

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

In the matter of

**CAROLE QUIGLEY**  
License #230422

D.O.B.  
04/17/1958

**JURISDICTION**

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

**FINDINGS OF FACT**

This cause having come to be heard upon the Complaint filed herein, the evidence and testimony entered before the undersigned Hearing Officer on May 19, 2005 the Hearing Officer, having reviewed all the evidence, and being fully advised in the premises, makes the following Findings of Fact based on the entire record:

1. A Formal Hearing was conducted at the office of the Board on May 19, 2005, in the matter of The Louisiana State Board of Practical Nurse Examiners v Carole Quigley.

This hearing was scheduled to consider alleged violations by the respondent of the following sections of the statutes/rules:

The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4); (c); (d); (f); (g); 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;
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;
  - 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.;
  - 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. possess a physical or psychological impairment which interferes with the judgment, skills or abilities required for the practice of practical nursing;

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2. The Board appeared by and through disciplinary counsel for the Board, **Mr. Francis Mulhall, J.D.** Also present for the hearing and representing the Board was the Hearing Officer, Patricia Juneau; the Executive Director for the Board, Claire Glaviano; the Compliance Officer for the Board, Tammy Labit, and Kiana Gautreaux, Compliance Department.
3. The respondent **was not** present for the scheduled hearing.
4. Witness for the Board was **Mr. Nute Meeker, R. N., Director of Quality Services, Advance Care Hospital, Marrero, LA.**

The Hearing Officer found this witness to be credible, knowledgeable, and well organized in his presentation.

5. There were no witnesses for the respondent.
6. The major issues reported to the Board included:
  - A. The Board received a **report from Advance Care Hospital, Marrero, LA**, indicating that the **respondent was terminated effective September 9, 2004, for a positive drug screen for Hydrocodone.**
  - B. It was reported by **Advance Care Hospital** that the **respondent removed 2 amps of 25 mg. Meperidine** from med-dispense system, **documented 1 amp 25 mg, but was unable to account for additional Meperidine 25 mg.**
  - C. It was reported by **Advance Care Hospital** that the **respondent committed unwitnessed and intentional disposal of Morphine 5 mg.**
7. During the Formal Hearing process, the following facts were confirmed:
  - A. The respondent was **employed at Advance Care Hospital, Marrero, LA on August 25, 2004.** She was **terminated by the Agency on September 21, 2004, for a positive pre-employment drug screen and for narcotic diversion. (Page 12, Lines 16 – 21 of Hearing Transcript)**
  - B. The **respondent DID test POSITIVE for Hydrocodone on her pre-employment drug screen which was collected on 8/16/2004. (Please see Exhibit F)** Due to a Kroll Laboratory faxing problem, the results were not faxed on time and some results were faxed to other clinics by error. **Advance Care Hospital did NOT receive a copy of the pre-employment drug screen until some point AFTER September 16, 2004, (Page 12, Lines 4 – 6)**

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- C. The respondent **DID falsify records and DID inappropriately, incompletely, or improperly document medications.**

**Exhibit B** contains copies of Agency records which **document the respondent**

- **incorrectly signed out for the dosage of drug actually ordered,**
- **did not chart or otherwise account for all of the narcotics for which she had signed out, and/or**
- **did not chart the narcotic signed out for at all.**

- D. **Page 4 Line 3 – Page 11 Line 4** records the sworn testimony of **Mr. Nute Meeker, R. N.,** Director of Quality Services at Advance Care Hospital. In his testimony Mr. Meeker **testifies that Agency records which are attached as part of Exhibit B indicate the respondent did the following:**

**\*On 9/12/2004 at 8:50 p.m. she signed out for two 25 mg. ampules of Demerol.**

There was **no documentation on the MAR** that it was administered. There was a **time and a dose, but no signature that she had administered the drug and no documentation in the nursing notes.**

**\*On 9/12/2004 at 2:04 in the morning she signed out 2 ampules of 25 mg. of Demerol for the same patient but she only documented the administration of 25 mg. in both the nurses notes and on the MAR. Additionally, there was NO EVIDENCE that the other 25 mg. was disposed of.**

**\*On 9/16/2004 at about 4:00 in the morning Mr. Meeker was notified by the clinical manager of a possible narcotic discrepancy involving the respondent.**

A dose of **morphine** had been taken out of the **med-dispense machine** and it was discovered that it was **never wasted nor was it ever given to the patient.** Later, the **ampule was actually found in the drain of the sink** by having **maintenance tear the drain apart to retrieve it.** When the vial was found it was **empty and had been opened with an obvious puncture mark.**

The respondent was questioned about this vial because she was the **ONLY NURSE** carrying the keys to the lock drawer containing vials. She gave **two different stories** related to this incident. In one story she stated: **"I squirted it down the sink."** (Page 10, Lines 24 – 25) and she also stated she **"... panicked and didn't know what else to do."** (Page 11, Lines 1 – 2) In her narrative statement to the Board (Exhibit E) she **ADMITS** she **"... made an error of wasting the morphine without a witness."** She further states: **"As soon as I did it I knew I screwed up. I panicked and made the situation worse by squirting it down the drain."**

