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.

Michelle Orso (respondent), LPN, license #900204
18065 Appleridge Dr. #3516, Dallas, TX 75287

On **April 5, 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 06/07/1990.

2. The respondent had previous disciplinary actions whereby on or about February 6, 1990, she was denied temporary licensure for a felony conviction for credit card theft. On February 12, 1992, the respondent's license was placed on probation for a period of 1 year with stipulations. The respondent then fulfilled the stipulations of her probation and her license was no longer encumbered on January 13, 1995. On June 26, 1998, the respondent was given a letter of reprimand for the allegation of leaving a nursing without properly notifying personnel on April 3, 4, 5, 1998, at St. Charles General Hospital.

3. The board received the respondent's 2016 renewal application whereby she answered **"NO"** to question **#18.b** which asks: SINCE YOUR LAST RENEWAL, HAVE YOU: Had any disciplinary action, consent order, or settlement imposed, including entering a chemical impaired program, or, is any disciplinary action pending on your license in any state (including Louisiana)?

   However, the board received information that the respondent was given disciplinary action of an Eligibility Order by the Texas Board of Nursing due to her arrest and conviction in Louisiana for credit card theft and unauthorized use of a credit card.

4. On 03/16/2016, the respondent's license was suspended for failing to respond to the board's request for information.

5. To date, the board has not received the requested information from the respondent addressing her allegations.

CONCLUSIONS OF LAW

Based on the facts set forth in the entire record and outlined herein above, the respondent is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, §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 B.

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

i. falsifying records;

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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ORDER

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

The respondent's license will remain suspended until she responds to the board's request for information and pays all fines/fees owed to the board. That she is hereby issued a letter of reprimand as disciplinary action against her license for violations of the Nurse Practice Act.

Furthermore, the respondent must:

1. **Return license to the board office:**

   A. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order.

   B. The respondent shall not practice nursing during the period that his/her license is suspended.

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

   The respondent shall notify the board in writing within **ten (10) days** of any change in personal address or telephone number.

4. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas: **Ethics**. Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

5. **Fines/Fees:**

A. The respondent is hereby fined $1,000.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, payable prior to reinstatement of her practical nursing license.

B. The respondent must pay any/all fines/fees owed to the board, including a reinstatement fee, if/when applicable. Fines/fees are **payable by cashier's check or money order only**.

6. **Reinstatement requirements:**

A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.

B. The respondent is to submit a written request for reinstatement to the board office.

C. The respondent must pay any/all fines/fees owed to the board, including a reinstatement fee. Fines/fees are **payable by cashier's check or money order only**.

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.

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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.

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LETTER OF REPRIMAND

In the matter of: **Michelle Orso**
18065 Appleridge Dr. #3516
Dallas, TX 75287

LICENSE #900204
D.O.B. 08/13/196

The Louisiana State Board of Practical Nurse Examiners hereby issues this letter of reprimand against **Michelle Orso, license #900204** based on following:

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on 06/07/1990.

2. The respondent had previous disciplinary actions whereby on or about February 6, 1990, she was denied temporary licensure for a felony conviction for credit card theft. On February 12, 1992, the respondent's license was placed on probation for a period of 1 year with stipulations. The respondent then fulfilled the stipulations of her probation and her license was no longer encumbered on January 13, 1995. On June 26, 1998, the respondent was given a letter of reprimand for the allegation of leaving a nursing without properly notifying personnel on April 3, 4, 5, 1998, at St. Charles General Hospital.

3. The board received the respondent's 2016 renewal application whereby she answered **"NO"** to question **#18.b** which asks: SINCE YOUR LAST RENEWAL, HAVE YOU: Had any disciplinary action, consent order, or settlement imposed, including entering a chemical impaired program, or, is any disciplinary action pending on your license in any state (including Louisiana)?

   However, the board received information that the respondent was given disciplinary action of an Eligibility Order by the Texas Board of Nursing due to her arrest and conviction in Louisiana for credit card theft and unauthorized use of a credit card.

4. On 03/16/2016, the respondent's license was suspended for failing to respond to the board's request for information.

5. To date, the board has not received the requested information from the respondent addressing her allegations.

CONCLUSIONS OF LAW

Based on the facts set forth in the entire record and outlined herein above, the respondent is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, §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 B.

As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 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;
- **i. falsifying records;**
- **t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.**

The respondent's license will remain suspended until she responds to the board's request for information and pays all fines/fees owed to the board.

Furthermore, the respondent must:

1. **Return license to the board office:**

   A. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order.

   B. The respondent shall not practice nursing during the period that his/her license is suspended.

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

   The respondent shall notify the board in writing within **ten (10) days** of any change in personal address or telephone number.

4. **Courses:**

   The respondent must take and satisfactorily complete board approved courses in the following areas: **Ethics**. Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

5. **Fines/Fees:**

   A. The respondent is hereby fined $1,000.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, payable prior to reinstatement of her practical nursing license.

   B. The respondent must pay any/all fines/fees owed to the board, including a reinstatement fee. Fines/fees are **payable by cashier's check or money order only**.

6. **Reinstatement requirements:**

   A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.

   B. The respondent is to submit a written request for reinstatement to the board office.

   C. The respondent must pay any/all fines/fees owed to the board, including a reinstatement fee. Fines/fees are **payable by cashier's check or money order only**.

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.

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.

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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

M. Lynn Ansardi RN

M. Lynn Ansardi, RN
Executive Director

4/20/2016
Date

Rendered this **20th** day of **April, 2016**, and mailed this **20th** day of **April, 2016**, by U.S. Postal Service, Regular and Certified Mail No. 7015 3450 0000 2102 6385 to:

Michelle Orso
18065 Appleridge Dr. #3516
Dallas, TX 75287

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FILE COPY

April 5, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 1730 0001 8796 6474

Michelle Orso
18065 Appleridge Dr. #3516
Dallas, TX 75287

LICENSE #900204
D.O.B. 08/13/1962

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 25, 2016**
Time: **11:00 a.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.
Michelle Orso

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
A

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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);
   - (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 B.

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

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 06/07/1990.

2. The respondent had previous disciplinary actions whereby on or about February 6, 1990, she was denied temporary licensure for a felony conviction for credit card theft. On February 12, 1992, the respondent's license was placed on probation for a period of 1 year with stipulations. The respondent then fulfilled the stipulations of her probation and her license was no longer encumbered on January 13, 1995. On June 26, 1998, the respondent was given a letter of reprimand for the allegation of leaving a nursing without properly notifying personnel on April 3, 4, 5, 1998, at St. Charles General Hospital.

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3. The board received the respondent's 2016 renewal application whereby she answered **"NO"** to question **#18.b** which asks: SINCE YOUR LAST RENEWAL, HAVE YOU: Had any disciplinary action, consent order, or settlement imposed, including entering a chemical impaired program, or, is any disciplinary action pending on your license in any state (including Louisiana)?

   However, the board received information that the respondent was given disciplinary action of an Eligibility Order by the Texas Board of Nursing due to her arrest and conviction in Louisiana for credit card theft and unauthorized use of a credit card.

4. On 03/16/2016, the respondent's license was suspended for failing to respond to the board's request for information.

5. To date, the board has not received the requested information from the respondent addressing her allegations.

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).

By: M Lynn Ansardi RN
M. Lynn Ansardi, RN
Executive Director

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April 5, 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:_____