

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:

LaBrittiany Clark
S.S. # ending in 6503

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on **February 19, 2015 at 1:00 pm**. The nature of the hearing was to determine if the respondent is eligible for licensure in the state of Louisiana.

1. The respondent was present for the hearing and did give sworn testimony.
2. No witnesses were called to testify by the board.
3. Exhibits A-I 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

On February 20, 2013, the board received the respondent's student evaluation form for admission into the practical nursing program at the LSU Shreveport Campus. On this form the respondent answered "yes" to question #19 which asks:

"Have you ever been indicted, charged with, summoned into court as a defendant in a criminal proceeding, arrested (even if you were not taken away in handcuffs or incarcerated), fined, imprisoned, placed on probation or ordered to deposit bail for the violation of any law, police regulation or ordinance, misdemeanor and/or felony offense (except for minor traffic violations) whether or not charges were expunged/dismissed and/or refused, or have you ever been convicted (including a nolo contendere plea or guilty plea) of any criminal misdemeanor and/or felony?"

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The respondent reported she had been arrested for Felony Theft on or about 7/5/11. According to the respondent's criminal background records, she was arrested on 6/8/11 for Theft. (Exhibits C4 & F2)

According to the respondent's narrative statement, she had made a \$1000.00 down payment on the purchase of a vehicle. When the deal was not accepted by the bank, she was asked to return the vehicle. The dealership returned the down payment to her. It was later discovered that she had been given an envelope containing \$6000.00 in error. The respondent kept the money and did not return it. She later was tried and was ordered to pay restitution and complete a 6 month active supervised probation. The charges were dismissed after her successful completion of the conditions. (Exhibits B5, F1, G1 & H1)

On November 26, 2014, the Board received the respondent's First Time Writers Application requesting to take the NCLEX-PN to receive a practical nursing license in the state of Louisiana.

The hearing officer did find that it was proven that the respondent was arrested for felony theft, which was dismissed on March 28, 2012. The respondent held on to the \$5000.00 without spending it because she was upset. The respondent returned the money after being arrested. The hearing officer did find some inconsistencies concerning the respondent's explanation of her GPA while in school. However, letters of recommendation from the respondent's instructors were confirmed.

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);

(b) is guilty of a crime; (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.

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2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections § 306 T.

2. **being guilty of a crime;**
8. **being guilty of unprofessional conduct;**
 - 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 **LaBrittiane Clark, applicant for licensure**, 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 respondent, **LaBrittiane Clark, applicant for licensure**, be made eligible to take the NCLEX-PN. Once the respondent has successfully passed the NCLEX-PN, the respondent's license will be immediately placed on **probation** for no less than **one (1) year** with the following stipulations:

1. **License:**

The license of the respondent will be stamped "**PROBATION**".

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**. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.

Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

- B. 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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- C. The respondent is hereby assessed a hearing assessment fee of \$500.00, **payable by cashier's check or money order only**, within **90 days** of the date of this order.
 - D. 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**.
3. **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).
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. 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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- J. Upon obtaining a prescription for controlled/abuse potential substance(s) while holding a probated license, the respondent is responsible for informing his/her employer within **three (3) days** from the date of the prescription(s).

Violations

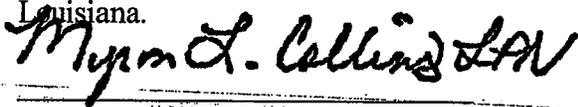
The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

- 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 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 #7014 2120 0004 1219 2927 and regular mail to the following address:

LaBrittiany Clark
2027 Alma
Shreveport, LA 71108