

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:

Ebitimi Kpaki
S.S. # ending in 4621

This cause having come to be heard at a formal hearing conducted at the board office on **August 28, 2014 at 9:30a.m.** upon the complaint filed in this matter.

1. The respondent was present for the scheduled hearing and did give sworn testimony. The hearing officer found the respondent credible.
2. There were no witnesses called to testify either by the board or the respondent at the formal hearing.
3. Exhibits A-H 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 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 answered "yes" to question #1 on the endorsement application which asks: "Have you ever been indicted, charged with, summoned into court as a defendant in a criminal proceeding, arrested (even if you were not taken away in handcuffs or incarcerated), fined, imprisoned or placed on probation or ordered to deposit bail for the violation of any law, police regulation or ordinance, misdemeanor and/or felony offense (except for minor traffic violations) whether or not charges were **expunged/dismissed and/or refused**; or have you ever been convicted (including a nolo contendere plea, guilty plea or entered into a district attorney intervention program) of any criminal misdemeanor and/or felony?" (Exhibit B)

The respondent was arrested for prostitution on August 4, 2004. She was living with her boyfriend and they needed money. She served two years probation and two days in jail, was required to pay fines/fees, and was ordered to take an AIDS education class, which included being tested. The respondent completed her probation and the charges were

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dismissed and expunged. (Exhibit C) (Hearing Transcript (H.T.) Pg. 9 line 10- Pg. 11 line 17)

The respondent was arrested for child endangerment on May 7, 2010. The respondent's six month old daughter was sleeping, so she left her in the car, with the windows cracked, and went into the bookstore. The respondent received a four year probation and forty hours community service, and was required to enroll in parenting classes and pay fines/fees. The respondent completed her forty hours of community service and successfully completed all parenting classes. Her probation is ongoing. (Exhibit C) (H.T. Pg. 11 line 18- Pg. 18 line 1)

2. The respondent also answered "yes" to question #2 which asks: "Have you ever been denied a license, or has your license ever been disciplined by any nursing board in any jurisdiction, voluntarily surrendered your license, entered into an agreement restricting or monitoring practice, or are there charges pending against you in any state or jurisdiction?" (Exhibit B)

The respondent's initial denial of licensure from the state of California in 2011 was based on the fact that not enough time had passed since her conviction of 2010. The respondent filed an appeal and was granted a probationary license. (Exhibit D) (H.T. Pg. 18 line 2- Pg. 22 line 12)

3. The respondent failed to report being denied a license by the Mississippi State Board of Nursing. She said it was an accident. The respondent stated her application was denied in Mississippi because she had just received a denial in California and not enough time had passed on her 2010 charge. (Exhibit E) (H.T. Pg. 22 line 13- Pg. 23 line 23)

The hearing officer found the respondent used poor judgment as a young adult and Fortunately, now she has the support of her father.

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

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- 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.

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;
 - 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 Ebitimi Kpaki, S.S. # ending in 4621, 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, Ebitimi Kpaki, S.S. # ending in 4621, be granted a temporary permit and be made eligible to take a refresher course. Once the refresher course is satisfactorily completed, the respondent may then be granted a license by endorsement, which will be immediately placed on **probation** for a minimum period of **fourteen (14) months** with the following stipulations:

1. **License:**
 - A. The license of the respondent will be stamped "**PROBATION**".
2. **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.

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- 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 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.
 - E. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.
3. **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).
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. **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** of the date of the board order/consent order.
 - ii. Upon obtaining new employment as an LPN, the respondent shall enter into the board's **Employer's Agreement** (form(s) issued by

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- 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.
- J. Upon obtaining a prescription for controlled/abuse potential substance(s) while holding a probated license, the respondent is responsible for informing his/her employer within **three (3) days** from the date of the prescription(s).

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 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 2953 and regular mail to the following address:

Ebitimi Kpaki
6095 Anna Ct.
Corona, CA 92880