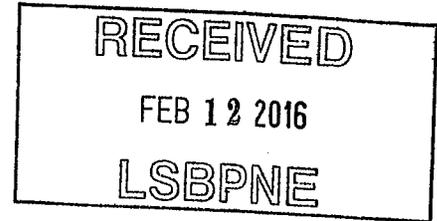


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**In the matter of:** **Diana Johnston**  
**1435 LA Hwy 700**  
**Rayne, LA 70578**

**License #230182**

**Date offered:** **January 26, 2016**

**Date offer expires:** **February 15, 2016**

### **CONSENT AGREEMENT/ORDER**

The Louisiana State Board of Practical Nurse Examiners does hereby offer this consent agreement/order to **Diana Johnston, license #230182**, based on the following:

#### **FINDINGS OF FACT**

While working as a licensed practical nurse at the Southwest Louisiana War Veterans Home, the respondent was placed on administrative leave during an investigation into an incident on 11/9/15. The respondent was assigned to perform a weekly body audit on veteran # 0765. On 11/6/15, she documented that she had performed the full body audit and found no issues. On 11/09/15, at 0600, it was discovered that this resident had lost a nail and part of a toe. The resident's foot was warm, red, and foul-smelling. The remaining toe was black and mushy. The resident subsequently had the toe amputated. The respondent later admitted that she had failed to look at the resident's feet. She was placed on administrative leave and chose to retire.

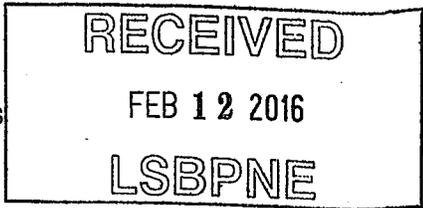
#### **CONCLUSIONS OF LAW**

Based on the evidence submitted, the board has concluded that **Ms. Johnston** is in violation of the following provisions of Louisiana Revised Statutes, 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**

*DJ*  
Diana Johnston

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As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 306:

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;**
  - 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;**
  - t. **violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.**

In lieu of a formal hearing on the matter, the respondent consents to accept and abide by the following orders of the board:

1. The respondent shall be issued a letter of reprimand as disciplinary action against the respondent's license for the violations of the Nurse Practice Act.
2. The respondent is hereby fined **\$500.00** for the violations of the Nurse Practice Act, payable by **cashier's check or money order only**, due within **ninety (90) days** from the date of this order.

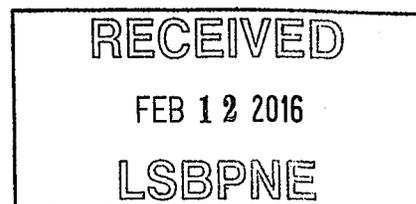
The respondent is hereby notified and by signature *Diana Johnston* acknowledges and agrees that failure to comply with any and/or all sections of this order may result in any or all of the following:

#### 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) 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.**

*D.J.*  
Diana Johnston

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## LETTER OF REPRIMAND

**In the matter of:**     **Diana Johnston**  
                              **1435 LA Hwy 700**  
                              **Rayne, LA 70578**

**License #230182**

**Date:**                    **January 26, 2016**

The Louisiana State Board of Practical Nurse Examiners hereby issues this letter of reprimand against **Diana Johnston, license #230182**, based on the following:

### FINDINGS OF FACT

While working as a licensed practical nurse at the Southwest Louisiana War Veterans Home, the respondent was placed on administrative leave during an investigation into an incident on 11/9/15. The respondent was assigned to perform a weekly body audit on veteran # 0765. On 11/6/15, she documented that she had performed the full body audit and found no issues. On 11/09/15, at 0600, it was discovered that this resident had lost a nail and part of a toe. The resident's foot was warm, red, and foul-smelling. The remaining toe was black and mushy. The resident subsequently had the toe amputated. The respondent later admitted that she had failed to look at the resident's feet. She was placed on administrative leave and chose to retire.

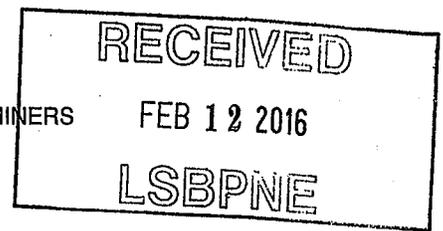
### CONCLUSIONS OF LAW

Based on the evidence submitted, the board has concluded that **Ms. Johnston** is in violation of the following provisions of Louisiana Revised Statutes, 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**

  
Diana Johnston

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As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 306:

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;**
  - 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;**
  - t. **violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.**

Furthermore, the respondent is hereby fined \$500.00 for the above violations, due within ninety (90) days of the date of this order and complete any/all stipulations as agreed.

The board has jurisdiction over the respondent's license and hereby publicly reprimands the respondent for violating the Nurse Practice Act. This letter of reprimand is considered disciplinary action by the Louisiana State Board of Practical Nurse Examiners. This disciplinary action is reportable to all applicable state and federal agencies.

*M. Lynn Ansardi RN*

\_\_\_\_\_  
M. Lynn Ansardi, RN  
Executive Director

*D.J.*  
Diana Johnston

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### CONSENT AGREEMENT/ORDER ACCEPTANCE

I, Diana Johnston, the undersigned respondent, agree that the board has jurisdiction over the matter and specifically waive my right to contest these findings in any subsequent proceedings before the board. I understand that this agreement shall constitute as public record and is considered disciplinary action by the board. I also understand that this action will be reported as mandated to all state and federal agencies.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Practical Nurse Examiners in resolving this matter and intend to comply with all stipulations of this agreement.

I voluntarily agree to sign and have witnessed the terms of this agreement for the purpose of avoiding a formal hearing with the Louisiana State Board of Practical Nurse Examiners.

I do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in the matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I understand that this agreement is effective immediately upon signature of the executive director and will become an order of the board. It is understood that this agreement does not preclude the Board of Practical Nurse Examiners from requiring a formal hearing of my case. I further understand that should this agreement not be accepted by the board, I agree that presentation to and consideration of this agreement, the documenting evidence and information obtained by the board shall not unfairly or illegally prejudice the board or any of its members from participation in hearings or other proceedings pertaining to these or other matters.

I further agree that if at any point during the execution of this agreement, I violate the stipulations set forth, my license will be suspended. In order for my license to be reinstated, I must demonstrate, to the satisfaction of the board that I pose no danger to the practice of nursing or to the public and that I can safely and competently perform the duties of a practical nurse. The board, in reinstating my license, will require a period of probation, along with supportive conditions or stipulations as outlined in this agreement to ensure that patients and the public are protected.

Diana Johnston  
Signature of licensee/applicant

02/01/2016  
Date

Sandra Johnston  
Signature of witness #1

02/01/2016  
Date

Lori Hebert  
Signature of witness #2

02-0-2016  
Date

M Lynn Ansardi RN

2/15/16  
Date

M. LYNN ANSARDI, RN  
EXECUTIVE DIRECTOR

D.J.  
Diana Johnston