

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
3421 NORTH CAUSEWAY BOULEVARD, SUITE 505
METAIRIE, LOUISIANA 70002-3715
(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.

Melanie Heck (Respondent), Applicant for Licensure
2798 Lobelia Ave., Baton Rouge, LA 70805

On February 7, 2007, 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 falsified her application for admission into a Practical Nursing Program at the Camelot College Campus by answering "NO" to the question HAVE YOU: been arrested, indicted or summoned into court as a defendant in a criminal proceeding, or convicted imprisoned or placed on probation or ordered to deposit bail for violation of any law, police regulation or ordinance, except for minor traffic violations? If yes, attach a detailed narrative statement showing (a) date, (b) alleged offense or violation, (c) disposition of case.
2. That the respondent's criminal background record check indicating the following arrests/convictions:

8/30/84 disturbing the peace
 resisting an officer

No outcome reported

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6/22/86 damage to property
 resisting an officer
 simple battery

These charges were dismissed

9/26/86 simple battery on police officer
 resisting officer
 unauthorized entry of inhabited dwelling

Sentenced to 6 months parish prison; suspended and placed on 2 years active probation.

11/13/86 possession with intent distribute marijuana
No outcome reported

2/10/87 remanded to district court

3/15/87 aggravated battery w/dangerous weapon
No outcome reported

8/25/87 court action taken for 9/26/86 arrest charges (6 months parish prison; suspended, placed on 2 years active probation)

9/21/87 simple battery charge
 aggravated assault charge
 illegal carrying of weapons charge

10/1/87 probation violation

12/21/87 possession of marijuana
Active supervised probation begins: 10/19/87 ends: 10/19/89

2/22/90 contempt of court

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10/13/91 disturbing the peace (intoxic)
 failure to leave premises
 simple battery on police officer
 resisting an officer

No outcome reported

11/3/96 3 warrants issued for issuing worthless checks
 fugitive

4/29/97 improper telecommunications

9/14/98 bw parking in handicapp

2/19/99 flight from an officer
 misuse of 911 system

10/3/01 warrant/bench warrant – 17 counts

6/12/03 mun purp interring with an officer

CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

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; (b) is guilty of a crime; (c) is unfit, or incompetent by reason of negligence habit, or other causes; (g) has violated any provisions of this Part; and**

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2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections 306 T. A

1. **being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;**
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;**
 - i. **falsifying records;**
 - 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;**
 - p. **inappropriate, incomplete or improper documentation;**
 - 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 judgement while on duty, or using or being under the influence of illegal drugs whether on or off duty;**
 - r. **possess a physical or psychological impairment which interferes with the judgement, skills or abilities required for the practice of practical nursing;**

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ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. A fine of \$500.00 be charged to the respondent, Melanie Heck, and that
2. That the respondent, Melanie Heck be denied licensure in the State of Louisiana.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

Claire Doody Glaviano

Claire Doody Glaviano, RN
Executive Director

2/28/07
Date

COPIES mailed this 28th day of February, 2007 by Certified Mail No. 7006 3450 0000 2045 9289 and First Class Mail to:

Melanie Heck
2798 Lobelia Ave.
Baton Rouge, LA 70805

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February 7, 2007

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005 3110 0000 6752 8913**

**Melanie Heck
2798 Lobelia Ave.
Baton Rouge, LA 70805**

**Applicant for Licensure
D.O.B. 5/13/1963**

FORMAL COMPLAINT

The Louisiana State Board of Practical Nurse Examiners, hereinafter called the Board, issues this notice of hearing.

A hearing will be conducted at the office of the Board on the date and at the time specified here:

Date: **February 27, 2007**

Time: **8:30 A.M.**

Place: **3421 North Causeway Blvd., Ste 505, Metairie, Louisiana 70002.**

The nature of the hearing is to determine if the applicant is eligible for licensure in the State of Louisiana.

