

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:

**Janaytt Freeman**  
**S.S. # ending in 0565**

This cause having come to be heard at a formal hearing conducted at the board office on **December 12, 2014 at 10:30 a.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. There were no witnesses called to give sworn testimony on the board's behalf.
3. Exhibits A-M were admitted into evidence at the hearing. Respondent's Exhibits 1-3 were later admitted into the record. 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**

1. On February 4, 2013, the board received the respondent's student evaluation form for admission into the practical nursing program at Delta College-Baton Rouge Campus. On this form the respondent 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?"  
(Refer to Exhibit B)

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The respondent's criminal background record from January 2013, showed the following arrests:

- 4/20/2011 Charge 1-felony-telephone communications; improper language; harassment  
Charge 2-theft  
Charge 3-terrorizing  
Charge 4-defamation  
Charge 5-cyberstalking  
Charge 6-felony-telephone communications; improper language; harassment  
Charge 7-criminal trespass  
Charge 8-aggravated assault  
Charge 9-felony-improper supervision of minor by parent/legal custodian  
Charge 10-fugitive St. James

Charges were dismissed/refused (Refer to Exhibit H2)

- 4/26/2011 Charge 1-telephone communications; improper language; harassment

The respondent's FBI criminal background received by the board on April 10, 2014 showed the above charges as well as the following:

- 3/11/2014 Charge 1-aggravated assault  
Charge 2-cyberstalking

2. On May 22, 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.

On this form, the respondent answered "YES" to the question which asks: "Since your enrollment in the practical nursing program, have you been arrested, charged, convicted of, plead guilty or no contest and/or nolo contendere, or been sentenced for any criminal offense in any state?" (Refer to Exhibit D)

The respondent was in a fight. The respondent pressed charges against another female and when the female found out, she in turn pressed charges against the respondent saying the respondent had assaulted her.

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On July 8, 2014, the board received a certified court document and narrative statement from the respondent. The court nolle prossed the charge of cyberstalking and found the respondent guilty on the charge of aggravated assault. (Refer to Exhibit F)

On September 22, 2014, the respondent was sentenced to pay a fine and court costs. (Refer to Exhibit G)

The hearing officer did find that the respondent made poor social choices in her personal life. However, two strong letters of recommendation were obtained from the respondent's nursing school instructors. The letters referred to the respondent's excellent critical thinking abilities, her willingness to be a team player and her ability to take constructive criticism and turn it into a learning process for growth. Also, a positive letter of recommendation was submitted from the respondent's current employer stating "Her level of maturity has greatly improved; she has strong work ethics; she developed rapport with the patients and their families."

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;**
- (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.

- 2. **being guilty of a crime;**
- 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**

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- 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.**

**ORDER**

The matter of **Janaytt Freeman, 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 respondent, **Janaytt Freeman, applicant for licensure** obtain a psychological evaluation, and upon a positive review, the respondent be allowed to sit for the NCLEX-PN. Upon passing the NCLEX-PN, the respondent's practical nursing license will be placed on **probation** for **one year**.

In the event of an unfavorable evaluation, the respondent will need to complete the recommended treatment and obtain a letter from the assessor confirming she is safe to practice prior to being made eligible to take the NCLEX-PN. An unfavorable evaluation may result in further disciplinary action.

The respondent, **Janaytt Freeman, applicant for licensure** must adhere to the following stipulations:

1. **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).
2. **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.
3. **Obtain the following evaluation(s):**

**Psychological evaluation prior to being made eligible**

  - A. Within **thirty (30) days** of the date of this order, the respondent shall undergo

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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. history of chemical/alcohol use
  - ii. past and present treatment and/or recovery activities
  - iii. results of any testing conducted
  - iv. a summary of the findings
  - v. treatment plan, if applicable
  - vi. list of medications prescribed, if applicable
  - vii. 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 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.

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4. **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 10<sup>th</sup> 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.

5. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas: **Anger Management-30 hours; Family/Domestic Violence-10 hours**. Evidence of completion of the course(s) is due in the board office within **90 days** of the date of this order.

6. **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,

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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**.
7. **Eligibility requirements:**
- A. All stipulations must be successfully fulfilled prior to being made eligible to take the NCLEX-PN.
  - B. The respondent is to submit a written request to be made eligible to take the NCLEX-PN to the board office.
  - C. If a chemical and/or psychological assessment was stipulated prior to being made eligible, the provider who conducted the original assessment must submit a letter to the board office indicating that he/she feels the respondent can safely practice practical nursing and under what conditions (i.e., recommendations for ongoing 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 compliance with the above listed stipulations, the respondent may then be made eligible to take the NCLEX-PN. Upon passing the licensure exam, the respondent's license may then be placed on probation for a minimum period of **one (1) year**. During this probationary period the respondent shall follow **stipulations #1, 2, 4, 5 and 6 as stipulated above and the following stipulations as stipulated below:**

**PROBATION STIPULATIONS:**

- 1. **License:**
  - A. 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,

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- 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** 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

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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 10<sup>th</sup> 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).

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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 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 3059 and regular mail to the following address:

Janaytt Freeman  
P.O. Box 487  
Garyville, LA 70051