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

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

Sharon Richardson (respondent), LPN, license #980782
4521 General Elwell Drive, Bossier City, LA 71112

On **March 8, 2016**, a formal complaint/notice of hearing (attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint/notice of hearing, as required by the LAC 46: XLVII. 306.I and therefore the respondent waived the right to a hearing. In accordance with the LAC 46: XLVII. 306.J, this order is issued by default.

LEGAL AUTHORITY AND JURISDICTION

The Board's legal authority and jurisdiction, in adjudication proceedings, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on September 3, 1998.

2. The board received a report from Brentwood Hospital indicating that the respondent tested positive for barbiturates on a pre-employment drug screen. The positive result was, specifically, for phenobarbital, for which she failed to provide a valid prescription. As a result, she was denied employment at the facility.

3. The board received information that the respondent was employed with Riverview Care Center from 11/4/13 to 4/16/14. On 2/20/14, she was counseled for failing to properly document medications in a timely manner, failing to document a re-admission assessment, and failing to document physician orders. She was previously counseled for failure to document narcotic administration appropriately, failure to receive medication from pharmacy in appropriate manner and failure to place medications on cart.

4. The board received information that the respondent was hired as an LPN with Claiborne Health Center on 3/25/15, and her employment was terminated as of 5/15/15. On 4/14/15, she was counseled for a medication error which occurred on 4/10/15. At 3:15 pm, she administered Norco 5/325 mg tab PO; however, the medication had actually been discontinued on 3/19/15. On 5/5/15, she was reminded of the rights of medication administration and that she must re-order medications when there is only a 7 day supply remaining. On 5/11/15, she was written up for calling in at 7:06 am stating that her car would not start. She stated that she would be in once her car issues were resolved; however, she never showed up for her shift. On 5/12/15, the respondent was verbally counseled for excessive absenteeism. On 5/15/15, she was written up for failure to perform job duties on 5/14/15. A CNA reported to the respondent that a resident's Foley catheter was leaking early in the respondent's shift. The respondent failed to change the Foley catheter by the end of her shift. She reported to the oncoming nurse that she would change it the next day. The resident had a wound to his coccyx area. The respondent was also counseled for a medication error that occurred on 5/8/15. She received doctor orders to discontinue Demerol, Colace, Robaxin, multivitamin and Restoril. She also received an order to change Baclofen. None of the orders were followed through resulting in numerous medication errors. It was noted that the respondent became angry and left the facility without signing her disciplinary action. On 5/17/15, she sent a text message to the DON resigning her position immediately.

5. The board received information from St. Joseph's Hospice that the respondent was employed from 3/18/13 to 11/9/13. According to her separation notice dated 11/9/13, she was not eligible for rehire.

6. The board received information from Christus Primary Care-South Bossier indicating that the respondent completed an application for employment on 7/24/15. She indicated that her reason for leaving Claiborne Healthcare was because she received an offer of employment from Christus Health; however, the respondent's employment was terminated by Claiborne Healthcare on 5/15/15.

CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, 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.

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;**
- **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;**
- **l. leaving a nursing assignment without properly notifying appropriate personnel;**
- **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

In view of the above findings of fact and conclusions of law, the board issues the following order by default.

That the license of the respondent, **Sharon Richardson, license #980782** be placed on **probation** for a minimum period of **one (1) year** from the date of this order.

During this probation time, the respondent must abide by 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 within **ten (10) days** of the date of this order, so that the license can be stamped with the mandatory probation stamp.

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. **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 to submit a $500.00 annual probation monitoring fee**, payable by cashier's check or money order only**.

C. The probation monitoring fee is due within **three (3) months** of receiving a probated license, and annually thereafter until the probation is satisfactorily completed.

D. Failure to pay these fine/fees in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

4. **Notify board of change of address/telephone number/employment:**

A. The respondent shall notify the board in writing within **ten (10) days** of any change in personal address, telephone number, or employment. Changes in employment include accepting a new job, as well as resignation, or termination.

5. **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 this 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 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. 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).

