

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

Nicole Percle
P.O. Box 1562
Morgan City, LA 70381

Dear Ms. Percle:

Enclosed you will find your board order.

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.

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: Nicole Percle
License # 960524
D.O.B. 03/06/1976

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on December 11, 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 two (2) witnesses called by the board to testify at the formal hearing. These witnesses were:
 - Tracy Rankin Dison, R.N.
 - Eben McClenahan, M.D.

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 June 6, 1996.
2. The respondent began an extramarital affair with a man who was a known drug user. In February 2014, she separated from her husband and they began living together. She was aware that he was abusing pills and heroin. In March 2014, out of "curiosity", the respondent began the use of heroin. (Refer to page 32 lines 5-25, page 33 lines 1-10 of the hearing transcript)
3. The respondent was employed by Teche Regional Medical Center on July 13, 2013. She was staffed on the women's unit in the nursery. The respondent used heroin 2-3 times per week and admits to calling in and not reporting for scheduled shifts so she could use heroin. (Refer to pages 8 through 10, page 33 lines 1-25, page 34 lines 1-5 of the hearing transcript)
4. On May 8, 2014, the respondent entered treatment at St. Mary's Treatment Center. The respondent reported a daily use of heroin. She admitted that her home environment was a high risk for continued substance use. The respondent was diagnosed with opioid dependence and referred for medically supported detox and inpatient substance abuse treatment.

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The respondent did not follow the recommendations to enroll in an inpatient substance abuse program. (Exhibits K-7 through K-19)

5. On May 30, 2014, the respondent presented to St. Mary's Treatment Center for a follow-up visit. The respondent reported continued use of heroin, following detox, admitting that she used because her boyfriend was continuing to use. (Exhibit K-16)
6. On July 1, 2014, the respondent presented to St. Mary's Treatment Center for a follow-up visit. The respondent was prescribed Ativan PRN with a quantity of 60 with two refills, for anxiety. (Exhibit E-2)
7. On July 11, 2014, the respondent presented to St. Mary's Treatment Center for a follow-up visit. The respondent reported that she continued to use heroin when she was with her boyfriend. Also, the respondent had used up the entire prescription of Ativan prescribed on July 1, 2014. Therefore, the medication was discontinued. The recommendation for inpatient treatment was discussed and again the respondent declined but agreed to intensive outpatient treatment. (Refer to page 18 lines 23-25, page 19 lines 1-16, page 20 lines 7- 25, page 37 lines 6-15 of the hearing transcript, Exhibit E-3)
8. On July 18, 2014, the respondent presented to St. Mary's Treatment Center for a follow-up visit. She reported that her boyfriend was in jail and that was helping her to stay away from him. She admitted that she was unable to stop talking to him. The counselor pointed out discrepancies in the respondent's goal to fix her family and return to work versus her behaviors to continue to engage with a man who triggers her substance abuse. (Exhibit K-22)
9. On August 4, 2014, during a group session at St. Mary's Treatment Center the respondent admitted to having thoughts about re-uniting with her boyfriend and using heroin. She admitted "I still can't let him go". (Exhibit K-29)
10. On August 5, 2014 the respondent admitted to having an addictive personality. The respondent was previously treated at St. Mary's Treatment Center for an addiction to gambling. The respondent reported she completed two months of treatment and has reduced her habit from 2-3 times a week to every 3-4 months for the past couple of years. (Refer to page 44 of the hearing transcript and exhibits K-15, K-31)
11. On October 30, 2014, the respondent satisfactorily completed her work at St. Mary's Treatment Center. At the formal hearing, the respondent admitted that she has not obtained a sponsor, has not attended any AA/NA meetings, and has not entered any type of 12-step recovery program to ensure sobriety. She further admits that she plans to

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re-unite with her boyfriend once he is released from jail. (Refer to page 35 lines 12-18, page 36 lines 12-22, page 38 lines 1-16, page 40 lines 9-13, page 43 lines 2-7, page 44 lines 1-12 of the hearing transcript)

The hearing officer finds that the respondent has exhibited poor judgment and poor insight. The hearing officer is concerned about her future sobriety and fitness to practice practical nursing based on continued use of heroin following her entry into treatment, and her admission that her initial use of heroin and her inability to maintain her sobriety is caused by her boyfriend. She admits the boyfriend is a trigger and is the person who introduced her to and injected her with heroin. Yet, the respondent is hopeful to continue the relationship once her boyfriend is released from incarceration, where he is facing charges of forgery and possession of drug paraphernalia. The respondent has not provided any evidence of good professional character to ensure that she can consistently act in the best interest of the patient, the clients and the public in any practice setting.

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;
 - (d) is habitually intemperate or is addicted to the use of habit forming drugs;
 - (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;
4. being habitually intemperate or addicted to the use of habit-forming drugs;
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;

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- j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
- q. using or being under the influence of alcohol, while on duty, and/or while making application for employment, or using or being under the influence of drugs which impair judgment while on duty, or using or being under the influence of illegal drugs whether on or off duty;
- 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 Nicole Percle, license #960524 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, Nicole Percle, license #960524 be

REVOKED AND

1. The respondent is hereby fined \$1000.00, payable by money order or cashier's check only, for the violations detailed in the conclusions of law, and due within 90 days of the date of this order.
2. A hearing assessment fee of \$1000.00, payable by money order or cashier's check only, is to be submitted to the board within 90 days of the date of this order.
3. The respondent shall return his/her current practical nursing license to the board office within three (3) 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.

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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 9198 and regular mail to the following address:

Nicole Percle
P. O. Box 1562
Morgan City, LA 70381