

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:

Heather Freeman (Bennett) - respondent
License # 20100656

This cause having come to be heard at a formal hearing conducted at the board office on November 21, 2014 and December 11, 2014 upon the complaint filed in this matter.

1. The respondent was present at the hearing on November 21, 2014, and provided testimony. The respondent did not appear for the continuation of the hearing on December 11, 2014.
2. The following witnesses were called by the board and provided testimony on December 11, 2014:
 - John Stanley Talley, LCSW
 - Randall D. Craver, M.D.
LSU Health Sciences Center, Department of Pathology
Children's Hospital
 - Scott A. Benton, M.D.
University of Mississippi Medical Center
 - Neha Mehta, M.D.
Medical Director of Audrey Hepburn CARE Center
Children's Hospital

The hearing officer found Dr. Craver, Dr. Benton and Dr. Mehta to be very knowledgeable, and found their testimony credible.

- John G. Galaznik, M.D. (on behalf of respondent)

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:

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1. The respondent was licensed as a practical nurse in the state of Louisiana on 6/9/2010.
2. The respondent indicated on her 2014 renewal application that she was charged with 2nd degree murder of her 15 month old son. Washington Parish Courthouse records indicate that on motion of the state, the court ordered the matter nolle prossed on June 9, 2014.
3. The respondent was arrested on 10/10/12 for the charge of 1st degree murder of J.B., fifteen-month old victim. The respondent brought her son to Children's Hospital on 8/31/12, stating that he sustained injuries from a fall. As a result of the injuries, the child expired on 9/1/12.
4. The description of the injury from the respondent was not consistent with the findings in the autopsy.
5. According to Dr. Randall Craver's (pathologist) autopsy report and testimony, the cause of death was marked cerebral edema secondary to subdural hematoma (form of traumatic brain injury). Dr. Craver's testimony indicated that the child did not sustain his injuries from a single impact as described by the respondent. Dr. Craver testified, "But as I've talked about earlier, that you can see this extensive hemorrhage with a crushing injury, but there was no crushing injury, so repetitive back-and-forth movement rather than crushing or resuscitation injuries." (Refer to testimony transcript volume II, p. 171, lines 16-21)
6. Dr. Neha Mehta stated in her testimony, "My overall impression was this was nonaccidental head trauma." (Refer to testimony transcript volume II, p. 309, line 25 and p. 310, line 1)

Dr. Mehta was asked by Mr. Sullivan, "And in this instance, you believed Joshua's death was the result of a nonaccidental head trauma?"

Dr. Mehta: "That is correct."

Mr. Sullivan: "...do you believe that opinion to be more likely than not accurate based upon your professional experience, your education, and your background as a board certified child abuse specialist?"

Dr. Mehta: "Yes, I do."

(Refer to testimony transcript volume II, p. 310, lines 8-19)

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7. Due to the fact that Dr. Galaznik did not have any physical contact with the deceased child, the hearing officer found that his testimony was more hypothetical than practical.

After consideration of all testimony and exhibits, the hearing officer finds that the respondent's testimony was inconsistent with the injuries sustained by the child; therefore, finding that the respondent was not credible. (Refer to Exhibit N-47)

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;**
 - 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.**

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ORDER

The matter of **Heather Freeman (Bennett), license #20100656** on **July 31, 2015** came on for final action by the Louisiana State Board of Practical Nurse Examiners.

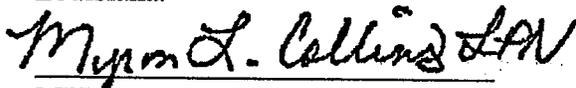
NOW THEREFORE, IT IS ORDERED, that the license of the respondent, **Heather Freeman (Bennett), license #20100656** be **REVOKED** and

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.

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



MYRON COLLINS, 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 9983** and regular mail to the following address:

Heather Freeman (Bennett)
322 20th Street NE
Cleveland, TN 37311