

In the matter of: Tiffany Armstead
Applicant for Licensure - S.S. # ending in 7906
D.O.B. 08/21/1984

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on **February 3, 2016**. The nature of the hearing was to determine if the respondent is eligible for licensure in the state of Louisiana.

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 K-2 and Respondent's #1 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, Dawn H. Hymel, CCR, who was present and recorded the hearing.

FINDINGS OF FACT

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

1. On December 5, 2013, the board received the respondent's student evaluation form for admission into the practical nursing program at STCC – Sowela Technical Community College. On this form the respondent answered "yes" to question #19 which asks:
"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 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?"
2. The respondent reported the following charges/arrests:
 - 4/23/02 - Entry of Inhabited Dwelling
 - 10/22/04 - CDS I and CDS V Possession
 - 1/22/08 - Possession Marijuana

However, according to the respondent's criminal background records received, she failed to report the following charges/arrests as required upon entering the practical nursing program:

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- 4/9/02 - Theft of Goods
- 10/22/04 - Felony Manufacture/Distribution/Possession of Schedule 1; Possession Marijuana; and Prohibited Acts – Schedule V
- 1/22/2008 - Safety Belt Use; Tags Indicating Exemption
Reckless Operation of a Vehicle
Possession of Alcoholic Beverages in Motor Vehicles
Unlawful Possess W/Out Rx: Marijuana, Tetrahydrocannabinos,
Deriva

3. The respondent failed to report that she was arrested for the charge of Theft of Goods. According to the respondent's narrative statement dated June 26, 2015, she forgot to mention the theft of goods charge. She stated she was in the mall with a group of girls who were stealing. She denied knowing they were stealing. She stated that she was arrested along with everyone and believed that the good suffered for the bad. However, according to the police report, the respondent was the only person arrested for shoplifting (D1-D13). According to her narrative statement dated September 16, 2015, (F1), she admitted to stealing a tongue ring. She stated that she did not have to prove her innocence because she was "clearly guilty of the crime". She stated that she was young and learned her lesson, "if you can't buy it leave it there until you can afford to". According to the respondent's testimony (pg. 18 line 22- pg.19 line 21), she again denied stealing the tongue ring and indicated that someone else was carrying her purse. Again, no one else was arrested for shoplifting and she was witnessed by a store employee placing the tongue ring in her purse. (Refer to police report D9)

Court documents revealed that the respondent pled guilty to the charge of Theft and she successfully completed all elements of her court ordered probation. (D12-D13)

4. The respondent reported her arrest for the charge of unauthorized entry of an inhabited dwelling. According to her narrative statement, she was at work at the time the incident took place. After the victim realized this, they went to the courthouse to drop the charges. She stated the victim had her confused with someone else (D54-D55). However, she did not indicate that the "victim" was her father and the dwelling was her father's home (D56-D67).

According to the respondent's sworn testimony (pg. 13 – pg. 16), she had a key to her father's house because she lived with him at the time. However, according to the police report (Exhibit D-57), the respondent's address is listed as 5413 Lacassine Dr., Apt A, Alexandria, LA 71301, the address of the incident was 6008 Dixie Lane, Alexandria, LA, and the arrest location (Arby's) was 1200 Mc Arthur Dr., Alexandria, LA. (D58)

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Court records revealed that the charges were dismissed (NP-Nolle Prossed) by the district attorney's office on 05/23/2002.

5. The respondent reported that she was arrested for the following charges: manufacture, distribution, possession of a schedule I (marijuana) and prohibited acts – schedule V (D16-D17). She was traveling by Greyhound bus from Houston to Alexandria. When the bus reached the terminal, the police boarded the bus and proceeded with searching everyone and their belongings. The police found drugs on the person she was sitting next to. She stated they were complete strangers to each other, but, the police insisted that she knew him and arrested her along with the stranger. She maintained that she did not know the man and knew nothing of the drugs he possessed.

However, according to the police report regarding this arrest (D18-D29), the respondent and another person were arrested after officers discovered narcotics in their possession. Discovered were 2 bags of marijuana, \$5,960.00 in cash, 2 bus tickets, wrappings from drugs, and Codeine syrup in a Mountain Dew bottle. Court records show the charges were dismissed (NC-No Case) by the district attorney's office.

6. Although the respondent reported that she was arrested for the charge of Possession of Marijuana, she failed to report that she was also charged with driving without a safety belt, reckless operation of a vehicle, possession of alcoholic beverages in a motor vehicle, and contributing to the delinquency of minors. According to her statement dated December 5, 2013 (D32-D33), while driving with her daughter to her mother's house, she picked up an old classmate and her daughter as they were walking down the street. They stopped at Wendy's drive-through to get something to eat and an unmarked police car pulled on the side of her and asked her to pull to the side.

The police informed her that he smelled marijuana and because he saw a white cup that had soda in it, thought she was driving under the influence of alcohol. The officers made her take an impairment test and also searched the passenger who was found with half of a joint in her bra. They were both arrested. However, the respondent maintained that she did not smoke marijuana nor was she drinking alcohol. She also maintained that she was driving with her seatbelt on and she was not driving recklessly. (Exhibit F2-F3)

However, according to the police report regarding this arrest (D49), two officers observed a vehicle driving all over the road, and driving over the center line into the next lane. The vehicle also made a wide turn, nearly leaving the roadway, so they proceeded to make a traffic stop. It was at that time that the vehicle pulled into Wendy's parking lot, contradicting the respondent's statement that she was already in the drive-through line of Wendy's when the police officers approached her (D31).

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Upon contact with the driver (the respondent), a strong odor of marijuana was coming from the respondent's person. They asked her if any narcotics were in the vehicle and the respondent answered no, but "we were smoking marijuana earlier". The officers then approached the passenger who admitted that she and the respondent had been driving around and smoking marijuana.

The officers collected from the vehicle a small amount of a leafy, green substance suspected to be marijuana on the floorboard of the vehicle and a small amount the passenger pulled from her bra. Also found were three Xanax "bars" in the passenger's purse. It was also noted that two small children were in the car and had to be taken out due to having trouble breathing due to the high amount of marijuana smoke in the vehicle. Both the respondent and the passenger were arrested (D49-D50).

Court records reveal that the charges were dismissed (NC-No Case) by the district attorney's office on May 28, 2009 (D51-D53).

7. On April 24, 2015, the board received the respondent's First Time Writers Application requesting to take the NCLEX-PN to receive a practical nursing license in the state of Louisiana.
8. The Hearing Officer requested that the record be left open for 15 days, and requested that the respondent obtain a letter of recommendation from her current employer and that she immediately submit to a drug screen with the board's drug testing facility, Affinity Solutions.

The board received the letter of recommendation (Respondent's Exhibit 1).

The respondent failed to report for the drug screen as requested by the hearing officer. Several attempts were made to contact the respondent both by board staff and a staff member of Affinity Solutions, including leaving voicemail messages at the number the respondent gave at the hearing as her contact number (Exhibit K1-K2).

The hearing officer did not find the respondent credible. She failed to report all arrests and/or charges to the board as required. She was given the opportunity to submit to a drug screen to present to the entire board upon deliberating on her case.

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 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;**
 - 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;**
 - 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 Tiffany Armstead, applicant for licensure 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 respondent, Tiffany Armstead, is hereby **DENIED LICENSURE** as a practical nurse in the state of Louisiana and

- A. The respondent is to be assessed a hearing assessment fee of \$500.00, payable by cashier's check or money order only, within 90 days of the date of this 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 7526 and regular mail to the following address:

Tiffany Armstead
4407 Cougar St
Lake Charles, LA 70607