

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:

Bernadette Horne - respondent
License #980872

This cause having come to be heard at a formal hearing conducted at the board office on May 21, 2015 at 1:00 p.m. upon the complaint filed in this matter.

1. The respondent did not attend the scheduled hearing.
2. No witnesses were called to testify.
3. Exhibits A through Z 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. On 10/8/1998, the respondent was licensed as a practical nurse in the state of Louisiana.
2. On 6/19/13, the board received the respondent's authorization to release or obtain health information signed by the respondent. The purpose of the authorization was continuing care at Monroe Behavioral Health Clinic. The respondent had not informed the board that she had or expected to have treatment related to substance abuse or mental health. (Exhibit B)
3. The respondent stated in her response to the board that she was admitted to LSU Medical Center with an anxiety attack that manifested as a heart attack. She was evaluated at Brentwood Hospital and transferred to Red River Treatment Center, where she completed a 28 day inpatient treatment. (Exhibit C5)

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4. Records from LSU Health Sciences Center-E. A. Conway Medical Center indicated that the respondent was brought to the emergency department against her wishes on 4/1/13, following a verbal disagreement with her parents. On 4/28/13, she was seen by Dr. Williams, who noted that she was dependent on a high dose of Ambien for the past 7 years. The respondent indicated that Dr. Mikhail had quit prescribing them to her because she was obtaining fraudulent prescriptions from his office and was arrested on 4/27/13. (Exhibits G81 and G94)

On 4/29/13, the respondent was admitted due to experiencing Ambien withdrawal and panic attacks. Her admit diagnosis consisted of drug withdrawal from high dose, long term Ambien dependency and history of alcohol abuse. She admitted to being arrested for prescription fraud. The respondent also stated that she was concerned about "legal charges if she didn't receive treatment." She was evaluated by Dr. Brown-Manning on 4/30/13, who noted a longstanding history of depression with underlying manipulative behavior which was narcissistic in nature, as well as a history of lying compulsively and being terminated from multiple jobs in the past. (Exhibits G126 and G140)

5. The respondent was admitted to the Chemical Dependency Unit at Brentwood Hospital on 5/4/13. The respondent presented to the hospital due to drug use, suicidal ideation, and erratic behavior. The respondent was escorted by Shreveport Police Department for exhibiting erratic behavior while on the way to the hospital. The respondent stated that she used 70-80 mg of Ambien daily for the past 7 years and consumed 7 drinks of alcohol (32 oz. of Vodka) daily. She was terminated from employment due to prescription fraud and had experienced an increase in depression, anxiety and stress. Her prognosis was guarded. (Exhibits E3-E11)
6. On 5/14/13, the respondent was admitted to Pathways- Red River Addictions Complex for history of alcohol and sedative dependence which included blackouts. She completed treatment on 6/11/13. Upon discharge, it was recommended that she attend and complete 8 weeks of intensive outpatient therapy and up to 1 year of aftercare at OBH in Monroe. She was to also attend 90 AA/NA meetings within 90 days and meet with her sponsor 4 times per week.

The hearing officer found that the respondent was to continue an intensive outpatient treatment program, but has not submitted any evidence of compliance with the recommendations. The hearing officer found that the respondent intentionally did not disclose the severity of her diagnoses to the board. (Transcript-Pages 6-8)

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7. The respondent was billed with 47 counts of obtaining CDS by fraud between the dates of March, 2012 and May, 2013 and 6 counts of unlawfully prescribing, distributing, dispensing or assisting in illegally obtaining CDS between the dates of September, 2012 and February, 2013. According to the probation judgment signed on 8/5/14, the respondent was charged with 3 counts of obtaining controlled dangerous substances by fraud and sentenced to each count-5 year(s) imprisonment at hard labor. The sentences were to run concurrently. Imprisonment and execution of hard labor was deferred and she was placed on supervised probation for a period of 4 years (each count) concurrently. (Exhibit X)

The hearing officer found that the respondent has not accepted her role and blames her addiction on the physician. The hearing officer finds that the respondent has been deceptive. The respondent admitted to calling in unauthorized prescriptions in various names and the respondent or her son would pick them up from numerous pharmacies. (Exhibits G 140 & 147; I 5-8; S 1-3; Transcript page 12, Lines 9-25)

8. Records from Ouachita Healthcare indicated that the respondent was employed as an LPN with Riverside Nursing Home facility from 7/17/2013 to 8/6/2013. The separation notice indicates that she was discharged (fired) on 8/7/2013, because she was unable to perform job duties. (Exhibit U)

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):

- (b) **is guilty of a crime;**
- (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;**

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(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.

- 2. being guilty of a crime;**
- 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;**
 - g. improper use of drugs, medical supplies, or patients' records;**
 - h. misappropriating personal items of an individual or the agency;**
 - i. falsifying records;**
 - n. being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or non adjudication or pardon;**
 - o. being guilty of moral turpitude;**
 - 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;**
 - r. possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing.**
 - 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 **Bernadette Horne, license #980872**, on **November 6, 2015** came on for final action by the Louisiana State Board of Practical Nurse Examiners.

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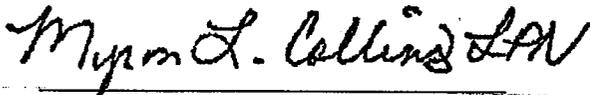
NOW THEREFORE, IT IS ORDERED, that the license of the respondent, **Bernadette Horne, license #980872** be **REVOKED**. Revocation is permanent. The licensee can never again practice as a practical nurse in the state of Louisiana.

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 **ten (10) days** of the date of this order.

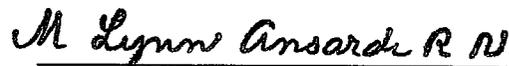
Public Records

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 8669** and regular mail to the following address:

Bernadette Horne
1700 Richwood Rd. #2
Monroe, LA 71202