

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

July 31, 2015

Rebecca Aubin
1037 Hwy 457
Le Compte, LA 71346

Dear Ms. Aubin:

Enclosed you will find your board order with the stipulations set forth which you **must follow** throughout your Suspension and/or Probation period.

Please read the entire order **completely and carefully**. Failure to follow **all** stipulations set forth may result in further disciplinary action being taken against your practical nursing license, which may include additional fines, an extended probation period, suspension, revocation and/or denial of licensure.

You may also go to the board's website at www.lsbpne.com at any time to review the Administrative Code pertaining to practical nurses, including the Rules and Adjudication, License Suspension and Revocation Proceedings, §306. This information was also included with your formal complaint.

If you have any questions or concerns you should submit them in writing to the board office, please include your current address and telephone number with your request.

**LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS**

M Lynn Ansardi, RN

M. Lynn Ansardi, RN
Executive Director

MLA/kg

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In the matter of: Rebecca Aubin
License # 290120
D.O.B. 06/05/1967

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on December 12, 2014. The nature of the hearing was prosecution of the matter.

1. The respondent was present for the hearing and did give sworn testimony
2. There were eight (8) witnesses called by the board to testify at the formal hearing. These witnesses were:
 - Mattson Kistrup
 - Jeffery McGee, RN
 - Tamiko Jones, CNA
 - Debra A. Sanders
 - Shatterica Sanders, CNA
 - Sharon A. Dwellingham, CNA
 - LaDetria Dadie, LPN
 - Hank Allen Cooley, Jr.

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. The respondent was issued a license to practice practical nursing in the state of Louisiana on January 28, 2009.
2. The respondent was employed with Lexington House on September 7, 2011. The respondent failed to start and correctly label feeding bags as ordered. She was counseled on October 6, 2011. The respondent placed a physician order in the computer system 6 ½ hours after receipt. She was counseled on November 30, 2011. The respondent was terminated from the facility on December 2, 2011, due to violation of policy. (Refer to page 215 lines 17-25, pages 216-218 of the hearing transcript, Exhibits H1-H14)
3. The respondent was employed with the Oaks Care Center on December 15, 2011. The respondent signed out Ativan 0.5mg for a patient on December 27, 2011 at 1:00 p.m. and 5:00 p.m., then again on December 28, 2011 at 1:00 p.m. for a patient who was in the hospital. The respondent failed to follow the "rule of three" before removing the

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medication. The medication was destroyed. She was counseled on December 29, 2011. On January 1, 2, and 3, 2012, the respondent administered Norco to a resident and failed to document administration on the front and back of the medication administration record. She was counseled on January 18, 2012. (Refer to pages 48-53 of the hearing transcript and exhibits I6-I18)

4. While employed at the Oaks Care Center, the respondent verbally abused a resident in her care. An investigation was started after an allegation was made that a resident's daughter had stolen her narcotic medication while out on pass. On April 29, 2012, the resident was upset because her daughter was unable to visit due to the current investigation. The respondent entered the resident's room to administer insulin and the resident refused because she (the resident) blamed the respondent for the investigation. The respondent used inappropriate and non-therapeutic communication by telling the resident that "her daughter had a problem and maybe she could get some help now". This caused the resident emotional distress in that she did not want to receive care from the respondent and debated leaving the building.

The respondent failed to attempt any other measures to ensure the resident received her insulin as ordered. The respondent reported the refusal 1 ½ hours later, which was outside the nursing standard for administration of medication. The respondent was terminated from the facility on April 25, 2012, for substantiated allegation of emotional abuse towards a resident. (Refer to pages 11-57, pages 208-215 of the hearing transcript and exhibits I1-I65)

5. On July 11, 2014, while employed with St. Christina Nursing and Rehabilitation Center, the respondent emotionally and verbally abused a patient in her care. St. Christina specializes in residents with psychiatric issues. A resident in the respondent's care was agitated and using profanities. The respondent informed the resident that she would administer a PRN injection and the resident refused. Although the resident refused, the respondent prepared the medication, called certified nursing assistants to help restrain the resident, charged and chased the resident even after he fell over a bench multiple times and became combative. Initially, the respondent refused to remove herself from the situation. Another practical nurse stepped in to intervene and calm the resident. The respondent used profanities toward the resident, only further agitating the resident and escalating the situation. The resident ultimately was calmed by the other LPN whom he allowed to administer the medication. He was removed from the care of the respondent for the remainder of the shift. (Refer to pages 61-203, pages 219-237 of the hearing transcripts and exhibits B1-B8, C-1, D1-D29)
6. The board issued an order of summary suspension against the respondent's license on September 5, 2014. (Exhibit G1-G5)

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The hearing officer finds that throughout the respondent's nursing career she has acted inappropriately towards residents in her care. The respondent has failed to use therapeutic communication when dealing with difficult patients. The respondent has also failed to follow policies and procedures regarding medication administration and documentation. On two occasions, the respondent has verbally abused patients in her care. The respondent attributes her behavior at St. Christina's to her history of domestic abuse that occurred approximately 15 years prior. The hearing officer is concerned that if the respondent were to be placed in a similar situation involving a difficult patient, that her responses and judgment would not be any different.

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);
 - (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;
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;**
 - b. **failure to utilize appropriate judgment in administering nursing practice;**
 - c. **failure to exercise technical competence in carrying out nursing care;**
 - g. **improper use of drugs, medical supplies, or patients' records;**
 - j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - 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, **Rebecca Aubin, license #290120**, 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, **Rebecca Aubin, license #290120** remain **SUSPENDED** until the following stipulations are met:

1. The respondent shall not practice nursing during the period that his/her license is suspended.
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. **Obtain the following evaluation(s):**

Psychological

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

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- 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 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.
5. **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.

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- 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 10th 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.

6. **Courses:**

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

- **Stress Management-30 CEU hrs.**
- **Ethics-30 CEU hrs.**
- **Documentation for Nurses-30 CEU hrs.**
- **Communication Skills for Nursing -30 CEU hrs.**
- **Conflict Resolution Skills-15 CEU hrs.**
- **Managing Difficult Patients-30 CEU hrs.**
- **Domestic Violence-30 CEU hrs.**
- **Anger Management-30 CEU hrs.**

Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

7. **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, within **90 days** of the date of this order.
- B. The respondent is hereby assessed a hearing assessment fee of \$1000.00, **payable by cashier's check or money order only**, within **180 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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8. **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.
- C. If a chemical and/or psychological assessment was stipulated before reinstatement can be considered, the provider who conducted the original assessment must submit a letter to the board office indicating that he/she feels the respondent can safely return to the practice of 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 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, 3, and 5 above and the following stipulations as listed below:**

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

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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.

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- 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.

FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING PERSONAL SUBSTANCE ABUSE WHETHER PRESCRIPTION DRUGS OR ILLEGAL DRUGS MAY RESULT IN SUSPENSION OF UP TO A FOUR (4) YEAR PERIOD WITHOUT A HEARING BEFORE THE BOARD. During the period of suspension, if related to substance abuse, appropriate consistent treatment must be obtained, and the respondent must show evidence of **two (2) consecutive years** of being drug/alcohol free immediately prior to the respondent's initiation of a reinstatement request. If during the **two (2) consecutive years** of sobriety the respondent relapses, the **two (2) consecutive years** of sobriety will re-start on the date of the relapse occurrence, provided that the respondent is in treatment.

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.

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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 9204 and regular mail to the following address:

Rebecca Aubin
1037 Hwy 457
Le Comte, LA 71346