

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.

**Shequita Casby (respondent), LPN, license #290935
1824 Buccola Avenue, Marrero, LA 70072**

On January 28, 2015, 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 7/16/2009.
2. The board received a report from Acts Home Health Care indicating that the respondent was terminated 2/4/14. Reportedly, she was scheduled to care for a patient in the home 4 days per week. The respondent failed to show for a scheduled home health visit and did not inform the patient's caregiver that she did not intend to show for her visit or any subsequent visits. This left the patient without care. The respondent did not respond to repeated requests to contact the agency.
3. The board received information that the respondent was employed with St. Luke's Medical Center from 8/11/10 to 8/11/12. She was terminated for no call/no show on 8/6/12 and 8/7/12.

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

4. Records from Carrington Place of New Orleans indicate that the respondent was hired on 10/10/12 and terminated on 12/13/12 for no call/no show on 11/26/12, 11/27/12, and 11/28/12. The respondent had received a written warning on 11/16/12 for failing to complete skin assessments on 11/2/12 for rooms 213 A and B.
5. On December 9, 2014, the respondent's practical nursing license was suspended for failing to respond to board's request for information.
6. To date, the respondent's practical nursing license remains suspended.

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;**
 - j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - l. **leaving a nursing assignment without properly notifying appropriate personnel;**
 - t. **violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.**

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

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, **Shequita Casby, license #290935** 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.
 - The first payment of \$500.00 is due in the board office within 60 days of the date of this order.
 - The second payment of \$500.00 is due in the board office within 120 days of the date of this order.
- B. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only**.

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

- 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.
- 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.

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

- 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.

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.

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

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

2/11/2015
Date

M. Lynn Ansardi, RN
Executive Director

Rendered this 11th day of February, 2015, and mailed this 11th day of February, 2015, by U.S. Postal Service, Regular and Certified Mail No. 7014 2120 0004 1219 3955 to:

Shequita Casby
1824 Buccola Ave.
Marrero, LA 70072

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

January 28, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7014 2120 0004 1219 3658

Shequita Casby
1824 Buccola Ave.
Marrero, LA 70072

LICENSE #290935
D.O.B. 7/11/1981

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: February 20, 2015
Time: 8:00 a.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.
Shequita Casby

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.

ATTACHMENT

A

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

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;
 - c. failure to exercise technical competence in carrying out nursing care;
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
 - l. leaving a nursing assignment without properly notifying appropriate personnel;
 - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

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

1. The respondent was licensed as a practical nurse in the state of Louisiana on 7/16/2009.
2. The board received a report from Acts Home Health Care indicating that the respondent was terminated 2/4/14. Reportedly, she was scheduled to care for a patient in the home 4 days per week. The respondent failed to show for a scheduled home health visit and did not inform the patient's caregiver that she did not intend to show for her visit or any subsequent visits. This left the patient without care. The respondent did not respond to repeated requests to contact the agency.

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

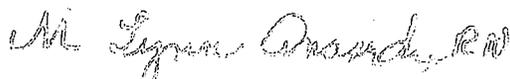
3. The board received information that the respondent was employed with St. Luke's Medical Center from 8/11/10 to 8/11/12. She was terminated for no call/no show on 8/6/12 and 8/7/12.
4. Records from Carrington Place of New Orleans indicate that the respondent was hired on 10/10/12 and terminated on 12/13/12 for no call/no show on 11/26/12, 11/27/12, and 11/28/12. The respondent had received a written warning on 11/16/12 for failing to complete skin assessments on 11/2/12 for rooms 213 A and B.
5. On December 9, 2014, the respondent's practical nursing license was suspended for failing to respond to board's request for information.
6. To date, the respondent's practical nursing license remains suspended.

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
Executive Director