

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS  
3421 NORTH CAUSEWAY BOULEVARD, SUITE 505  
METAIRIE, LOUISIANA 70002-3715  
(504) 838-5791  
FAX (504) 838-5279

This cause having come to be heard at a formal hearing conducted at the board office on October 25, 2007, at 9:30 A.M. upon the complaint filed in this matter.

1. The respondent **WAS NOT** present for the scheduled hearing.  
There was no attorney or additional witnesses present to represent the respondent.
2. There were three (3) witnesses present for this hearing which included:
  - A. Cody Reddick Bonvillian, R.N. Formerly employed at Monroe Manor Nursing Center where she was Assistant DON when the incident related to the respondent occurred. Presently DON at Lesley Lakes Retirement Center.
  - B. Maurice Moore, Maintenance Supervisor, Monroe Manor Nursing Center
  - C. Linda Louis, C.N.A., Monroe Manor Nursing Center
3. The following exhibits were admitted into evidence and were fully considered by the Hearing Officer:
  - Exhibit A:** The Formal Complaint dated 09/27/07.
  - Exhibit B:** The letter dated 04/21/2006 from the LPN board to Linda Rucks, LPN, advising her of the allegations against her and requesting a detailed written response.
  - Exhibit C:** A one-page narrative response of Linda Rucks dated 05/03/2006 with attached faxed Toxicology Report from DRL labs dated 03/31/2006, all date stamped received by the LPN board 05/05/2006.
  - Exhibit D:** A letter dated 07/06/2006 from the LPN Board to Linda Rucks, LPN, requesting a second detailed written response.
  - Exhibit E:** *In Globo.* A 13-page FAX dated 04/05/06 from Cody Reddick, ADON, at Monroe Manor Nursing Center with the attached following documents: Louisiana Department of Labor Separation Notice Alleging Disqualification regarding Linda Rucks. Also, the written statements of Maurice Moore, Nikki Fontana, LPN, charge nurse, Brenda Reddick, RNC at Monroe Manor Nursing Center, Cody Reddick and Linda Louis, CNA, and also the Medication Error Report dated 03/30/2006 regarding Linda Rucks, LPN.

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**Exhibit F:** *In Globo.* The Subpoena Duces Tecum dated 07/06/06 from the LPN Board to Cody Reddick, ADON at Monroe Manor Nursing Center, with the attached documents received in response thereto, including the Nurses' Notes, Treatment Administration Records, CBC, Physician's Tracking Logs, and Pain Management Flow Sheets, all date stamped received by the LPN Board on 07/17/2006.

**Exhibit G:** The LPN Board's Reply to Formal Hearing Notice from Linda Rucks dated 10/05/2007 and date stamped received by the LPN board 10/08/2007.

**Exhibit H:** The Affidavit of Tammy Labit, Records Custodian at the LPN Board, dated 10/25/2007 regarding the business records of the LPN Board concerning Linda Rucks, LPN.

4. The Hearing Officer also fully reviewed and considered the transcript of the Hearing as prepared and certified by the Certified Court Reporter, Ann M. Rodgers, CCR, who was present and recording the hearing. The Hearing Officer, having reviewed all evidence, and being fully advised in the premises, makes the following Findings of Facts AND Conclusions of Law based on the entire record:

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**FINDINGS OF FACT**

During the Formal Hearing process, the following facts were confirmed:

1. The respondent is guilty of unprofessional behavior/conduct while on duty as a licensed practical nurse on March 30, 2006, between approximately 5:30 AM and 7:00 A.M.
  - (a) This behavior/conduct was acted out in the hall and in the presence/hearing of Agency residents and multiple staff members.
  - (b) Her behavior was variously described as: "aggressive," "aggravated," "hostile," "yelling at some of staff," "shaking and trembling," "looked like she'd been doing something she shouldn't have been doing," and "real disrespectful to staff."
  - (c) Because of the disruptive actions of the respondent the charge nurse (who was busy with another patient) asked the Maintenance Supervisor, Maurice Moore, to ask the respondent to please quiet down and stop being so disruptive. When he relayed this request to the respondent, she became verbally aggressive to him, called him an "idiot," told him he was "uneducated" and that he should "get himself an education." Ultimately the respondent became further incensed and continued to be very loud and disruptive. Please refer to Pages 26 & 27 of the Hearing Transcript.