6. **Select one primary pharmacy:**

A. The respondent shall notify the board of the name, address, and telephone number of his/her selected pharmacy within **ten (10) days** of the date of this order. If the respondent acquires a new pharmacy, written notification must be received within **ten (10) days** of the first use.

7. **Select one primary care physician:**

A. The respondent shall notify the board within **ten (10) days** of the date of this order, the name, address and telephone number of his/her selected primary care physician. The physician must hold an unencumbered license. All medical care received by the respondent for the duration of this order shall be furnished by the primary care physician or by the referral of the primary physician with the exception of emergency care. In the event emergency medical care is necessary, the respondent must notify the board within **three (3) days** from the date the emergency care was rendered if the treatment included administration of mood-altering, controlled, or addictive substances.

B. The respondent shall execute the **Release of Information Form** to allow the primary care physician/referred specialist to communicate with and supply information to the board.

8. **Abstain from unauthorized drug use and controlled/abuse potential substances:**

The respondent shall abstain at all times from the use of controlled or abuse potential substances, and illegal drugs as defined by law, except as prescribed by the primary care physician/referred specialist from whom he/she seeks medical attention.

The respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same, nor shall the respondent consume any product(s) containing alcohol if it is stipulated that the respondent must abstain from alcohol.

A. The respondent shall present a copy of his/her board order/consent order to include the findings of fact and conclusions of law to their primary care physician/referred specialist at the time of obtaining a prescription for controlled/abuse potential substances.

B. In the event the respondent obtains a prescription from their primary care physician/referred specialist for any controlled/abuse potential substance, **the respondent shall submit a copy of the prescription to the board within 48 hours**. The prescription must be for a current condition. The respondent must not arbitrarily take medications prescribed for a past illness or take a medication that is prescribed for another person.

   No medications from a prescription over **six (6) months old** will be accepted without an updated prescription verification. Using prescribed medication(s) over **six (6) months old** without an updated verification is grounds for further disciplinary action as stated in this order.

C. The respondent's primary care physician/referred specialist must complete the board's **Medication Form** for controlled medication(s)/abuse potential substances, and the **Board Order Acknowledgement Form**. He/she must submit the forms within **ten (10) days** of the date of the prescription directly to the board office. The forms must come from the provider to the board office by mail. **They may not pass through the respondent's hands. THEY MAY NOT BE SENT BY FACSIMILE.**

The **Medication Form** must contain identification of the primary care physician/referred specialist along with the condition(s) being treated and the prescription(s) ordered. The condition that warrants the medication must be identified.

If prescription medications are refilled, the board must also have a letter from the primary care physician/referred specialist attesting to the continued need for the medication(s) and the **Medication Form** must be updated every **six (6) months**. The form is required to be re-submitted to the board at that time directly from the primary care physician/referred specialist.

The primary care physician/referred specialist must acknowledge in writing and by documenting on the **Medication Form** that said provider has knowledge of the respondent's dependency and/or use of controlled or abuse potential substances. The provider must identify the medication, dosage, and the date the medication was prescribed. **The practitioner must state whether the medication(s) being prescribed will negatively impact the respondent's ability to perform his/her nursing duties.**

D. In the event of an emergency or referral to a specialist by the primary care physician the respondent must notify the emergency care provider and/or specialist of any/all medication already being prescribed. Should the respondent obtain any prescriptions from the emergency care provider and/or specialist for controlled medication(s)/abuse potential substance(s), the respondent shall inform his/her primary care physician. Each prescriber/physician/specialist must submit a letter to the board office indicating they are aware that the respondent is being prescribed controlled medication(s)/abuse potential substance(s) by the other provider(s) and include the reason(s). These notices must be received at the board office within **ten (10) days** of the date of the prescription(s) and must include a list of medication(s) being prescribed by each physician.

E. The respondent, if enrolled in aftercare, shall inform the aftercare counselor of any/all prescriptions, and the aftercare counselor must submit a letter to the board within **ten (10) days** of the prescription date indicating that they are aware of any/all prescriptions.

Failure to follow these procedures when obtaining a prescription may be grounds for further disciplinary action as stated in this order.