The Louisiana State Board of Practical Nurse Examiners
v.
Melanie Heck

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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A reference to the particular sections of the statutes and rules involved is provided below:

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; (b) is guilty of a crime; (c) is unfit, or incompetent by reason of negligence habit, or other causes; (g) has violated any provisions of this Part; and**

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;**
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;**
 - i. **falsifying records;**
 - 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;**
 - p. **inappropriate, incomplete or improper documentation;**
 - 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 judgement while on duty, or using or being under the influence of illegal drugs whether on or off duty;**
 - r. **possess a physical or psychological impairment which interferes with the judgement, skills or abilities required for the practice of practical nursing;**

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The major issues involved include, but are not limited to the following:

1. That on March 8, 2004 the board received the respondent's student evaluation form for admission to the practical nursing program at Camelot College.
2. That the respondent answered "NO" to question #9a. Have you ever been arrested, indicted or summoned into court as a defendant in a criminal proceeding, or convicted imprisoned or placed on probation or ordered to deposit bail for violation of any law, police regulation or ordinance, except for minor traffic violations? If yes, attach a detailed narrative statement showing (a) date, (b) alleged offense or violation, (c) disposition of case.
3. That the respondent answered "NO" to question #10. Do you have or have you ever had a physical, mental or emotional condition that might affect your ability to practice as a student practical nurse or a licensed practical nurse? If yes, please attach a detailed narrative statement explaining your condition.
4. That on March 25, 2004 the board received the respondent's criminal background record check indicating the following arrests:

8/30/84 disturbing the peace
 resisting an officer

No outcome reported

6/22/86 damage to property
 resisting an officer
 simple battery

These charges were dismissed

9/26/86 simple battery on police officer
 resisting officer
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Sentenced to 6 months parish prison; suspended and placed on 2 years active probation.

11/13/86 possession with intent distribute marijuana
No outcome reported

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2/10/87 remanded to district court

3/15/87 aggravated battery w/dangerous weapon
No outcome reported

**8/25/87 court action taken for 9/26/86 arrest charges (6 months parish
prison; suspended, placed on 2 years active probation)**

9/21/87 simple battery charge
 aggravated assault charge
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10/1/87 probation violation

12/21/87 possession of marijuana
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11/3/96 3 warrants issued for issuing worthless checks
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10/3/01 warrant/bench warrant – 17 counts

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5. That on March 25, 2004 the board submitted a letter to the respondent requesting a detailed narrative statement explaining each and every arrest and to explain why she falsified her student admission form into the practical nursing program. She was also requested to submit certified court documents related to every arrest and fined \$250.00 for falsifying her admission form.
6. That on May 23, 2005 the board received the respondent's narrative statement indicating that she was enclosing the last five years of police actions against her. She indicated all but three charges were dismissed, which she pled guilty to. She is on probation until court fines are paid and she performs community service. However, she does not explain any of the arrest in detail as requested by the board, nor does she explain why she is on probation with the court.

Submitted with her narrative were the following documents:

Notice to appear May 16, 2005 for criminal no. 02CR0670405; traffic no. 03CR0542195 and 01CR0127495.

7 warrants for her arrest regarding previous arrests (**NOTE:** the respondent wrote dismissed on these documents and nor were they certified.

7. That on May 27, 2005 the board sent the respondent a letter acknowledging her narrative statement, documents submitted and again requested certified court documents, the fine of \$250.00 and a detailed narrative statement concerning each and every arrest.
8. That on June 13, 2005 the board received the respondent's 1st Time Writers application to apply to take the NCLEX-PN exam.

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9. That on August 8, 2005 the board received a narrative from the respondent indicating that she will attempt to completely describe in detail, all events that occurred for the offenses she pled guilty to or was found guilty during the trial. That some offenses or charges were dropped so "Due to the disposition of these charges I will not include a narrative of those events." According to her statement on 2/19/99 there were three charges against her 1) interfering with constable or police officer, 2) illegal use of 911 and 3) resisting an officer. She worked as a secretary for an auto repair shop she thought someone was taking his car without paying so she called 911 before she hung up the phone the cops arrived and as she tried to explain to the cops that she made a mistake they pushed her face forward and handcuffed her hands behind her back. She was taken into custody and later released with a summons. She pled guilty to interference of a policeman and was found not guilty to the illegal use of 911 and was found guilty of resisting an officer.

That on 2/7/02 she was arrested for entering and remaining after being forbidden. She stated that she went into a restricted area of the office of Family Support to retrieve her kids birth certificates and the officer struck her from behind, face forward and quickly handcuffed her. She indicated that she was not arrested "although that is noted." She pled guilty to the charge.

That on 7/15/02 she was arrested for failure to leave premise and resisting officer. She indicated that the police came to her house, stating they had a warrant, busted in her door and arrested her. She stated that they were there because "a nonpaying child support" father's then girlfriend called Office of Children's Services to say she was low on food. She stated she pled guilty.

