

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

November 4, 2016

Deborah Sanders
P.O. Box 416
Doyline, LA 71023

Dear Ms. Sanders:

Enclosed you will find your Board Order with the stipulations set forth which you **must follow** throughout your Suspension and/or Probation period.

Please read the entire order **completely and carefully**. Failure to follow **all** stipulations set forth may result in further disciplinary action being taken against your practical nursing license, which may include additional fines, an extended probation period, suspension, revocation and/or denial of licensure.

You may also go to the Board's website at www.lsbpne.com at any time to review the Administrative Code pertaining to practical nurses, including the Rules and Adjudication, License Suspension and Revocation Proceedings, §306. This information was also included with your Formal Complaint.

If you have any questions or concerns you should submit them in writing to the board office, please include your current address and telephone number with your request.

LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS

M. Lynn Ansardi R N

M. Lynn Ansardi, RN
Executive Director

MLA/kg

In the matter of: Deborah Sanders
License #880756
D.O.B. 09/08/1955

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the presiding hearing officer on July 7, 2016. The nature of the hearing was prosecution of the matter.

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

- Catrina Tamayo, CNA, Pilgrim Manor Guest Care Center, LLC
- Shellena Johnson, RN, DON, Pilgrim Manor Guest Care Center, LLC

The respondent was present and did give sworn testimony

During the formal hearing process, the following findings of fact and conclusions were confirmed based on the entire record:

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on December 7, 1988.
2. On March 15, 2015, the respondent while assisting a certified nursing assistant attempt to provide incontinence care to an agitated resident, held the resident's wrists to stop her from hitting her and the CNA. When the resident began to yell out that she wanted to be left alone, the respondent placed her hand over the resident's mouth. The resident bit the respondent's finger, causing her to bleed. After assessing the resident it was discovered that she had red/purplish bruises on the outer forearm, outer wrist and lower extremity. The resident complained of pain when the area was touched. (Refer to hearing transcript pg. 29 line17 through pg. 30 line 3) The respondent after being informed that an investigation would take place, placed her badge on the desk and walked out. According to the sworn testimony of the director of nursing, it is the policy of the facility to leave an agitated resident alone and return later to perform care. (Refer to Exhibit B, C and F and hearing transcript pg. 10 line7 through pg. pg. 30 line22 and pg. 48 line 1 through pg. 60 line 18)
3. During the respondent's employment at Pilgrim Manor she was counseled for the following:
 - 12-5-12 The respondent failed to immediately respond after 2 residents made complaints regarding their condition. One resident reported it took 30 minutes before the respondent provided care. (Refer to Exhibit D2-D3 and hearing transcript pg. 31 through pg. 32 line 5)

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- 1-15-13 The respondent failed to follow physician orders on several occasions. It was determined the respondent was not doing a good job assessing residents and using nursing judgment. A patient in the respondent's care complained of shortness of breath at 11:30 p.m. and had SP02 of 88% on 3L/NC. The patient's SpO2 did not improve during the respondent's shift. The patient was discovered at 6:30 a.m. with SP02 of 77%, at which time emergency transport was called. (Refer to Exhibit D4-D9 and hearing transcript pg. 32 line 6 through pg. 35 line 21)
 - 2-22-13 The respondent failed to notify the director of nursing and administrator of a death in the facility. (Refer to Exhibit D10 and the hearing transcript pg. 35 line 22 through pg. 39 line 1)
 - 3-26-13 The respondent completed an incident report on a skin tear received by a resident but failed to document the incident in the nursing notes and failed to begin treatment. (Refer to Exhibit D11 and hearing transcript pg. 39 line 2 through pg. 40 line 12)
 - 4-3-13 The respondent administered PRN medications to a patient and five minutes later documented that the medications were effective. (Refer to Exhibit D12-D13 and hearing transcript pg. 40 line 13 through pg. 41 line 21)
 - 6-18-13 The respondent administered a 6am dose of Rythmol but the order had been changed on June 6, 2013. (Refer to Exhibit 14 and hearing transcript pg. 41 line 22 through pg. 42 line 17)
 - 7-19-13 The respondent administered Zantac to a patient without a physician order. The order was for Omeprazole. The respondent failed to notify the physician of the medication error. (Refer to Exhibit D15 and hearing transcript pg. 42 line 18 through pg. 43 line 10)
 - 7-9-14 The respondent failed to monitor staff, and failed to ensure certified nursing assistants were making rounds. The respondent documented that an in and out catheter had been completed when it had not, and was insubordinate to a supervisor. (Refer to Exhibit D16 and hearing transcript pg. 43 line 11 through pg. 44 line 15)
4. While employed as a licensed practical nurse for Riverview Care Center, the respondent was counseled on March 4, 2015 for failing to place an order for lab work in the computer and failing to complete the process after receiving a telephone order. (Refer to Exhibit K and hearing transcript pg. 78 line 7 through pg. 79 line 20)

