

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

## **DEFAULT ORDER**

IN THE MATTER OF

**The Louisiana State Board of Practical Nurse Examiners (Board)**

v.

**Belinda McManus (respondent), LPN, license #282539  
2316 Merwood Street, Sulphur, LA 70663**

On **June 2, 2015**, a formal complaint/notice of hearing (attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint/notice of hearing, as required by the LAC 46: XLVII. 306.I and therefore the respondent waived the right to a hearing. In accordance with the LAC 46: XLVII. 306.J, this order is issued by default.

### **LEGAL AUTHORITY AND JURISDICTION**

The Board's legal authority and jurisdiction, in adjudication proceedings, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

### **FINDINGS OF FACT**

1. The respondent was licensed as a practical nurse in the state of Louisiana on 4/10/2008 by endorsement.
2. The board received a report from Louisiana Department of Health and Hospitals indicating a finding of emotional abuse was substantiated against the respondent while she worked as a licensed practical nurse at St. Martin de Porres Multi-Care Center. Reportedly, she was heard telling resident, J.H., "Get your ass out of bed." When questioned about the incident, she admitted she said that, but in a playful tone to get the resident to comply with medications. The respondent was terminated.

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3. The board received information from Golden Age of Welsh indicating that the respondent was terminated for use of improper language (cursing/hollering) in front of residents in reference to an employee. She was counseled previously regarding her communication with fellow employees and was warned that her next altercation would result in termination.
4. The board received information that the respondent was employed by Lake Charles Care Center from 5/13/11 to 6/10/11. According to the separation notice, the respondent quit without notice and it was noted that she would not be considered for rehire. The respondent failed to report to the board that she was employed with Lake Charles Care Center when asked for her 5 year work history.
5. Additionally, it came to the attention of the board that the respondent falsified employment applications to St. Martin de Porres and High Hope Care Center. According to the application she submitted to St. Martin de Porres on 4/17/14, she stated that her reason for leaving Golden Age of Welsh was because they no longer offered weekend doubles. On her application to High Hope Care Center on 6/16/14, she stated that she left Golden Age of Welsh because the DON would not handle issues brought to his attention. However, according to the termination documents submitted to the board by Golden Age of Welsh, the respondent was terminated/fired on 3/12/10 for use of improper language (cursing, hollering) in front of residents.

### CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4);
  - (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.**

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections 306 T.
3. being unfit, or incompetent by reason of negligence, habit or other causes;
8. being guilty of unprofessional conduct;
  - a. failure to practice practical nursing in accordance with the standards normally expected;

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- b. failure to utilize appropriate judgment in administering nursing practice;
  - 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;
  - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

## ORDER

In view of the above findings of fact and conclusions of law, the board issues the following order by default.

That the license of the respondent, **Belinda McManus, license #282539** be placed on **probation** for a minimum period of **one (1) year** from the date of this order.

During this probation time, the respondent must abide by the following stipulations:

1. **License:**

- A. The license of the respondent will be stamped "**PROBATION**".
- B. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order, so that the license can be stamped with the mandatory probation stamp.

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 \$1000.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, payable within **90 days** of the date of this order.

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- B. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only.**
- C. The probation monitoring fee is due within **three (3) months** of receiving a probated license, and annually thereafter until the probation is satisfactorily completed.
- D. Failure to pay these fine/fees in the time allotted will result in the immediate suspension of the respondent's practical nursing license.
4. **Notify board of change of address/telephone number/employment:**
- A. The respondent shall notify the board in writing within **ten (10) days** of any change in personal address, telephone number, or employment. Changes in employment include accepting a new job, as well as resignation, or termination.
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 this 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.

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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 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.

6. **Courses:**

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

- **Anger Management** (Minimum 30 CEUs)
- **Managing Difficult Patients** (Minimum 30 CEUs)
- **Conflict Resolution Skills** (Minimum 12 CEUs)
- **Patient Advocacy** (Minimum 8 CEUs)

Evidence of completion of the course(s) is due in the board office within **6 months** of the date of this order.

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## Violations

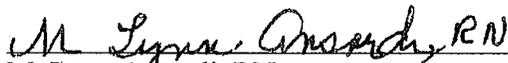
The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

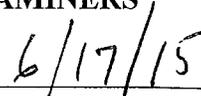
- a) immediate suspension of license, b) indefinite suspension of license, c) ineligibility for annual renewal of license, d) additional fines/penalties up to \$500.00 per occurrence, e) increased probationary period, f) summary suspension and g) revocation.

## 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.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

  
M. Lynn Ansardi, RN  
Executive Director

  
Date

Rendered this 17<sup>th</sup> day of June, 2015, and mailed this 17<sup>th</sup> day of June, 2015, by U.S. Postal Service, Regular and Certified Mail No. 7015 0920 0001 4574 7798 to:

Belinda McManus  
2316 Merwood Street  
Sulphur, LA 70663