That she has a charge dated 02-05, CR 05-010047S -- simple battery, she pled not guilty. "This is involves a five year neighborhood children fight of sorts" and the trial is set for October 14, 2005. Also included was a Check for \$250.00 for payment of her fine.

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Also submitted with her statement were certified court documents indicating the following:

2/19/00	interference with constable or police officer – pled guilty illegal use of 911 – found not guilty resisting an officer – pled guilty
8/19/00	aggravated assault - dismissed
12/14/00	possession of marijuana – dismissed simple battery – dismissed
2/7/01	entry on or remain – plea of guilty, unsupervised probation 1 year
2/20/01	3 counts simple assault – dismissed disturbing the peace – dismissed resisting an officer – dismissed
6/27/01	simple battery - dismissed
7/15/02	failure to leave premises – pled guilty, jail time suspended supervised probation, 1 year
2/2/05	simple battery 1 st degree – no outcome
3/24/05	criminal misdemeanor – trial date 7/7/05

10. That on August 8, 2005 the board sent the respondent a letter acknowledging receipt of her narrative and payment of her fine. The letter stated that she was requested by the board on two previous occasions to provide a written explanation and supporting documents of any and all arrests not just the arrest from the last five years. A copy of her criminal background record check was also enclosed with the letter.

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She was also informed that it was also reported to the board that officials at her school of practical nursing, Camelot College had asked her to provide a written statement to the board regarding any medical condition(s) she may currently have or have had in the past. She was informed that she would probably have to appear before the board to determine licensure.

11. That on April 15, 2006 the board received information from the National Council that the respondent took and passed her NCLEX-PN-Exam in the State of Mississippi and received a Mississippi practical nursing license.
12. That the board received a telephone call from Ms. Freeman of Camelot College, indicating that the respondent was disruptive in clinical, that this was not the first time and she may have a medical condition. Ms. Freeman stated that the VOA or whoever is sponsoring her says she's fine as long as she's on her meds.
13. That on August 8, 2005 the board received a letter from Ms. Barbara Freeman, Education Director, Camelot College indicating that the board would have to issue a subpoena to obtain any records regarding the respondent. She also indicated that in reference to question #10 on her evaluation form, they advised the respondent to immediately submit a written statement to the board explaining any medical condition she has/had.
14. That on August 26, 2005 the board issued a subpoena to Rev. Dr. Ronnie Williams of Camelot College, requesting any and all records pertaining to the respondent.

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15. That on October 17, 2005 the board received the requested documents from Camelot College which included the respondent's grades, etc. and also included the following:

- On March 20, 2005, Baton Rouge General Hospital reported the respondent for an incident regarding her almost giving a patient the wrong medication when she went to enter the wrong patient's room.
- On March 23, 2005 a notarized letter was sent to Camelot College addressed to Reverend Williams, Mrs. Freeman and Mrs. Norris from Adrienne L. Joseph, RN of Baton Rouge General Hospital. He stated he was sending a written record of their discussion during the staff meeting on March 22, 2005 discussing his concern and disappointment with the errors of the respondent and her performance as a student nurse. "Her limited experience has been considered, but of more importance is her evident weakness in nursing skills and her lack of ability to manage time and organize procedures. In addition, while discussing procedures with other members of the clinical group, I have found morale to be unduly low. This in my opinion is a result of the time and effort it takes to direct and redirect Ms. Heck's behavior". He indicated that on March 15, 2005 the respondent reported to post clinical conference 30 minutes late. Additionally, she interrupted dialogue that was already in progress by talking out of turn. She was asked to "be quit". The respondent continued to converse with another student and as a result several of her peers burst into laughter. On March 16, 2005 it was reported by the other student that the respondent called her a derogatory name "(B____)", that was why everyone burst into laughter. Both students were verbally counseled and informed that disruptive behavior would not be tolerated in the clinical setting. He went on to indicate the importance of the respondent to possess the knowledge, skills and ability to perform her duties.

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- That on April 15, 2005 the respondent was counseled for the medication error that almost occurred on March 20, 2005.
- That on April 18, 2005 Barbara Freeman, Education Director, Camelot College gave a letter to the respondent indicating that her suspension was being lifted and that in the future, she should always ask her nurse instructor for directions regarding any problems regarding medications given to a patient on the unit. This letter was also signed by the respondent.

16. That to date, the board has not received the remaining court documents, her narrative statement regarding the remaining arrests that appear on her criminal background record check, nor her response to question #10: Do you have or have you ever had a physical, mental or emotional condition that might affect your ability to practice as a student practical nurse or licensed practical nurse?

