

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 Mitchell (respondent), license # 970719
3201 Gordon Ave
Monroe, LA 71202

On May 27, 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 July 31, 1997. Her license has since expired on 01/31/2000.
2. The board received the respondent's delinquent/inactive license information form on which she answered "No" to question #8 which asks:
Have you ever been arrested, charged, convicted, pled no contest, entered into a District Attorney Intervention program, or, are charges pending against you for a crime (misdemeanor or felony) in any state?

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3. The respondent's delinquent/inactive license information form also showed her signature on page 1 and the signature of her daughter, Charnell Mitchell, on page 2. The respondent revealed that her daughter completed the form and signed Michelle Mitchell on the first page and her own name on the second page.
4. The board also received FBI criminal background records which revealed that on or about 10/28/2000, the respondent was charged and convicted of driving while intoxicated.
5. On 12/07/2015, the respondent's practical nursing license was suspended for failing to respond to the board's request for information.
6. On January 13, 2016, the board received a written response from the respondent stating that she misread the question concerning her criminal background. The respondent thought the question asked if she had any felony convictions, therefore she did not inform the board of a misdemeanor DUI conviction that she had in the year of 2000. Also the respondent stated she suffered a stroke on January 25, 2015 and has right sided weakness. She had her daughter Charnell Mitchell to complete the delinquent/inactive form; however her daughter accidentally signed her own name instead of the respondent's name.

CONCLUSIONS OF LAW

Based on the facts set forth in the entire record and outlined herein above and below, 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

- (8) **Violate any provisions of this Part; and B.**

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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.**

ORDER

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

The respondent, **Michelle Mitchell, license #970719** is hereby issued a letter of reprimand as disciplinary action against his/her practical nursing license for the violations of the Nurse Practice Act.

Furthermore, the respondent must:

1. Take and satisfactorily complete a board approved course in **Legal and Ethical Dilemmas**, within **thirty (30) days** from the date of this order and submit evidence of completion of said course(s) to the board office within 5 days of completion.
2. 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, due 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.

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.

LETTER OF REPRIMAND

The Louisiana State Board of Practical Nurse Examiners hereby issues this Letter of Reprimand against **Michelle Mitchell, license #970719** based on the following:

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on July 31, 1997. Her license has since expired on 01/31/2000.
2. The board received the respondent's delinquent/inactive license information form on which she answered "No" to question #8 which asks:
Have you ever been arrested, charged, convicted, pled no contest, entered into a District Attorney Intervention program, or, are charges pending against you for a crime (misdemeanor or felony) in any state?
3. The respondent's delinquent/inactive license information form also showed her signature on page 1 and the signature of her daughter, Charnell Mitchell, on page 2. The respondent revealed that her daughter completed the form and signed Michelle Mitchell on the first page and her own name on the second page.
4. The board also received FBI criminal background records which revealed that on or about 10/28/2000, the respondent was charged and convicted of driving while intoxicated.
5. On 12/07/2015, the respondent's practical nursing license was suspended for failing to respond to the board's request for information.
6. On January 13, 2016, the board received a written response from the respondent stating that she misread the question concerning her criminal background. The respondent thought the question asked if she had any felony convictions, therefore she did not inform the board of a misdemeanor DUI conviction that she had in the year of 2000. Also the respondent stated she suffered a stroke on January 25, 2015 and has right sided weakness. She had her daughter Charnell Mitchell to complete the delinquent/inactive form; however her daughter accidentally signed her own name instead of the respondent's name.

CONCLUSIONS OF LAW

Based on the facts set forth in the entire record and outlined herein above, the board has concluded that **Michelle Mitchell, license #970719** 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

- (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.**

Furthermore, the respondent must:

- 1. Take and satisfactorily complete a board approved course in **Legal and Ethical Dilemmas**, within **thirty (30) days** from the date of this order and submit evidence of completion of said course(s) to the board office within 5 days of completion.**
- 2. 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, due within **ninety (90) days** of the date of this order.**

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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.

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

6-7-2016
Date

Rendered this 7th day of June, 2016, and mailed this 7th day of June, 2016, by U.S. postal service certified mail return receipt #7015 3430 0000 2102 5104 and regular mail to the following address:

**Michelle Mitchell
3201 Gordon Ave
Monroe, LA 71202**

MLA/bl

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FILE COPY

May 27, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 3460 000 2102 5050**

**Michelle Mitchell
3201 Gordon Ave.
Monroe, LA 71202**

**LICENSE #970719
D.O.B. 11/18/1967**

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 16, 2016

Time: 1:00 p.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 Mitchell

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.

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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 July 31, 1997. Her license has since expired on 01/31/2000.
2. The board received the respondent's delinquent/inactive license information form on which she answered "No" to question #8 which asks:
Have you ever been arrested, charged, convicted, pled no contest, entered into a District Attorney Intervention program, or, are charges pending against you for a crime (misdemeanor or felony) in any state?
3. The respondent's delinquent/inactive license information form also showed her signature on page 1 and the signature of her daughter, Charnell Mitchell, on page 2. The respondent revealed that her daughter completed the form and signed Michelle Mitchell

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on the first page and her own name on the second page.

4. The board also received FBI criminal background records which reveal that on or about 10/28/2000, the respondent was charged and convicted of driving while intoxicated.
5. On 12/07/2015, the respondent's practical nursing license was suspended for failing to respond to the board's request for information.
6. On 12/29/2015, the respondent was given a formal complaint for a hearing to be held on January 21, 2016. On January 13, 2016, the board received a written response from the respondent stating that she misread the question concerning her criminal background. The respondent thought the question asked if she had any felony convictions, therefore she did not inform the board of a misdemeanor DUI conviction that she had in the year of 2000. Also the respondent stated she suffered a stroke on January 25, 2015 and has right sided weakness. She had her daughter Charnell Mitchell to complete the delinquent/inactive form; however her daughter accidentally signed her own name instead of the respondent's name.
7. The respondent's hearing was continued.
8. On February 17, 2016, the board received a new delinquent/inactive form with signatures of the respondent. She also answered 'yes' to question #8 which asks:

Have you ever been arrested, charged, convicted, pled no contest, entered into a District Attorney Intervention program, or, are charges pending against you for a crime (misdemeanor or felony) in any state?

She also stated that while she was charged with DUI, in the year 2000, she pled no contest and performed 15 days of community service.

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.

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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 27, 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: _____