

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:

Shantanna Chambers - respondent
License #230866

This cause having come to be heard at a formal hearing conducted at the board office on April 10, 2015, at 2:30 p.m. upon the complaint filed in this matter.

1. The respondent was present for the hearing and did give sworn testimony. The respondent called Collette Ruffin Thibeaux, LPN as a witness to testify on her behalf.
2. The following witnesses were called to testify by the board and were considered credible by the hearing officer:
 - Tania LeMaire, Administrator
Kaplan Healthcare
 - Sophia Ditch, RN, DON
Maison Du Monde
3. Exhibits A-R were admitted into evidence at the hearing. 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

During the formal hearing process, the following facts were confirmed:

1. The respondent was issued a Louisiana practical nursing license on 12/4/2003.
2. On 4/5/2007, the respondent entered into a consent agreement with the board, placing her practical nursing license on probation for two years for submitting falsified time sheets to her employer. On 2/7/2011, she completed the terms of her probation and was issued an unencumbered practical nursing license. **(Refer to exhibits B-1 through B-5)**

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3. The respondent was accused of emotional and physical abuse of 3 residents in separate incidents at Kaplan Healthcare Center. On 3/29/13, it was reported that the respondent was verbally abusive to resident, B. Bertrand. The resident felt as though the respondent fussed at her when she questioned her about her oxygen cannula being found on the floor. On 6/1/13, the respondent was suspended after an allegation of physical abuse. On 8/12/13, resident, L. Chapman alleged that the respondent hurt her and bruised her arm while attempting to transfer her out of bed. The resident said that the respondent threatened to have her sent to a behavioral facility. A finding of emotional abuse was substantiated after an investigation. Law enforcement was notified of each of these incidents. The reports of physical abuse of the residents were unsubstantiated.

The report of physical abuse was unsubstantiated and the respondent's suspension was lifted, according to the testimony of Tania LeMaire. **(Refer to transcript p. 15, lines 4-20)**

The respondent acknowledged in her testimony that she could have spoken to the resident differently and that it was never her intention to scare or threaten the resident. **(Refer to exhibit E-14 and transcript p. 49, lines 2-10)**

4. The respondent falsified her renewal application for her 2014 practical nursing license. She answered "NO" to question #18.a. 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").

The respondent was arrested on April 17, 2013 by the Abbeville Police Department for the charges of theft of goods, resisting an officer by flight, and a warrant for careless operation. **(Refer to transcript pp. 56-57)**

5. The respondent was charged with issuing worthless checks on 12/11/2011 in Vermillion Parish. **(Refer to transcript p. 60, lines 4-8)**

The respondent was also charged with failure to return lease movable on 6/18/13 and theft of goods on or about 12/10/12 by Abbeville Police Department. **(Refer to p. 63, lines 1-22)**

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The respondent failed to report these charges on her renewal applications for the years 2012, 2013 and 2014, as required by the board. **(Refer to exhibits F-6-F-11)**

6. The respondent was employed by Pelican Pointe Healthcare and Rehabilitation as an LPN from 10/10/2008 to 6/1/2012. She received a warning on 1/3/12 for failing to follow instructions from her supervisor. On 12/30/11, the respondent admitted that she was asked to take over a hall secondary to a nurse being ill, and an injury to a resident occurred which resulted in an argument between the respondent and a CNA. The respondent was observed yelling and displaying unprofessional behavior. On 6/1/12, she was terminated for failing to complete assignments in a timely manner. **(Refer to exhibit M-9 and transcript p. 80, line 13 through p. 81, line 17)**
7. Ms. Sophia Ditch testified that the respondent was employed as an LPN at Maison du Monde Living Center and was counseled on 4/7/12 and 4/8/12 for dishonesty and improper conduct. The respondent left the facility for three and one-half hours and told her supervisor that she was given permission to leave. On 5/8/12, she was warned about her general conduct following a complaint from a resident regarding her tone of voice and comments made to the resident. On 7/3/12, she failed to complete an incident and accident form and failed to initiate neurochecks following a resident's fall. On 7/5/12, she received a 3 day suspension due to a complaint from a family member that she was rude to a resident and made the resident wait an hour and forty-five minutes before administering pain medication. **(Refer to transcript pp. 30-37)**
8. The respondent admitted that she was placed on suspension and received a verbal reprimand on 1/31/14 for failing to produce her LPN license timely while employed at Woodlake Addiction and Recovery Center. **(Refer to transcript p. 75, lines 1-25)** On 10/10/14, she was notified that five different patients complained that she was mean and treated them abrasively. **(Refer to exhibit K-3)**
9. The respondent was arrested on 9/19/2008 for the charge of False or Fraudulent Claims. The respondent was placed on probation and required to pay restitution. The respondent admitted that she did not report this arrest to the board as required. **(Refer to transcript p. 69, line 5 through p. 70, line 10)**

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The hearing officer found that the respondent admitted to all allegations included in the formal complaint with the exception of patient abuse. It was determined that the reports of physical abuse of the resident were unsubstantiated by the facility. The hearing officer found that the respondent was not truthful to the board in reporting all arrests as required on her renewal applications.

JURISDICTION

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 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;**

b. **failure to utilize appropriate judgment in administering nursing practice;**

c. **failure to exercise technical competence in carrying out nursing care;**

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- 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;
- l. leaving a nursing assignment without properly notifying appropriate personnel;
- 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.

ORDER

The matter of **Shantanna Chambers, license #230866** on **July 31, 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, **Shantanna Chambers, license #230866** be **SUSPENDED** for no less than **two (2) years** from the date of this order.

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

1. **Return license to the board office:**
 - A. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order.
 - B. The respondent shall not practice nursing during the period that his/her license is suspended.

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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. **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.

4. **Courses:**

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

- **Patient Advocacy and Ethical Nursing Practice (minimum 8 credit hours)**
- **Communication Skills for Nursing (minimum 30 credit hours)**
- **Managing Difficult Patients (minimum 30 credit hours)**

Evidence of completion of the course(s) is due in the board office **within 90 days** of the date of this order.

5. **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.
- B. 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.
- 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**.

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6. **Reinstatement requirements:**

- A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.
- B. The respondent is to submit a written request for reinstatement to the board office.

Upon favorable review of the reinstatement request, the license of the respondent may then be placed on probation for a minimum period of **two (2) years**. During this probationary period the respondent shall follow **stipulations #2 and 3 above and 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, so the license can be stamped with the mandatory probation stamp.

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.**
- 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).

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- 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.

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- 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.

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 31st day of July, 2015 and signed this 31st day of July, 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 31st day of July, 2015, by U.S. postal service certified mail return receipt #7015 0920 0001 4574 5664 and regular mail to the following address:

Shantanna Chambers
911 N. Faye Ave., Apt. 107
Kaplan, LA 70548