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:

Michelle Holliday - respondent
License # 242385

This cause having come to be heard at a formal hearing conducted at the board office on Monday, June 2, 2014 upon the complaint filed in this matter.

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

During the formal hearing process, the following facts were confirmed:

1. The respondent was issued a Louisiana practical nursing license on 12/23/2004.

2. On August 4, 2009, the respondent was arrested for accessory after the fact of aggravated rape. (Exhibit J-42)

   On or about 10/13/09, the respondent telephoned the board to report she had been arrested for accessory to aggravated rape. The respondent was accused of having knowledge that her husband raped her daughter. (Exhibit B-3)

3. According to court records from East Feliciana Parish, the respondent's charge was amended from Accessory After the Fact to Aggravated Rape to 2nd Degree Cruelty to a Juvenile on August 27, 2012. (Exhibit J-3)

   The respondent admitted pleading guilty on August 27, 2012, to accessory after the fact to 2nd degree cruelty to a juvenile thus violating Louisiana Revised Statutes 1950, Title 37, Chapter 11, Part II, Section 969 A. (4) (b) and LAC Title 46, Part XLVII, Subpart 1, Section 306 T (2).

4. Related to Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4) (c), the hearing officer found that the respondent was negligent and unfit. According to the respondent's testimony during her ex-husband's trial for aggravated rape, she took legal action for protection from abuse. She stated that her ex-husband hit her with a mop handle. She also testified that they fought in front of the children. (Exhibit J-28 & 29)

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On January 15, 2013, the respondent appeared in court for sentencing regarding the amended charge of 2nd Degree Cruelty to Juvenile. She was placed on active supervised probation for 3 years with the following conditions: pay a fine in the amount of $250.00 plus cost of Court, and pay a monthly supervisory fee.

After reviewing all of the records and listening to the respondents' testimony the hearing officer finds that the respondent was guilty of a crime. The hearing officer feels that the respondent was aware of the rape of the minor child.

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;
(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;
8. being guilty of unprofessional conduct;
- **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;**
- **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 **Michelle Holliday license #242385,** 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, **Michelle Holliday, license #242385 be placed on PROBATION 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 with the signed agreement, 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).

3. **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, due within **90 days** from the date this order is executed.

   B. The respondent it to submit a hearing assessment fee of $500.00, **payable by money order or cashier's check only**, is to be submitted to the board 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.

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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. **Obtain the following evaluation(s):**

   ☒ **psychological**

   A. Within **ninety (90) days** from the date this order is executed, the respondent shall undergo the above ordered evaluation(s). The evaluation(s) shall be conducted by a licensed certified psychologist of the respondent's choice. The evaluation(s) shall be conducted using both objective and subjective assessment tools.

   B. Prior to the evaluation(s), the respondent shall furnish the evaluator with a copy of the board order/consent order to include the findings of fact, conclusions of law, and the **Board Order Acknowledgement Form**. The evaluator shall verify receipt and review of these documents in the evaluation(s) of the respondent.

   C. The respondent shall execute the **Release of Information Form** to allow the evaluator to communicate with and supply information to the board.

   D. The respondent shall direct the evaluator to submit directly to the office of the board the **Release of Information Form, the Board Order Acknowledgement Form** and the evaluative report(s).

   E. The report of the evaluation(s) shall include, but not be limited to, the following:

      i. past and present treatment
      ii. results of any testing conducted
      iii. a summary of the findings
      iv. treatment plan, if applicable
      v. an assessment as to respondent's ability to practice safely as a practical nurse

   F. The respondent shall satisfactorily complete any and all recommendations made by the evaluator. If treatment or therapy is recommended, the respondent shall, within **thirty (30) days** of the evaluator's report, initiate all treatment and/or therapeutic activities. If treatment or therapy is recommended, the evaluator shall indicate if/when the patient should be re-evaluated. The respondent shall submit to the board the name and credentials of the therapists and/or the name and address of the treatment facilities.

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G. The respondent shall undergo subsequent evaluations by a board certified psychologist/psychiatrist/addictionologist if requested by the board following a relapse or for other related causes.

6. **Participate in any and all treatment/aftercare programs as prescribed:**

A. The respondent shall enroll and participate in board approved treatment/aftercare programs as prescribed or recommended by the psychological evaluator.

B. The respondent shall have the aftercare counselor submit to the board office proof of the respondent's entry into an appropriate facility, inpatient program, outpatient program, halfway house, residential long-term treatment, and/or a combination thereof.

C. The respondent shall execute the **Release of Information Form** to allow the treatment facility/center/counselor/practitioner of record to communicate with and supply information to the board.

D. The respondent shall submit evidence of **continued compliance with the treatment plan/counseling.** Treatment/aftercare compliance must be maintained throughout the duration of this order or until treatment is deemed complete.

E. The respondent shall cause the aftercare counselor to submit quarterly to the board office progress reports indicating compliance with treatment recommendations. Reports are due on or before the 10th day of January, April, July, and October of each year until treatment is deemed complete.

F. Upon completion of the treatment/aftercare program(s), the respondent shall have the aftercare counselor provide the board with documentation indicating the respondent's successful completion of the program.

******* The provider who conducted the original assessment must submit a letter to the board office indicating that the respondent has completed all treatment recommendations and he/she feels the respondent can safely practice practical nursing. Upon receipt, the license of the respondent will be unencumbered.********

7. **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 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.

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 3066** and regular mail to the following address:

Michelle Holliday
P.O. Box 473
Clinton, LA 70722