The Maintenance Supervisor, Maurice Moore, testified on Page 27, Lines 14-16 of the Hearing Transcript that he "... thought Linda Rucks was going to hit Nikki because she (the respondent) was pointing her finger in her face saying she wasn't going to do anything."
  - (d) When called in by Agency administrative staff for a conference regarding this outburst and other areas of her on-duty performance, the respondent "blew up" and "stormed out" of the conference.

Please refer to Exhibit E.

Please refer also to Pages 5 - 8, 12 - 14, 25 - 30, and 33-35 of the hearing transcript.

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2. The respondent is guilty of refusing to cooperate with the employer's request to submit to a urine drug screen for cause.

- (a) The UDS for cause was requested subsequent to the rude and unprofessional behavior exhibited by the respondent on 3/30/2006, as well as the fact that during the conference held later that day the respondent's words did not match the questions the ADON posed to her. Her responses were described as being "very erratic." Because of this unusual behavior, the respondent was requested to submit to a UDS for cause.
- (b) In both the sworn testimony and the written statements, multiple Agency employees indicated this was the first time they had witnessed the respondent behaving in this manner.

Please refer to Exhibit E.

- (c) In her written narrative, Exhibit C, the respondent states:  
"After departing the building (at approximately 8:00-8:30 AM on the morning of 3/30/06) I went to SD Hill Clinic (about five minutes away) in order to have a urine drug test taken. The results are included."

This is an incorrect statement. Attached to this statement is a copy of a urine drug screen collected on 03/31/06 at 15:09 (3:09 PM).

Please note that the respondent had walked out of the Agency conference on 3/30/06 at approximately 8:00 – 8:30 AM.

Please also refer to Pages 18 - 19 and Page 30 of the Hearing Transcript.

3. The respondent is guilty of failing to practice practical nursing in accordance with the standards normally expected.

On the morning of 3/30/2006 the respondent:

- a) Left an Ativan on the bedside table of a resident

One 0.5 mg Ativan tablet was found in a soufflé cup on the resident's bedside table by C.N.A. Linda Louis after the respondent had made medication administration rounds.

- b) Left a used needle lying on a patient's bed

Note: This patient was HIV positive.

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This used insulin syringe was found by CNA Linda Louis who reported it to the respondent. The respondent did not respond to this report. Please refer to Pages 38 – 47 of the Hearing Transcript.

- c) Failed to perform nightly treatments for residents which were ordered and which she had been instructed to perform (which she did admit to in the staff conference with her)

Additionally, in her sworn testimony on Pages 19 – 20 of the Hearing Transcript, Cody Reddick Bonvillian, RN, DON, testified she had previously counseled the respondent regarding inadequate/incomplete documentation, but not about direct patient care.

Please refer to Exhibit E

Please also refer to Pages 15 – 17 and 19-23 of the Hearing Transcript.

4. The respondent quit her job as an LPN without giving proper notice

The respondent returned to the Agency for a conference at approximately 7:45 A.M. on 3/30/2006, the morning of the incident. During the conference she stood up and walked out of the conference area stating she was “out of here,” and walked away without further notice.

Please refer to Exhibit E.

Please also refer to Pages 19 – 23 of the Hearing Transcript.

5. The respondent denies all of the accusations.

Note: During the staff conference the respondent did admit she had not performed treatments during her shift. However in Exhibits C and G she denies all allegations against her.

Please refer to Exhibits C and G.

6. The Hearing Officer found these witnesses to be competent and well organized in their responses.

The Hearing Officer found contradictions in the narrative statements of the respondent as well as in the attachment to Exhibit C which contradicted statements in the respondent narrative.

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In the matter of:

**Louisiana State Board of Practical Nurse Examiners**

**V**

**Linda Rucks, LPN - respondent**  
**License #930871**

### **JURISDICTION**

The board has jurisdiction over the parties hereto and the subject matter hereof.

### **CONCLUSIONS OF LAW**

**Based on the facts set forth in the entire record and outlined herein above, the respondent is in violation of:**

The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4); 978; and

- (c) Is unfit, or incompetent by reason of negligence, habit, or other causes; and
- (f) Is guilty of unprofessional conduct; and
- (g) Has violated any provisions of this Part. And

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; and
  - b. failure to utilize appropriate judgement in administering nursing practice; and
  - c. failure to exercise technical competence in carrying out nursing care; and
  - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient; and
  - p. inappropriate, incomplete or improper documentation; and
  - r. possessing a physical or psychological impairment that interferes with the judgement, skills or abilities required for the practice of practical nursing; and
  - s. refusing to cooperate with employer's request to submit to a drug screen.

