

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: Martha Davis
License #290493
D.O.B. 10/13/1969

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the presiding hearing officer on August 24, 2016. The nature of the hearing was prosecution of the matter.

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

- **Lisa Frederick, RN, DON, Lacombe Nursing Centre**
- **Melissa Catalano, RN, Supervisor, Trinity Neurologic Rehabilitation Center**

The respondent was present and did give sworn testimony.

There were no witnesses called testify on behalf of the respondent.

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 March 29, 2009.
2. The board received a report regarding an incident that occurred at Lacombe Nursing Centre. On or about April 1, 2016, the respondent admitted to consuming alcohol at the facility during her shift. The respondent was terminated. Additionally, following her termination, the DON reviewed video footage of her shifts from the dates of March 21, 2016, through March 25, 2016. According to the video footage, the respondent was observed removing controlled medication cards from the lock box on the medication cart and placing them in her purse.

According to additional records received from Lacombe Nursing Center, the respondent received a written warning on 9/21/15, for failing to visualize the presence of emergency use controlled medications or other medications stored in the refrigerator at start and end of her shift.

3. On April 20, 2016, the board summarily suspended the respondent's practical nursing license.

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4. During the formal hearing and according to the respondent's narrative, she admitted that she consumed alcohol while on duty as a licensed practical nurse. (Exhibits C3 - C5) At the beginning of the hearing, she denied diverting narcotics from the facility. (Refer to sworn testimony pg. 7 line 17 – pg. 8 line 11) However, it was not until after she viewed the video footage (Exhibit E), which clearly reveals the respondent diverting medications and placing them in her purse that she admitted to diverting a card of Xanax and a card of Hydrocodone. (Refer to sworn testimony pg. 65 line 20 – pg. 66 line 13). She also stated during her sworn testimony that she didn't think anything would happen to her like this, "I didn't think I would get caught". (Refer to sworn testimony pg. 106 lines 1-11)
5. The respondent was employed as a licensed practical nurse at Trinity Neurologic Rehabilitation Center from 8/20/09 to 2/24/10, 3/5/10, to 11/10/11, and 8/20/12, to 3/25/13. During her first employment with Trinity, she was written up for pre-charting medications. On 11/11/09, she clocked out at 10:54 a.m. due to an emergency. It was discovered that she had signed out medications for 11:30 a.m.; 1:00 p.m.; and 5:00 p.m. and indicated they were administered. (Exhibit F45) She resigned on 2/24/10. (Exhibit F44)

The respondent was re-hired on 3/5/10, at Trinity. She again voluntarily quit after being written up several times for nursing negligence. (Exhibits F36 – F43)

The respondent became employed again with Trinity on 8/20/12. She was written up for failing to perform a proper head to toe assessment on a resident who, had a surgical procedure performed with surgical incisions on the anterior and posterior aspects of the body. From 8/24/12, to 8/31/12, the respondent failed to perform the assessments, which caused a posterior wound to be unnoticed. On 11/15/12, she failed to follow a physician's order to do Accuchecks at 4:30 p.m. daily. On 11/19/12, she received a write up for failing to follow M.D. orders for a resident who required peg site care daily and as needed. The dressing was found on 11/19/12, with a label of 11/14/12. She had not cared for the peg site in 5 days. On 11/23/12, she was written up for failing to administer a patient's medications as ordered. It was discovered that the last medication was signed out of the narcotic box at 11/22/12. The patient did not receive ordered Ambien on 11/23/12. On 12/19/12, she received a write up for failing to report to work for a mandatory nursing in-service and failing to give prior notice to her supervisor that she was unable to attend. On 1/25/13, she was disciplined for continued substandard performance of job duties. She was observed by the pharmacy consultant to have documented administration of 2 p.m. medications on MAR at 12:45 p.m. On 2/1/13, she was written up for a medication that was documented on the MAR but was not given to the patient. (Exhibits F15-F35)

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On 3/25/13, she was discharged (fired) for gross misconduct. It was determined that she intentionally withheld wound care treatment for 5 patients on 3/10/13. She admitted to the DON and RN Supervisor that she was angry with the DON, so she intentionally failed to follow orders and perform wound care. The respondent was initially suspended for 3 days, but administration recommended that she be terminated. (Exhibits F3-F14 and sworn testimony pg. 92 line 16 through pg. 95 line 13)

6. The record was left open for the respondent to obtain her pharmacy records to prove to the board, that she was, in fact, receiving prescriptions for Xanax and Hydrocodone at the time she was diverting narcotics as she testified. However, the document provided by the respondent's pharmacy only indicated that she received Xanax in June and July of 2016 and did not list any prescriptions for Hydrocodone as she indicated during her sworn testimony. (Exhibit J and sworn testimony pg. 103 line 12 – pg. 104 line 1)

After considering all of the evidence, including the hearing transcript, the hearing officer finds the witnesses to be credible when testifying in the matter but did not find the respondent to be credible. The hearing officer believes that if the respondent was not witnessed on video (Exhibit E) diverting the narcotics, she would not have admitted to the diversion. She poses a clear threat to the wellbeing of her patients. She admitted to drinking while on duty on more than one occasion. (Refer to sworn testimony pg. 107 lines 3-5) Her testimony was inconsistent with the facts. The Louisiana State Board of Practical Nurse Examiners is charged with the responsibility to protect the health and safety of the citizens of Louisiana; therefore, the respondent's licensee to practice practical nursing should be revoked.

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;**
 - (f) **is guilty of unprofessional conduct;**

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(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;**
 - c. **failure to exercise technical competence in carrying out nursing care;**
 - e. **performing procedures beyond the authorized scope of practical nursing;**
 - 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;**
 - 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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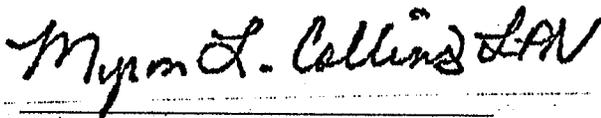
ORDER

The matter of Martha Davis, license #290493, 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, Martha Davis, license #290493, be **REVOKED** and:

- 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.

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 3187 and regular mail to the following address:

Martha Davis
37388 Murray Road
Pearl River, LA 70452