

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
3421 NORTH CAUSEWAY BOULEVARD, SUITE 505
METAIRIE, LOUISIANA 70002-3715
(504) 838-5791
FAX (504) 838-5279
www.lsbpne.com

FILE COPY

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Kayla Slaydon (Respondent), LPN License Number 860790
P.O. Box 1208, New Llano, LA 71461**

On August 2, 2007 a formal complaint/notice of hearing (attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint/notice of hearing, as required by the LAC 46: XLVII. 306.I and therefore the respondent waived the right to a hearing. In accordance with the LAC 46: XLVII. 306.J, this order is issued by default.

LEGAL AUTHORITY AND JURISDICTION

The Board's legal authority and jurisdiction, in adjudication proceedings, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

FINDINGS OF FACT

1. **That the board received a report from the Summit Retirement Center indicating the respondent was terminated on July 30, 2005. Co-workers were concerned about the respondent's unusual and different behavior. The respondent submitted to a urine drug screen which was positive for cocaine.**

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CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4); (c) **Unfit, incompetent by reason of neglect, habit, or other causes, (d) Habitually intemperate/addicted forming drugs, (f) Unprofessional Conduct, (g) Violated any provision of this part; and**
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;**
 4. **being habitually intemperate or addicted to the use of habit-forming drugs;**
 8. **being guilty of unprofessional conduct;**
 - j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - q. **using or being under the influence of alcohol, while on duty, and/or while making application for employment, or using or being under the influence of drugs which impair judgement while on duty, or using or being under the influence of illegal drugs whether on or off duty.**
 - r. **possess a physical or psychological impairment which interferes with the judgement, skills or abilities required for the practice of practical nursing.**

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ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. That the respondent, Kayla Slaydon, license is hereby **suspended for no less than 1 (one) year.**
2. During this Board-imposed period of suspension:
 - The respondent is not allowed to practice as a licensed practical nurse or to represent himself/herself as a practical nurse in any way.
 - The respondent must **immediately** obtain and cause to be submitted to the board office a **chemical addiction assessment** conducted by a Board approved psychologist/psychiatrist/addictionologist which assessment must contain evidence that it is based on the use of objective and subjective evaluation tools. The assessment must also include a summary of the findings, treatment plan and list of medications prescribed, if appropriate. At the time of the assessment the respondent must provide a copy of the Board Order and the Acknowledgement Form to the physician performing the assessment.
3. The respondent must submit evidence of compliance with any/all treatment plan(s):
 - The respondent must cause to be submitted **evidence of sobriety** in the forms of random monthly negative drug screens, weekly AA/NA meeting and monthly after-care sessions and any other treatment deemed by his/her assessor. This evidence must be **submitted on a quarterly basis** and the respondent will be **required to submit said evidence for the entire duration of said suspension.**
 - The respondent shall have his/her psychologist/psychiatrist/addictionologist/counselor provide the Board office with a quarterly Progress Report.

These quarterly reports must be received in the Board Office on or before April 10th, July 10th, October 10th, and January 10th.

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4. The respondent must take and satisfactorily complete and submit evidence of completion, the following Board-approved course(s): Women and Drug Abuse, Substance Abuse and Legal/Ethics. ✓
5. The respondent must notify the Board immediately, within three (3) days, and in writing, of any change in name, address, and/or telephone number. ✓
6. The respondent is fined \$500.00 for the violations detailed in the Conclusions of Law, payable by **cashier's check or money order only**, prior to reinstatement. ✓
7. The respondent must submit any/all past present fees owed to the board.
8. After all stipulations of the suspension have been satisfactorily fulfilled, the respondent may submit a written request for reinstatement. If suspension stipulations included a chemical and/or psychological assessment, then the reinstatement request must include a letter, from the mental health professional who conducted the original assessment, indicating that the respondent is safe to re-enter practice and under what conditions (i.e., recommendations for on-going treatment, and/or prescribed medications). The respondent may be required to submit an updated chemical addiction assessment.
9. The respondent may be required to submit to a FBI criminal background check.

Upon receipt of all fines, and after favorable review of any additional records requested by the Board have been received,

The license of the respondent may then be

1. Placed on probation for a period of 4 years with the following stipulations:
2. The license of the respondent will be stamped "**PROBATION**".
3. Probation will run concurrent with employment as a LPN and the respondent must be employed a minimum of 10 days per month. If unemployed, or if not employed as an LPN, the respondent must submit a letter to the Board indicating same. The probationary period will not commence or progress until and unless the respondent is employed (as noted above). In addition, failure to maintain stable employment may be grounds for termination of the probation (see **violations**).

