

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:

Melissa Williams
License # 972389

This cause having come to be heard at a formal hearing conducted at the board office on July 24, 2014 at 9:30 a.m. upon the complaint filed in this matter.

1. Witnesses who were present and testified:
 - Monica Kinchen, CNA
 - Marion Jones, CNA
 - Tricia Cambre, LPN
 - Demisha Hitchens, RN
 - Jo Ann Montgomery Christmas, LPN
 - Mary Choate Tadlock, RN
 - Sharon LaLonde

The hearing officer found the witnesses to be credible.

2. The respondent did appear at the scheduled hearing and did give sworn testimony. The hearing officer did find the respondent credible.
3. Exhibits A-R were admitted into evidence.
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 8/21/1997.
2. The board received information from Capitol House Nursing and Rehabilitation Center indicating that the respondent was terminated on 9/17/12. Reportedly, the facility received a complaint from the family of D. Robin. The respondent had been assigned to care for this resident on 9/15/12. The resident had an order for tube feeding at 65 mL/hr.

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The family arrived and found the bottle empty and the pump set at 300 mL/hr. The respondent hung another bottle and did not adjust the rate, allowing the second bottle to also run at 300 mL/hr. (Exhibits B1, D2-D14, K1-2, O1-O8)

- After reviewing all evidence and testimonies, the hearing officer found the accusation against the respondent was not proven. The witness and the person filing the complaint did not attend the hearing after being subpoenaed.

3. The board received information from Nottingham Regional Rehab Center that the respondent was hired as an LPN on 02/25/2012 and terminated on 01/10/2013 for poor job performance. On 10/1/2012, she received a disciplinary notice for resident complaints. She failed to follow protocol regarding assessment and administering medication. She also denied a resident's request to be sent to the hospital and failed to document or report an incident/accident. On 11/26/12, she received notice of disciplinary action due to documentation. She failed to include narrative notes to charts on a number of days. It was also noted that she went back and charted without stating it was a late entry. On 11/29/12, the respondent was observed on camera failing to make rounds on assigned residents during her shift. It was also noted that she failed to enter some of her assigned resident's rooms during her entire shift. On 1/7/13, she failed to properly document when a resident returned to the facility from the hospital and failed to resume neuro-checks as required post resident's fall. (Exhibits E1-29)

- It was proven that while employed at Nottingham Regional Rehab Center, the respondent had multiple disciplinary actions taken against her. (Poor job performance, resident complaints, not following protocol regarding assessment and administration of medication, poor documentation, and failing to make rounds on her patients)

4. The board received information from Sterling Place indicating that the respondent was hired on 4/20/00 and terminated 9/8/10. During her employment with Sterling Place the respondent was suspended for poor nursing judgment based on not assessing a resident and relaying health status changes to the physician. Her conduct was noted as inappropriate and unprofessional in addressing her supervisor. She was also warned about not writing or verifying medications ordered on a resident returning from the hospital and she was seen on camera leaving the facility at 3:08 am and returning at 4:12 am. The respondent left the facility without permission and without clocking out. She asked to resign instead of being fired and the Administrator and DON agreed; however, she would not be eligible for re-hire. (Exhibits G2-3)

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5. The board received a report from Louisiana DHH regarding allegations of emotional abuse of a resident while employed with Baton Rouge Health Care Center. On or about 9/27/13, a CNA reported an incident regarding another CNA reportedly throwing water on a resident. The respondent did not address the issue so the CNA who reported the incident along with another CNA went to investigate the resident's complaint. She was asked a second time to assess the resident. When the respondent would not get up from the chair she was seated in, the CNA pushed her in the chair to the resident's room. While in the resident's room it was reported that the respondent laughed at the resident and pretended to use her cell phone to call the police. She told the resident that the police were going to come and take the resident and the CNA to jail. The respondent was contacted multiple times by the facility and failed to appear at a meeting to discuss the allegations. A brief telephone interview was finally conducted with the respondent and she admitted to laughing at the resident because she thought her allegations "were funny". The respondent provided little information and refused to provide a written statement regarding the incident. She did not return to the facility; therefore, she resigned her position. (Exhibit I1)

- The hearing officer found the work atmosphere at Baton Rouge Health Care to be very unprofessional and concerning. The hearing officer was concerned about how the administration conducted Ms. Kinchen's interview.

