

**LOUISIANA STATE BOARD OF NURSING
17373 PERKINS ROAD
BATON ROUGE, LOUISIANA 70810**

MINUTES OF THE HEARING PANEL HELD TUESDAY, MAY 10, 2011

Call to Order: The Hearing Panel of the Board of Nursing was called to order at 9:00 a.m. by L. Agosta, President, on Tuesday, May 10, 2011, at the Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, Louisiana 70810.

Roll Call: The Hearing Panel Members in attendance:
Lucie Agosta, Ph.D., RNC, President
Carlleen MacMillan, MN, RN, Vice President
Demetrius Porche, DNS, APRN, Ph.D, FNP, Alternate Officer
Larry Haley, SN, CRNA
Jolie Harris, MSN, RN

The following staff members were in attendance:
Joy Peterson, JD, BSN, RN, Director of Investigations
Danielle Smith, RN, MSN, Director for Monitoring
Patricia Dufrene, MSN, RN, Director of Education and Licensure
Melodie S. Knippers, RN, RN, Regional Manager
Janice Britton, MSN, RN, Regional Manager
Celia Cangelosi, Board Attorney
Wade Shows, Board Attorney
Suzanne Armand, Court Reporter

Motion: by D. Porche, seconded, to approve the Agenda as written.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by D. Porche, seconded, to authorize the Chair to approve the Minutes of the 5/10/11 meeting.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by D. Porche, seconded, to go into Executive Session pursuant to La. R.S. 37:17 (1) for the purpose of hearing disciplinary matters and reviewing consent orders, automatic suspensions and other disciplinary actions in the

cases listed on the Agenda.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-yes; J. Harris-yes

Motion Carried

Keisha Winford Lewis

Charges & Show Cause Order filed 12/1/10

Complaint & SCO filed: 11/15/10

Ms. Lewis entered the room at 9:15 a.m.

D. Smiths was sworn in and testified as to the background of the matter

Gary Cousins was sworn in and testified as a witness for the Board

Keisha Winford was sworn in and testified on her own behalf

Twenty five (25) exhibits were entered into evidenced labeled Board Exhibit 1 through 25

Yashicka Shunae Benton

Ms. Benton entered the room at 1:00 p.m.

P. Dufrene was sworn in and testified as to the background of the matter

Adrienne Raymond was sworn in and testified as a witness for the Board

Beverly Jones was sworn in and testified as a witness for Ms. Benton

Five (5) exhibits were entered into evidenced labeled Board Exhibit 1 through 5.

Monica Thigpen

Ms. Thigpen entered the room at 2:18 p.m.

M. Knippers was sworn and testified as to the background of the matter

Monica was sworn in and testified on her behalf

M. Knippers was recalled as a rebuttal witness

Six (6) exhibits were entered into evidence labeled Board 1 through 6

One exhibit was entered into evidence by Ms. Thigpen

Cynthia Ann Moses

The hearing began at 4:37 p.m. Ms. Moses was not present for the hearing

J. Britton was sworn in and testified as to the background of the matter

J. Dittman was sworn in and testified as a witness for the Board

Eleven (11) exhibits were entered into evidence labeled Board 1 through 11

CONSENT ORDERS:

The following Consent Orders went on record as presented:

**Mary Christian Bennett
Shane Denman Bryan
Renee Suzanne David
Mary Grace Fauchaux
Kerry Jean Van Epps Foreman
Megan Petty Gimber
Lori Johnson Gray
Tonieta Garner Green
Jody Ray Hart
Hallie Caitlin Hatton
Robert Michael Hebert
Phillip Andrew Lottinger
Lana Pinder May
William Deaton Mitchell, III
Michael Frederick Peifer
Mary Strahan Phelps
Nicki Wilkson Presley
Deborah McNeely Schmelling
Donna Foret Stansbury**

AUTOMATIC SUSPENSIONS:

The following Automatic Suspensions by staff were presented to the Board for ratification. The records of each individual and J. Peterson=s affidavit and summary were introduced as Exhibit Number 1 in globo to support the position that the automatic suspensions were in order.

Sharon Haynes Barnett
Leslie Ann Bays
Joshua John Bruce
Ashlee Luise Davis
Helen Elizabeth Green
Rachel Lynn Silvestri

RATIFICATION OF DELAY/DENIAL BY STAFF ACTION:

The following individuals were presented to the Board for ratification of delay/denial by staff action.