At another time (Page 10, Lines 7 – 12) the respondent first stated, when asked about the **morphine vial**, that she approached **Eva Thomas, R.N.,** with a **nine-millimeter saline-filled syringe** and the **morphine vial** for Mrs. Thomas to inject. Ms. Thomas **DENIED** this, stating that the respondent had approached her with **two syringes containing unknown substances.**

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- E. Following the incident of the morphine vial, and because of the incidents with the Demerol, Mr. Meeker, DON, **requested a drug screen**. This drug screen was **not done at that time**. The respondent was sent to the emergency room to do it, but that was the night of Hurricane Ivan and there were **some technical issues that prevented the screen from being performed**. However, she was **placed on administrative leave until they had further time to investigate**. **Shortly after these incidents occurred the Agency received her pre-employment drug screen which was positive for hydrocodone**. At this point she was **terminated by the Agency for the positive pre-employment drug screen and the incidents of diverting narcotics after a little less than a month of employment**.
8. The following exhibits were admitted into evidence:
- EXHIBIT A:** In globo. The Formal Complaint dated April 29, 2005; the letter from the Board to Ms. Quigley requesting information dated October 7, 2004; and the Board's letter dated October 20, 2004, requesting prescriptions from the L.P.N. for Vicodin and Skelaxin.
- EXHIBIT B:** In globo. The written report of Mr. Nute Meeker dated September 29, 2004; the attached hospital occurrence report with a copy of two written statements of the department head, Mrs. Tanya Thornton, R. N., dated 9/16/04; the risk management investigation report; the med-dispensation printout.
- EXHIBIT C:** The pharmacy printout from Winn-Dixie for the patient, Carole Quigley (2 pages).
- EXHIBIT D:** The LPN Board's controlled medications form completed and signed by Carole Quigley, which is two pages.
- EXHIBIT E:** The signed narrative of Carole Quigley, L.P.N. dated October 14, 2004.
- EXHIBIT F:** The positive drug screen presented today to the Board by Mr. Nute Meeker, which consists of two pages. Page number one is the drug test report. Page number two the explanation of why the report was presented later on signed by Ms. Julie Pitre, MA.

**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); (c); (d); (f); (g); and

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The Louisiana Administrative code, Title 46, Part XLVII, Subpart 1, Sections 306 T.

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  - i. falsifying records
  - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient.;
  - 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;
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June 28, 2005

Certified Mail Return Receipt Requested  
7001 2510 0009 3556 2837

Carole Quigley  
613 N Woodlawn Ave.  
Metairie, LA 70001

License #230422  
D.O.B. 04/17/1958

### JURISDICTION

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

### CONCLUSIONS OF LAW

The board makes the following Conclusions of Law:

That the respondent is in violation of the Louisiana Revised Statute, Title 37, Chapter 11 Nurses, Part II. Practical Nurses, Section 969. (A); (4); (c); (d); (f); (g); and

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

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**ORDER**

The matter of license #230422 came on for final action by the Louisiana State Board of Practical Nurse Examiners on the 24<sup>th</sup> day of June, 2005.

**NOW THEREFORE, IT IS ORDERED, that the license of the respondent, Carole Quigley, license # 230422, be**

**SUSPENDED**

**AND**

1. The respondent must obtain a chemical addiction assessment conducted by a Board approved psychologist/psychiatrist/addictionologist which assessment must contain evidence that it is based on the use of objective and subjective evaluation tools **and** secure a letter indicating that the respondent may safely return to the practice of practical nursing. This letter shall contain all current medications prescribed and any further treatment/therapeutic recommendations.
2. The respondent must take and satisfactorily complete and submit evidence of completion to the board office a Board-approved course in the following:
  - A. Women, Alcohol and Drug Abuse - #2505
  - B. Nurse's Legal Handbook - #1910
3. The respondent is to be **fined \$500.00** for the violations detailed in the Conclusions of Law, **payable immediately** upon receipt of this Order.
4. A **hearing assessment fee of \$500.00** is to be submitted to the Board, **payable immediately** upon receipt of this Order.
5. When all information above has been secured and submitted to the Board for review, the respondent may then submit a written request for reinstatement of license.

**Upon receipt of all fines, and after favorable review of the records requested,**

**The license of the respondent may then**

**BE**

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**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.
8. 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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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.
- 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. Once the respondent is employed as a licensed practical nurse he/she 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 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 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.
  
12. The respondent is to submit a \$250.00 probation monitoring fee prior to the issuance of the probationary license and annually thereafter until the probation is satisfactorily completed.

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Furthermore, the respondent is hereby notified that failure to comply with the Orders of the Board may result in any or all of the following:

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 FOUR (4) YEAR PERIOD OF SUSPENSION WITH 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.**

Rendered this 24<sup>th</sup> day of June, 2005 and signed this 24<sup>th</sup> day of June, 2005 at Metairie, Louisiana.



ANN LAWS, RN  
CHAIRPERSON OF THE BOARD



CLAIRE D. GLAVIANO, RN  
EXECUTIVE DIRECTOR