LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
131 AIRLINE DRIVE, SUITE 301
METAIRIE, LOUISIANA 70001-6266
(504) 838-5791
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DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)
v.
Chris Rhodes (respondent), LPN, license #20100470
204 Washington Street, Houma, LA 70363

On **November 13, 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 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 practical nursing license in the state of Louisiana on 3/31/2010.

2. The board received a report from the Department of Health and Hospitals indicating that a finding of caregiver neglect was substantiated against the respondent by Thibodaux Healthcare Center. A report from Thibodaux Healthcare indicated that he was terminated 5/22/14 for multiple medication errors and falsification of documentation. It was discovered following an investigation that, although the respondent initialed the MARs indicating he had administered medications, he failed to administer 6:00 a.m. to 2:00 p.m. medications to 12 residents on both 5/17/14 and 5/18/14. These residents included a new admission resident and are cognitively impaired, so they could not request their medications.

The respondent failed to administer the following medications:

- R.B. - Primidone 5/17 0900, 5/17 1300, 5/18 0900, 5/18 1300
  Neurontin 5/17 0700, 5/18 0700
- V.B. - Sinemet 5/17 0700, 5/17 1100, 5/18 0700, 5/18 1100
  Inderal 5/17 0900, 5/18 0900
  Mirapex 5/17 0900, 5/18 0900
  Metoprolol 5/17 0900, 5/18 0900
- V.L. - Carafate 5/17 0800, 5/18 0800
- S.S. - Metoprolol 5/17 0800, 5,18 0800
  Hydralazine 5/17 0800, 5/18 0800
  Metformin 5/17 0800, 5/18 0800
- E.P. - Namenda 5/17 0800, 5/18 0800
  Glimepiride 5/17 0800, 5/18 0800
  Metformin 5/17 0800, 5/18 0800
  Singulair 5/17 0800, 5/18 0800
  Metoprolol 5/17 0800, 5/18 0800
  Norvasc 5/17 0800, 5/18 0800
  Diovan 5/17 0800, 5/18 0800
  Ativan 5/17 0800, 5/18/0800
- G.L. - Ditropan 5/17 0700, 5/18 0700
- B.L. - Calan 5/17 0900, 5/18 0900
- D.L. - Coreg 5/17 0700, 5/18 0700
- A.E. - Aggrenox 5/17 0700, 5/18 0700
- D.M. - Antivert 5/17 0900, 5/17 1300, 5/18 0900
- E.B. - Metformin 5/17 0700
- M.G. - Effexor 5/17 0800, 5/18 0800
  Coreg 5/17 0800, 5/18 0800
  Ativan 5/18 0800

3. The board received the respondent's statement in which he indicated no explanation as to why the residents did not receive their medication, other than he was overwhelmed. The board summarily suspended the respondent's practical nursing license on July 11, 2014.

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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 Part B. And

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;**
- **i. falsifying records;**
- **j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
- **p. inappropriate, incomplete or improper documentation;**
- **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, **Chris Rhodes, license #20100470** remain suspended until the following stipulations have been satisfactorily completed.

1. **Return license to the board office:**

   A. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order.

B. The respondent shall not practice nursing during the period that his/her license is suspended.

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):**

☒ **psychological**

A. Within **thirty (30) days** of the date of this order, 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
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.

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. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas: **Patient Advocacy and Ethical Nursing Practice (minimum 8 CEUs); Nursing Procedures (minimum 30 CEUs); and Medication Errors and How to Avoid Them (minimum 15 CEUs)**. Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

7. **Fines/Fees:**

A. The respondent is hereby fined **$1,000.00**, **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.

B. 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**.

8. **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.

C. If a chemical and/or psychological assessment was stipulated before reinstatement can be considered, the provider who conducted the original 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 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, and 5, 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 **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.

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 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.

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.

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.

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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 R N — 12/3/14

M. Lynn Ansardi, RN — Date
Executive Director

Rendered this 3rd day of **December, 2014**, and mailed this 3rd day of **December, 2014**, by U.S. Postal Service, Regular and Certified Mail No. 7014 2120 0004 1219 0657 to:

Chris Rhodes
204 Washington Street
Houma, LA 70363