

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:

Lisa Withers-respondent
License #880656

This cause having come to be heard at a formal hearing conducted at the board office on **December 10, 2014 at 2:30 p.m.** upon the complaint filed in this matter.

1. The respondent did appear at the scheduled hearing and did give sworn testimony. The hearing officer did find the respondent credible.
2. The following witness testified:
 - a. Dale Withers on behalf of the respondent.
3. Exhibits A-P were admitted into evidence at the hearing.
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 12/07/1988. The respondent's Louisiana practical nursing license expired on 1/31/2004.
2. The board received information indicating that the respondent completed a refresher course in order to renew her practical nursing license. The respondent completed a Delinquent/Inactive Form on 8/8/2011 and answered "no" to question #8, which asks: "Have you ever been arrested, charged, convicted, pled no contest, entered into a District Attorney Intervention program or are charges pending against you for a crime (misdemeanor or felony) in any state? (If yes, attach all court documents or intervention papers along with detailed narrative statement(s))." (Refer to Exhibits B, C & H)

However, the board received the respondent's criminal background records which indicated the following arrests:

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- 06/27/2003 UNLAWFUL TO UNKNOW/INTENTIONALLY POSSESS W/O
RX DIAZEPAM (11/7/03-PG POSS DRUG PARA)
- 11/28/2009 CHARGE 1: OPERATING VEH, WITH SUSPENDED
LICENSE; OTHER OFFENSES
CHARGE 2: OWNER TO SECURE REGISTRATION
- 11/11/2010 CHARGE 1: BOSSIER SO WARRANT – FAIL TO APPEAR
FOR THE CHARGE OF DRIVING UNDER REVOCATION
CHARGE 2: FUGITIVE FROM DESOTO SO
CHARGE 3: FUGITIVE FROM CADDO SO

3. The board received information that the charges on 11/28/2009 and 11/11/2010 were nolle prossed. Regarding the 6/27/2003 arrest, the respondent pled guilty to possession of drug paraphernalia on 11/7/03. (Refer to Exhibit L)

The respondent did complete her refresher course through South Dakota State University. The respondent is now living in a more stable environment and has the full support of her father. The respondent's father testified on her behalf and was found to be credible. (Refer to transcript pages 26-29)

The hearing officer found the respondent has made changes in her life that exhibit that she is competent to have a practical nursing license.

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);
 - (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;
 - (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.

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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;
 8. being guilty of unprofessional conduct;
 - i. falsifying records;
 - 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.

The matter of Lisa Withers, license #880656, 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, Lisa Withers, license #880656 be issued a Letter of Reprimand with the following stipulations:

1. 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, payable within 90 days from the date this order is executed.
 - 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.
 - 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.

2. Courses:

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

- Medical-Surgical Nursing (minimum 30 hours)
- Pharmacology (minimum 30 hours)

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Evidence of completion of the course(s) is due in the board office within **30 days** of the date of this order.

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

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 2885** and regular mail to the following address:

Lisa Withers
P.O. Box 635
Sulphur, OK 73086