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:

Sheila Buxton
S.S. # ending in 6358

This cause having come to be heard at a formal hearing conducted at the board office on **September 25, 2014 at 1:30 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 witnesses were called to give sworn testimony on the board's behalf:
   a. Kimberly Masters, RN
   b. Lenora Evans, RN
   c. DeAnne Kiper
   d. Dr. George Roberts

3. Exhibits A-N were admitted into evidence at the hearing, as well as Respondent's Exhibits 1-3. The hearing officer fully reviewed and considered all exhibits.

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

On May 25, 2011, the board received the respondent's student evaluation form for admission into the practical nursing program at Northeast LTC-Winnsboro Campus. On this form the respondent answered **"YES"** to question #32 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, 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 dismissed and/or refused; or have you ever been convicted (including a nolo contendere plea or guilty plea) of any criminal misdemeanor and/or felony?"

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According to the respondent's criminal background record, she was arrested as follows:

- 6/24/2002 Charge 1-Telephone Communications; Improper Language; Harassment; Penalty
- 7/8/2002 Charge 1- Disturbing the Peace
- 7/27/2002 Charge 1-Enter/Remain in Places/on Land After Being Forbidden
  Charge 2- Disturbing the Peace

The respondent's narrative stated these arrests were involved with divorce proceedings and a custody battle. (Refer to Exhibit B)

On August 22, 2012, the board received the respondent's student evaluation form for admission into the practical nursing program at Louisiana Delta Community College-Northeast Campus. On this form the respondent answered **"YES"** to question #24 which asks:

"Have you ever failed a nursing course, been dropped, suspended, placed on probation, expelled, fined or asked to resign from any post-secondary educational program in which you were enrolled?"

The respondent provided a narrative which stated she did not pass two subjects in her prior enrollment in the PN program.

She also answered **"YES"** to question #32 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, 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 dismissed and/or refused; or have you ever been convicted (including a nolo contendere plea or guilty plea) of any criminal misdemeanor and/or felony?"

The respondent again stated in her narrative that the arrests were during her divorce. (Refer to Exhibit D)

On or about December 2, 2013, the board received a student withdrawal form from Louisiana Delta Community College-Northeast Campus. The explanation for the withdrawal is as follows:

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"After being informed of failure of Med-Surg III, Ms. Buxton got very upset, called her mother to come to the school and both began threatening the instructors, yelling and nursing on the school campus requiring law officers to be called. She has been prohibited from coming to campus or clinical sites; therefore, this caused her to be unable to complete her final class in this semester."

On January 13, 2014, the board received the respondent's student evaluation form for admission into the practical nursing program at Central Louisiana Technical College-Ferriday Campus. The respondent answered **"YES"** to question #15A which asks:

"Have you ever been enrolled in any health occupational course(s) (including nursing)?"

However, she answered **"NO"** to question #15B which asks:

"Have you ever had any disciplinary action, been allowed to resign, or requested to leave temporarily or permanently while in any professional or occupational training program (including nursing) prior to the completion?"

The board received information from Delta Community College regarding the respondent. This included disciplinary action forms for substandard work in the clinical setting related to: the inability to make a bed or to know what a draw sheet is; the lack of knowledge in understanding basic nursing abbreviations; unsafe medication practice/medication error; refusal of assignment; unprofessional behavior; poor personal hygiene; exhibiting questionable behavior which warranted a drug screen and caused a patient's family member to request respondent not take care of the family any longer. Also included was the incident report from the college, the police report of the incident involving the respondent and her mother, the suspension letter from the coordinator of student affairs, the letter requesting an appeal from the respondent to the college and the letter of rejection of the appeal from the Student Disciplinary Hearing Committee. (Refer to Exhibit G)

On this form the respondent also answered **"YES"** to question #19 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, 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 dismissed and/or refused; or have you ever been convicted (including a nolo contendere plea or guilty plea) of any criminal misdemeanor and/or felony?"

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Once again, the respondent's narrative stated the arrests were related to her divorce proceedings. (Refer to Exhibit F)

On March 6, 2014, the board requested a narrative explaining why the respondent was dismissed from the practical nursing program at LDCC-Northeast Campus. A letter from the respondent's current practical nursing program coordinator acknowledging the respondent reported the reason she was dismissed from the prior program was also requested.

On March 13, 2014, the board received the respondent's narrative statement. In her statement she addressed each disciplinary action against her and stated she had not read question 15B completely to understand what it was asking. (Refer to Exhibit H)

On March 17, 2014, the board received a letter from the practical nursing program coordinator at CLTC-Ferriday Campus, explaining the respondent had notified her of the false information on the respondent's Admission Evaluation Form. It was also noted in the letter that the respondent's transcripts sent from the prior program did not denote a suspension status, only that the respondent had exited. (Refer to Exhibit I)

On August 7, 2014, the board received the respondent's First Time Writers Application requesting to take the NCLEX-PN to receive a practical nursing license in the state of Louisiana. (Refer to Exhibit K)

After reviewing the case, the hearing officer found the testimony of Deanne Kiper, Campus Director of Delta College for 11yrs, to be very compelling and honest. Please refer to transcript pages 96-126. The hearing officer found that the instructor handled the respondent harshly. The hearing officer did not find justification for the way the instructor treated the respondent. The hearing officer did find that the respondent falsified information on her admission form to CLTC-Ferriday Campus. Please refer to the letter of recommendation from Ms. Lipsey RN, Nursing Instructor from CLTC-Ferriday Campus-Respondent Exhibit 2 & 3.

The hearing officer did find the respondent to be credible and should be allowed to sit to take the NCLEX.

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);
(a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing; (c) is unfit, or incompetent by reason of negligence habit, or other causes; (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;
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 **Sheila Buxton, applicant for licensure,** 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, **Sheila Buxton, applicant for licensure** be made eligible to take the NCLEX-PN. Once the respondent has successfully passed boards, the respondent's license will be immediately placed on **probation** for **one (1) year** with the following stipulations:

1. **License:**

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. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.

Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

B. 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.

C. The respondent is hereby assessed a hearing assessment fee of $500.00, **payable by cashier's check or money order only**, within **90 days** of the date of this order.

D. 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**.

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 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.

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.

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).

6. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas: **Anger Management-30 hours**; **Coping Skills/Stress Management-30 hours**. Evidence of completion of the course(s) is due in the board office within **90 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.

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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 3042** and regular mail to the following address:

Sheila Buxton
1007 H Grayson Street
Winnsboro, LA 71295