

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:

**Diane Brooks - respondent**  
**License #910611**

This cause having come to be heard at a formal hearing conducted at the board office on April 9, 2015, at 9:40 a.m. upon the complaint filed in this matter.

1. The respondent did not attend the hearing, although she indicated she would appear. She was contacted by telephone and said she was not coming; therefore, the respondent did not give sworn testimony.
2. The following witnesses were called to testify by the board:
  - Japinica Alexander, LPN, ADON
  - Tyan Thomas, CNAThe hearing officer found both witnesses very credible.
3. Exhibits A-T 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 licensed as a practical nurse in the state of Louisiana on 12/7/1991.
2. The board received a report that the respondent had been issued an arrest warrant for Assault and Battery regarding an incident that occurred while on duty as an LPN on or about 4/7/00. The respondent admitted to reacting in an inappropriate manner. The charges were dismissed as of 12/7/00. On January 29, 2001, the respondent signed a consent agreement with the board placing her practical nursing license on probation for one year. On January 9, 2003, her practical nursing license became no longer encumbered. (Exhibit B1-4)

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3. On October 2, 2008, the respondent was issued a default order suspending her practical nursing license with stipulations to be fulfilled prior to being placed on probation for two years. The respondent had been reported by her employer for failing to follow physician orders regarding a resident who was to be sent to the hospital. The respondent's practical nursing license was reinstated and placed on probation on 12/6/2010. (Exhibit C1-5)

On 1/27/14, the respondent's practical nursing license was suspended for violating her board order. (Exhibit D1-2)

4. The board received two separate reports from the Department of Health and Hospitals alleging abuse of residents while the respondent worked at Crescent City Health Care. Reportedly, on 1/16/14, she entered the room of resident, M.G., to administer an injection. The resident refused. The respondent grabbed his leg and shook it, cursed at him, pointed her finger in his face, and cursed his parents. Allegations of verbal, physical, and emotional abuse were substantiated. (Exhibit E1, J42-27)

It was also reported that later that same morning, the respondent cursed at resident, E.L., and threatened him, telling him that he better not say what she does or doesn't do at the facility. This resident reported that the respondent had often threatened him in the past. Allegations of verbal and emotional abuse were substantiated. Witnesses corroborated both incidents and her employment was terminated. (Exhibit E2)

The hearing officer finds that the respondent has proven that she lacks professional character to ensure that she can consistently act in the best interest of patients, clients, and the public in any practice setting. The respondent previously signed a consent agreement for an arrest related to assault and battery while she was on duty as a LPN. She was also issued a default order for not following physician orders and was on probation when the incidences of this hearing occurred. The respondent is currently still on probation. The hearing officer does not feel the respondent learned from her previous actions as an LPN, and finds the respondent guilty of physical and emotional abuse of both patients.

### **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;**

j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**

o. **being guilty of moral turpitude;**

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 **Diane Brooks, license #910611** 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, **Diane Brooks, license #910611** be **REVOKED** and

1. 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 **90 days** from the date this order is executed.

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2. 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.
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.

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 5671** and regular mail to the following address:

Diane Brooks  
1204 Bartholomew St.  
New Orleans, LA 70117-5208