9. **Enroll in a drug screening program:**

A. Within **ten (10) days** of the date of this order, the respondent shall register with the drug screening firm selected by the board. The respondent is required to call into the system immediately upon registering with the drug screening firm.

B. It is the responsibility of the respondent to ensure that he/she has properly registered with the drug screening firm selected by the board.

C. The respondent shall submit to and pay for random drug and/or alcohol screens. The random testing shall be done at a minimum of once per month but may be required more frequently as requested by the board. All drug screens must be observed. The board may at any time request additional testing, including but not limited to, hair and/or blood samples.

D. Occurrence of any of the following conditions constitutes noncompliance with this board order: 1) failure to register with the selected drug testing firm within **ten (10) days** of the date of this order; 2) a positive drug screen; 3) failure to contact the testing firm daily; 4) failure to submit a specimen on the date selected for screening; 5) refusal to furnish a specimen; 6) failure to be observed when submitting a specimen or reporting that the facility did not observe screening process; 7) submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants or submission of a sample that is below acceptable volume or temperature to be tested; 8) failure to follow requested procedure in obtaining a specimen.

E. Drug screen results indicating an abnormal/dilute specimen, or a result indicating a low specific gravity with low creatinine levels will be considered non-compliant with this board order. Positive screens are grounds for further disciplinary action as stated in this order.

F. When checking in with the drug testing company daily by telephone, the respondent must listen to the entire message. Failing to complete the call will be considered non-compliant with this order and grounds for further disciplinary action as stated in this order.

G. Failure to properly fill out or maintain a proper chain of custody form in any way that is not accepted by the drug testing facility will be considered positive and non-compliant with the board order and grounds for further disciplinary action as stated in this order.

H. The respondent shall adhere to all guidelines set forth by the board and the drug screening firm. The drug screening firm will report any/all violations of their guidelines, policies and procedures to the board.

10. **Courses:**

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

- **Documentation for Nurses (minimum 30 CEUs)**
- **Medication Errors and How to Avoid Them (minimum 15 CEUs)**

Evidence of completion of the course(s) is due in the board office within **six (6) months** of the date of this order.

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.

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.

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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.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

M Lynn Ansardi RN 4/5/16

M. Lynn Ansardi, RN Date
Executive Director

Rendered this **5th** day of **April , 2016**, and mailed this **5th** day of **April, 2016**, by U.S. Postal Service, Regular and Certified Mail No. 7015 1730 0001 8796 9611 to:

Sharon Richardson
4521 General Ewell Dr.
Bossier City, LA 71112

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March 8, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 1730 0001 8796 9451

Sharon Richardson
4521 General Ewell Dr.
Bossier City, LA 71112

LICENSE #980782
D.O.B. 08/01/1959

FORMAL COMPLAINT

The Louisiana State Board of Practical Nurse Examiners, hereinafter called the board, files this formal complaint against the respondent. This serves as notice required by the Administrative Procedure Act R.S. 49:955(B).

A hearing will be conducted at the offices of the board on the date and at the time specified here:

Date: **April 14, 2016**
Time: **1:00 p.m.**
Place: **131 Airline Dr., Suite 301, Metairie, LA 70001**

The nature of the hearing is prosecution of the matter:

The Louisiana State Board of Practical Nurse Examiners
v.
Sharon Richardson

The board's legal authority and jurisdiction, in this process of adjudication, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

ATTACHMENT
4

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The hearing concerns alleged violations of the following sections of the statutes/rules:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, 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;**
- **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;**
- **l. leaving a nursing assignment without properly notifying appropriate personnel;**
- **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.**

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The major issues involved include, but are not limited to the following:

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on September 3, 1998.

2. The board received a report from Brentwood Hospital indicating that the respondent tested positive for barbiturates on a pre-employment drug screen. The positive result was, specifically, for phenobarbital, for which she failed to provide a valid prescription. As a result, she was denied employment at the facility.

3. The board received information that the respondent was employed with Riverview Care Center from 11/4/13 to 4/16/14. On 2/20/14, she was counseled for failing to properly document medications in a timely manner, failing to document a re-admission assessment, and failing to document physician orders. She was previously counseled for failure to document narcotic administration appropriately, failure to receive medication from pharmacy in appropriate manner and failure to place medications on cart.

