

T H E E X A M I N E R

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Board Members

Laura S. Bonanno, DNP, CRNA President

Timothy C. Cotita, RN, BSN, MSHCE, Alternate Officer

Patricia Prechter, RN, MSN, Ed.D Member

Jolie E. Harris, DNS, RN, NEA-BC, CAS Member

Sue Westbrook, DNS, MA, RN Member

Juzar Ali, MD, FRCP(C), FCCP Ex-Officio

Teresita E. McNabb, RN, MSHSA, NE-A, CLNC, FACHE Vice President

Nancy L. Davis, RN, MA, MN, NE-BC Member

Tavell L. Kindall, DNP, APRN, Member

Jacqueline J. Hill, PhD, RN Member

M. Marelle Yongue, MD, Ex-Officio



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FROM THE EXECUTIVE DIRECTOR



Welcome to 2017 and the beginning of my 4th year as Executive Director of the Louisiana State Board of Nursing. The start of a new year brings with it the opportunity to reflect on what we have accomplished over the past 12 months and to recommit to the mission of our agency. To begin, I want to publically thank the group of dedicated

nursing professionals who make up the Board of the Louisiana State Board of Nursing. The officers, President Nancy Davis, Vice President Dr. Laura Bonanno and Alternate Officer Dr. Patricia Prechter are joined by Board members Dr. Tavell Kindall, Tim Cotita, Dr. Jolie Harris, Teresita McNabb, Dr. Demetrius Porche, and Dr. Sue Westbrook as well as ex officio MD officers Dr. Juzar Ali and Dr. Marelle Yongue. Dr. Porche completes his term as of December 31, 2016 and Governor Edwards has already appointed Dr. Jacqueline Hill of Southern University Baton Rouge to replace him in one of the three educator seats on the Board. You will read more about Dr. Hill later in the newsletter. New officer elections were held at the December 2016 meeting and I am pleased to announce that Dr. Laura Bonanno was elected President, Teresita McNabb was elected Vice President and Tim Cotita was elected Alternate Officer. Their terms began January 1, 2017. These volunteer leaders have provided strategic leadership to enhance the agency's pursuit of regulatory excellence and to assure comprehensive responses to nursing issues affecting patient safety, enhancing the image and visibility of the Board and overseeing the evolution of RN and APRN practice as a profession.

Following is a summary of the major initiatives accomplished in 2016:

- Optimal Regulatory Board System (ORBS): Our second renewal cycle with ORBS launched on October 1, 2016. We continue to work with NCSBN on full implementation of ORBS and expect that we will be completely operational by the spring 2017.
- Construction is now in full operational mode at LSBN for our nearly 5,000 square feet addition and remodeling project. The expanded parking lot is complete and the external frame and siding of the additions on the southeast side of the building are up and interior work

is commencing. Construction of the roofing addition is almost complete and the new entry and security area are proceeding. Completion of Phase 1 is on schedule for an April 1st target date.

- The Fifth Circuit Court of Appeals upheld the federal district court decision related to state immunity from lawsuits brought by individuals against state entities in the Kourtney Rodgers case. LSBN was recognized as an arm of the state. The plaintiff's petitioned the Fifth Circuit for an en banc rehearing, a hearing before the entire court, but their petition was denied.
- LSBN is working in tandem with the Louisiana Hospital Association and Louisiana Department of Health regarding hospitals' concerns over delegation of medication administration to unlicensed personnel in hospitals and other outpatient settings besides hospital-based outpatient clinics. We will continue to work with both agencies on a broader application of delegation rules.
- RS 37: 914 (B)(1), 916, and 917 were amended removing the 2 ex-officio physician members from the Board and replacing them with 2 consumer, non-nursing members to be appointed by the Governor. The consumer members shall possess the following qualifications:
 - Citizen of the United States and resident of Louisiana for at least one year immediately prior to appointment;
 - Attained the age of majority;
 - Never engaged in any activity directly related to the practice of professional nursing;
 - Never been convicted of a felony.
- HR 244 directed LSBN to meet with the Louisiana State Board of Practical Nurse Examiners (LSBPNE) to explore the desirability and feasibility of merging the two boards. Two meetings were held on September 23, 2016 and October 28, 2016. At the second meeting, Representative Dustin Miller, author of the resolution, attended. Although both boards concede it is feasible to merge the two boards, there was no agreement on the desirability to merge.
- At the request of Senator Mills, Chairman of the Senate Health and Welfare Committee, LSBN has been meeting with the Louisiana State Board of Medical Examiners (LSBME) to explore APRN and MD responsibilities under the required Collaborative Practice Agreement (CPA) for prescriptive authority, fees charged by physicians





