

In the matter of Tammy Bales
LICENSE #260582
D.O.B. 11/20/1981

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on **February 17, 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 **not** present at the formal hearing

1. Exhibits A through X 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, Joseph A Fairbanks, Jr., CCR, RPR who was present and recorded the hearing.

FINDINGS OF FACT

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

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on June 23, 2006.
2. The respondent self-reported that she was arrested on March 28, 2015, for the charges of driving while intoxicated and reckless operation, (Exhibits B1-B2). It was reported that she drove her car onto the railroad tracks while a train was approaching. The respondent was removed from the vehicle prior to the train striking her car. The field sobriety test revealed that her breathalyzer results were .189%, (Exhibits K6-K15). She later admitted to the board that she drove her car on the tracks in a suicide attempt. She reported that she entered into treatment at Greenbriar the next day. (Exhibits B1-B2 and N1-N5)

On June 18, 2015, the respondent was placed on supervised probation for a period of one (1) year with general and special conditions, thus she is guilty of a crime. (Exhibit N4)
3. The respondent is guilty of fraud and deceit for failing to report that she was arrested on March 24, 2015, for the following charges: 1) criminal mischief; 2) stalking; 3) harassing phone calls, (Exhibits P2-P9, P10-P13, Q3-Q21 and Q12).

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According to the record, in February, 2015, a Peace Bond was issued against the respondent after several complaints were filed against her after she was witnessed at her ex-girlfriend's place of employment letting the air out of the tires of her vehicle, (Exhibits P7 and Q31-Q33). She was also suspected to have cut the screen and busted the window at her residence.

The respondent later pled guilty to the charge of stalking and criminal mischief, to which she is guilty of a crime, (Exhibits Q12, and Q3-Q21). She later admitted to these crimes during her treatment at Greenbrier Behavioral Hospital, (Exhibit R18).

4. The respondent was employed with the Tangipahoa Parish School System from March 11, 2013 until June 2, 2015. On March 25, 2015, the respondent was unable to report for her assigned shift at Hammond Westside Elementary Montessori School due to her arrest of March 24, 2015.

While she was out that day, it was discovered that 51 Adderall, 20 Ritalin, 13 Focalin and 2 Dexadren pills were missing, (Exhibits K2-K5). The respondent was suspected of diverting the medications. She had failed to sign out any medications administered on the previous day and failed to return for duty or to answer any questions related to the missing medication, (Exhibits I-7-I-14). The respondent was one of three nurses that worked at this facility, it was indicated that she was the only nurse that was in charge of administering medications to the students, (Exhibit M5). It was noted that in the prior weeks the respondent's behavior was strange and she had lost 20 pounds in 3 weeks, (Exhibit K5). Also discovered was that that **eight (8)** students failed to receive their medications as required, (Exhibit M-4). The respondent was terminated, (Exhibit M4).

The hearing officer found the respondent guilty of felony theft; being unfit, or incompetent by reason of negligence, habit or other causes; failing to practice practical nursing in accordance with the standards normally expected; failing to utilize appropriate judgment in administering nursing practice; improperly using patient's drugs, and patients' records; misappropriating personal items of individuals and the agency; and intentionally committing any act that adversely affects the physical or psychosocial welfare of patients in her care, and after discovering she diverted medications of eight students.

In a narrative statement submitted to the board, the respondent admits to being addicted to opiates. She reported that she began drinking alcohol to wean herself from the opiates and in doing so, developed an addiction to alcohol. She admits to reporting for duty at Hammond Westside Elementary Montessori School under the influence. (Exhibits S1-S2)

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By her own admission, the respondent is guilty of being unfit, or incompetent by reason of negligence, habit or other causes; being habitually intemperate or addicted to the use of habit-forming drugs; being guilty of unprofessional conduct; failure to practice practical nursing in accordance with the standards normally expected; failure to utilize appropriate judgment in administering nursing practice; intentionally committing any act that adversely affects the physical or psychosocial welfare of patients in her care, and by reporting to duty as a licensed practical nurse under the influence.

5. On March 29, 2015, the respondent was admitted to the Greenbriar Behavioral Hospital, (Exhibit R in globo).

The respondent reported that she tried to commit suicide by parking her car on the train tracks, (Exhibit R26 and R41). She stated that prior to the train hitting her car she was able to get out of her car prior to the train hitting it. However, according to the police report, an officer pulled her out of her vehicle and arrested her for D.W.I. and reckless operation of a vehicle, (Exhibit K8). It was also reported that she had a prior suicide attempt in December, 2014 by overdosing on Phenergan.

She was diagnosed with alcohol-induced mental disorder, suicidal ideation, alcohol withdrawal, alcohol abuse episodic use and anxiety state unspecified, (Exhibit R7 and R66). The respondent was discharged on April 3, 2015, with recommendations to follow-up at a state supported substance abuse clinic pending acceptance into residential treatment.

