

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Jennifer McDaniel (respondent), LPN, license #240596
203 St. Bernadette Dr., Lafayette, LA 70507**

On **March 14, 2016**, a formal complaint (attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint, 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 June 10, 2004.
2. The respondent was employed as a licensed practical nurse at Courtyard Manor. She was terminated on 4/11/11, after it was found that she had been leaving medications in residents' rooms instead of administering the medications and monitoring the residents taking the medications. Multiple residents had also reported that she had failed to give them ordered medications or had given them an incorrect dose. She administered a double dose of pain medication to one resident, and the resident was later unable to receive pain medication, when requested.

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3. The respondent was employed as a licensed practical nurse at ARC of Acadiana. She was terminated on 4/30/12, for failing to perform expected duties.
4. The respondent was employed as a licensed practical nurse with Platinum Healthcare Staffing. She was assigned to work a shift at Prairie Manor Nursing Home. On 10/14/15, at approximately 2:00 am, she attempted to obtain a specimen for urinalysis through an in and out catheterization on a contracted resident. At about 5:00 am, it was observed that the resident's right knee appeared displaced. An x-ray revealed a patellar dislocation of this knee.

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;**
 - i. **falsifying records;**
 - 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

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, **Jennifer McDaniel, license #240596** 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.

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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.

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- 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. **Courses:**

The respondent shall successfully complete the following courses:

-**Nursing Procedures** (minimum 30 contact hours)

-**Patient Advocacy** (minimum 8 contact hours)

-**Medication Errors and How to Avoid Them** (minimum 15 contact hours)

Evidence of completion of the courses is due in the board office within **ninety (90) days** of the date of this order.

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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
Executive Director

Date

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 3430 0000 2102 6651 to:

Jennifer Lea McDaniel
203 St. Bernadette Dr
Lafayette, LA 70507