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5. While employed as a licensed practical nurse for Cypress Point Nursing & Rehab Center, the respondent was counseled on June 18, 2013, for failure to document on skilled residents and new admit, failure to document on a resident sent to ER with respiratory distress, failure to document on a resident with a wound vac and antibiotic medications and administering medication to a patient while asleep. (Refer to Exhibit L and hearing transcript pg. 72 line 1 through pg. 78 line 6)

The hearing officer found the witnesses to be credible when giving their sworn testimony. Although the respondent admits to holding the resident's wrists, she denied placing her hand over the resident's mouth. The hearing officer; however, believes she did place her hand over the resident's mouth which was evident because the resident bit the respondent's finger. Even after the resident screamed out in pain to the respondent stating that she was hurting her and to leave her alone, the respondent continued to hold the resident's wrists to the point of causing bruising. The respondent has been a licensed practical nurse for over 27 years and has displayed a lack of compassion for patients in her care along with gross negligence in her duties as a licensed practical nurse.

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.

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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;**
 - i. falsifying records;**
 - 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.**

ORDER

The matter of **Deborah Sanders, license #880756**, on **November 4, 2016**, came on for final action by the Louisiana State Board of Practical Nurse Examiners.

NOW THEREFORE, IT IS ORDERED that the practical nursing license of the respondent, **Deborah Sanders, license #880756**, be **SUSPENDED** until she complies with 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. **Obtain the following evaluation(s):**

psychological

- A. Within **thirty (30) days** of the date of this order, the respondent shall undergo the above ordered evaluation(s). The evaluation(s) shall be conducted by a licensed certified psychologist/psychiatrist/addictionologist of the respondent's choice. The evaluation(s) shall be conducted using both objective and subjective assessment tools.

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- B. Prior to the evaluation(s), the respondent shall furnish the evaluator with a copy of the board order/consent order to include the findings of fact, conclusions of law, and the **Board Order Acknowledgement Form**. The evaluator shall verify receipt and review of these documents in the evaluation(s) of the respondent.
 - C. The respondent shall execute the **Release of Information Form** to allow the evaluator to communicate with and supply information to the board.
 - D. The respondent shall direct the evaluator to submit directly to the office of the board the **Release of Information Form, the Board Order Acknowledgement Form** and the evaluative report(s).
 - E. The report of the evaluation(s) shall include, but not be limited to, the following:
 - i. past and present treatment and/or recovery activities
 - ii. results of any testing conducted
 - iii. a summary of the findings
 - iv. treatment plan, if applicable
 - v. list of medications prescribed, if applicable
 - vi. an assessment as to respondent's ability to practice safely as a practical
 - F. The respondent shall satisfactorily complete any and all recommendations made by the evaluator. If treatment or therapy is recommended, the respondent shall, within **thirty (30) days** of the evaluator's report, initiate all treatment and/or therapeutic activities. If treatment or therapy is recommended, the respondent shall submit to the board the name and credentials of the therapists and/or the name and address of the treatment facilities.
 - G. The respondent shall undergo subsequent evaluations by a board approved psychologist/psychiatrist/addictionologist if requested by the board following a relapse or for other related causes.
5. **Participate in any and all treatment/aftercare programs as prescribed:**
- A. The respondent shall enroll and participate in board approved treatment/aftercare programs as prescribed or recommended by the chemical addiction/psychological evaluator.

