

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

March 13, 2015

Tiyette Butler
P.O. Box 148
Hodge, LA 71247

Dear Ms. Butler:

Enclosed you will find your board order with the stipulations set forth which you **must follow** throughout your suspension and/or probation period.

Please read the entire order **completely and carefully**. Failure to follow **all** stipulations set forth may result in further disciplinary action being taken against your practical nursing license, which may include additional fines, an extended probation period, suspension, revocation and/or denial of licensure.

You may also go to the board's website at www.lsbpne.com at any time to review the Administrative Code pertaining to practical nurses, including the Rules and Adjudication, License Suspension and Revocation Proceedings, §306. This information was also included with your formal complaint.

If you have any questions or concerns you should submit them in writing to the board office. Please include your current address and telephone number with your request.

**LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS**

M. Lynn Ansardi RN

M. Lynn Ansardi, RN
Executive Director

MLA/kp

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In the matter of:

Tiyette Butler
License # 20110460

This cause having come to be heard at a formal hearing conducted at the board office on **November 21, 2014 at 1:00p.m.** upon the complaint filed in this matter.

1. The respondent did appear at the scheduled hearing and did give sworn testimony.
2. The following witnesses testified:
 - Teena B. Doxey
 - Aimee McMillan, RN
 - Lakenya Morris

*The hearing officer found the witnesses to be credible.

3. Exhibits A-K were admitted into record.
4. The hearing officer fully reviewed and considered the transcript of the hearing as prepared and certified by the court reporter, Dawn H. Hymel, CCR, who was present and recorded the hearing.

The hearing officer, having reviewed all evidence and testimony, and being fully advised in the premises, makes the following findings of fact and conclusions of law based on the entire record:

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on March 31, 2011.
2. While employed as a licensed practical nurse with Ruston Nursing and Rehabilitation Center the respondent failed to administer PEG tube feedings to several residents. It was also noted that the respondent failed to change peg tube dressing and administered medications incorrectly. The respondent was previously counseled for sleeping while on duty and gross negligence. She was terminated from the facility on March 19, 2013, due to resident neglect.(Refer to D114)
3. The respondent was employed with Forest Haven Nursing and Rehabilitation

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Center on August 22, 2011. During the respondent's employment she was counseled for the following: (Refer to G18, G20, G21, G23, G24)

- 10-6-11 Failure to follow MD orders
- 12-12-11 Failure to follow the five rights of medication administration, inappropriate delegation
- 1-5-12 Improper patient assessment and inaccurate documentation
- 1-17-12 Hanging tube feeding without time, date and initial, also not dating feeding tubing
- 1-30-12 Not charting on skilled nursing notes; incorrect medication orders; improper assessments of residents

The respondent was terminated from the facility due to careless and defective work.

The hearing officer did find that the respondent failed to practice practical nursing in accordance with the standards normally expected. The respondent did not follow the physician's orders on multiple occasions; she took shortcuts when it came to caring for her assigned patients. The respondent has consistently displayed this behavior at each job she has held throughout her employment history as an LPN. The respondent's actions and inactions place the patients at risk.

It was not proven that the respondent failed to administer tube feedings to her assigned patients while employed by Ruston Nursing & Rehab Center. While the clinical dietician did an investigation, the findings were inconclusive. (Please refer to the transcript page 19, lines 10-25)

The board has jurisdiction over the parties hereto and the subject matter hereof.

CONCLUSIONS OF LAW

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

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.

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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;
- 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

The matter of **Tiyette Butler, license # 20110460**, on **March 13, 2015**, 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, **Tiyette Butler, license # 20110460**, be **Probated** for no less than **three years** with 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, so 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).

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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. **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 this order is executed.

B. The respondent is hereby assessed a hearing assessment fee of \$500.00, **payable by cashier's check or money order only**, within **90 days** of the date of this order.

C. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only**.

D. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.

E. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

F. 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**.

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 the board order/consent order.

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- 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

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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.
- 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** from the date of the prescription(s).

6. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas:

- **ETHICS-8 HOURS**
- **DOCUMENTATION-15 HOURS**
- **MEDICATION ADMINISTRATION-15 HOURS**
- **PATIENT ASSESSMENT-15 HOURS**

Evidence of completion of the course(s) is due in the board office within **60 days** of the date of this order.

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:

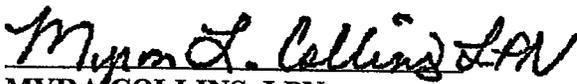
- a) immediate suspension of license, b) indefinite suspension of license, c) ineligibility for annual renewal of license, d) additional fines/penalties up to \$500.00 per occurrence, e) increased probationary period, f) summary suspension and g) revocation.

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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.

Rendered this 13th day of March, 2015, and signed this 13th day of March, 2015, at Metairie, Louisiana.


MYRA COLLINS, LPN
CHAIRMAN OF THE BOARD


M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

Mailed this 13th day of March, 2015, by U.S. postal service certified mail return receipt #7014 2120 0003 8719 2977 and regular mail to the following address:

Tiyette Butler
P.O. Box 148
Hodge, LA 71247