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- to enter such agreements, complaints by APRNs regarding action or inaction of collaborating physicians, and difficulties for APRNs in terms of finding collaborating physicians. The two boards have met together and LSBME has provided an initial draft of actions which they are proposing for their licensees to alleviate these challenges. The boards continue to work collaboratively at Senator Mills' direction to investigate creative approaches to these practice issues.
- Rule changes have been promulgated in LAC 46:XLVII, Chapter 35 and sections 3324, 3327, 3703, 3709, 4507, and 4513. Nurses are directed to <http://www.doa.la.gov/Pages/osr/LAC-46.aspx> for specifics of these rule changes.

Dr. Jacqueline J. Hill (New Board Member)

The Louisiana State Board of Nursing welcomes our new member Jacqueline J. Hill, PhD, RN. Dr. Hill is an Associate Professor and Chair of the Undergraduate Nursing Program at Southern University and A & M College in Baton Rouge, LA. Dr. Hill received her Bachelor and Master of



Science in Nursing degrees from Southern University and A & M College, and PhD in Educational Leadership, Research, and Counseling from Louisiana State University. Dr. Hill has held leadership roles in nursing organizations representing international, national, state and local nursing constituent

groups. Dr. Hill has served as Vice President of the Tau Pi Chapter of Sigma Theta Tau International (STTI) Honor Society of Nursing, and President of the Baton Rouge District Nurses Association. In 2011, Dr. Hill became the first African American to assume the office of President of LSNA. In 2015, Dr. Hill was inducted into the Louisiana Nurses Foundation's Hall of Fame. In addition to publications in refereed international nursing journals, Dr. Hill has published chapters in nursing leadership textbooks and has presented her research findings through international, national and state venues.

Finally, I would like to offer my sincere thanks to an incredible staff who have weathered gracefully every challenge thrown at them in 2016. Like all of Baton Rouge, we were shaken to our core by the violence visited upon our city this year followed by the Great Flood of 2016, from which our citizens, including 18 members of the LSBN staff, are still recovering. It never ceases to amaze me, however, how the resilience of the human spirit is demonstrated during times of disaster and the compassion and support of our neighbors, friends and family is confirmed in their eager willingness to help those affected in reconstructing their lives. I am eternally grateful that I work at an organization filled with individuals who are kind, giving, affectionate, encouraging, and supportive. They inspire me on a daily basis and ... in the words of Josh Groban:

***You raise me up, so I can stand on mountains;
You raise me up to walk on stormy seas;
I am strong when I am on your shoulders;
You raise me up to more than I can be.*** (Warner Brothers Records)

As I begin my 4th year as LSBN's Executive Director, no challenge seems too great. Every day brings a new beginning and an opportunity to take risks, dream big, and encourage others to do the same. For each of you, I wish you an amazingly successful 2017 and I offer the support of all of us at LSBN in your efforts to keep our profession moving forward.

For the Public Trust,

Karen C. Lyon, PhD, APRN, ACNS, NEA_{BC}
Executive Director





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LSBN Department Spotlight

In this edition of *The Examiner*, we are introducing the team members of the Louisiana Center for Nursing. The department can be contacted at 225-755-7563.

Cynthia Bienemy, PhD, RN, began her employment with LSBN in November 2009 as the Director of the Louisiana Center for Nursing. Dr. Bienemy is responsible for collecting, analyzing, and reporting on RN and APRN education, supply, and demand workforce data. Dr. Bienemy also uses established predictor models to forecast RN and APRN resource needs. Prior to joining LSBN, Dr. Bienemy was an Associate Professor at Southern University and A & M College in the School of Nursing for over 16 years where she taught in the undergraduate and graduate nursing programs. Dr. Bienemy acquired her Bachelor

of Science Degree in Nursing from Southeastern Louisiana University, her Masters in Nursing from McNeese State University, and her PhD in Nursing from Southern University and A & M College. Dr. Bienemy was recently invited to serve on the National Advisory Council on Nurse Education and Practice (NACNEP) for the term of 2017-2020. NACNEP advises and makes recommendations to the Secretary and Congress on policy matters arising in the administration of Title VIII including the range of issues relating to the nurse workforce, nursing education and nursing practice.

