

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

November 2, 2015

**Joanetta Spears
2244 Bellaire Lane
Harvey, LA 70058**

Dear Ms. Spears:

Enclosed you will find your board order.

You may also go to the board's website at www.lsbpne.com at any time to review the administrative code pertaining to practical nurses.

If you have any questions or concerns, you should submit them in writing to the board office. Please include your current address and telephone number with your request.

**LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS**

M. Lynn Ansardi RN

**M. Lynn Ansardi, RN
Executive Director**

MLA/kg

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In the matter of:

Joanetta Spears - respondent
License #230358

This cause having come to be heard at a formal hearing conducted at the board office on **June 19, 2015 at 9:00 a.m.** upon the complaint filed in this matter.

1. The respondent was present for the hearing and did give sworn testimony. The hearing officer did not find the testimony of the respondent credible.
2. The following witnesses were called to testify by the board:
 - Georgia Gafney, RN, Administrator
 - Amanda Smith, RN, BN, Administrative Coordinator
 - Ruth Polk, RN
 - Kim Lager
 - Kristy Caleyo, RN, BSN

The hearing officer found the witnesses to be credible

3. Exhibits A-L 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 issued a license to practice practical nursing in the state of Louisiana on April 24, 2003.

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2. It was proven that on December 27, 2014, while employed as a licensed practical nurse with Ochsner Medical Center-West Bank, the respondent became unresponsive during report. After initially refusing, the respondent submitted to an alcohol breathalyzer screen in the emergency department. The result of the breathalyzer screen was 0.98. (Exhibits B5-9, D3&4)
3. The hearing officer found that the following allegations were proven:
 - That on November 15, 2014, the respondent missed days, failed to complete nursing notes, failed to timely notify the doctor with problems and failed to give medications on time. (Exhibit C-22)
 - That on November 18, 2014, a physician questioned the respondent's integrity with her delivery of care. The physician requested that the respondent not be assigned to any of her patients because the physician felt the respondent was not competent to perform the duties. Specifically, a patient was transferred to ICU as a result of an increased heart rate. The physician believes if the patient would have received routine medications, the patient's status change could have been prevented. (Exhibit E-3)
 - That on December 19, 2014, the respondent was assigned to care for four of the physician's patients after the request was made that she not care for any of the physician's patients. While attempting to reassign the patients to comply with the physician's concerns, several co-workers complained that the respondent was not very pleasant. This resulted in a performance improvement plan. It was noted that the respondent was previously coached on medications (late with meds-monitor), documentation (open charts, I/O review), MD notification of patient status changes and critical labs, communication, visibility on unit and limited choices of MD patients (need low acuity, honesty with care). It was noted that the respondent would not be assigned patients with the following: Triple lumen catheters, PICC lines, tracheostomies, cardiovascular drips, IV push medications or hyperalimentation. (Exhibit C-23)
4. The hearing officer found that the allegations from West Jefferson Medical Center concerning the respondent were proven.
 - That on January 4, 2011, a patient received an order for Bethanechol PO one hour before or two hours after meals TID to start immediately. The respondent was aware of the order but failed to follow up and administer

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the medication as ordered due to the medication not being in the computer system. The respondent received a verbal warning for failure to follow policy by not giving medications as ordered to a patient. (Exhibit H-37)

- That on March 17, 2011, a patient made a complaint that the respondent refused to empty her bedside commode. After 2.5 hours the patient became “loud and very upset” that the commode was not emptied. The respondent was counseled for poor job performance. (Exhibit H 34-36)
- That on April 11, 2011, the respondent discharged a patient. The medication reconciliation was signed by the physician after 1pm. At 7pm the patient was waiting for an ambulance; however, the respondent failed to complete the necessary paperwork for EMS causing a delay in the patient’s discharge.
(Exhibit H 27-28)
- That on May 30, 2011, the respondent failed to document a blood pressure for a patient whose blood pressure had been elevated. The patient received Nitropaste at 5pm. The respondent failed to perform any additional interventions and failed to perform follow-up vital signs. At 8pm the oncoming nurse assessed the patient, found the patient’s blood pressure to be 197/94, and had to intervene with PRN medications. The respondent was counseled for poor job performance.
(Exhibit H-32)
- That on July 6, 2011, a patient had a blood pressure reading of 183/82. According to the physician orders, the patient should have received 10mg Hydralazine IV. The respondent failed to follow physician orders. A patient’s point of care capillary glucose was 178. According to physician orders, the patient should have received 2 units of insulin per sliding scale. The respondent failed to follow physician orders. (Exhibit H-17)

The respondent was terminated from the facility on July 15, 2011, due to progressive disciplinary process and failure to follow physician orders.

5. On January 21, 2015, the board issued an order of summary suspension against the respondent’s practical nursing license.

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The hearing officer finds that the respondent demonstrated consistent unprofessional conduct. The respondent failed to utilize appropriate judgement in administering safe nursing practice based upon the skill level of a Licensed Practical Nurse for the State of Louisiana. The respondent was counseled on multiple occasions. She was offered assistance to improve her skills; however, the respondent did not follow up.

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 Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Nurses, Part II, Practical Nurses, Section 969 A. (4):

- (c) **is unfit, or incompetent by reason of negligence habit, or other causes;**
- (d) **is habitually intemperate or is addicted to the use of habit forming drugs;**
- (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;**
- 4. **being habitually intemperate or addicted to the use of habit-forming drugs;**
- 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;**

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- g. improper use of drugs, medical supplies, or patients' records;**
- j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
- p. inappropriate, incomplete or improper documentation;**
- 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 judgment while on duty, or using or being under the influence of illegal drugs whether on or off duty;**
- 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 **Joanetta Spears #230358**, on **November 6, 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, **Joanetta Spears, license #230358**, be **REVOKED**. Revocation is permanent. The licensee can never again practice as a practical nurse in the state of Louisiana.

AND

1. The respondent is hereby fined \$500.00, **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 \$500.00, **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.

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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 6th day of November, 2015 and signed this 6th day of November, 2015 at Metairie, Louisiana.



MYRON COLLINS, LPN
CHAIRMAN OF THE BOARD



M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

Mailed this 6th day of November, 2015, by U.S. postal service certified mail return receipt #7015 1730 0001 8796 7006 and regular mail to the following address:

Joanetta Spears
2244 Bellaire Lane
Harvey, LA 70058