6. The board received records from Heritage House and Landmark of Baton Rouge. According to records from Heritage House, the respondent was employed from 9/21/10 to 12/29/10, re-hired 11/29/12 and terminated 5/21/13 because she had not worked in over 30 days. It was noted that on her application dated 10/3/12 to be re-hired with the facility, she indicated that she had never been terminated or asked to resign from any position. However, according to information received from Capitol House Nursing and Rehabilitation Center, she was terminated on 9/17/12. Additionally, she resigned in lieu of termination from Sterling Place on or about 9/8/10. (Exhibits M1, M3, B1, G3)

7. According to records from Landmark of Baton Rouge, the respondent was hired on 1/22/13 and terminated on 6/25/13 because she had not worked since 3/24/13. On her application for employment with Landmark dated 1/21/13, she falsified her application by again indicating "no" to the question which asked: "Have you ever been terminated or asked to resign from any position?" However, she was terminated from Capitol House, resigned in lieu of termination from Sterling Place and terminated from Nottingham Regional Rehab Center on 1/10/13, just prior to her application with Landmark. (Exhibits M1, M3)

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The hearing officer found that the respondent has carried herself in an unprofessional manner over the last few years. This unprofessionalism is affecting her actions as a nurse. The respondent has been an LPN since 1997 and there have been no reported allegations prior to these events.

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);

(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.

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;**
 - l. **leaving a nursing assignment without properly notifying appropriate personnel;**
 - 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.**

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ORDER

The matter of **Melissa Williams, license #972389**, 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, **Melissa Williams, license #972389** be suspended for no less than **six (6) months** with the following stipulations:

During this suspension time, the respondent must abide by 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.
 - 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. **Fines/Fees:**
 - A. The respondent is hereby fined \$1,000.00, **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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4. **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.
5. **Obtain the following evaluation(s):**
- psychological**
- A. Within **thirty (30) 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/psychiatrist/addictionologist 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 and/or recovery activities
 - ii. results of any testing conducted
 - iii. a summary of the findings
 - iv. treatment plan, if applicable
 - v. list of medications prescribed, if applicable
 - vi. an assessment as to respondent's ability to practice safely as a practical nurse

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- 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 respondent shall submit to the board the name and credentials of the therapists and/or the name and address of the treatment facilities.
- G. The respondent shall undergo subsequent evaluations by a board approved 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 chemical addiction/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.

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7. **Courses:**

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

- Ethical Nursing Practice-8 hours
- Documentation for Nurses-30 hours
- Administering Medications/Medication Errors and How to Avoid Them-15 hours
- Physical Assessment -30 hours
- Professionalism in the Workplace Environment-15 hours

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

8. **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.
- C. If a chemical and/or psychological assessment was stipulated before reinstatement can be considered, the provider who conducted the original assessment must submit a letter to the board office indicating that he/she feels the respondent can safely return to the practice of practical nursing and under what conditions (i.e., recommendations for on-going treatment and a list of medications being prescribed). If the assessment includes a treatment plan, evidence of compliance with this plan must also be submitted to the board.

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, 3, 4, and 6 as stipulated above and the following stipulations as stipulated below:**

1. **License:**

- A. The license of the respondent will be stamped "**PROBATION**".

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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).
 - 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.

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- 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 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.

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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.

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

Myron L. Collins LPN

M. Lynn Ansardi RN

MYRON 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 2915 and regular mail to the following address:

Melissa Williams
7219 Jupiter Drive
Baker, LA 70714