

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.**

**Sandra Jacob (respondent), LPN, license #810145  
P.O. Box 481, Erath, LA 70533-0481**

On **November 13, 2014**, a formal complaint/notice of hearing (Attachment A) was mailed to the last known address of the respondent. Thomas Alonzo, attorney at law responded to the complaint/notice of hearing on behalf of the respondent, as required by the LAC 46:XLVII. 306.I and stated that the respondent had no intention of attending the hearing and understood that the case may be heard without her appearance or the board may issue an order by default. 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 license to practice practical nursing in the state of Louisiana on May 30, 1981.
2. The respondent failed to renew her practical nursing license from November 27, 2002, to June 24, 2011. The respondent was required to complete a board-approved refresher course but elected to repeat the entire practical nursing program.
3. The respondent was employed by Lady of the Oaks Retirement Manor on or about June 23, 2011. On July 27, 2011, through mutual agreement, the respondent was separated from the facility. She was not eligible for re-hire and they would recommend her with some reservation. There was concern with the respondent's clinical skills performance. It was agreed that nursing homes were not a good fit and they would recommend her for a physician's office.

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4. The respondent was employed with Amelia Manor on or about August 9, 2011. On April 16, 2012, the respondent was counseled for defective work due to documentation/carrying out of physician orders, assessment of resident with constipation, incident/accident report explanation/investigation and following up on family request and communication.

On February 17, 2013, the respondent was counseled for defective work and carelessness due to losing track of a resident which resulted in a medication error. The respondent noted resident H. George in his room. She prepared his medications. When she went to the patient's room to administer his medications, H. George was no longer in his room. The respondent then placed the resident's medications in the med cart. The respondent then drew up medications for the roommate, C. Hauser. At this point, patient H. George was seen again by the respondent. She called him over to the medication cart and administered medications prescribed for C. Hauser, to patient H. George. The medications administered in error were Zyprexa, Hytrin, Donepezil, Surfak and Restoril.

On July 30, 2013, the respondent was counseled for defective work and carelessness. The respondent failed to notify a supervisor, assistant director of nursing or director of nursing of the possibility of a resident missing from the facility. On July 27, 2013, the respondent was unable to locate a resident. The respondent failed to perform a thorough search and instead called the responsible party. The respondent made a second phone call to the responsible party and advised them that the resident was seen leaving the facility with an unknown person, which was not factual. The responsible party arrived at the facility to find the resident just outside of hall c, sleeping in his chair.

On October 29, 2013, the respondent was terminated due to a significant medication error. The respondent administered medications intended for resident 52W to resident 52D. The medications were morphine sulfate, Ativan, and morphine. The resident who was given the incorrect medications was allergic to morphine. The respondent was hospitalized after she was observed to have become lethargic with decreased respirations.

5. The respondent was employed with East Ridge Nursing Center on July 11, 2011. On August 7, 2012, the respondent was counseled due to not completing tasks, having difficulty passing medications, not understanding steps of the computer and being unable to complete work. On August 17, 2012, the respondent was counseled regarding improper and defective work and being unable to complete job duties. The respondent resigned from the facility.

6. On August 15, 2013, the respondent was employed with Belle Teche Nursing Center. On June 3, 2014, the respondent was counseled for making inappropriate remarks to a resident. She reportedly told the resident "then let your daughter suction you" and "I don't have time to answer your call light". The respondent failed to further educate the family member on suctioning the patient and stated "I can't take care of a resident like that".

### 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;
  - 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;
  - 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.

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That the license of the respondent, **Sandra Jacob, license #810145** be suspended for a minimum period of **four (4) years** from the date of this order.

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

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. **Courses:**

The respondent must take and satisfactorily complete a board approved refresher course. Evidence of completion of the course is due in the board office prior to any reinstatement request.

5. **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 **six months** 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**.

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.

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, and 3, 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.

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- 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 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.

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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*

*12/10/14*

M. Lynn Ansardi, RN  
Executive Director

Date

Rendered this 10th day of December, 2014, and mailed this 10th day of December, 2014, by U.S. Postal Service, Regular and Certified Mail No. 7014 2120 0004 1219 1906 to:

Sandra Jacob  
P.O. Box 481  
Erath, LA 70533-0481

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November 13, 2014

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7014 1200 0000 2313 7322

FILE COPY

Sandra Jacob  
P. O. Box 481  
Erath, LA 70533-0481

LICENSE #810145  
D.O.B 03/01/1950

### FORMAL COMPLAINT

The Louisiana State Board of Practical Nurse Examiners, hereinafter called the board, files this formal complaint against the respondent. This serves as notice required by the Administrative Procedure Act R.S. 49:955(B).

A hearing will be conducted at the offices of the board on the date and at the time specified here:

Date: December 11, 2014  
Time: 1:00 p.m.  
Place: 131 Airline Dr., Suite 301, Metairie, LA 70001

The nature of the hearing is prosecution of the matter:

The Louisiana State Board of Practical Nurse Examiners  
v.  
Sandra Jacob

The board's legal authority and jurisdiction, in this process of adjudication, 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.

ATTACHEMENT  
**A**

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The hearing concerns alleged violations of the following sections of the statutes/rules:

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;
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  - 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;
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The major issues involved include, but are not limited to the following:

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on May 30, 1981.
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find the resident just outside of hall c, sleeping in his chair.

On October 29, 2013, the respondent was terminated due to a significant medication error. The respondent administered medications intended for resident 52W to resident 52D. The medications were morphine sulfate, Ativan, and morphine. The resident who was given the incorrect medications was allergic to morphine. The respondent was hospitalized after she was observed to have become lethargic with decreased respirations.

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You have ten (10) days prior to the date fixed for the hearing to respond (response form enclosed) to this complaint. If you fail to respond, in writing, within this time, you will be deemed to have waived the right to a hearing and action may be taken on this complaint by default, or the hearing may proceed in your absence.

Please find enclosed, a copy of rules related to the formal hearing process.

RIGHT TO PETITION FOR REHEARING/APPEAL/JUDICIAL REVIEW

A decision issued by the board, after the hearing in this matter, may be appealed. LRS 37:976 provides: "Appeals from decisions of the board shall be to the Civil District Court of Jefferson Parish..." The petition for appeal must be filed within thirty days of the date of the mailing of the notice of the board's final decision; copies of the petition must be served on the board and all parties of record (LRS 49:964). A request may also be made to the board for rehearing, re-opening or reconsideration of the board's order. This request must be filed within ten days from the date of the board order and set forth legally sufficient reasons for granting the requests. (LRS 49:959 and LAC 46:XLVII.306.S).

By: *M. Lynn Ansardi RN*  
M. Lynn Ansardi, RN  
Executive Director