Sarah Sullivan joined the Louisiana State Board of Nursing - Center for Nursing in July 2012 as the Administrative Assistant to the Director of Louisiana Center for Nursing. She is a 2001 graduate of the University of Wisconsin La Crosse, where she earned her Bachelor's degree in Marketing with a concentration in International Business. Sarah is responsible for a broad range of administrative functions for the Louisiana Center for Nursing as well as the initiatives that the Center for Nursing participates in and/or leads. Ms. Sullivan also serves as the Chair of the LSBN Governance committee.



New Employee Highlight



Mecca Hayes
Administrative Coordinator 3
Education and Examination Department



Darlecca Taylor-Rachal
Licensing Analyst
Education and Examination Department



Dnai Williams
While Actively Employed (WAE)
Education and Examination Department





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RNP Corner

by Barbara H. McGill, MSN, RN
Director, RNP/Monitoring

Nurse Administrator Responsibilities for Reporting

This article is a reminder to Nurse Administrators that they have a duty to report nurses who may be practicing while impaired. Reporting a nurse who is not practicing with skill and safety is a requirement of licensure, not an optional activity.

The Nurse Practice Act (R.S.37:911 et seq.) section 921, details the grounds for disciplinary proceedings against a Registered Nurse's license.

The Board may deny, revoke, suspend, probate, limit, or restrict any license to practice as a registered nurse or an advanced practice registered nurse, impose fines, assess costs or otherwise discipline a licensee and the board may limit, restrict, delay, or deny a student nurse from entering or continuing the clinical phase of nursing education upon proof that the licensee or student nurse:

- (3) Is unfit or incompetent by reason of negligence, habit, or other cause.
- (4) Has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.
- (5) Is guilty of aiding or abetting anyone in the violation of any provisions of this Part.

The Professional and Occupational Standards: 46:XLVII. 3405. (Section A) defines Aiding and Abetting—to intentionally assist anyone by condoning, or to apply positive or negative force to assist anyone in violating the Nurse Practice Act or the rules and regulations of the board.

The same section also indicates under other causes for disciplinary action (section n.): failing to report, through the proper channels, facts known regarding the incompetent, unethical, illegal practice or suspected impairment due to/from controlled or mood altering drugs; alcohol; or a mental or physical condition of any healthcare provider.

It is clear that the expectation is that if someone is suspected of impairment by drugs or alcohol, the nursing administrator would report this nurse to the board. It has happened several times recently that a person is reported to the Recovering Nurse Program or a board investigator, who appears to have a problem with drugs or alcohol and on further investigation, it is found that the nurse has been fired from another facility because of suspected drug use. This should never happen.

Let me share with you an incident that happened years ago. A nurse was working in a hospital and was suspected of drug abuse. She had multiple narcotics discrepancies and behavioral changes at work. The hospital fired her and did not report any of their suspicions to the board. The nurse went on to the next hospital and got a job. The nurse was impaired at work and caused a patient death. The patient's family knew the nurse had been fired from the former hospital and sued the first hospital. The failure to report led to bad outcomes for everyone.

Some nurse administrators are worried that they could be held liable if they report to the board. The Nurse Practice Act section 931: Civil Immunity; protects nursing administrators acting in good faith as follows:

A. There shall be no civil liability and no licensee or other individual shall have a cause of action or a claim for damages against any person or institution providing information to the board, its members, officers, designated agents or representatives, employees, where the individual or institution acts without malice and in the reasonable belief that such information is accurate.

The Nurse Practice Act and Rules and Regulations are clear that nurse administrators have a duty and responsibility to report suspected impaired practice to the board, and that failure to report is grounds for disciplinary action against the license of the nurse administrator.