During her treatment her father reported that she was stealing money and prescription medications from him, namely, Oxycontin and Tramadol, (Exhibit R27). He also reported that her alcohol abuse was causing a lot of debt and she would spend her whole paycheck on alcohol. (Exhibit R65)

However, the respondent failed to admit to and inform her assessors that she was addicted to the use of opiates; that she reported for duty as an LPN under the influence, (Exhibits S1-S2) and that she was terminated from the Tangipahoa Parish School System, after it was discovered that she diverted student's medications. (Exhibits I-11 and R26)

6. On April 10, 2015, the respondent entered treatment at Florida Parish Human Services Authority, Alcohol and Drug Unit, Exhibits J1-J11). The respondent was diagnosed with alcohol dependence and alcohol induced mental disorder. The respondent was discharged on May 4, 2015, with recommendations that she continue treatment at Cenikor in Baton Rouge and become actively involved in 12 step recovery meetings.

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The hearing officer again notes, that the respondent failed to inform her assessor that she was also addicted to opiates and that she admitted to reporting to duty as LPN under the influence and was terminated from the Tangipahoa Parish School System, after it was discovered that she diverted student's medications. (Exhibits I-11)

7. The respondent reported that on May 8, 2015, she entered treatment at Cenikor, but did not complete and left treatment on June 4, 2015. She stated that the facility failed to properly wean her off Neurontin, (Exhibit N). However, the respondent has never provided treatment records from Cenikor as requested.
8. The respondent has an outstanding warrant for her arrest for Identity theft. While in treatment at Cenikor, she stole personal information of her ex-girlfriend to open a line of credit with Barclays Bank, using Cenikor's address as her address to open the line of credit. (Exhibit P18 and P24) To date, she has failed to provide the board with the requested court documents related to these charges.
9. On June 2, 2015, the respondent was admitted to Florida Parish Human Services Authority – Rosenblum Mental Health Center. The respondent was diagnosed with major depressive disorder, recurrent episode, severe and alcohol use disorder, severe. The respondent participated in one therapy session after the development of the treatment plan on July 6, 2015. The projected date of discharge was July 6, 2016. She reported benefits from the prescribed medications but moved out the area and discontinued services on September 8, 2015. (Exhibit V in globo)

Again, the respondent failed to inform her assessor at Rosenblum Mental Health that she was also addicted to opiates and that she admitted to reporting to duty as LPN under the influence and was terminated from the Tangipahoa Parish School System, after it was discovered that she diverted student's medications. (Exhibits I-11)

10. The respondent was employed with Belle Maison Nursing Home from May 23, 2006 to February 22, 2013. During the respondent's employment she was counseled after a patient complained that the bed was being elevated where it prevented him from being able to move. She also was counseled for violation of federal policy due to food being discovered in the medication room fridge, failing to assess the skin of a resident and not checking that certified nursing assistants completed their work prior to leaving. (Exhibit H in globo)
11. The respondent admitted in her response to the allegations, (Exhibit W1-W2) that she completed class work for two years for her ex-girlfriend, while she was enrolled in RN classes at SLU and in return her ex-girlfriend would buy her alcohol.

12. On November 4, 2015, the board suspended the respondent's practical nursing license for failure to respond to the board's request for information. To date, her license remains suspended.

The hearing officer noted that according to her resume, (Exhibit H9), she was a Health Educator Intern, for the Tangipahoa Alcohol and Drug Abuse Council, Hammond, LA from August, 2003 through December, 2003. Her duties included, teaching lessons for grades K-6 on refusal skills and tobacco and alcohol prevention and used prevention through drug education, parent education, resources and support, thus she should have been well aware of the dangers of reporting to work impaired, and the effects of abusing alcohol and drugs.

The hearing officer does not find the respondent credible. She failed to appear at her scheduled hearing. She has continued to lie to her assessors, the board and to herself regarding her drug addiction. She fails to take responsibility for her actions. The respondent reported that she is an alcoholic "not a pill user", (Exhibit N2). However, in other statements provided to the board, she admits to being addicted to opiates, (Exhibits S1-S2). It was reported that she has stolen narcotics from her father, and is accused of Felony Theft from her previous employer after they discovered missing narcotics belonging to students in her care.

The respondent is a deeply disturbed individual who has sought treatment numerous times without successfully completing and should be considered a danger to the public welfare. To date, she has failed to provide the board with evidence of continued compliance with treatment recommendations, and other documents requested. 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; (e) is mentally incompetent; (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.

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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;**
 5. **being mentally incompetent;**
 8. **being guilty of unprofessional conduct;**
 - a. **failure to practice practical nursing in accordance with the standards normally expected;**
 - b. **failure to utilize appropriate judgment in administering nursing practice;**
 - 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;**
 - l. **leaving a nursing assignment without properly notifying appropriate personnel;**
 - 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;**
 - r. **possess a physical or psychological impairment which interferes with the judgment, skills or abilities required for the practice of practical nursing;**
 - 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 **Tammy Bales, license #260582**, 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, **Tammy Bales** be **REVOKED** and

1. The respondent is not allowed to practice practical nursing in the state of Louisiana.
2. 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.
3. 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.
4. The respondent shall return her current practical nursing license to the board office within **three (3) 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 7533** and regular mail to the following address:

Tammy Bales
15569 East Hoffman Rd. Lot 13
Ponchatoula, LA 70454