

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:

Mary Lee Anderson - respondent
License #210672

This cause having come to be heard at a formal hearing conducted at the board office on July 17, 2015 at 1:00 p.m. upon the complaint filed in this matter.

1. The respondent was present and gave sworn testimony.
2. The following witnesses gave sworn testimony on behalf of the board:
 - Patricia A. Covington, ED
 - Becky Bozeman, RN
 - Robert N. Senette, JR., RN
 - Amanda M. Nash, RN
 - Becky M. Ingles, RN

The hearing officer found the witnesses to be credible.

3. Exhibits A-P were admitted into the record.
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 10/11/2001.
2. The board received a report from Horizon Bay Assisted Living indicating that the respondent was hired 10/6/14. A resident reported that the respondent entered his apartment on 10/13/14, and asked to use the bathroom. The respondent was in the bathroom for a long time. When she came out, the resident noticed that his belongings had been moved and 2 of his narcotic pills were missing. She was terminated on 10/14/14, due to suspicion of missing narcotics from the resident's

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apartment. She was requested and submitted to a drug screen, which was negative. (Exhibit D, Testimony, page 9 – page 32)

3. According to the information received from DeSoto Retirement and Rehab Center and the sworn testimony of Ms. Becky Bozeman, RN, the respondent was employed from 4/15/09 to 4/23/10. She was counseled for unsatisfactory work on 12/16/09 for failing to change dressing around peg tubes and failing to date dressing changes when done. She was also informed that body audits for December were not current and she failed to sign TARS on many residents for 11 days at a time. On 1/5/10, she was notified of the following medication errors that were identified on an audit:
- Medication times on MAR did not correspond with physician orders
 - Medication was to be discontinued after 2 weeks (ordered on 11/6/09) but continued to be administered throughout the entire month of December
 - Blind charting for entire month of December regarding a medication that was discontinued and removed from medication cart on 11/25/09
 - Medication not started in a timely manner with little documentation of continued administration
 - No documentation of administration for “1 time” doses of 2 medications
 - Incorrect “errors” to MAR
 - Medication on MAR with no times listed for administration; therefore, was not administered for entire month of December

It was noted that she was in-serviced and counseled regarding these errors.

On 2/19/10, the respondent was counseled for unsatisfactory work. It was noted that she last completed a weekly pressure report on 1/29/10. She had worked on 2/5/10, and the last completed wound sheets were dated 2/3/10, and none had been completed since then. According to the South Wing treatment records, the respondent had not charted since 2/14/10. A resident with a toe amputation had returned from the hospital on 2/15/10, and no charting had been completed since before his hospitalization and there was no date documented on his dressing. She was again counseled on 3/26/10, for carelessness, insubordination and unsatisfactory work on 3/19/10. (Exhibit E and F, Testimony, page 33 – 49 line 9)

4. While employed with Louisiana Home Care, as a licensed practical nurse, the respondent was counseled on multiple occasions regarding absenteeism/tardiness, unsatisfactory work quality and not adhering to company policy. (Exhibits G65-82)

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According to the information received and the sworn testimony of Mr. Robert Senette, Jr. and Ms. Amanda Nash, RN, on 2/18/13, it was determined that the respondent was not logging in to see patients until late morning or early afternoon and she failed to take courses prior to her deadline. She was once again counseled for unsatisfactory work quality on 4/11/13, for failing to follow physician orders. On 4/5/13, a patient had orders for wound vac on Monday, Wednesday, and Friday.

It was determined that the patient moved on 4/5/13, and the respondent failed to contact the on call nurse and no request was made to have the patient seen on the following day. On 4/8/13, it was discovered that the patient's wound vac had not been changed since 4/3/13. On 4/24/13, she was informed that she would be suspended for 3 days without pay for unsatisfactory work quality. She received verbal counseling on 4/23/13, regarding the need to sync timely. Her failing to sync timely was affecting coordination and continuity of patient care. She was told that all visits were to be synced on the same day the patient is seen. On 4/30/13, her file was reviewed by HR and she was counseled regarding her visits not being completed timely and excessive missed visits. (Exhibit G, Testimony Page 49, line 16 – page 60 line7)

5. It was proven that after review of the respondent's job application with LHC, she was untruthful regarding her reason for leaving DeSoto Retirement and Rehab Center. According to her application, she indicated that she left due to a change in her job requirements. (Exhibit G35)

It was also proven that after review of the respondent's job application from Horizon Bay Assisted Living that she was not truthful regarding her reason for leaving DeSoto Retirement and Rehab Center. She indicated on this application that the position was eliminated. (Exhibit D-13)

6. On 4/17/15, the respondent's practical nursing license was suspended for failing to respond to the board's request for information, and was reinstated on 5/14/2015.

The hearing officer found that the respondent did exhibit unsatisfactory work habits and poor documenting skills. And, that the respondent was deceitful on her job applications regarding as to why she was no longer employed with former employers.

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;**
- (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.

As further defined in 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;**
 - c. failure to exercise technical competence in carrying out nursing care;**
 - g. improper use of drugs, medical supplies, or patients' records;**
 - h. misappropriating personal items of an individual or the agency;**
 - i. falsifying 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 **Mary Lee Anderson, license #210672**, 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, **Mary Lee Anderson, license #210672 be probated** for no less than **one (1) year** with 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. **Courses:**

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

- **Ethics (minimum 8 CEUs);**
- **Documentation for Nurses (minimum 30 CEUs);**
- **Wound Care (minimum 30 CEUs);**
- **Medication Administration (minimum 15 CEUs).**

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

3. **Fines/Fees:**

- A. The respondent is hereby fined \$1,000.00, **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.

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- 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.**
- D. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only.**
- E. 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.

4. **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.

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- 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

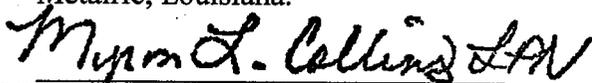
The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

- 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.

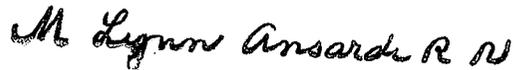
Public Records

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 **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 8676** and regular mail to the following address:

Mary Lee Anderson
611 South Second Street
Logansport, LA 71049