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APRN Corner
by Jennifer Wright, DNP, APRN, FNP, BC
Director, Advanced Practice

Prescribing Lyrica®

Lyrica® (pregabalin) is a controlled substance in schedule V and must be prescribed with caution especially considering that some of the indications and conditions for which the substance is often prescribed fall under current rules that prohibit chronic pain management with controlled substances. APRNs in Louisiana are prohibited by current regulations from prescribing controlled substances for non-cancer-related chronic pain in any setting or situation (referenced in LAC 46XLVII:4513D.2.b.i.a. and LAC 46XLV:6515-6923). The definition of chronic pain recognized by the Board is “pain which persists beyond the usual course of a disease, beyond the expected time for healing from bodily trauma, or *pain associated with a long-term incurable or intractable medical illness or disease*”. Lyrica® (pregabalin) is currently indicated for the treatment of conditions such as, but not limited to, neuropathy (often associated with diabetic peripheral neuropathy) and fibromyalgia. Off-label uses for Lyrica® (pregabalin) with less supporting evidence also include treatment of irritable bowel syndrome (IBS). Prescribing controlled substances for these disorders, which are generally chronic conditions associated with pain, would fall under current restrictions as described. Therefore, APRNs are prohibited from prescribing controlled substances including Lyrica® (pregabalin) for these chronically painful conditions when they meet the provisions, including the definition, for the treatment of chronic pain.

APRNs Must Use LSBN’s CPA Template

Beginning February 1, 2017, APRNs submitting prescriptive authority applications that require submission of a collaborative practice agreement (CPA) **must utilize the CPA template available on LSBN’s website**. We will no longer accept customized forms and agreements. There is a section available in order for the APRN to address the individual parameters of care and clinical practice guidelines. It is also not acceptable to submit contracts, policies, individual institutional forms, employment agreements, and other documents to meet the necessary components and requirements of the CPA. APRNs should notify employers, credentialing departments, and other agents that may assist in the process of submitting the forms of this requirement.

APRNs are responsible for ensuring prescriptive authority forms and the CPA submitted to LSBN for review are complete and accurate. Prescriptive authority applications and associated documents received at this agency can be processed when the information requested and provided is correct, legible, and complete. It is the APRN’s responsibility to understand and follow the requirements of LSBN in all matters pertaining to APRN practice including the application for and exercise of prescriptive authority.





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Disciplinary Process by Wanda Matthews, MPA Director, Hearings

The Hearings Department has the responsibility of managing the disciplinary process for cases referred from the Investigations Department to final resolution. Disciplinary sanctions are based on established sentencing guidelines. Aggravating and mitigating circumstances are considered when determining the minimum/maximum sanctions. Aggravating circumstances may enhance the penalty beyond the maximum guidelines, whereas mitigating circumstances may reduce the penalty below the minimum guidelines.

Disciplinary actions may be resolved informally (informal procedure) by offering an individual a Consent Order. The Consent Order is prepared and forwarded to the Executive Director for approval prior to mailing to the individual's address of record. An informal conference is scheduled for the individual to visit the Board's office to discuss the case and review the evidence. If the individual signs the Consent Order, the signed Consent Order is forwarded to the Executive Director for signature and is presented to the Board Panel for approval at the next available Board Hearing. Upon approval by the Board Panel, the disciplinary action becomes a Board order and is reported to the National Practitioner's Data Bank and published on LSBN's website in the Examiner and under Disciplinary Actions. The individual may opt to sign a Voluntary Surrender and surrender his/her license for a minimum of two years with license suspension. However, the disciplinary sanction will remain in the individual's file and will be available for review should the individual submit an application for license reinstatement in the future.

A signed Consent Order or Voluntary Surrender is an agreement between the Board and individual and is an irrevocable offer by the individual until approved, or rejected, by the executive director or designee.

Should the individual choose not to sign a Consent Order or Voluntary Surrender of License, a Complaint is filed and an administrative hearing (formal procedure) is scheduled. The individual is entitled to due process of law and the Complaint and notice of administrative hearing are mailed by regular and certified mail to the individual's address of record 20 days prior to the hearing. The individual is also mailed a Response Form and is required to return the completed Response Form to the Board's office 10 days prior to the hearing stating if he/she will attend the hearing, if he/she agrees or disagrees with the allegation(s) and provide a written response to the allegation(s) contained in the Complaint.