4. The board received information that the respondent was hired as an LPN with Claiborne Health Center on 3/25/15, and her employment was terminated as of 5/15/15. On 4/14/15, she was counseled for a medication error which occurred on 4/10/15. At 3:15 pm, she administered Norco 5/325 mg tab PO; however, the medication had actually been discontinued on 3/19/15. On 5/5/15, she was reminded of the rights of medication administration and that she must re-order medications when there is only a 7 day supply remaining. On 5/11/15, she was written up for calling in at 7:06 am stating that her car would not start. She stated that she would be in once her car issues were resolved; however, she never showed up for her shift. On 5/12/15, the respondent was verbally counseled for excessive absenteeism. On 5/15/15, she was written up for failure to perform job duties on 5/14/15. A CNA reported to the respondent that a resident's Foley catheter was leaking early in the respondent's shift. The respondent failed to change the Foley catheter by the end of her shift. She reported to the oncoming nurse that she would change it the next day. The resident had a wound to his coccyx area. The respondent was also counseled for a medication error that occurred on 5/8/15. She received doctor orders to discontinue Demerol, Colace, Robaxin, multivitamin and Restoril. She also received an order to change Baclofen. None of the orders were followed through resulting in numerous medication errors. It was noted that the respondent became angry and left the facility without signing her disciplinary action. On 5/17/15, she sent a text message to the DON resigning her position immediately.

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5. The board received information from St. Joseph's Hospice that the respondent was employed from 3/18/13 to 11/9/13. According to her separation notice dated 11/9/13, she was not eligible for rehire.

6. The board received information from Christus Primary Care-South Bossier indicating that the respondent completed an application for employment on 7/24/15. She indicated that her reason for leaving Claiborne Healthcare was because she received an offer of employment from Christus Health; however, the respondent's employment was terminated by Claiborne Healthcare on 5/15/15.

You have ten (10) days prior to the date fixed for the hearing to respond (response form enclosed) to this complaint. If you fail to respond, in writing, within this time, you will be deemed to have waived the right to a hearing and action may be taken on this complaint by default, or the hearing may proceed in your absence.

Please find enclosed, a copy of rules related to the formal hearing process.

RIGHT TO PETITION FOR REHEARING/APPEAL/JUDICIAL REVIEW

A decision issued by the board, after the hearing in this matter, may be appealed. LRS 37:976 provides: "Appeals from decisions of the board shall be to the Civil District Court of Jefferson Parish..." The petition for appeal must be filed within thirty days of the date of the mailing of the notice of the board's final decision; copies of the petition must be served on the board and all parties of record (LRS 49:964). A request may also be made to the board for rehearing, re-opening or reconsideration of the board's order. This request must be filed within ten days from the date of the board order and set forth legally sufficient reasons for granting the requests. (LRS 49:959 and LAC 46:XLVII.306.S).

M. Lynn Ansardi R N

By: _____
M. Lynn Ansardi, RN
Executive Director

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March 8, 2016

Please sign, date and return to the board office at 131 Airline Dr., Ste. 301, Metairie, LA 70001.

_____ **I admit** to the allegations contained in the notice of complaint and **will appear** for the scheduled formal hearing.

_____ **I deny** the allegations contained in the notice of complaint and **will appear** for the scheduled formal hearing.

_____ **I admit** to the allegations and **hereby waive my rights** to a formal hearing in the matter. **I will not appear** for the scheduled formal hearing and understand that in doing so my case may either be heard without my appearance, or the Board may issue an order by default.

_____ **I deny** the allegations and **hereby waive my rights** to a formal hearing in the matter. **I will not appear** for the scheduled formal hearing and understand that in doing so my case may either be heard without my appearance, or the Board may issue an order by default.

_____ I enclose my written response to the allegation(s) contained in the notice of complaint and **will not appear** for the scheduled formal hearing. I understand that in doing so my case will be heard without my appearance.

NAME:_____

ADDRESS:_____

PHONE#:_____

DATE:_____

SIGNATURE:_____