

In the matter of: Chender Jones
License #290908
D.O.B. 03/09/1976

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the presiding hearing officer on September 15, 2016. The nature of the hearing was prosecution of the matter.

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

- Latrice Young, CNA, Valley View Health Care
- Jeffrey Caubarreaux, NFA, Valley View Health Care
- Theresa J. Wall, Naomi Heights

The respondent was present and did give sworn testimony and was represented by Mr. David Aden, Attorney at Law.

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 July 9, 2009.
2. The board received information from DHH that the respondent was terminated from Valley View Health Care facility on 5/13/16 for emotional abuse of a resident. According to information provided, on 5/10/16, the respondent was notified by resident #1551 that her cousin, resident #1573, appeared to be choking. It was reported that the respondent was sitting behind the desk at the nurse's station approximately 3- 5 minutes after she was notified of the resident's choking. The respondent was witnessed arguing with resident #1551 as she entered resident #1573's room to begin oral care and suctioning. (Refer to exhibit E10 and hearing transcript pg. 28 line 15 through pg. 30 line 14 and pg. 30 line 15 through pg. 31 line 13) The argument continued while she was in the resident's room and a CNA heard the respondent tell resident #1551 to "shut up and mind your own business" and "shut up and get out of the room-you don't belong here". The CNA also testified at the hearing that she witnessed the respondent arguing with the resident and telling her to shut up and leave the room. (Refer to exhibit E12 and hearing transcript pg. 8 line 2 through pg. 21 line 22 line 13)

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3. Additional records received from Valley View indicated that the respondent received disciplinary action on 12/8/14, for an incident that occurred on 12/5/14. The respondent failed to document on resident #1483 on her entire shift. In report, the respondent was made aware of the resident's issues and was told to check blood pressure frequently and report to the physician. There were no nurses' notes, and she failed to check the resident's blood pressure and failed to contact the physician. (Refer to hearing transcript pg. 57 line 1 through pg. 58 line 6) Additionally, an order was given for Antivert medication for another resident and she failed to administer the medication. (Refer to hearing transcript pg. 58 line 7 through pg. 61 line 6)
4. The board received information that the respondent was employed with Naomi Heights from 9/13/12 to 7/10/14. She was terminated for no call/no show.
5. The board received information that the respondent was employed with Complete Home Health. On 3/13/14, she was counseled for failing to have her notes submitted on time each week. On 4/16/14, 5/12/14, and 5/19/14, she received warnings for continuously being late for her scheduled shifts. On 6/2/14, it was noted that her employment was "stopped" due to frequent tardiness and disciplinary warnings. She failed to respond to any contact from the office. (Refer to hearing transcript pg. 54 through pg. 56)

The hearing officer found the witnesses to be credible. The hearing officer finds that the respondent did nothing to defuse the situation regarding the May 10, 2016, incident. She continued to argue with a resident. She received several verbal and written warnings from several facilities. The hearing officer finds that in keeping with the board's mission to protect the public that the respondent be monitored.

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;**
 - (d) **is habitually intemperate or is addicted to the use of habit forming drugs;**

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- (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;**
- 4. being habitually intemperate or addicted to the use of habit-forming drugs;**
- 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;**
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;**
 - 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;**
 - 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 **Chender Jones, license #290908**, 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 license of the respondent, **Chender Jones, license #290908** be **PROBATED** for no less than **one (1) year** with the following stipulations:

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 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 the board 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 the board order.
- C. The respondent is to submit a **\$500.00** annual probation monitoring fee, **payable by cashier's check or money order only**.
- D. The probation monitoring fee is due within **three (3) months** of receiving a probated license and annually thereafter until the probation is satisfactorily completed.

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

3. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas: **1) Communication Skills for Nursing, (minimum 30 CEUs); 2) Conflict Resolution Skills, (minimum 12 CEUs); 3) Documentation for Nurses, (minimum 30 CEUs); 4) Patient Advocacy & Ethical Nursing Practice, (minimum 8 CEUs)**. Evidence of completion of the course(s) is due in the board office within 90 days of the date of the board order.

4. **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

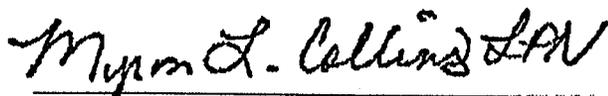
The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

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 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 0910 0000 8350 3731 and regular mail to the following address:

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Cc: David Aden
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