

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: Lavenia Thompson
LICENSE #730159
D.O.B. 04/03/1950

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on March 4, 2016. The nature of the hearing was prosecution of the matter.

The following witnesses were called to testify on behalf of the board:

- Willie Baker – D.O.N., Evergreen
- Iriael White – Program Supervisor, Evergreen
- Brittany Johnson - R.N., Evergreen
- Lakendra Dunomes – L.P.N., Evergreen
- Rebekah Cariker Cummings – Acadian Ambulance

The respondent was present and did give sworn testimony.
No witnesses were called to testify on behalf of the respondent.

1. Exhibits A through J 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, 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 February 24, 1973.
2. The respondent was employed with Evergreen Life Services on May 6, 2014. The respondent was assigned to care for resident, L.B. The resident's diagnoses included seizures, traumatic encephalopathy, GERD (gastroesophageal reflux disease), osteoporosis, mental retardation, urinary tract infection, constipation and nephrolithiasis.

On October 21, 2014, the resident had a vagal nerve stimulator placed, but the device had not been activated.

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3. On October 28, 2014, the respondent and resident L.B. were in the training center, a building used to provide training on certain skills to residents living in the community. At 9:25 a.m., the resident was noted in seizure activity. The resident remained in seizure activity for over an hour. During this time, the respondent left the resident in the care of non-nursing personnel on more than one occasion, to obtain medications and supplies.
4. After continued seizure activity of approximately 20 minutes, the respondent placed the resident on 4L of oxygen via nasal cannula. The resident was described as being blueish in color.
5. The respondent failed to call for emergency transport, failed to notify a supervisor, and failed to notify the physician of the change in the resident's condition.
6. Emergency transport was not notified until 10:21 a.m., by a staff registered nurse. The patient was found by EMS and the only vital sign that could be obtained was 48% oxygen saturation. The patient had a weak carotid pulse and was absent of a radial pulse. It was reported that the patient was administered 1 dose of Diastat, which was given while the resident was having a bowel movement.

The respondent has been licensed long enough to know that this medication would not be absorbed if administered during the time the resident was having a bowel movement. Also discovered, was that although 1mg dose of Ativan was ordered, only half the dose was given intramuscular 45 minutes after the resident started seizing. (Exhibit C25-C26 and C31) The resident had been seizing over 25 minutes prior to the respondent putting oxygen on her, but only after she was informed by Ms. Iriael White, Program Supervisor that the resident was turning blue and needed oxygen. (Refer to testimony, pg. 47, lines 17 through pg. 48 line 9 and pg. 86 line 12 through pg. 87 line 12) The respondent then left again, and did not return for 30 minutes. The respondent was previously in-serviced on the protocols to be taken when seizures occurred. (Refer to testimony pg. 29 lines 7-12)

EMS struggled to obtain an accurate blood pressure due to the resident's continued seizing activity. The patient was bradycardic and significantly hypotensive. Upon entering the emergency department at North Oaks Hospital the patient went into cardiac arrest. Her condition rapidly declined and she expired at 6:10 p.m.

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The Hearing officer finds that although the respondent was negligent in her duties, other personnel were on duty as well, that could have called for emergency assistance. The respondent has been a practical nurse over 38 years with a perfect record.

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);

(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 and B.

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections § 306 T.

3. **being unfit, or incompetent by reason of negligence, habit or other causes;**
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;**
 - c. **failure to exercise technical competence in carrying out nursing care;**
 - j. **intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - 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.**

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ORDER

The matter of **Lavenia Thompson, license #730159**, 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, **Lavenia Thompson** be suspended for a minimum period of **six (6) months** from the date of this notice.

During this suspension time, the respondent must abide by the following stipulations:

1. **Return license to the board office:**

- A. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order.
- B. The respondent shall not practice nursing during the period that his/her license is suspended.

2. **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).

3. **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.

4. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas: **Emergency Nursing; Assessment; and Critical Care**. Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

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5. **Fines/Fees:**

- A. The respondent is hereby 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 this order.
- B. The respondent is hereby 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 this order.
- C. The respondent must pay any/all fines/fees owed to the board, including a reinstatement fee, if/when applicable. Fines/fees are **payable by cashier's check or money order only**.

6. **Reinstatement requirements:**

- A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.
- B. The respondent is to submit a written request for reinstatement to the board office.

Upon favorable review of the reinstatement request, the license of the respondent may then be placed on probation for a minimum period of **one (1) year**. During this probationary period the respondent shall follow **stipulations #2, and 3 as stipulated above and the following stipulations as stipulated below:**

1. **License:**

- A. The license of the respondent will be stamped "**PROBATION**".
- B. The respondent shall return his/her current practical nursing license to the board office, so the license can be stamped with the mandatory probation stamp.

2. **Fines/Fees:**

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

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C. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

3. **Employment:**

A. The respondent shall provide a copy of the entire board order/consent order including the findings of fact and conclusions of law immediately to any/all current employer(s) and at the time of application to any/all prospective employer(s).

i. If the respondent is already employed as an lpn, the respondent and the current employer shall enter into the board's **Employer's Agreement** (form(s) issued by board). The signed form(s) shall be submitted to the board office within **ten (10) days** of the date of the board order/consent order.

ii. 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 current and 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.

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- 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.
 - 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).

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Violations

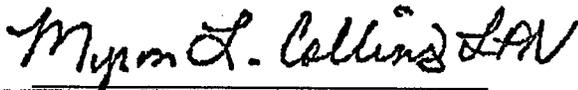
The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

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

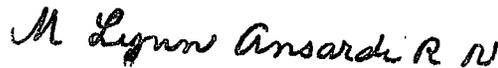
Public Records

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 7588 and regular mail to the following address:

Lavenia Thompson
42542 Bigner Lane
Hammond, LA 70403