

DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Lisa Bourque (respondent), LPN, license #232397
913 West Burton St., Sulphur, LA 70663**

On **May 4, 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 formal 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 by endorsement to practice practical nursing in the state of Louisiana on December 17, 2003.
2. The respondent entered into an agreement with the board on November 30, 2004. She was placed on probation for 12 months for forging a caregiver's signature on a nurses' note indicating that she had seen a patient, when in fact she did not. During her probation, she was suspended for violating her board order for patient abandonment. The respondent's Louisiana practical nursing license remained suspended until 2012. She completed a refresher course in May of 2013, and was placed back on probation on 6/26/13.

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3. In June of 2013, the respondent self-reported an arrest for DWI in 2008. She reportedly pled guilty and served one year probation with the court system. She also reported an arrest that occurred in 2010 for possession of marijuana and drug paraphernalia. She admitted to smoking marijuana, pled guilty and paid fines and fees.
4. On 10/15/13, the respondent completed her probation and was issued a no longer encumbered practical nursing license.
5. The board received information that the respondent was arrested by the St. Mary Parish Sheriff's Office on 2/15/2016, and charged with possession of marijuana, possession of legend drug without prescription, speeding 11 to 15 mph, possession of drug paraphernalia, possession of schedule II drugs, and 2 counts of possession of schedule IV drugs.
6. On 3/16/16, the respondent's practical nursing license was suspended for failing to respond to the board's request for information.
7. Additionally, the board received information from High Hope Center that the respondent was employed as an LPN from 7/25/12 to 12/14/15. She was terminated for no call/no show.
8. To date, the respondent's practical nursing license remains suspended.

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):

- (b) **is guilty of a crime;**
- (c) **is unfit, or incompetent by reason of negligence habit, or other causes;**
- (d) **is habitually intemperate or is addicted to the use of habit forming drugs;**
- (f) **is guilty of unprofessional conduct;**
- (g) **has violated any provisions of this Part;**

And § 978 A (8) Violate any provisions of this Part.

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As further defined in the Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, §306. T.

2. **being guilty of a crime;**
3. **being unfit, or incompetent by reason of negligence, habit or other causes;**
4. **being habitually intemperate or addicted to the use of habit-forming drugs;**
8. **being guilty of unprofessional conduct;**
 - a. **failure to practice practical nursing in accordance with the standards normally expected;**
 - g. **improper use of drugs, medical supplies, or patients' 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;**
 - n. **being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;**
 - o. **being guilty of moral turpitude;**
 - 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:

The license of the respondent, **Lisa Bourque, license #232397** is hereby **revoked**, effectively immediately upon execution of this order. Revocation is permanent in the state of Louisiana.

Furthermore, the respondent must:

- A. Return his/her current practical nursing license to the board office within **five (5) days** of the date of this order.

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- B. Shall not practice as a practical nurse in the state of Louisiana and/or attempt to practice practical nursing in this state involving the direct and/or indirect care of any persons.
- C. Submit a fine of **\$1,000.00, 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.

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

Date 5/24/16

Rendered this 24th day of May, 2016, and mailed this 24th day of May, 2016, by U.S. postal service certified mail return receipt # 7015 3430 0000 2102 9874 and regular mail to the following address:

Lisa Bourque
913 West Burton St.
Sulphur, LA 70663

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May 4, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 1730 0001 8796 9918**

**Lisa Bourque
913 West Burton St.
Sulphur, LA 70663**

**LICENSE #232397
D.O.B. 09/20/1976**

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: June 2, 2016
Time: 8:00 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.
Lisa Bourque

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);
 - (b) **is guilty of a crime;**
 - (c) **is unfit, or incompetent by reason of negligence habit, or other causes;**
 - (d) **is habitually intemperate or is addicted to the use of habit forming drugs;**
 - (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.
 2. **being guilty of a crime;**
 3. **being unfit, or incompetent by reason of negligence, habit or other causes;**
 4. **being habitually intemperate or addicted to the use of habit-forming drugs;**
 8. **being guilty of unprofessional conduct;**
 - a. **failure to practice practical nursing in accordance with the standards normally expected;**
 - g. **improper use of drugs, medical supplies, or patients' 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;**
 - n. **being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;**
 - o. **being guilty of moral turpitude;**
 - 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;**

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- 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 by endorsement to practice practical nursing in the state of Louisiana on December 17, 2003.
2. The respondent entered into an agreement with the board on November 30, 2004. She was placed on probation for 12 months for forging a caregiver's signature on a nurses' note indicating that she had seen a patient, when in fact she did not. During her probation, she was suspended for violating her board order for patient abandonment. The respondent's Louisiana practical nursing license remained suspended until 2012. She completed a refresher course in May of 2013, and was placed back on probation on 6/26/13.
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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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May 4, 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: _____