Board staff may take action against an individual's license by issuing an Automatic Suspension or Summary Suspension of license. If an individual's license is automatically suspended due to disciplinary proceedings in another licensing jurisdiction or failure to comply with the stipulations of a LSBN Board Order and/or Recovering Nurse Program Agreement and the individual is able to show error in staff's action, the individual must notify the Board in writing within 10 days of the date of staff action. If unable to show error in staff's action, the individual may request license reinstatement upon resolution of the disciplinary action in another licensing jurisdiction and/or compliance with LSBN's Order/Agreement.

If an individual's license is summarily suspended due to Board's staff finding that the public health, safety, and welfare requires emergency action, a Complaint is filed and a hearing is scheduled. The individual is entitled to due process of law and the individual is sent a Complaint and notice of administrative hearing in accordance with LSBN's guidelines previously stated. However, the individual may also be offered a Consent Order to resolve the disciplinary matter in lieu of a hearing.

Board staff may also delay or deny applications for licensure by NCLEX, endorsement, permission to enroll in clinicals or may recall a temporary permit to practice as a Registered Nurse in Louisiana and delay/deny licensure if an individual is found to be in violation of the Nurse Practice Act during the permit interval.

Should an individual disagree with staff action, the individual may submit a Request for Reconsideration or Rehearing and submit documentation/evidence per guidelines listed on the LSBN's website; a final decision of the board may be appealed in the 19th Judicial District Court within 30 calendar days of the receipt of the decision.

Reference

Louisiana State Board of Nursing. Title 46, professional and occupational standards, part XLVII. Retrieved from <http://www.lsbn.state.la.us/NursingPractice/Laws.Rules.aspx>





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Putting the 'DO' in Due Process When You Receive a Board Investigator's Letter
by David C. Bolton
Director, General Counsel

"You received a certified letter from a Board investigator. You open the letter and learn someone made a complaint against you, or the Board investigator received information you may have violated the Nurse Practice Act."

Your first instinct may be to panic; but that response may be unnecessary. The law provides processes and procedures to provide you what is termed 'due process.' 'Due process' simply means you have a right to be heard; and to exercise that right, you first must be notified of your opportunities to be heard and to provide your side of the story through communication and supporting documentation, as when you shall provide your reply. LaPointe v. Vermilion Parish School Board, 15-0432, p. 8 (La. 06/30/15), 173 So. 3d 1152, 1158. The Board investigator's letter, therefore, is notice to you and actually is a legal right which benefits you.

You have your 'notice,' but due process also permits and encourages you to 'do' during the investigation process and later hearings if applicable.

So how do you put the 'do' in due process when you receive a Board investigator's letter? The following list identifies actions you should consider taking to ensure your ability to tell your side of the story and to be heard:

1. DO read carefully the demand letter. That letter typically contains information about any allegations, complaints, or concerns, when to respond, and how to respond.
2. DO note and calendar any dates written as deadlines for you to respond, to provide documents, or both.
3. DO respond, in writing with your original signature, completely and accurately to the letter before or on the deadline date stated in the letter for your response, as well as provide any and all requested documentation and any and all documentation you believe supports your viewpoint.
4. DO ask in writing for more time to reply to the letter if at first you are unable to provide timely a complete response or documentation, understanding time extensions may be limited or may be denied on a case-by-case basis.

The foregoing list is not exhaustive; but by taking part in the investigative process, and by doing, you may ensure you receive due process to protect your license and the public.

Finally, please, understand the Board and its staff are prohibited from giving you legal advice. You should consult with an attorney licensed in Louisiana for any legal advice.

Reference

LaPointe v. Vermilion Parish School Board, 15-0432, p. 8 (La. 06/30/15), 173 So. 3d 1152, 1158 Retrieved from <http://caselaw.findlaw.com/la-court-of-appeal/1717457.html>





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Major Motions and Other Actions Taken at the August 11, 2016 Board Meeting

Approved Consent Agenda Motions:

1. LSBN Staff Program Status Reports
 1. NCLEX Report
 2. Accreditation Reports
2. Accreditation Reports from Approved Programs
 1. Dillard University - Planned Substantive Change Report
 2. University of Louisiana Monroe - Substantive Change Report
 3. Northwestern State University - CCNE Correspondence
 4. South Louisiana Community College - ACEN Correspondence
3. Requests for Major Curriculum Changes
 5. Fletcher Technical Community College-Major Curriculum Change
4. Louisiana Center for Nursing Updates

EDUCATION

Accepted that the Board accept Dillard University’s report and action plan regarding conditional approval status of the Baccalaureate of Science in Nursing education program.

