

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

Cheryl Priestley
105 Sherwood Drive
Hammond, LA 70401

Dear Ms. Priestley:

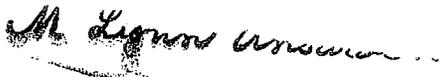
Enclosed you will find your board order with the stipulations set forth which you **must follow** throughout your Suspension and/or Probation period.

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
Executive Director

MLA/kg

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In the matter of: Cheryl Priestley
License #271148
D.O.B. 09/09/1975

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on November 21, 2014 and December 10, 2014. The nature of the hearings was prosecution of the matter.

1. The respondent was present for both hearings and did give sworn testimony
2. There were four (4) witnesses called by the board to testify at the formal hearing. These witnesses were:
 - Jody Martin
 - Suzanne Callihan Robinson
 - Scarlet Morse
 - Shelley B. Allison
3. There was one (1) witness called by the respondent to testify at the formal hearing. That witness was:
 - Lloyd Buddy Perkins, RN

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 October 10, 2007.
2. The respondent was employed with Concerned Care Home Health and Hospice from August 13, 2013 until October 7, 2013. During this employment, the respondent failed to ensure the safety and protection of sensitive patient health information by allowing her son to have access to her company issued droid, a device that was to be used for charting. The company received an overage of \$719 due to text messages attached to the respondent's droid, which was paid by the respondent. (Refer to pages 13 through 19, pages 86-94 of the hearing transcript volume I, exhibits C5-C8)
3. The respondent falsified her 2013 practical nursing renewal application by failing to report her arrest on August 2, 2012 for two counts of failing to appear, one count of felony theft (food stamp overpayment) and one traffic warrant. The charges were nolle

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passed due to payment of restitution. (Refer to pages 95-101 of the hearing transcript volume I, exhibits F1-F12 and G1-G2)

4. The respondent was employed with Heritage Healthcare of Hammond from February 9, 2010 to July 22, 2013. During this employment, the respondent failed to uphold the standards of practical nursing by unplugging a resident's alarm mat and by taking prescribed medications (Augmentin and Cipro) from the discontinued bin for self-use. Although it was proven that taking discontinued medications was commonly practiced and accepted by the nursing staff at the facility, as a practical nurse the respondent is required to uphold the standards of practical nursing. (Refer to page 54 lines 4-25, page 55 lines 1-25, page 56 lines 1-3, Page 57 lines 15-23, Page 58 lines 24-25, page 59 lines 1-11, page 64 lines 8-23 of hearing transcript volume I, page 183 lines 5-22 of hearing transcript volume II, exhibits K1-K16)
5. The respondent was employed with Tangipahoa Parish School System from October 27, 2010 until September 23, 2011. The respondent was assigned to care for a student diagnosed with prolonged seizures. The respondent was found asleep on duty on one occasion and allowed the child in the school without medication, which was against policy and procedures. (Refer to exhibits M16-M17, page 43 lines 13-23, page 46 lines 19-25, page 47 lines 1-22 of hearing transcript volume I)

The hearing officer found that the respondent throughout her nursing career has made several mistakes which have had the potential to cause serious harm to the patients assigned to her care, including potential privacy violations. However, through witness testimony it was proven that the respondent is a very compassionate and caring nurse who is willing to go above and beyond her assigned duties. The respondent's witness was able to provide testimony regarding her current employment status and spoke very highly of her practice as a practical nurse.

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);

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- (a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;
(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.
1. being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;
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;
g. improper use of drugs, medical supplies, or patients' records;
h. misappropriating personal items of an individual or the agency;
i. falsifying records;
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 Cheryl Priestley, license #271148, 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 practical nursing license of the respondent, Cheryl Priestley, license #271148, be placed on PROBATION for a minimum period of three (3) years with 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 license of the respondent will be stamped "**PROBATION**".

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2. **Fines/Fees:**

- A. The respondent is hereby fined \$500.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, payable within **180 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 **180 days** of the date of this order.
- C. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only**.
- D. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.
- E. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

3. **Obev 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).

4. **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.

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 the board

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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.
 - 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.

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- 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.

6. **Courses:**

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

- **HIPAA-30 CEU hrs.**
- **Supervisory Skills-30 CEU hrs.**
- **Ethics-30 CEU hrs.**
- **Patient Advocacy and Ethical Nursing Practice-30 CEU hrs.**

Evidence of completion of the course(s) is due in the board within 180 days of the date of this order.

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.

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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 9211 and regular mail to the following address:

Cheryl Priestley
105 Sherwood Drive
Hammond, LA 70401