

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:

Lacey Hemphill - respondent
License #20130838

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

1. The respondent was present for the hearing and did give sworn testimony.
2. The following witnesses were called to testify by the board:
 - Tracy Zimmerman, LPN
 - Casy Spatafora, HR Mgr.
 - Sandra Billings

The hearing officer found all witnesses credible.

3. Exhibits A-H were admitted into evidence at the hearing, as well as Respondent's Exhibit 1. 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 practical nursing license in the state of Louisiana on 8/15/2013.

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2. The board received a report from the Louisiana Department of Health and Hospitals regarding an incident at Winnfield Nursing and Rehabilitation Center. The respondent worked as a licensed practical nurse at Winnfield. On 4/17/14, resident M. Mancuso was discovered with redness and swelling to her left eye. The resident stated that a CNA had thrown a bottle at her. **(Refer to transcript p. 12, line 23 through p. 13, line 5)**

According to Tracy Zimmerman's testimony, the respondent was made aware of the incident and failed to report it. **(Refer to transcript p. 22, line 19 through p. 23, line 1)** According to Ms. Spatafora's testimony, the respondent admitted that the CNA had reported the incident to her, but that she could not come forward with the truth because she had already lied and could potentially lose her license. **(Refer to transcript p. 30, lines 1-6)**

The respondent was given another opportunity to come forward with the truth and continued to lie to cover up the incident. **(Refer to transcript, p. 31, lines 13-25 and p. 32, lines 1-7)**

The respondent admitted that she wanted to keep it quiet. She felt that if the bruise had not been discovered, no one would have known about the incident. **(Refer to transcript p. 21, lines 4-20, p. 65, lines 19-22 and p. 66, lines 2-10)** The respondent's employment was terminated.

The hearing officer found the respondent guilty of not reporting the physical abuse of a resident.

3. The respondent was employed with Forest Haven Nursing and Rehabilitation Center from 10/30/2013 to 3/2/2014. During her employment as an LPN, she was counseled on 2/17/14 for defective work. She failed to perform assessments and chart timely. She also failed to follow supervisor's directions by failing to report changes in a resident's status. She was suspended for 3 days as a result of this counseling. **(Refer to exhibit D-12 and transcript p. 38, lines 9-16 and p 41, lines 3-12)**

The hearing officer found the respondent to be more concerned about her friendships with co-workers and subordinates than the well-being of her patients. **(Refer to p. 41, lines 1-8, p. 63, lines 15-21, and p. 64, lines 10-13)**

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The hearing officer found the respondent was unprofessional and did not adhere to professional codes of conduct. The respondent failed to take care of her patients and lied in an attempt to protect herself.

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;**

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.

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;**
 - j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - m. **failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;**
 - 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

The matter of **Lacey Hemphill, License #20130838** 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, **Lacey Hemphill, License #20130838**, be **SUSPENDED** for no less than **one (1) year** 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.
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:

- **Ethics (minimum 8 CEUs);**
- **Supervisory Skills for Nurses (minimum 30 CEUs);**
- **Leadership and Management in Nursing (minimum 45 CEUs);**
- **Patient Advocacy and Ethical Nursing Practice (minimum 8 CEUs).**

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

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 \$1000.00, **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**.

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 **one (1) year**. 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.

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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).
 - 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.

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- 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.
- 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.

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Violations

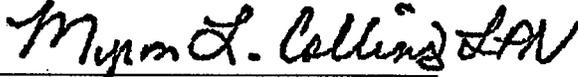
The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

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.

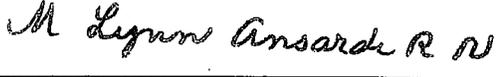
Public Records

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.

Rendered this 31st day of July, 2015 and signed this 31st day of July, 2015 at Metairie, Louisiana.



MYRON COLLEINS, LPN
CHAIRMAN OF THE BOARD



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 9990 and regular mail to the following address:

Lacey Hemphill
1131 Apt B Orchard Lane Drive
El Dorado, AR 71730