Nicole Kristine Bairski
Gloria DeMaude Green
Robin Rials Simmons

ACTIONS ON DISCIPLINARY HEARING HELD ON TUESDAY, MAY 20, 2011:

Roll Call: The Hearing Panel Members in attendance:
Lucie Agosta, Ph.D., RNC, President
Carlleen MacMillan, MN, RN, Vice President
Demetrius Porche, DNS, APRN, Ph.D, FNP, Alternate Officer
Larry Haley, SN, CRNA
Jolie Harris, MSN, RN

The following staff members were in attendance:
Joy Peterson, JD, BSN, RN, Director of Investigations
Danielle Smith, RN, MSN, Director for Monitoring
Patricia Dufrene, MSN, RN, Director of Education and Licensure
Melodie S. Knippers, RN, RN, Regional Manager
Janice Britton, MSN, RN, Regional Manager
Celia Cangelosi, Board Attorney
Wade Shows, Board Attorney
Suzanne Armand, Court Reporter

Motion: D. Porche, seconded, to go into open session

Voice-Vote-Agosta=yes; C. MacMillan=yes; D. Porche=yes; L. Haley=yes; J.

Harris-yes

Motion Carried

Keisha Winford Lewis

The matter of Keisha Winford Lewis was heard by the Board in response to Charges as filed and a Show Cause Order.

Motion: by C. MacMillan, seconded, that the Panel accepts the Findings of Fact as prepared by Board Counsel..

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by C. MacMillan, seconded, that the Conclusions of Law be accepted as presented by the Board Attorney with the following changes.

Page 10, the second line is stricken from the record.

Number 4 is written that the evidence presented constitutes sufficient cause pursuant to La. R.S. 37:921 to suspend Respondent's license to practice as a registered nurse in Louisiana.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by C. MacMillan, seconded, the license of this Respondent is suspended for a minimum of five (5) years and Respondent shall not be able to request reinstatement until meeting the following stipulations:

Immediately surrender current RN license to be retained in Respondent's file.

Refrain from working in any capacity as a Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.

Submit to a comprehensive in-patient psychiatric, psychological and substance abuse evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center; Shall authorize and cause a written report of said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended

treatment, prognosis and professional opinion as to Respondent's capability of practicing nursing with reasonable skill and safety to patients.

Shall submit all pages of this Order to each evaluator prior to the start of the evaluations in order for the evaluation to be deemed valid.

Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until Respondent is fully discharged by the respective professionals and until approved by the Board staff.

If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate to the satisfaction of the Board that Respondent poses no danger to the practice of nursing or to the public and that Respondent can safely and competently perform the duties of a Registered Nurse.

Present documented evidence of 1 year of continuous sobriety. The documentation must be validated by a licensed health professional who holds expertise in chemical addiction treatment.

Submit written evidence of completion of a Board approved refresher course.

Submit payment of \$1800.00 for Board costs.

Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.

If subsequently the Board approves licensure, a period of probation, along with supportive conditions or stipulations, will be required to ensure that patients and the public are protected, including the following:

If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program (RNP) and cause to have submitted evidence of compliance with all program requirements for a minimum of 5 years.

Shall remain free of alcohol and all unprescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician (or other qualified treating prescriber(s)) knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the prescribing physician/qualified prescriber(s) within five (5) days from the effective date of

this agreement/order and within five (5) days from the date(s) of any prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.

Shall maintain complete and total abstinence from any and all potentially addictive chemicals whether over-the-counter, scheduled or unscheduled (including but not limited to alcohol, alcohol containing products, marijuana, tranquilizers, sedatives, stimulants, narcotics, opioids including ultram (tramadol), nubain, soporifics, androgenic steroids, or any other addictive drug) except as prescribed for a bona fide medical condition by a healthcare provider who is knowledgeable in, and aware of Respondent's history with the Board.

