

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.

**Samantha Smith (respondent), LPN, license #250884
13234 Fieldstone Dr., Geismar, LA 70734**

On **March 29, 2016**, a formal complaint/notice of hearing (Attachment A) was mailed to the last known address of the respondent. The respondent replied by indicating that she denied the allegations, but waived her rights to a formal hearing in the matter. 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 August 3, 2005.
2. The board received information that the respondent was hired at The Guest House as an LPN on 7/26/11. On 8/11/11, she was counseled that all telephone orders must reflect family notification, that she must ensure CNA documentation was complete, and that the eMAR was to be signed after each resident was medicated. On 8/19/11, a meeting was held with floor nurses following a medication cart audit which identified many issues. Following the meeting, she refused to sign the in-service form and stated that she quit. However, she returned to her hall after the meeting and began to pass medications. Another nurse offered to take over for her, but she refused. Although she did not tell anyone there that she felt ill, she later contacted administration and told them she was ill and needed to leave. On 8/23/11, she failed to report for her assigned shift, failed to notify the facility, and did not return messages.

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3. The respondent applied for employment at Baton Rouge Healthcare on 10/10/11. She failed to disclose her recent employment at The Guest House on her employment application.
4. The board received information from Baton Rouge Healthcare indicating that the respondent was absent from work on 5/21/12. She reported that she had been arrested on a bench warrant after being pulled over for speeding. She failed to disclose this arrest to the board, as required.

In reviewing her renewal application for her **2013** practical nursing license, the board found that she answered “**NO**” to question **H**. which asks: **SINCE YOUR LAST RENEWAL, HAVE YOU: Been arrested, charged, convicted of, plead guilty or no contest and/or nolo contendere, or been sentenced for any criminal offense in any state? (NOTE: Even though an arrest or conviction has been pardoned, **EXPUNGED**, dismissed or deferred, and your civil rights have been restored, you must answer “**YES**” and attach a detailed written statement and a certified copy of the criminal record(s)).**

5. The respondent was employed with Baton Rouge Healthcare as an LPN on 10/18/11. Numerous complaints were made against her by staff members and residents. On 12/15/11, she failed to change a catheter as ordered. On 9/10/12, she was warned about failing to document for the months of August and September on the glucometer control sheet. She was issued a written warning on 10/1/12, after she failed to complete required documentation for the 3 prior days. She was warned again on 11/5/12, after she failed to place Coumadin on hold on the MAR for a resident from 10/13/12 to 10/17/12. On 10/19/12, she failed to sign the nurses’ narcotic checklist.

She received a warning 10/9/13, after she presented to the ADON with an attitude and refused to attend a meeting. On 9/11/15, she was rude to a phlebotomist and refused to assist in identifying residents. She engaged in a verbal altercation with a CNA and had to be separated by another staff member on 9/25/15.

On 11/5/15, a resident was receiving IV fluids. A CNA noted a crack in the IV tubing after finding the resident’s gown and bed saturated. When the respondent was informed of this, she responded that she was not going to do anything about it. The resident continued to lose fluids through the line, and later was hospitalized in the ICU for several days. On 11/11/15, another resident was receiving IV fluids. The liter ran out at about 3:30 am. She did not check on the resident all night until about 5:00 am. She had failed to convert his IV to a heparin lock upon completion, as ordered. The resident caught the tubing in his wheelchair, accidentally pulling the IV out. The respondent accused the resident of doing this intentionally. She lied to the resident by stating there was no order

to remove the tubing upon completion of the fluids. This resident filed a grievance, describing her as mean, and indicating that she had behaved this way since his admission. He indicated that he would not even ask her for pain medication during her shift.

Historically, she has had complaints filed against her by staff members, who feared retaliation. It was reported that she refused to provide care to residents during her shift, leaving the oncoming nurses a list of things she did not complete. Frequently, this involved collection of urine specimens. The delays caused by her failure to complete the orders resulted in the delay of results and possible treatment for residents.

Her behavior had become volatile, aggressive, and unpredictable. Due to the events above, as well as her history of aggressive behavior, her employment was terminated on 11/17/15.

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)

- (a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;**
- (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 Part B. And

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections 306 T.

- 1. being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;**
- 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;**

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- l. leaving a nursing assignment without properly notifying appropriate personnel;**
- 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, **Samantha Smith, license #250884** be placed on **probation** for a minimum period of **two (2) years** 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 **six (6) months** 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**.

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- 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.

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- 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. **Courses:**

The respondent shall successfully complete the following courses:
-**Communication Skills for Nursing** (minimum 30 contact hours)
-**Patient Advocacy** (minimum 8 contact hours)
-**Anger Management** (minimum 30 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.

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

M. Lynn Ansardi, RN
Executive Director

4/21/16
Date

Rendered this 21st day of April, 2016, and mailed this 21st day of April, 2016, by U.S. Postal Service, Regular and Certified Mail No. 7015 3430 0000 2102 6781 to:

Samantha Smith
13234 Fieldstone Dr
Geismar, LA 70734