

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:

**Andrea Mc Neal**  
**License # #260871**

This cause having come to be heard at a formal hearing conducted at the board office on **July 25, 2014** at 11:00 a.m. upon the complaint filed in this matter.

1. The respondent was not present for the hearing.
2. The following witnesses testified:
  - Allison Cooper (Via telephone)
  - Alex W. Gobert, RN, DON
  - Angela White, LMSW
  - Janie Hamilton, RN
  - Belinda Fields, LPN
  - Suzanne Smith
  - Constance Renee Greggs, RN
  - George M. Smith, MA, LAC (Via telephone)
  - Jacqueline Wright, LPN
  - Katherine Swagger, MA, CIT

\*\*\*The hearing officer found all of the witnesses to be credible.

3. Exhibits A1 through K1 were admitted into the 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 licensed as a practical nurse in the state of Louisiana on 8/24/2006.
2. The board received a report from Progressive Care Center advising of a current court matter involving the respondent. The respondent was summoned to court

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on 9/13/13, regarding an injury to her child. On 11/26/13, she pled not guilty to the charges. On 3/5/14, the respondent was found guilty of negligent injury and sentenced to probation and anger management and parenting classes. (Refer to Exhibits B1-B7)

3. The respondent falsified her renewal application for her **2014** practical nursing license by answering "**NO**" to question #18.a. which asks: SINCE YOUR LAST RENEWAL, HAVE YOU: Been arrested, charged, convicted of, plead guilty or no contest and/or nolo contendere, or been sentenced for any criminal offense in any state? (NOTE: Even though an arrest or conviction has been pardoned, **EXPUNGED**, dismissed or deferred, and your civil rights have been restored, you must answer "**YES**"). (Refer to Exhibit D6-D8)
4. The board received additional information from Progressive Care Center indicating that the respondent resigned on 4/4/14 in lieu of termination regarding work performance and insubordination. She refused to assess a resident who was on the floor when asked by a CNA. She stated that she had to continue passing medications. Another nurse went to assess her resident. The respondent never assessed the resident. On 3/31/14, the respondent received a corrective action report for work performance. She failed to administer medications in a timely manner. On 3/17/14, she was verbally counseled for not washing her hands between patients, not using alcohol to disinfect between patients, and not giving medications on time. It was also noted that families complained that she was not in full uniform. (Refer to Exhibits E3-E6)
5. The board received records from Physicians Behavioral Hospital that the respondent was terminated on 4/11/14 for unprofessionalism. A patient turned in a grievance complaint regarding her unprofessionalism. The patient reported that she spoke to her in a harsh manner and that she made unnecessary rude comments to her. The patient stated that her manner was hurtful and embarrassing. A staff member admitted to witnessing the event and was able to corroborate the patient's complaint. It was noted that she was employed as a regularly scheduled nurse from 1/2013 to 11/2013. During that time, she was counseled on several instances about unprofessional verbal outbursts in the work setting, which included the use of profanity and slang with her peers and clients. She was also counseled regarding maintaining a professional demeanor while facilitating groups with clients and minimizing self-disclosure about her personal issues. On 11/27/13, she received a warning report for unprofessionalism that she refused to sign. The respondent was suspended for 2 weeks without pay and her status was changed from full-time to PRN. (Refer to Exhibits F3-F8)

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6. Records from Magnolia Manor indicate that the respondent was hired 7/14/11 and terminated 2/15/12 for misconduct: violation of company policy. The respondent failed to report an outside domestic situation between her and her boyfriend that was ongoing prior to and during her shift on 2/12/12 which could have endangered or adversely affected the facility. The police were called out to the facility 3 times for domestic violence and threats against the respondent. She failed to report this violent and potentially dangerous situation to the administrator prior to coming to work. She exposed the staff and residents to potential harm. On 8/29/11, the respondent was counseled for administering the incorrect dosage of Roxanol to a patient twice. She was told to always use the "5 rights of administration". (Refer to Exhibits G7-G15)
7. Records from Promise Hospital indicate that the respondent was hired on 2/8/10 and terminated 5/12/11. She was terminated for violation of rules of conduct for her use of abusive, threatening or profane language towards others while on premises and violation of progressive discipline for conduct widely regarded as fraudulent, immoral, improper or inappropriate at the work place. She was witnessed on 3 separate occasions using profane language towards patients and employees. On 5/5/11, during her meeting with the director regarding complaints of her use of profane language, she was again observed using inappropriate language repeatedly and intentionally. (Refer to Exhibits H28-H40)

The hearing officer finds that the respondent has been consistent with being insubordinate and having unsatisfactory behavior towards residents, patients and fellow coworkers.

There is nothing in the record or in any testimony to indicate that the respondent will conduct herself differently in future clinical settings, which the hearing officer finds will pose a serious risk to patient care.

The hearing officer finds that the safety and wellbeing of patients in the care of the respondent would be jeopardized if the respondent were permitted to continue being licensed in Louisiana as a practical nurse.

### **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:**

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1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4);
  - (a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;
  - (b) is guilty of a crime;
  - (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.
  1. being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;
  2. being guilty of a crime;
  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;
    - k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;
    - 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;
    - r. possess a physical or psychological impairment which interferes with the judgment, skills or abilities required for the practice of practical nursing;
    - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

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### ORDER

The matter of Andrea McNeal, license #260871, 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, Andrea McNeal, license #260871, be **REVOKED** and

1. 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.
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 must return his/her current practical nursing license to the board office within **three (3) days** of the date of this order.

### 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 L. Collins LPN*

MYRA COLLINS, LPN  
CHAIRMAN OF THE BOARD

*M. Lynn Ansardi R.N.*

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 2946 and regular mail to the following address:

Andrea McNeal  
1814 Vivian  
Shreveport, LA 71108