

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

HAND DELIVERED

JUL 08 2016

TO L.S.B.P.N.E

In the matter of: **Shalom Kruger**
5504 Randolph St.
Marrero, LA 70072

Applicant for Licensure, last four digits S.S. #7883

Date offered: **June 20, 2016**

Date offer expires: **July 11, 2016**

CONSENT AGREEMENT/ORDER

The Louisiana State Board of Practical Nurse Examiners does hereby offer this consent agreement/order to **Shalom Kruger, applicant for licensure**, based on the following:

FINDINGS OF FACT

The respondent entered into the practical nursing program at the Delgado Community College. She completed the program on or about December 15, 2015.

Upon enrollment into the practical nursing program, the respondent answered "yes" to question #19 on her Evaluation for Admission to a Practical Nursing Program Application which asks the following:

“Have you ever been indicted, charged with, summoned into court as a defendant in a criminal proceeding, arrested (even if you were not taken away in handcuffs or incarcerated), fined, imprisoned, placed on probation or ordered to deposit bail for the violation of any law, police regulation or ordinance, misdemeanor and/or felony offense (except for minor traffic violations) whether or not charges were **expunged/dismissed and/or refused**: or have you ever been convicted (including a nolo contendere plea or guilty plea) of any criminal **misdemeanor and/or felony**?”

The respondent reported the following arrests/charges:

- 9/24/1994- Simple Battery
- 1/1/1995- DWI
- 1/1/1995-1) Criminal Damage to Property; 2) Simple Battery
- 6/17/1995- ABO Card required
- 4/9/1996- 1) Theft; 2) Refund Fraud; 3) Possession of Stolen Property under \$100
- 12/3/2003- Refused Breathalyzer

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- 3/27/2004-1) Possession of Marijuana; 2) Open Container Alcohol; 3) Possession of Drug Paraphernalia
- 5/20/2005- Unlawful Sale of Alcohol under 21

The board has received court documents related to the above arrests and all matters are cleared with the court.

Upon further review, the board found that the respondent answered "no" to question #15.B. which asks the following: "Have you ever had any disciplinary action, been allowed to resign, or requested to leave temporarily or permanently while in any professional or occupational training program (including nursing) prior to completion?"

According to an assessment by Dr. Ken Roy, the respondent entered into a consent order with the Registered Board of Nursing, while enrolled as an R.N. student in 2010. Dr. Roy was of the opinion that no intervention was necessary and that the respondent was able to study and, when qualified, practice nursing with the expectation of competence and safety to the public.

CONCLUSIONS OF LAW

Based on the evidence submitted, the board has concluded that Ms. Kruger is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, 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;
- (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.

As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 306:

- 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;
- 4. being habitually intemperate or addicted to the use of habit-forming drugs;
- 8. being guilty of unprofessional conduct;
 - 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.**

In lieu of a formal hearing on the matter, the respondent consents to accept and abide by the following orders of the board:

1. The respondent shall be issued a letter of reprimand as disciplinary action against the respondent's license for the violations of the Nurse Practice Act.
2. The respondent is hereby fined **\$500.00** for the violations of the Nurse Practice Act, payable by **cashier's check or money order only**, due prior to being made eligible to take the NCLEX-PN.

VIOLATIONS

The respondent is hereby notified and by signature Shalom Franco Kruger acknowledges and agrees that failure to comply with any and/or all sections of this order may result in any or all of the following:

- a) denial of licensure, b) immediate suspension of license, c) indefinite suspension of license, d) ineligibility for annual renewal of license, e) additional fines/penalties up to \$500.00 per occurrence, f) increased probationary period, g) summary suspension and h) 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.

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LETTER OF REPRIMAND

In the matter of: Shalom Kruger
 5504 Randolph St.
 Marrero, LA 70072

Applicant for Licensure, last four digits S.S. #7883

Date offered: June 20, 2016

The Louisiana State Board of Practical Nurse Examiners hereby issues this letter of reprimand against **Shalom Kruger, applicant for licensure**, based on the following:

FINDINGS OF FACT

The respondent entered into the practical nursing program at the Delgado Community College. She completed the program on or about December 15, 2015.