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4. The respondent must provide a copy of the entire Board order immediately, to each and every current employer, and at the time of application, to potential future employers, if applicable.
5. If respondent is already employed as an LPN, then the current employer must submit a letter indicating awareness of the Board order and agreeing to monitor the respondent while on probation. If not currently employed then, upon obtaining employment as a Licensed Practical Nurse, the respondent must request that the employer submit, within 3 days, a "letter of hire" to the Board.
6. The respondent must practice under the *direct* supervision of a nurse (RN or LPN) or physician. Employment must provide for the supervisor to have regular and consistent opportunities to evaluate the performance of the respondent.
7. Supervisors must submit evaluative reports quarterly. Reports are due on or before the 10th day of January, April, July, and October of each year. An administrator of the facility must co-sign the evaluative report.
8. 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 working in a teaching capacity.
9. The respondent must notify the Board immediately (within 3 days), and in writing, of any change in name, address, telephone number, and employer(s).

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10. The respondent must abstain at all times from the use of controlled or abuse potential substances, including alcohol, except as prescribed by a licensed practitioner from whom he/she seeks medical attention.

Should the respondent obtain a prescription from a licensed practitioner, **he/she shall submit a copy of the prescription to the Board within 48 hours.** The prescription must be for a current condition. The respondent must not arbitrarily take medications prescribed for a past illness or take a prescription that is prescribed for another person.

Respondent's licensed practitioner(s) must complete the board's **controlled medication** form (copy enclosed) and submit same within **5 (five) days** of the date of the prescription **directly** to the board office. The form must come from the provider to the board office by mail. **It may not pass through the respondent's hands; it may not be sent by facsimile.**

The controlled medication form must contain a record, provided by the respondent, of all health care providers treating the respondent and the conditions being treated and prescriptions ordered for these conditions. The prescribing provider must acknowledge, in writing and by documenting on the controlled medication form, that said provider has knowledge of the respondent's dependency and/or use of controlled or abuse potential substances and identify the medication, dosage, and the date the medication was prescribed.

If prescription drugs are refilled, the Board must also have a letter from the prescribing practitioner attesting to the continued need for the medication and if the controlled medication form must be updated and re-submitted to the board. Failing to follow these procedures when obtaining a prescription may be grounds for further disciplinary action being taken as stated in this order. **(See Violations)**

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11. The respondent must submit to and pay for random urine drug screens. A drug-testing firm selected by the Board will manage urine screens. Respondent will receive information from the selected firm and drug screens will begin as soon as the respondent's "name" selection is mandated on a random day of the month. Refusal to furnish a urine specimen, a positive screen, failure to follow requested procedure in obtaining a specimen, failure to call firm daily or failure to submit a specimen on date name is called will be considered non-compliant with the Board Order . Failure to register with the selected firm, immediately upon receipt of registration packet with be considered non-compliance with Board Order. Drug screen results indicating abnormal/dilute specimen and/or low specific gravity and/or low creatinine levels will be considered positive and non-compliant with Board Order and grounds for further disciplinary action as stated in this Order. **(See Violations)**.
12. The respondent must submit evidence of **continued compliance with treatment plan/counseling**. Psychologist/psychiatrist/counselor is to submit to the Board a minimum of quarterly evaluations of compliance with treatment plan. Upon discharge from treatment counselor is to submit to the Board a discharge summary to include any future recommendations. Respondent must sign the enclosed release of information form and submit it to his/her treatment center, counselor/practitioner of record, giving the Board the authority to discuss treatment recommendations and compliance with treatment plan at all times. **(See Violations)**.
13. The respondent is to submit a \$500.00 probation monitoring fee prior to the issuance of the probationary license and annually thereafter until the probation is satisfactorily completed.

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Furthermore, the respondent is hereby notified that failure to comply with the Orders of the Board may result in any or all of the following:

VIOLATIONS

Failure to comply with any and/or all sections of this Order may result in any and/or all of the following: a) immediate suspension of license, b) immediate 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/or g) revocation.

FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING ABUSE POTENTIAL PRESCRIPTION DRUGS MAY RESULT IN A FOUR (4) YEAR PERIOD OF SUSPENSION WITH OR WITHOUT A HEARING BEFORE THE BOARD. During the period of suspension, if related to substance abuse, appropriate consistent treatment must be obtained, and the respondent must show evidence of two consecutive years of being drug/alcohol free prior to the respondent's initiation of a reinstatement request.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

Claire Doody Glaviano

Claire Doody Glaviano
Executive Director

8/31/07
Date

COPIES mailed this 31st day of August, 2007 by Certified Mail No. 7007 0710 0005 6022 7437 and First Class Mail to:

Kayla Slaydon
P.O. Box 1208
New Llano, LA 71461