance with treatment recommendations. Reports are due on or before the 10th day of January, April, July, and October of each year until treatment is deemed complete.

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F. Upon completion of the treatment/aftercare program(s), the respondent shall have the aftercare counselor provide the board with documentation indicating the respondent's successful completion of the program.

6. **Select one primary pharmacy:**

A. The respondent shall notify the board of the name, address, and telephone number of his/her selected pharmacy within **ten (10) days** of the date this order is executed. If the respondent 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 respondent 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 respondent 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 respondent 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 respondent 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 (including alcohol):**

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

The respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same, nor shall the respondent consume any product(s) containing alcohol, if it is stipulated that the respondent must abstain from alcohol.

A. The respondent shall present a copy of his/her board order/consent order to include



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the findings of fact and conclusions of law to their primary care physician/referred specialist at the time of obtaining a prescription for controlled/abuse potential substances.

- B. In the event the respondent obtains a prescription from their primary care physician/referred specialist for any controlled/abuse potential substance, **the respondent shall submit a copy of the prescription to the board within 48 hours.** The prescription must be for a current condition. The respondent 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 respondent'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 respondent's dependency and/or use of controlled or abuse potential substances. The provider must identify the medication, dosage, and the date the medication was prescribed. **The practitioner must state whether the medication(s) being prescribed will negatively impact the respondent's ability to perform his/her**



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nursing duties.

- D. In the event of an emergency or referral to a specialist by the primary care physician the respondent must notify the emergency care provider and/or specialist of any/all medication already being prescribed. Should the respondent obtain any prescriptions from the emergency care provider and/or specialist for controlled medication(s)/abuse potential substance(s), the respondent 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 respondent 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 respondent, 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 respondent shall register with the drug screening firm selected by the board. The respondent is required to call into the system immediately upon registering with the drug screening firm.
- B. It is the responsibility of the respondent to ensure that he/she has properly registered with the drug screening firm selected by the board.
- C. The respondent 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.
- 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)**



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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 respondent 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 respondent 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.
10. **Fines/Fees:**
- A. 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 of employment as an LPN.
- B. The respondent must pay any/all fines/fees owed to the board. Fines/fees are **payable by cashier's check or money order only**.

11. **Reinstatement requirements:**

- A. All stipulations of the suspension must be successfully fulfilled prior to a request for

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reinstatement.

- B. The respondent is to submit a written request for reinstatement to the board office.
- C. If a chemical and/or psychological assessment was stipulated before reinstatement can be considered, the provider who conducted the assessment must submit a letter to the board office indicating that he/she feels the respondent can safely return to the practice of practical nursing and under what conditions (i.e., recommendations for on going treatment and a list of medications being prescribed). If the assessment includes a treatment plan, evidence of compliance with this plan must also be submitted to the board.

Upon favorable review of the reinstatement request, the respondent will be made eligible to take a refresher course. Once the refresher course is satisfactorily completed, the license of the respondent may then be placed on probation for a minimum period of two (2) years. During this probationary period the respondent shall follow stipulations #2, 3, 5, 6, 7, 8 and 9 as stipulated above and the following stipulations as stipulated below:

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 six (6) 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.

3. 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

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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 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.
→ employing respondent in the capacity of LPN
- 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 10th day of January, April, July, and October of each year. (Note: these forms will be provided to the employer)

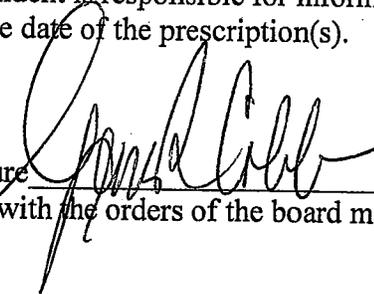
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- b. Only the respondent's direct supervisor may complete the evaluations according to the observations made during the supervision.
- iii. In the event a **non-satisfactory** evaluation is submitted, the board will reevaluate the respondent's case for possible further disciplinary action.
- 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 clinical 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. *↳ as an LPN*
- 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** of the date of the prescription(s).

The respondent is hereby notified and by signature  acknowledges and agrees that failure to comply with the orders of the board may result in any or all of the following:

Violations

- 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.

FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING PERSONAL SUBSTANCE ABUSE WHETHER PRESCRIPTION DRUGS OR ILLEGAL DRUGS MAY RESULT IN SUSPENSION OF UP TO A FOUR (4) YEAR PERIOD 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 (2) consecutive years** of being drug/alcohol free immediately prior to the respondent's initiation of a reinstatement

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request. If during the two (2) consecutive years of sobriety the respondent relapses, the two (2) consecutive years of sobriety will re-start on the date of the 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.



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CONSENT AGREEMENT/ORDER ACCEPTANCE

I, Gene Cobb, the undersigned respondent, 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.

Gene Cobb
Signature of licensee/applicant

Dec. 2, 2014
Date

John Myer
Signature of witness #1

December 2, 2014
Date

John Deneff
Signature of witness #2

December 2, 2014
Date

M. Lynn Ansardi RN
M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

12/11/14
Date

Gene Cobb