

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: Shameka Smith
Applicant for Licensure - S.S. # ending in 8138
D.O.B. 10/10/1977

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, 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

The respondent was present at the formal hearing
The respondent was represented by Ella D. Kliebert, ESQ.
The following witnesses were present on behalf of the respondent:

- Amanda S. Eymard, DNS, APRN, PMHNP, BC
 - Tameka T. Bourda, RAD
1. Exhibits A through M and Respondent's #1 and #2 were admitted into the record.
 2. The hearing officer fully reviewed and considered the transcript of the hearing as prepared and certified by the court reporter, Dawn Hymel, CCR who was present and recorded the hearing.

FINDINGS OF FACT

On January 10, 2014, and December 11, 2014, the respondent completed an evaluation form for admission into the practical nursing program at SCLTC, Young Memorial Campus.

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 **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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The respondent reported the following arrest(s):

- 10/20/2003 – Theft under \$100

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

- 10/24/1994 – Illegal Possession of Stolen Things – pled guilty and placed on 1 year unsupervised probation, she had the charge expunged on 8/3/2005
- 11/9/1997 – 1) Theft of Wallet & Money; 2) unauthorized use of an access card – pled guilty and was sentenced to serve 5 years hard labor, sentence suspended and placed on 3 years active supervised probation, she had the charge expunged on October 6, 2010.
- 2/21/1998 – unauthorized use of an access card
- 11/25/1998 – Theft under \$100

Exhibit B2 and D2 show the applicant, Shemeka Smith's, signature and date, verifying that the evaluations were completed honestly, all arrests were reported, and that all documents, court minutes, and police reports were included.

However, the respondent failed to divulge all of her arrests on both occasions as required when entering into the practical nursing program.

The respondent is employed at the Broadway Nursing Home and has been for the last 5 years. She currently works primarily as the week-end secretary.

Ms. Amanda S. Eymard, DNS, APRN, PMHNP, BC, testified on behalf of the respondent. She stated that Ms. Smith is well respected by her fellow CNAs, and that she is helpful with the 4 LPNs that work with her.

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

Based on the aforementioned findings of fact and conclusions of law, the hearing officer believes that although the arrests were numerous and severe, the respondent has not been arrested since, 2003. However, the mission of the board is to protect the public of Louisiana.

ORDER

The matter of **Shameka Smith, 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, **Shameka Smith**, be allowed to write the NCLEX and upon successfully passing the exam, be issued a license on probation for no less than **one (1) year** with the following stipulations:

1. **Obey all laws:**

- A. The respondent shall obey all laws/rules governing the practice of practical nursing in this state and obey all federal, state, and local laws.
- B. The respondent shall report to the board within **ten (10) days** any misdemeanor and/or felony arrest(s) or conviction(s).

2. **Notify board of change of address/telephone number:**

- A. The respondent shall notify the board in writing within **ten (10) days** of any change in personal address or telephone number.

3. **Fines/Fees:**

- A. The respondent is to be fined **\$500.00, 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 **\$500.00, payable by cashier's check or money order only**, within **90 days** of the date of the board order.

4. **License:**

- A. The license of the respondent will be stamped "**PROBATION**".

5. **Probation fees:**

- A. The respondent is to submit a **\$500.00** annual probation monitoring fee, **payable by cashier's check or money order only**.

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- B. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.
- C. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

6. **Employment:**

- A. The respondent shall provide a copy of the entire board order/consent order including the findings of fact and conclusions of law at the time of application to any/all prospective employer(s).
 - i. Upon obtaining new employment as an lpn, the respondent shall enter into the board's **Employer's Agreement** (form(s) issued by board) with the prospective employer. The signed form(s) shall be submitted to the board office within **ten (10) days** of the date of hire.
- B. All prospective employers must agree to allow the respondent's direct supervisor to monitor the respondent while on probation as well as timely submission of evaluations.
- C. Probation will run concurrent with employment as an lpn.
- D. The respondent must be employed a minimum of 80 hours per month.
- E. The probationary period will not commence or progress until and unless the respondent is employed and delivering direct patient care as a licensed practical nurse.
- F. Failure to maintain stable employment may be grounds for termination of probation.
- G. The respondent must practice under the supervision of a nurse (rn or lpn) or physician whose license is unencumbered and must provide direct patient care as follows:
 - i. The respondent must be supervised on a regular and consistent basis by his/her assigned supervisor. The supervisor must observe and work closely enough with the respondent to be able to give an informed evaluation of the respondent. The employer must be willing to allow this supervision and provide opportunities for the same supervisor to evaluate the performance of the respondent.

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- ii. It is the respondent's responsibility to ensure that his/her supervisor submits the evaluation reports quarterly.
 - a. Reports are due on or before the 10th day of January, April, July, and October of each year. (Note: these forms will be provided to the employer)
 - b. Only the respondent's direct supervisor may complete the evaluations according to the observations made during the supervision.
- H. The respondent is prohibited from working in temporary staffing, as an agency nurse, for a nursing pool and/or in the home health setting, or in any other similar setting including but not limited to working in a teaching capacity, as a travel nurse and/or on an "as needed" basis - prn.
- I. The respondent shall notify the board in writing within **ten (10) days** of any change in employment. Changes in employment include accepting a new job, as well as resignation, or termination.
- J. Upon obtaining a prescription for controlled/abuse potential substance(s) while holding a probated license, the respondent is responsible for informing his/her employer within **three (3) days** from the date of the prescription(s).

Violations

The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

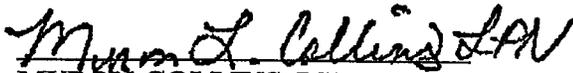
- a) denial of licensure
- b) immediate suspension of license,
- c) indefinite suspension of license,
- d) ineligibility for annual renewal of license,
- e) additional fines/penalties up to \$500.00 per occurrence,
- f) increased probationary period,
- g) summary suspension and
- h) revocation.

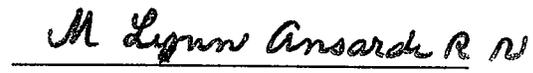
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Public Records

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 COLLINS, LPN
CHAIRMAN OF THE BOARD


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 7717 and regular mail to the following address:

Shameka Smith
P O Box 264
Raceland, LA 70394