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.

To ensure that you are informed of your legal rights and options, we are also enclosing information regarding the formal hearing process.

By: Claire Doody Glaviano
Claire Doody Glaviano, RN, MN
Executive Director

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February 7, 2007

Please sign, date and return to the Board office at 3421 N. Causeway Blvd., Ste. 505, Metairie, LA 70002.

_____ **I admit** to the allegations contained in the notice of Complaint and **will** appear for the scheduled Formal Hearing.

_____ **I admit** to the allegations contained in the notice of Complaint and **will not** appear for the scheduled Formal Hearing.

_____ **I deny** to the allegations contained in the notice of Complaint and **will** appear for the scheduled Formal Hearing.

_____ I enclosed my written response to the allegation(s) contained in the notice of Complaint and **will not** appear for the scheduled Formal Hearing and understand that in doing so my case will be heard without my appearance.

_____ I hereby waive my rights to a Formal Hearing in the matter and **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.

NAME: _____

ADDRESS: _____

PHONE#: _____

DATE: _____

SIGNATURE: _____

EXHIBIT
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**Louisiana
Administrative Code**

**Title 46
Professional and
Occupational Standards**

**Part XLVII. Nurses
Subpart 1. Practical Nurses**

§306. Adjudication Proceedings

A. All adjudication proceedings (as defined in R.S. 49:951) conducted by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:955 et seq.

B. All proceedings calling for disciplinary action, as set forth in R.S. 37:969(4) or as set forth in this Section 306(R), regarding a license, shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) of any provisions of R.S. 37:961 et seq., as stated in that statute, or any provision of these rules and regulations of the Louisiana State Board of Practical Nurse Examiners.

C. Communications received by the board expressing such allegation(s) shall be privileged, confidential, and shall not be revealed to any person except when such document(s) are offered for evidence in a formal hearing.

D. The allegation(s) shall be investigated by the executive director, his/her designee, and/or staff. Any information and/or documents generated pursuant to such investigation of the allegation(s) shall be considered the work product of the board and shall be privileged, confidential, and shall not be revealed to any person except when such investigative information and/or documents are offered for evidence in a formal hearing.

E. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default. A consent order or agreed settlement shall be presented to the board for approval before it becomes binding.

F. If formal proceedings are deemed necessary by the executive director, a formal hearing shall be conducted before a hearing officer designated by the board. A decision

to initiate formal proceedings may be made if one or more of the following conditions exist.

1. The allegation(s) are sufficiently serious.
2. The respondent fails to reply to the board's correspondence concerning the allegation(s).
3. The response to the board's correspondence is deemed insufficient or unsatisfactory.

a. In furtherance of the objective(s) set forth in R.S. 37:961 et seq., and these rules and regulations of the Louisiana State Board of Practical Nurse Examiners, a respondent shall, upon written request, provide the board with any and all information, document(s) and/or thing(s) requested, within 10 days, including weekends and holidays, from the date of the board's request.

b. Failure to respond to a request by the board, or failure to provide a response that the board deems satisfactory or sufficient, may result in the immediate suspension of the respondent's license or may result in the board taking any other action the board deems necessary commensurate with its philosophy of commitment to the health, safety and welfare of the public.

4. An informal proceeding has failed to resolve all of the issues or allegation(s).

G. Proceedings that require an opportunity for hearing shall commence with the filing of a formal complaint by the board. The complaint shall serve as the notice required by the Administrative Procedure Act 49:955(B) and shall include the following:

1. a statement of the time, place and nature of the hearing;
2. a statement of the legal authority and jurisdiction under which the hearing is to be held;
3. a reference to the particular sections of R.S. 37:961 et seq., and a reference to the particular section of the rules and regulations of the Louisiana State Board of Practical Nurse Examiners;

4. a short and plain statement of the matters asserted. If the board is unable to state the matters in detail at the time the complaint is served, the initial complaint may be limited to a statement of the issues involved. Thereafter, upon request, a more definite and detailed statement shall be furnished.

H. The formal complaint shall be sent by certified mail, at least 20 days, including weekends and holidays, prior to the hearing date, to the last known address of the respondent. It is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

I. The respondent shall return his/her reply to the complaint to the board at least 10 days, including weekends and holidays, prior to the date fixed for the hearing or shall be deemed to have waived his/her right to a hearing. In reply, the respondent shall either deny or admit the allegations of the complaint and may either:

EXHIBIT

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1. appear for the scheduled hearing;
2. submit a written response to the hearing officer to be presented at the hearing in lieu of the respondent's live testimony; or
3. waive his/her right to a hearing.

