

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Roslyn LeBeouf (respondent), LPN, license #940705
520 Daphane, Gonzales, LA 70737**

On July 9, 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 formal 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 issued a license to practice practical nursing in the state of Louisiana on 6/17/1994.
2. The respondent indicated "yes" to the following questions on her 2015 renewal application:

#18.a. on your application which asks: SINCE YOUR LAST RENEWAL, 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? (NOTE: even though an arrest or conviction has been pardoned, EXPUNGED, dismissed or deferred and your civil rights have been restored, you must answer "YES". You must supply the board within 10 days

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from the dated that you r submit your renewal application, a detailed written statement and a certified copy of the criminal record(s).

#18.c. on your application which asks: SINCE YOUR LAST RENEWAL: Have you entered into any type of chemical dependency program for drugs and/or alcohol? If yes, you must supply the board within 10 days from the date you submit your renewal application, a detailed written statement and a copy of your initial assessment and treatment plan.

#18.d. on your application which asks: SINCE YOUR LAST RENEWAL: Have you been diagnosed with a medical, physical, mental, emotional, or psychiatric condition that might affect your ability to safely practice as a practical nurse? If yes, you must supply the board within 10 days from the date that you submit your renewal application, a detailed written statement and a letter from your treating physician indicating that you can safely practice practical nursing.

3. The respondent's practical nursing license was suspended on January 29, 2015 for failing to sufficiently respond to the board's request for information.
4. The board received information that on or about 11/17/14, the respondent was found guilty on counts 1, 2, and 3 of an indictment after a plea of not guilty.
 - Count 1- Conspiracy to commit health care fraud (4/30/12)
 - Count 2-Health care fraud (3/25/09)
 - Count 3-Health care fraud (9/3/08)

The respondent was sentenced to be imprisoned for a total term of 90 months on counts one, two, and three, to run concurrent. It was also determined that she must make restitution in the amount of \$43,528,584.00.

5. The respondent failed to report on her previous renewals that she was charged with the above offenses as required.
6. The board received information from Old Jefferson Community Care Center that the respondent was dismissed from her position as an LPN on 6/11/13 for substandard work quality. She failed to administer ordered medications on multiple residents as evidenced by lack of documentation on most residents over 2 days. She was rehired on 8/1/13 and submitted her letter of resignation on 5/23/14.

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 provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, §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;**
- (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.

As further defined in the Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, §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;**
- 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;**
 - g. improper use of drugs, medical supplies, or patients' records;**
 - h. misappropriating personal items of an individual or the agency;**
 - i. falsifying records;**
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - 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;**
 - o. being guilty of moral turpitude;**
 - p. inappropriate, incomplete or improper documentation;**
 - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.**

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ORDER

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

The license of the respondent, **Roslyn LeBeouf, license #940705** is hereby **revoked**, effectively immediately upon execution of this order. Revocation is permanent in the state of Louisiana.

Furthermore, the respondent must:

- A. Return his/her current practical nursing license to the board office within **five (5) days** of the date of this order.
- B. Not practice as a practical nurse in the state of Louisiana.
- C. Submit a fine of **\$500.00, 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.

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

M. Lynn Ansardi, RN
Executive Director

7/29/15

Date

Rendered this **29th** day of **July, 2015**, and mailed this **29th** day of **July, 2015**, by U.S. postal service certified mail return receipt **#7015 0920 0001 4574 5732** and regular mail to the following address:

Roslyn LeBeouf
520 Daphane
Gonzales, LA 70737

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July 9, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 0920 0001 4574 8764

Roslyn LeBeouf
520 Daphane
Gonzales, LA 70737

LICENSE #940705
D.O.B. 04/09/1961

FORMAL COMPLAINT

The Louisiana State Board of Practical Nurse Examiners, hereinafter called the board, files this formal complaint against the respondent. This serves as notice required by the Administrative Procedure Act R.S. 49:955(B).

A hearing will be conducted at the offices of the board on the date and at the time specified here:

Date: August 7, 2015

Time: 10:30 a.m.

Place: 131 Airline Dr., Suite 301, Metairie, LA 70001

The nature of the hearing is prosecution of the matter:

The Louisiana State Board of Practical Nurse Examiners
v.
Roslyn LeBeouf

The board's legal authority and jurisdiction, in this process of adjudication, 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.

ATTACHMENT

A

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The hearing concerns alleged violations of the following sections of the statutes/rules:

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;
 - (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;
 2. being guilty of a crime;
 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;
 - g. improper use of drugs, medical supplies, or patients' records;
 - h. misappropriating personal items of an individual or the agency;
 - i. falsifying records;
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
 - 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;
 - o. being guilty of moral turpitude;
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The major issues involved include, but are not limited to the following:

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You have ten (10) days prior to the date fixed for the hearing to respond (response form enclosed) to this complaint. If you fail to respond, in writing, within this time, you will be deemed to have waived the right to a hearing and action may be taken on this complaint by default, or the hearing may proceed in your absence.

Please find enclosed, a copy of rules related to the formal hearing process.

RIGHT TO PETITION FOR REHEARING/APPEAL/JUDICIAL REVIEW

A decision issued by the board, after the hearing in this matter, may be appealed. LRS 37:976 provides: "Appeals from decisions of the board shall be to the Civil District Court of Jefferson Parish..." The petition for appeal must be filed within thirty days of the date of the mailing of the notice of the board's final decision; copies of the petition must be served on the board and all parties of record (LRS 49:964). A request may also be made to the board for rehearing, re-opening or reconsideration of the board's order. This request must be filed within ten days from the date of the board order and set forth legally sufficient reasons for granting the requests. (LRS 49:959 and LAC 46:XLVII.306.S).

M Lynn Ansardi RN

By: _____
M. Lynn Ansardi, RN
Executive Director

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July 9, 2015

Please sign, date and return to the board office at 131 Airline Dr., Ste. 301, Metairie, LA 70001.

_____ **I admit** to the allegations contained in the notice of complaint and **will appear** for the scheduled formal hearing.

_____ **I deny** the allegations contained in the notice of complaint and **will appear** for the scheduled formal hearing.

_____ **I admit** to the allegations and **hereby waive my rights** to a formal hearing in the matter. **I will not appear** for the scheduled formal hearing and understand that in doing so my case may either be heard without my appearance, or the Board may issue an order by default.

_____ **I deny** the allegations and **hereby waive my rights** to a formal hearing in the matter. **I will not appear** for the scheduled formal hearing and understand that in doing so my case may either be heard without my appearance, or the Board may issue an order by default.

_____ I enclose my written response to the allegation(s) contained in the notice of complaint and **will not appear** for the scheduled formal hearing. I understand that in doing so my case will be heard without my appearance.

NAME: _____

ADDRESS: _____

PHONE#: _____

DATE: _____

SIGNATURE: _____