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## ORDER

The matter of Linda Rucks, LPN, license #930871 on March 28, 2008 came on for final action by the Louisiana State Board of Practical Nurse Examiners.

**NOW THEREFORE, IT IS ORDERED**, that the license of the respondent, Linda Rucks, license #930871, be **SUSPENDED FOR ONE (1) YEAR**.

### DURING THIS SUSPENSION PERIOD

1. The respondent must, within 3 months of the date the Board Order was mailed from the Board office to the respondent, obtain a complete psychological evaluation, to include a chemical addiction assessment, conducted by a Board-approved psychologist/psychiatrist/addictionologist. This assessment must contain evidence that it is based on the use of objective and subjective evaluation tools. PRIOR TO this assessment, the respondent MUST provide a copy of the Board Order and the Acknowledgement Form TO THE psychologist/psychiatrist/addictionologist. Following the assessment, the respondent shall ensure that the psychologist/psychiatrist/addictionologist provides the Board office with a copy of the assessment, and a letter indicating all current medications prescribed and any further treatment/therapeutic recommendations.
2. During this Board-imposed period of suspension:
  - A. The respondent IS NOT ALLOWED to practice as a licensed practical nurse or to represent himself/herself as a practical nurse in any way. He/she must IMMEDIATELY return his/her practical nursing license to the Board office by certified mail/return receipt requested.

The respondent must take and satisfactorily complete within 90 days of the date of the Board Order the following courses: Communication Skills for Nurses; Interpersonal Relationships; Anger Management; Drugs and Women; and Mental Health for Women. That the respondent cause to be submitted evidence of completing said courses to the board office.

- B. The respondent must notify the Board immediately, within three (3) days, and in writing, of any change in name, address, and/or telephone number.

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C. The respondent shall have his/her psychologist/psychiatrist/addictionologist/counselor provide the Board office with a quarterly Progress Report. This report shall ALSO CONTAIN:

- a list of all medications the respondent is taking
- the date and by whom any NEW medication(s) was prescribed
- what each new medication(s) was prescribed for, and
- the expected date each medication may be discontinued.

These quarterly reports must be received in the Board Office on or before April 10<sup>th</sup>, July 10<sup>th</sup>, October 10<sup>th</sup> and January 10<sup>th</sup>.

E The respondent must submit to and pay for random urine drug screens. A drug-testing firm selected by the Board will manage urine screens. He/she will receive information from the selected firm. Drug screens shall begin as soon as the respondent's "name" selection is mandated on a random day of the month. Refusal to furnish a valid urine specimen, a positive screen, failure to follow requested procedure in obtaining a specimen, or failure to submit a specimen on date name is called will be considered non-compliance with the Board Order and is grounds for further disciplinary action as stated in this Order.

3. The respondent is to be fined \$500.00, payable by money order/cashier's check only, for the violations detailed in the Conclusions of Law, payable within 90 days of the date of this notice.
4. A hearing assessment fee of \$500.00, payable by money order/cashier's check only, is to be submitted to the Board within 90 days of the date of this notice.
5. When all requirements listed above have been satisfactorily completed, the respondent may then submit a written request for reinstatement of license. This request shall include a letter from the respondent's psychiatrist/psychologist/addictionologist/counselor indicating that the respondent may safely return to the practice of practical nursing. This letter shall also contain a list of all current medications prescribed and any further treatment/therapeutic recommendations.

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That upon receipt of all fines, and after favorable review of the records requested by the Board have been received, the license of the respondent may then be placed on probation for four (4) years with the following stipulations:

1. The license of the respondent will be stamped "PROBATION."
2. Probation will run concurrent with employment as a LPN and the respondent must be employed a minimum of ten (10) days per month. If unemployed, or if not employed as an LPN, the respondent must submit a letter to the Board indicating same. The probationary period will not commence or progress until and unless the respondent is employed (as noted above). In addition, failure to maintain stable employment may be grounds for termination of the probation (see violations).
3. The respondent must provide a copy of the entire Board order immediately, to each and every current employer, and at the time of application, to potential future employers, if applicable.
4. If respondent is already employed as an LPN, then the current employer must submit a letter indicating awareness of the Board order and agreeing to monitor the respondent while on probation. If not currently employed then, upon obtaining employment as a Licensed Practical Nurse, the respondent must request that the employer submit, within three (3) days, a "letter of hire" to the Board.
5. The respondent must practice under *direct* supervision of a nurse (RN or LPN) or physician. Employment must provide for the supervisor to have regular and consistent opportunities to evaluate the performance of the respondent.
6. Supervisors must submit evaluative reports quarterly. Reports are due on or before the 10<sup>th</sup> day of January, April, July, and October of each year. An administrator of the facility must co-sign the evaluative report.
7. The respondent is prohibited from working in temporary staffing, as an agency nurse, or 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.
8. The respondent must notify the Board immediately (within three (3) days), and in writing, of any change in employer, name, address, and/or telephone number.