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- B. The respondent shall have the aftercare counselor submit to the board office proof of the respondent's entry into an appropriate facility, inpatient program, outpatient program, halfway house, residential long-term treatment, and/or a combination thereof.
 - C. The respondent shall execute the **Release of Information Form** to allow the treatment facility/center/counselor/practitioner of record to communicate with and supply information to the board.
 - D. The respondent shall submit evidence of **continued compliance with the treatment plan/counseling**. Treatment/aftercare compliance must be maintained throughout the duration of this order or until treatment is deemed complete.
 - E. The respondent shall cause the aftercare counselor to submit quarterly to the board office progress reports indicating compliance with treatment recommendations. Reports are due on or before the 10th day of January, April, July, and October of each year until treatment is deemed complete.
 - F. Upon completion of the treatment/aftercare program(s), the respondent shall have the aftercare counselor provide the board with documentation indicating the respondent's successful completion of the program.
6. **Select one primary pharmacy:**
- A. The respondent shall notify the board of the name, address, and telephone number of his/her selected pharmacy within **ten (10) days** of the date this order is executed. If the respondent acquires a new pharmacy, written notification must be received within **ten (10) days** of the first use.
7. **Select one primary care physician:**
- A. The respondent shall notify the board within **ten (10) days** of the date this order is executed, the name, address and telephone number of his/her selected primary care physician. The physician must hold an unencumbered license. All medical care received by the respondent for the duration of this order shall be furnished by the primary care physician or by the referral of the primary physician with the exception of emergency care. In the event emergency medical care is necessary, the respondent must notify the board within **three (3) days** from the date the emergency care was rendered if the treatment included administration of mood-altering, controlled, or addictive substances.

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B. The respondent shall execute the **Release of Information Form** to allow the primary care physician/referred specialist to communicate with and supply information to the board.

8. **Fines/Fees:**

A. The respondent is hereby 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 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**.

9. **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.

C. If a chemical and/or psychological assessment was stipulated before reinstatement can be considered, the provider who conducted the original assessment must submit a letter to the board office indicating that he/she feels the respondent can safely return to the practice of practical nursing and under what conditions (i.e., recommendations for on going treatment and a list of medications being prescribed). If the assessment includes a treatment plan, evidence of compliance with this plan must also be submitted to the board.

Upon favorable review of the reinstatement request, the license of the respondent may then be placed on probation for a minimum period of **two (2) years**. During this probationary period the respondent shall follow **stipulations #2, 3, 5, 6, 7, 8 and 9 as stipulated above and the following stipulations as stipulated below:**

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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.
- 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.

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- 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.
 - 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.

FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO TREATMENT PLANS, MAY RESULT IN SUSPENSION OF UP TO A FOUR (4) YEAR PERIOD WITHOUT A HEARING BEFORE THE BOARD. During the period of suspension, appropriate consistent treatment must be obtained prior to the respondent's initiation of a reinstatement request.

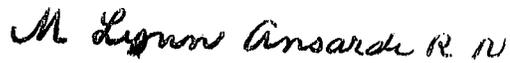
Public Records

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 4th day of November, 2016 and signed this 4th day of November, 2016 at Metairie, Louisiana



MYRON COLLINS, LPN
CHAIRMAN OF THE BOARD



M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

Mailed this 4th day of November, 2016, by U.S. postal service certified mail return receipt #7016 0600 0000 6616 3194 and regular mail to the following address:

Deborah Sanders
P.O. Box 416
Doyline, LA 71023