

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

In the matter of:

**Cynthia Lee**  
**License # 20100390**

This cause having come to be heard at a formal hearing conducted at the board office on **August 28, 2014 at 1:00 p.m.** upon the complaint filed in this matter.

1. The respondent did not attend the hearing to testify on her own behalf.
2. The following witnesses testified and were credible:
  - Chuck Carr, RNC, OCN
  - Deputy Jonathan R. Kennedy
  - Eva Vines, RN
  - Kathryn Thompson Baxter, LPN
  - Ruth Starkey, RN
  - Angela Cook RNC
  - Mary Bush, RNC
  - John Goddard, M.D., MRO (Via telephone)
  - Kathy Vandenbrand, RN
  - Joanna King
3. The hearing officer did not find the following witness credible:
  - Layne Bonvillain, LCSW
4. Exhibits A1-P1 were admitted into the record at the hearing. Respondent's Exhibits 1-7 were later received, reviewed and considered by the hearing officer.
5. 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 practical nursing license in the state of Louisiana on 3/9/2010.

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2. The board received a report from the respondent's employer, Elite Health Solutions indicating that she was arrested 3/21/14 in Caddo Parish for possession of schedule 2 drugs. The respondent did not submit to a drug screen and was terminated. The board notified the respondent of the allegations on 3/31/14 and requested a response. (Refer to Exhibits B2-3 and Exhibit C)
3. The board received additional information regarding the circumstances surrounding the respondent's arrest for possession of schedule II (methamphetamine) on 3/21/2014. According to the arrest report, the respondent was approached by agents as she arrived for her nursing shift at Caddo Correctional Center. A search of her vehicle was conducted and she was interviewed regarding her alleged use of methamphetamine. The respondent stated to the agents that she did not use methamphetamine; however, when she was informed that arrangements had been made for her to be drug tested, she admitted to using methamphetamine and having a problem. The respondent also admitted to using methamphetamine that day, prior to her scheduled shift. A search of her vehicle determined that a passenger in her car was in possession of multiple small baggies containing methamphetamine, as well as one small baggy containing one suspected hydrocodone pill. (Refer to Exhibits F13-16)
4. The respondent's practical nursing license was summarily suspended on 5/27/14. (Refer to Exhibit G)
5. The board received information from the respondent's employment application with Priority Medical Staffing indicating that she was employed with Willis Knighton. The respondent failed to report her employment with Willis Knighton to the board as requested. According to the reference check performed by Priority Medical Staffing, the respondent was terminated from Willis Knighton and not eligible for re-hire. (Refer to Exhibits K5-7 and K18)
6. Records received from Willis Knighton Medical Center indicated that the respondent was employed from 4/5/10 to 2/14/11. On 1/6/11, a conference was held between the respondent and her supervisor to address work performance, personal conduct and insubordination. She was told that she failed to complete assigned tasks in a timely manner. She was also warned that her personal conduct was a problem. The respondent became angry and used foul language when her work performance was addressed. She also used her personal cell phone in the presence of a patient. She argued with a CNA regarding work assignment. There had been several complaints from her co-workers regarding her attitude and work performance. She failed to complete tasks on her assigned shifts and left work undone. On 2/4/11, the respondent was terminated from Willis Knighton for

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- violations of the facility's substance abuse/testing policy. She was involved in a work related incident that required drug/alcohol testing. She tested positive for Amphetamine/Methamphetamine. She was unable to provide a valid prescription. (Refer to Exhibit K)
7. According to records from Priority Medical Staffing, the respondent was hired on 7/20/11. It was noted that she was made inactive on 4/2/13 due to several reasons including unprofessionalism, dishonesty, and lack of dependability. (Refer to Exhibit H2)
  8. The board received information from Village HealthCare at the Glens that the respondent worked a shift on 6/11/11 and failed to follow expected standards of care by an LPN. According to observations from their staff, her LPN skills were deemed to be unsafe. She was observed to have very poor nursing judgment. She signed out at least 10 narcotics electronically, but failed to sign them out on the narcotic count sheet. She was 2-3 hours late on her med pass and did not administer meds to some residents at all. She was observed talking on her phone. She also took an order from a physician incorrectly and 3 pills were found left on the floor on the memory care hall. The next day another staff member observed a resident that the respondent had cared for with his heels wrapped incorrectly. She was told to apply duoderm to a resident's heel. She wrapped the resident's right heel in kerlex and put duoderm on top of the kerlex. A complaint was called in to Elite Health Solutions and it was requested that the respondent never return to work at Village HealthCare at the Glens. (Refer to Exhibit L)
  9. On 6/13/11, Elite Solutions received a complaint from a family member of a resident who was delayed on her medications during the respondent's nursing shift at Village Healthcare at the Glens. She was notified by Elite Solutions that she would have to participate in a drug screen. On 6/13/11, she tested positive on the drug screen. She claimed that she was taking Adipex and could have a prescription in a few days. She was told to go to Willis Knighton for another drug screen. She did not go until 2 days later and claimed to staff at Elite Solutions that she had a kidney infection and had trouble urinating and that Willis Knighton said the specimen she supplied was not enough to test. She was told to return to Willis Knighton the next day. She failed to return for her drug screen; therefore, she was terminated 6/22/11. Elite Solutions reported that they received a letter from Willis Knighton indicating that the respondent refused the drug screen and refused direct observation, which was very different information from what the respondent had reported.

