

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:

**Brandi Ware**  
**License # 20110787**

This cause having come to be heard at a formal hearing conducted at the board office on **July 24, 2014 at 11:00 a.m.** upon the complaint filed in this matter.

1. The respondent was present and did testify.
2. Witnesses who testified:
  - Melissa A. Putman, Executive Director, The Arbor and Terrace of Bossier
  - Tarry Owens, LPN
  - Sandra Chatham, RN
  - Melanie Ford, RN
  - Becky Ingles, RN (Via phone)

All witnesses were credible.

3. Exhibits A-1 through I-1 and Respondent's Exhibits 1-3 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 07/07/2011.
2. The board received a report from The Arbor and Terrace of Bossier that the respondent was terminated 4/4/13. She removed narcotics from the medication cart and destroyed them. She did this without permission and against policy and failed to furnish the requested documentation and witness information. (Please refer to Exhibits B2-3, deposition of Tarry Owens H.T. pgs. 38-52 and the deposition of Melissa Putman, H.T. pg. 55)

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The hearing officer did find that the respondent was inconsistent with standards on the disposal of unused/wasted medications. As a professional, the respondent should have requested the policy and procedure for wasting of medications.

3. The respondent worked as a licensed practical nurse at The Arbor and Terrace of Bossier from 11/1/12 until 4/4/13. Her license expired on 1/31/13. The respondent worked for over 2 months without being licensed to do so. (Please refer to Exhibits B2, E9)  
The hearing officer did find the respondent guilty of practicing practical nursing without a current license.
4. The respondent was suspended without pay from The Arbor and Terrace of Bossier for excessive amounts of absences/tardiness. The respondent failed to appear for 3 shifts and was late on two occasions. (Please refer to Exhibits D5, E8 and F6-7)

It was proven that the respondent had issues with being tardy and absent on several of the jobs that she has held.

5. The board received information from Cypress Point Nursing Home indicating that the respondent was hired on 8/3/11 and terminated on 4/19/12. During her employment with Cypress Point, she was suspended for one day for violation of company rules, defective and improper work and carelessness. The respondent failed to continue a patient's psychotropic medication sheet. The respondent was terminated for tardiness, unprofessional behavior, and improper work. The respondent failed to give a resident his Depakote medication for 4 days, but signed the MAR as if she had administered it. (Please refer to Exhibit D4-5, deposition of Melanie Ford, H.T. pgs. 68, lines 17-25, page 69, lines 1-2, page 74, lines 3-25 and page 75)

It was not proven that the respondent failed to administer a resident's medication. However, the hearing officer did find that the respondent was inconsistent with standards on how to document medication administration and the disposal of unused/wasted medications.

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

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### 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);

**(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.

6. practicing practical nursing without being duly licensed to do so by the board;

7. using in connection with his/her name any designation tending to imply that he/she is a practical nurse without being duly licensed to practice by the board;

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;

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 **Brandi Ware, license #20110787**, 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 respondent **Brandi Ware, license #20110787**, be **suspended** for no less than **six (6) months** with 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** from the date this order is executed.

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- 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 board approved courses in the following areas:

- Medication Administration-15 hours
- Documentation for Nurses-30 hours
- Professionalism-10 hours
- Ethical Nursing Practice-10 hours
- Physical Assessment-10 hours

Evidence of completion of the course(s) is due in the board office within **90 days** of the date of this order.

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.
- a. The first \$500.00 is due within **60 days** of the date of this order.
- b. The second \$500.00 is due within **90 days** of the date of this order.
- B. 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.

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- C. 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).

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- 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** from the date this order is executed.
  - 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.

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- 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.

### **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.

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

*Myron L. Collins LPN*

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MYRON COLLINS, LPN  
CHAIRMAN OF THE BOARD

*M Lynn Ansardi RN*

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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 2892 and regular mail to the following address:

Brandi Ware  
119 Mc Cann Road  
Sarepta, LA 71071

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The Louisiana State Board of Practical Nurse Examiners has required that you satisfactorily complete board-approved courses(s) as outlined/stipulated in your board order (Please review carefully). Below is a list of suggested websites where these courses may be taken. You may use these suggested websites:

1. [www.homesteadschools.com](http://www.homesteadschools.com)
2. [www.westernschools.com](http://www.westernschools.com)
3. [www.nurseceu.com](http://www.nurseceu.com)
4. [www.learningtext/nurses.com](http://www.learningtext/nurses.com)

These sites are only suggested, you may use any accredited website that offers continuing education courses in nursing. If you have any questions regarding a particular website please contact the board office.

Sincerely,

Louisiana State Board of  
Practical Nurse Examiners