Accepted Southern University Baton Rouge’s report and action plan regarding conditional approval status of the Baccalaureate of Science in nursing education program.

Accepted that the Board defer action on Troy University - Request for Re-approval of APRN Clinical Experiences in Louisiana until the October 2016 Board Meeting.

Accepted that the Board defer action on this request from Chamberlain until a task force is assembled to further study the impact this would have on the schools of nursing in Louisiana.

Accepted the report regarding impact of distance education on Louisiana undergraduate and graduate nursing education degree programs.

ADMINISTRATION

Accepted and Approved for the Acceptance and Approval of the 2016 Louisiana Compliance Questionnaire and the Acceptance and Approval of the 2016 Compliance Questionnaire Board Resolution

Major Motions and Other Actions Taken at the October 13, 2016 Board Meeting

Approved Consent Agenda Motions:

1. LSBN Staff Program Status Reports
 1. NCLEX Report
 2. Accreditation Reports
2. Accreditation Reports from Approved Programs
 1. Dillard University - ACEN Correspondence
 2. Dillard University - ACEN Credit Request
 3. University of Louisiana Monroe - CCNE Action Letter
3. Dillard University - Justification of High Faculty Attrition
4. Education Announcements
5. Louisiana Center for Nursing Updates

EDUCATION

Accepted Dillard University’s report and action plan regarding probation status of the Baccalaureate of Science in Nursing education program.

Accepted Southern University Baton Rouge’s report and action plan regarding probation status of the Baccalaureate of Science in nursing education program.

Reapproved the request of Troy University for approval to offer graduate clinical experiences in Louisiana until October 12, 2019 for the following roles and populations:

- Family Nurse Practitioner (FNP) - Post Master’s, Bachelor of Science in Nursing to Doctor of Nurse Practitioner, and Master of Science in Nursing to Doctor of Nurse Practitioner (BSN-DNP, MSN-DNP)

Approved to take the matter related to Chamberlain College of Nursing - Step I of Establishing Undergraduate Program off the table.

Approved to defer the motion for Chamberlain’s application to move to Step I of establishing an undergraduate program until the Board can review the Task Force Report and the Clinical Placement Schedule and bring it back for a vote at the December 15, 2016 Board meeting.

Accepted the Substantive Change Report submitted by Louisiana State University at Eunice. Anticipate the additional impact data in December to make a final decision.

Approved the Reconsideration or Rehearing Form for posting on the Louisiana State Board of Nursing’s website.

HEARINGS

Accepted the 2017 Board Hearing Panel Schedule and the Board Meeting Schedule.

ADMINISTRATION

Approved that the Executive Committee be authorized to assist Isonel Brown to ensure compliance with any recommendations from the Legislative Auditor, including any related to the performance compensation of the Executive Director for 2015.





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Disciplinary Matters

LSBN took a total of 37 actions at the September 14, 2016 hearing panel. For a complete listing click the link below:
[September 14, 2016](#)

LSBN took a total of 37 actions at the October 12, 2016 hearing panel. For a complete listing click the link below:
[October 12, 2016](#)

LSBN took a total of 44 actions at the November 16, 2016 hearing panel. For a complete listing click the link below:
[November 16, 2016](#)

LSBN took a total of 40 actions at the December 14, 2016 hearing panel. For a complete listing click the link below:
[December 14, 2016](#)

2017 State Holiday Schedule

Mardi Gras.....	February 28
Good Friday.....	April 14
Memorial Day.....	May 29
Independence Day.....	July 4
Labor Day.....	September 4
Veterans Day.....	November 10
Thanksgiving Day.....	November 23
Christmas Day.....	December 25

Future Board Meeting Dates

- February 16, 2017
- April 20, 2017
- June 15, 2017
- August 10, 2017
- October 19, 2017
- December 14, 2017

LSBN Construction

Please pardon our progress while LSBN enters a remodel phase for the next 12-18 months. At times we may have limited parking. We appreciate your patience during this construction phase.