J. If the respondent waives his/her right to a hearing, the board may take any appropriate disciplinary action by default. If the respondent does not reply in writing within the time allotted, the hearing may proceed as scheduled in the respondent's absence or the board may take any appropriate disciplinary action by default.

K. Opportunity shall be afforded to all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

L. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least seven days, including weekends and holidays, prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and necessary in promoting due process.

M. Discovery

1. Prior to a formal hearing, a respondent shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a respondent as a result of his/her exercise of said right shall be the sole responsibility and obligation of the respondent.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the board at least 10 days, including weekends and holidays, prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused. Such subpoenas include or are for the purpose of:

- a. requiring that a person appear and give testimony in the formal hearing; and/or
- b. requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:
 - i. the information requested is reasonable in terms of amount; and
 - ii. the scope of the information requested is limited to documentary material that is relevant to the proceeding;
 - iii. the information requested does not include those documents referred to in §306.C-D; and
 - iv. the requesting party deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in the proceedings is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.

3. Prior to a formal hearing, the respondent shall, upon written notice received by the board at least seven days, including weekends and holidays, prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Depositions for the purpose of discovery are permitted and may also be allowed for the perpetuation of a witness' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

5. Motions may be made before, during, and/or after a formal hearing. All motions made before or after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request.

N. During a formal hearing, all parties shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and to cross-examine witnesses as well as call witnesses to give oral testimony. All testimony given during a formal hearing shall be under oath and may be before a certified stenographer.

O. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding need not be transcribed until such time as a party to the proceeding so requests and the requesting party pays for the cost of the transcript.

P. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board.

Q. The board shall make a decision based on the entire record, including the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the respondent by certified mail.

R. Disciplinary action(s) imposed by the board may include reprimand, probation, suspension, revocation, as well as penalties provided under R.S. 37:961 et seq., as amended and/or these rules and regulations of the Louisiana State Board of Practical Nurse Examiners and/or any combination thereof.

1. Reprimand. May include a personal conference between the licensee and the executive director and/or a letter to the licensee regarding the incident or incidents which have been brought to the board's attention and which may or may not be determined to warrant a hearing.

2. Probation. Will include stipulations which may be imposed by the board as a result of the findings of facts of a hearing and the order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the board may practice practical nursing in the state of Louisiana provided the probation terms are met.

EXHIBIT

PROFESSIONAL AND OCCUPATIONAL STANDARDS

3. Suspension. A license to practice practical nursing in the state of Louisiana may be withheld by the board. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated. The time of suspension may be a definite stated period or an indefinite term.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period, the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions that may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after the board determines, with or without hearing, that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the suspension. If reinstatement is granted, the licensee shall pay the required reinstatement fee.

4. Revocation. A license to practice practical nursing in the state of Louisiana may be withdrawn by the board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

S. A petition by a party for reconsideration or rehearing must be filed in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

T. The grounds for disciplinary proceedings include, but are not limited to:

1. being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;
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;
5. being mentally incompetent;
6. practicing practical nursing without being duly licensed to do so by the board;
7. using in connection with his/her name any designation tending to imply that he/she is a practical nurse without being duly licensed to practice by the board; or
8. being guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:
 - a. failure to practice practical nursing in accordance with the standards normally expected;
 - b. failure to utilize appropriate judgment in administering nursing practice;
 - c. failure to exercise technical competence in carrying out nursing care;

d. violating the confidentiality of information or knowledge concerning a patient;

e. performing procedures beyond the authorized scope of practical nursing;

f. performing duties and assuming responsibilities within the scope of the definition of practical nursing when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

g. improper use of drugs, medical supplies, or patients' records;

h. misappropriating personal items of an individual or the agency;

i. falsifying records;

j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;

k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;

l. leaving a nursing assignment without properly notifying appropriate personnel;

m. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;

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 entering 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;

p. inappropriate, incomplete or improper documentation;

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;

r. possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing;

s. refusing to cooperate with employer's request to submit to a drug screen;

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

U. The board may, at its discretion, impose a reasonable monetary assessment against the respondent for the purpose of defraying expenses of a hearing and/or expenses of the board in monitoring any disciplinary stipulations imposed by order of the board.