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On 7/5/11, the respondent contacted Elite Health Solutions and indicated she would be entering a 30 day rehab program at Pines Treatment Center. The respondent called again on 7/19/11, asking if she could return to work after she completed rehab. She was told that per policy she could not be re-hired until a year had passed. She was instructed to notify the state board regarding her treatment.

On 9/25/13, Elite Health Solutions called to offer the respondent a home health day shift. It was noted that she accepted the position, but when she was told she would be unable to smoke due to the patient being a preemie infant, she declined because she said she was unable to go 10 hours without smoking. On 11/5/13, she was scheduled for orientation at Schumpert. The respondent was aware that she would have to complete paperwork and obtain her badge prior to the orientation. She claimed she was unable to obtain her badge and paperwork due to car trouble. She was turned away at Schumpert for incomplete paperwork. (Refer to Exhibit J3)

10. The respondent was hired by Staff Net LLC on 4/3/13. She filed a claim for unemployment benefits; however, it was noted that she was terminated. (Refer to Exhibit I10-12)
11. The board notified the respondent of the additional allegations on 6/17/2014 and requested a response. To date, the board has not received a response and her practical nursing license remains summarily suspended.

The hearing officer found that it was proven that the respondent was arrested on March 21, 2014 for possession of a schedule II (Methamphetamine). The hearing officer also notes that while employed by Willis-Knighton (February 14, 2014) the respondent tested positive for Amphetamine/Methamphetamine and was terminated.

The hearing officer did not find Mr. Bonvillain, LCSW credible. He did not know the respondent's complete history of substance abuse. The hearing officer did not find the respondent's evaluation accurate as evident by the documented proof of the respondent's history. The respondent was sent a medical release form so that the board could obtain the respondent's medical records from The Pines Treatment Center, and the respondent never responded to the board's request.

It was proven that the respondent lacks the professional character that would ensure that she could consistently act in the best interest of patients, clients and coworkers. Each of the respondent's former employers testified that they would not rehire her.

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The hearing officer found that it was proven that the respondent failed to utilize appropriate judgment in administering safe nursing care based upon the skill level of nursing for which she is licensed.

**JURISDICTION**

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);

- (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;
- (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.

- 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;
  - 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;
  - d. violating the confidentiality of information or knowledge concerning a patient;
  - g. improper use of drugs, medical supplies, or patients' records;
  - h. misappropriating personal items of an individual or the agency;
  - i. falsifying records;
  - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;

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- 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;
- p. inappropriate, incomplete or improper documentation;
- 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;
- s. refusing to cooperate with employer's request to submit to a drug screen;
- 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 Cynthia Lee, license #20100390, 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, Cynthia Lee, license #20100390, be **REVOKED** and

1. The respondent is hereby fined \$1500.00, **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.
2. The respondent is hereby assessed a hearing assessment fee of \$1000.00, **payable by cashier's check or money order only**, within **90 days** of the date of this order.
3. The respondent shall return his/her current practical nursing license to the board office within **three (3) days** of the date of this order.

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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.

*Myron L. Collins LPN*

MYRON COLLINS, LPN  
CHAIRMAN OF THE BOARD

*M. Lynn Ansardi RN*

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 2984 and regular mail to the following address:

Cynthia Lee  
243 Pennsylvania Ave.  
Shreveport, LA 71105