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9. The respondent must abstain at all times from the use of controlled or abuse potential substances, including alcohol, except as prescribed by a licensed practitioner from whom he/she seeks medical attention. Should the respondent obtain a prescription from a licensed practitioner, he/she shall submit a copy of the prescription to the Board within 48 hours The respondent must not arbitrarily take medications prescribed for a past illness or take a prescription that is prescribed for another person. The respondent shall NOT consume hemp, poppy seeds, or any product or by-product containing the same.
- Respondent shall inform all licensed practitioners, who authorize prescriptions of controlled or abuse potential substances, of his/her dependency and/or use of controlled or abuse potential substances, and respondent shall cause all such licensed practitioners to complete the Board's controlled medication form (copy enclosed) and submit same directly to the Board office. The form must come from the provider to the Board office by mail. It may not pass through the respondent's hands; it may not be sent by facsimile.
  - The controlled medication form must contain a record, provided by the respondent, of all health care providers treating the respondent and the conditions being treated and prescriptions ordered for these conditions.
  - The prescribing provider must acknowledge, in writing and by documenting on the controlled medication form, that said provider has knowledge of the respondent's dependency and/or use of controlled or abuse potential substances and identify the medication, dosage, and the date the medication was prescribed.
  - The report shall be submitted within five (5) days of the date of the prescription and must be sent directly from the prescribing practitioner to the Board office.
  - If prescription drugs are refilled, the Board must also have a letter from the prescribing practitioner attesting to the continued need for the medication and if the controlled medication form must be updated and re-submitted to the Board.

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10. The respondent must submit to and pay for random urine drug screens. A drug-testing firm selected by the Board will manage urine screens. Respondent will receive information from the selected firm and drug screens will begin as soon as the respondent's "name" selection is mandated on a random day of the month. Refusal to furnish a valid urine specimen, a positive screen, failure to follow requested procedure in obtaining a specimen, failure to call firm daily or failure to submit a specimen on date name is called will be considered non-compliant with the Board Order. Failure to register with the selected firm immediately upon receipt of registration packet will be considered non-compliance with Board Order. Drug screen results indicating abnormal/dilute specimen and/or low specific gravity and/or low creatinine levels will be considered positive and non-compliant with Board Order and grounds for further disciplinary action as stated in this Order. (SEE VIOLATIONS).
  
11. The respondent must submit evidence of continued compliance with treatment plan/counseling.
  - Psychologist/psychiatrist/counselor is to submit to the Board a minimum of quarterly evaluations of compliance with treatment plan.
  - Upon discharge from treatment counselor is to submit to the Board a discharge summary to include any future recommendations.
  - Respondent must sign the enclosed release of information form and submit it to his/her treatment center, counselor/practitioner of record, giving the Board the authority to discuss treatment recommendations and compliance with treatment plan at all times.

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12. The respondent is to submit a \$500.00 probation monitoring fee, payable by money order/cashier's check only, PRIOR TO the issuance of the probationary license and annually thereafter UNTIL the probation is satisfactorily completed.

**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) immediate 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.

**FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING ABUSE POTENTIAL PRESCRIPTION DRUGS MAY RESULT IN A MINIMUM OF A FOUR (4) YEAR PERIOD OF SUSPENSION 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 consecutive years of being drug/alcohol free prior to the respondent's initiation of a reinstatement request. If during your 2 consecutive years of sobriety you relapse, your 2 consecutive years of sobriety will re-start on date of relapse occurrence as long as treatment is being obtained.**

Rendered this 28th day of March, 2008 and signed this 28th day of March, 2008 at

Metairie, Louisiana  
*Eugene C. St. Martin, M.D.*

**EUGENE ST. MARTIN  
CHAIRMAN OF THE BOARD**

*Claire D. Glaviano*

**CLAIRE D. GLAVIANO, RN  
EXECUTIVE DIRECTOR**

Mailed this 31st day of March, 2008 by U.S. postal service certified mail return receipt #7007 2680 0001 2214 2790 and regular mail to the following address:

Linda Rucks  
4102 Pipin St.  
Monroe, LA 71202