

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 6, 2015

Lyn Moss
522 Island Road
Marksville, LA 71351

Dear Mr. Moss:

Enclosed you will find your Board Order with the stipulations set forth which you **must follow** throughout your Suspension and/or Probation period.

Please read the entire Order **completely and carefully**. Failure to follow **all** stipulations set forth may result in further disciplinary action being taken against your practical nursing license, which may include additional fines, an extended probation period, suspension, revocation and/or denial of licensure.

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, including the Rules and Adjudication, License Suspension and Revocation Proceedings, §306. This information was also included with your Formal Complaint.

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:

Lyn Moss - respondent
License #20130816

This cause having come to be heard at a formal hearing conducted at the board office on **July 16, 2015 at 1:30 p.m.** upon the complaint filed in this matter.

1. The respondent was present for the hearing and did give sworn testimony. The hearing officer found the respondent to be credible.
2. The following witnesses were called to testify by the board:
 - Jacqueline LaMarche, RN
 - Nicole Beer
 - Heather Cormier, RN
 - Hope Bryant, RN

The hearing officer found the witnesses to be credible

3. Exhibits A through L and Respondent's Exhibits 1-9 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 August 8, 2013.
2. The respondent was employed by Christus St. Frances Cabrini Hospital from December 9, 2013 until his termination on June 9, 2014. During his employment the respondent failed to follow policies and procedures expected when dealing

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with mental health patients. The respondent violated policies, procedures and professional boundaries by entering a patient's room to offer a back rub, allowing patients to smell his cologne, performing physical assessments without a witness present and giving patients' information to contact him via social media. (Exhibits C18-21, Transcript Pgs. 93-97)

3. In a written response to the board, the respondent denied rubbing anyone's back. He later gave sworn testimony admitting that he had, in fact, given a female patient a backrub. (Exhibit E2, Transcript Pgs. 93-94)
4. It was proven that while employed with Avoyelles Manor Nursing Home, the respondent was counseled for failing to administer eye drops, Xanax, and Klonopin as ordered. (Exhibits F7, F9, F12, Transcript Pgs. 52-58.)
5. It was proven that while employed at Huey P. Long Medical Center in the emergency room, the respondent was overheard telling a patient that if he ran into him on the street and the patient talked to him like he had in the emergency room or messed with him, he would kill him. During sworn testimony, the respondent admitted to having anger issues. (Exhibits G6-G11, Transcript Pgs. 107-108)

The hearing officer found that the respondent has not exhibited good professional character sufficient to ensure that he can consistently act in the best interest of patients, clients, and the public in any setting. The hearing officer also found that the respondent admitted to being aware of the rules/policies pertaining to working with psychiatric patients but did not adhere to them. The respondent admitted to being diagnosed with PTSD. The board did not receive any records from the VA to support the respondent's diagnosis or treatment.

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:

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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;
- (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;
 - p. inappropriate, incomplete or improper documentation;
 - 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 Lyn Moss, 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, Lyn Moss #20130816 be **SUSPENDED** for a minimum period of two (2) years with the following stipulations:

- 1. **Return license to the board office:**
 - A. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order.

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B. The respondent shall not practice nursing during the period that his/her license is suspended.

2. **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).

3. **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.

4. **Obtain the following evaluation(s):**

Psychological

A. Within **thirty (30) days** of the date of this order, the respondent shall undergo the above ordered evaluation(s). The evaluation(s) shall be conducted by a licensed certified psychologist/psychiatrist of the respondent's choice but must not be affiliated with the Veterans Administration System. The evaluation(s) shall be conducted using both objective and subjective assessment tools.

B. Prior to the evaluation(s), the respondent shall furnish the evaluator with a copy of the board order/consent order to include the findings of fact, conclusions of law, and the **Board Order Acknowledgement Form**. The evaluator shall verify receipt and review of these documents in the evaluation(s) of the respondent.

C. The respondent shall execute the **Release of Information Form** to allow the evaluator to communicate with and supply information to the board.

D. The respondent shall direct the evaluator to submit directly to the office of the board the **Release of Information Form, the Board Order Acknowledgement Form** and the evaluative report(s).