Upon enrollment into the practical nursing program, the respondent answered "yes" to question #19 on her Evaluation for Admission to a Practical Nursing Program Application which asks the following:

“Have you ever been indicted, charged with, summoned into court as a defendant in a criminal proceeding, arrested (even if you were not taken away in handcuffs or incarcerated), fined, imprisoned, placed on probation or ordered to deposit bail for the violation of any law, police regulation or ordinance, misdemeanor and/or felony offense (except for minor traffic violations) whether or not charges were **expunged/dismissed and/or refused**: or have you ever been convicted (including a nolo contendere plea or guilty plea) of any criminal **misdemeanor and/or felony**?”

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Upon further review, the board found that the respondent answered "no" to question #15.B. which asks the following: "Have you ever had any disciplinary action, been allowed to resign, or requested to leave temporarily or permanently while in any professional or occupational training program (including nursing) prior to completion?"

According to an assessment by Dr. Ken Roy, the respondent entered into a consent order with the Registered Board of Nursing, while enrolled as an R.N. student in 2010. Dr. Roy was of the opinion that no intervention was necessary and that the respondent was able to study and, when qualified, practice nursing with the expectation of competence and safety to the public.

CONCLUSIONS OF LAW

Based on the evidence submitted, the board has concluded that Ms. Kruger is in violation of the following provisions of Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, 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;**
- (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.

As further defined in the Louisiana Administrative Code, Title 46, Part XLVII. Nurses, Subpart 1, Practical Nurses, Section 306:

- 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;**
- 4. **being habitually intemperate or addicted to the use of habit-forming drugs;**
- 8. **being guilty of unprofessional conduct;**
 - 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.**

Furthermore, the respondent is hereby fined **\$500.00** for the above violations. This fine is due prior to being made eligible to take the NCLEX-PN.

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. This disciplinary action is reportable to all applicable state and federal agencies.

M Lynn Ansardi RN

M. Lynn Ansardi
Executive Director

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CONSENT AGREEMENT/ORDER ACCEPTANCE

I, **Shalom Kruger**, the undersigned respondent, agree that the board has jurisdiction over the matter and specifically waive my right to contest these findings in any subsequent proceedings before the board. I understand that this agreement shall constitute as public record and is considered disciplinary action by the board. I also understand that this action will be reported as mandated to all state and federal agencies.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Practical Nurse Examiners in resolving this matter and intend to comply with all stipulations of this agreement.

I voluntarily agree to sign and have witnessed the terms of this agreement for the purpose of avoiding a formal hearing with the Louisiana State Board of Practical Nurse Examiners.

I do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in the matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I understand that this agreement must be accepted by the full board at its next scheduled board meeting, prior to me being make eligible to take the NCLEX-PN.

I understand that this agreement is effective immediately upon signature of the executive director and will become an order of the board. It is understood that this agreement does not preclude the Board of Practical Nurse Examiners from requiring a formal hearing of my case. I further understand that should this agreement not be accepted by the board, I agree that presentation to and consideration of this agreement, the documenting evidence and information obtained by the board shall not unfairly or illegally prejudice the board or any of its members from participation in hearings or other proceedings pertaining to these or other matters.

I further agree that if at any point during the execution of this agreement, I violate the stipulations set forth, my license will be suspended. In order for my license to be reinstated, I must demonstrate, to the satisfaction of the board that I pose no danger to the practice of nursing or to the public and that I can safely and competently perform the duties of a practical nurse. The board, in reinstating my license, will require a period of probation, along with supportive conditions or stipulations as outlined in this agreement to ensure that patients and the public are protected.

Shalom Franco Kruger
Signature of licensee/applicant

7/8/2016
Date

Maria C. Loyacques
Signature of witness #1

7/4/2016
Date

[Signature]
Signature of witness #2

7-8-2016
Date

M Lynn Ansardi, RN

7/11/16
Date

M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR