

In the matter of: Dwyona Sonnier, S.S. # ending with 2353

Applicant for licensure

The Louisiana State Board of Practical Nurse Examiners, at a hearing held on June 30, 2016, adopted the following findings of fact and conclusions of law.

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 A1 through J1 and Respondent's #1a through 1d 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 H. Hymel, CCR who was present and recorded the hearing.

FINDINGS OF FACT

The respondent entered into the practical nursing program at South Louisiana Community College -Lafayette Campus. She graduated from the program on or about May 21, 2015.

On the respondent's Evaluation for Admission to a Practical Nursing Program, which she submitted on both 7/19/13, and 1/9/14, she answered "no" 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**?"

However, the respondent's criminal background check results indicated the following arrests/charges:

- 3/13/96 - Simple Criminal Damage to Property Felony
- 4/3/96 - Theft of Goods over \$100 under \$500
- 5/22/97 - Theft Shoplifting
- 5/18/98 - Theft

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Her background results also indicated that, on 1/5/98, her active supervised probation for felony theft was extended for 6 months. Her probation was revoked on 5/18/98.

Additionally, the respondent answered "yes" to the question on her First Time Writers Application which asks:

"Since your enrollment in the practical nursing program, have you been arrested, charged, convicted of, plead guilty or no contest and/or nolo contendere, or been sentenced from any criminal offense in any state? (NOTE: even though an arrest or conviction has been pardoned, EXPUNGED, dismissed or deferred, and your civil rights have been restored, you must answer "YES" and attach a detailed written statement and a certified copy of the criminal record(s))."

The respondent reported the following charge:

- 8/18/2013 - Domestic

The board has received court documents related to the above arrests and all matters are cleared with the court.

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 Louisiana Revised Statutes of 1950, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, 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;
- (f) is guilty of unprofessional conduct;
- (g) has violated any provisions of this Part;

And 978 A (8) Violate any provisions of this Part.

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

ORDER

The matter of **Dwyona Sonnier, 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 applicant 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 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 #7007 2560 0001 8287 7694 and regular mail to the following address:

Dwyona Sonnier
308 ½ 12th Street
Lafayette, LA 70501