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- E. The report of the evaluation(s) shall include, but not be limited to, the following:
- i. history of chemical use
 - ii. past and present treatment and/or recovery activities
 - iii. results of any testing conducted
 - iv. a summary of the findings
 - v. treatment plan, if applicable
 - vi. list of medications prescribed, if applicable
 - vii. an assessment as to respondent's ability to practice safely as a practical nurse
- F. The respondent shall satisfactorily complete any and all recommendations made by the evaluator. If treatment or therapy is recommended, the respondent shall, within **thirty (30) days** of the evaluator's report, initiate all treatment and/or therapeutic activities. If treatment or therapy is recommended, the respondent shall submit to the board the name and credentials of the therapists and/or the name and address of the treatment facilities.
- G. The respondent shall undergo subsequent evaluations by a board approved psychologist/psychiatrist/addictionologist if requested by the board following a relapse or for other related causes.
5. **Participate in any and all treatment/aftercare programs as prescribed:**
- A. The respondent shall enroll and participate in board approved treatment/aftercare programs as prescribed or recommended by the chemical addiction/psychological evaluator.
 - B. The respondent shall have the aftercare counselor submit to the board office proof of the respondent's entry into an appropriate facility, inpatient program, outpatient program, halfway house, residential long-term treatment, and/or a combination thereof.
 - C. The respondent shall execute the **Release of Information Form** to allow the treatment facility/center/counselor/practitioner of record to communicate with and supply information to the board.
 - D. The respondent shall submit evidence of **continued compliance with the treatment plan/counseling**. Treatment/aftercare compliance must be

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maintained throughout the duration of this order or until treatment is deemed complete.

- E. The respondent shall cause the aftercare counselor to submit quarterly to the board office progress reports indicating compliance with treatment recommendations. Reports are due on or before the 10th day of January, April, July, and October of each year until treatment is deemed complete.
- F. Upon completion of the treatment/aftercare program(s), the respondent shall have the aftercare counselor provide the board with documentation indicating the respondent's successful completion of the program.

6. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas:

- Ethical Nursing Practice-8 CEU's
- Anger Management-30 CEU's
- Sexual Harassment-15 CEU's

Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

7. **Fines/Fees:**

- A. 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** of the date of this order.
- B. 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.
- C. 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**.

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8. **Reinstatement requirements:**

- A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.
- B. The respondent is to submit a written request for reinstatement to the board office.
- C. If a chemical and/or psychological assessment was stipulated before reinstatement can be considered, the provider who conducted the original assessment must submit a letter to the board office indicating that he/she feels the respondent can safely return to the practice of practical nursing and under what conditions (i.e., recommendations for on-going treatment and a list of medications being prescribed). If the assessment includes a treatment plan, evidence of compliance with this plan must also be submitted to the board.

Upon favorable review of the reinstatement request, the license of the respondent may then be placed on probation for a minimum period of **two (2) years**. During this probationary period, the respondent shall follow **stipulations #2, 3 and 5 as stipulated above as well as the following stipulations.**

1. **License:**

- A. The license of the respondent will be stamped "**PROBATION**".
- B. The respondent shall return his/her current practical nursing license to the board office, so the license can be stamped with the mandatory probation stamp.

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.**
- B. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.
- C. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

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3. **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. If the respondent is already employed as an lpn, the respondent and the current employer shall enter into the board's **Employer's Agreement** (form(s) issued by board). The signed form(s) shall be submitted to the board office within **ten (10) days** of the date of the board order/consent order.
 - ii. 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.
- 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

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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 evaluation 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.
- 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.

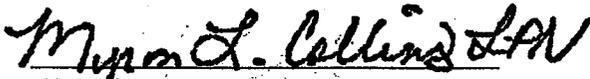
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FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING PERSONAL SUBSTANCE ABUSE WHETHER PRESCRIPTION DRUGS OR ILLEGAL DRUGS MAY RESULT IN SUSPENSION OF UP TO A FOUR (4) YEAR PERIOD WITHOUT A HEARING 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 (2) consecutive years** of being drug/alcohol free immediately prior to the respondent's initiation of a reinstatement request. If during the **two (2) consecutive years** of sobriety the respondent relapses, the **two (2) consecutive years** of sobriety will re-start on the date of the relapse occurrence, provided that the respondent is in treatment.

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 7037 and regular mail to the following address:

Lyn Moss
522 Island Road
Marksville, LA 71351