

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: Bria Huntsberry
LICENSE #20150677
D.O.B. 04/17/1992

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on April 29, 2016. The nature of the hearing was prosecution of the matter.

No witnesses were present for the board
No witnesses were present for the respondent
The respondent **WAS** present and did give sworn testimony

1. Exhibits A-1 through I and Respondent's #1 and #2 were admitted in to the record.
2. The hearing officer fully reviewed and considered the transcript of the hearing as prepared and certified by the court reporter, Lauren S. Brewster, CCR who was present and recorded the hearing.

FINDINGS OF FACT

During the formal hearing process, the following facts were confirmed:

The respondent was arrested on 11/15/12, for possession of marijuana and contributing to the delinquency of a minor. She entered into a pre-trial diversion program, which she completed on 11/27/13. The charges were nolle prossed on 1/15/14.

The respondent was issued a license to practice practical nursing in the state of Louisiana on 7/23/15.

On 9/24/15, the board received the respondent's self-report that she was arrested on 9/10/15, for conspiracy/intent to distribute oxycodone and cocaine. These charges were the result of allegations that the respondent and others conspired to distribute oxycodone and cocaine between October and December, 2013. The respondent entered into the federal Second Chance or Else (SCORE) pre-trial diversion program on 12/15/15, for an 18 month period. The basis for this agreement was that the respondent was in a relationship at the time with a drug distributor. At times during this period, she would deliver drugs and collect drug sale proceeds on his behalf.

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On December 15, 2015, the respondent was sentenced through the SCORE program. According to the information included in Exhibit G1, the respondent agreed to accept responsibility for committing the criminal offenses set forth in the indictment, which charges her in Count one with conspiracy to distribute and possess with intent to distribute cocaine and oxycodone in violation of Title 21 United States Code, Section 846, and in Count Three with distribution of cocaine and oxycodone in violation of Title 21 United States Code, Section 841(a)(1). The respondent also agreed and admits that she engaged in all of the conduct described in the factual basis set forth in Part C of the agreement, which includes the following:

FACTUAL BASIS

Beginning in October, 2013, and continuing until December 5, 2013, the defendant, (respondent) conspired with others to knowingly and intentionally distribute and possess with the intent to distribute cocaine and oxycodone, Schedule II controlled substances.

During the time period, the defendant, (respondent) was in an intimate relationship and shared a residence with Armad Rashad Brown. During this time, he also worked as a distributor of oxycodone and cocaine in the Port Allen and Baton Rouge, LA areas. While the defendant, (respondent) lived with (Brown), she became familiar with aspects of his drug distribution activity. At times, the defendant, (respondent) would deliver drugs and collect drug-sale proceeds on his behalf.

On November 7, 2013, the defendant, (respondent), Brown and another defendant knowingly and intentionally distributed 13.8 grams of cocaine and 6.1 grams of oxycodone. Specifically, Achord arranged to acquire 50 oxycodone tablets and half-ounce of cocaine from Brown. Under the direction and control of Brown, the defendant, (respondent), later met another party in the parking lot of Mc Donald's in Baton Rouge, where the respondent provided the previously negotiated quantities of cocaine and oxycodone to (Achord) on Brown's behalf. She admitted to the best of her knowledge and belief, the stipulated statement of facts was true and correct in all respects. (Exhibit G3)

The Hearing Officer finds the respondent not credible. She has not and will not take responsibility for her own actions. She is guilty of several crimes, including selling illegal narcotics with her boyfriend who is a known drug dealer. (Exhibit F9) She admitted to using illegal drugs, namely marijuana. She has lied to the board about the arrests on several occasions, including during her sworn testimony. The hearing officer also notes that the respondent was selling these illegal drugs while enrolled in the practical nursing program.

JURISDICTION

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

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:

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; (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

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

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

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ORDER

The matter of **Bria Huntsberry, license #20150677**, on **July 29, 2016** came on for final action by the Louisiana State Board of Practical Nurse Examiners.

NOW THEREFORE, IT IS ORDERED, that the license of the respondent, **Bria Huntsberry** be **REVOKED** and

- A. The respondent is to be fined \$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 the board order.
- B. The respondent is to be assessed a hearing assessment fee of \$1,000.00, **payable by cashier's check or money order only**, within **90 days** of the date of the board 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.

Rendered this **29th** day of **July, 2016** and signed this **29th** day of **July, 2016** at Metairie, Louisiana.

Myron L. Collins LPN

MYRON COLLINS, LPN
CHAIRMAN OF THE BOARD

M. Lynn Ansardi RN

M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

Mailed this **29th** day of **July, 2016**, by U.S. postal service certified mail return receipt **#7014 0150 0001 8287 7595** and regular mail to the following address:

Bria Huntsberry
5905 Huntsberry Rd.
Abbeville, LA 70510