Shall voluntarily submit to random and observed drug screens, for a minimum of 24 times a year, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the Board and/or employer. If selected for a screen, failure to provide sufficient specimen (bodily fluids, hair, nails, etc.) for analysis or failure to test may be considered a positive screen. Random drug screens will be a minimum of 24 times a year. It is the Respondent's responsibility to assure that lab personnel observe all urine specimen collections. If urine specimen collection is not observed, the results are invalid. The Respondent agrees to call the toll free number or check the testing notification via computer daily. Compliance with daily checking is monitored and failure to check may result in additional screens. It is the Respondent's responsibility to maintain a current account with testing administrator. If Respondent misses a test due to a suspended account or fails to test on the day of notification it will be considered a positive screen and appropriate action will be taken including but not limited to, further evaluation, additional testing, and suspension of license. The results of any such testing will be reported directly to the Board. Any and all such testing shall be performed at Respondent's expense. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.

Shall avoid exposure to anything that will cause a urine screen drug test to be positive. In that regard, Respondent shall avoid such items as "hemp oil" "coca tea" and poppy seeds (which can be found in curry sauces, breads, salad dressings, and in or on other foods). Respondent agrees to not use ethyl alcohol in any form (including N.A. or alcohol-free wine or beer, over-the-counter drugs containing alcohol (cough syrup, Nyquil or other similar OTC drugs or supplements), mouthwash or other hygiene products containing ethanol, foods containing ethanol (desserts, vanilla extract, etc.), communion wine, sanitizing hand or body gels (Purell or other), or other form of ethyl alcohol). Intentional

use of any of these products or medications without a physician order is a violation of this order.

Respondent shall execute a written authorization allowing the Louisiana State Board of Nursing, and any authorized designees thereof, to access prescription monitoring information submitted to, or maintained by, the Louisiana Board of Pharmacy through its Prescription Monitoring Program (PMP) for the purpose of monitoring compliance with this Order and to determine fitness and ability to practice nursing with reasonable skill and safety. Respondent shall cause to be submitted a completed authorization release form to the Louisiana Board of Pharmacy and shall cause information and reports to be sent to the Louisiana State Board of Nursing, such written authorization to be effective for the duration of this Order. Respondent may also be required during this time period duration to provide to the Board/Board staff copies of prescription monitoring information maintained by the Board of Pharmacy.

Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Respondent is responsible to submit a copy of all pages of this Order to each employer and nursing supervisor.

Within 5 days, shall cause all employers to submit to the Board, signed Employer's Agreement from each employer.

Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first date of employment. Quarterly reports are due on or before the first day of January, April, July and October. Monthly reports are due on the first of each month.

Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse. Not be employed in agency/pool/staffing, home health services, or nursing homes.

Immediately (within 72 hours) inform the Board in writing of any change in address.

Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.

If unemployed, inform the Board in writing on a quarterly basis.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-no; J. Harris-yes

Motion Carried

Yashicka Shunae Benton

The matter was heard by the Board as a Show Cause Order

Motion: J. Harris, seconded, to adopt the Findings of Fact as presented by Board Attorney with the addition of:

Under Current Charges, Number 3. Respondent presented herself as credible and honest. The act was viewed as a single act which occurred seven years ago and is unlikely to occur again. There has been no record of similar acts before or after this occurrence.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by J. Harris, seconded, adopt the Conclusions of Law as presented by the Board Attorney with the following changes:

Number 3, that based on the Findings of Fact, respondent did not violate La. R.S. 37.920 and 921.

Number 4, that the evidence presented does not constitute sufficient cause pursuant to La. R.S. 37:920 and 921 to permanently deny permission to enroll in clinical courses in Louisiana and licensure by examination, endorsement, or any other means.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes; L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by J. Harris, seconded, that the applicant be granted permission to enroll in clinical courses in Louisiana.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;

L. Haley-yes; J. Harris-yes

Motion Carried

Monica Thigpen

The matter was heard by the Board as a Show Cause Order filed 3/10/11

Motion: by D. Porche, seconded, that the Board adopt the Findings of Fact as proposed by the Board attorney with one correction:

Under Item 4, the last sentence of that paragraph to read on ____ the return receipt was signed.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by D. Porche, seconded, to accept the Conclusions of Law as proposed by the Board Attorney.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by D. Porche, seconded, that the applicant's application to enroll in nursing clinical courses is permanently denied and that licensure by examination or by endorsement to practice as a Registered Nurse/Advanced Practice Registered Nurse in Louisiana is permanently denied.

Further, within 6 months, submit payment of \$600.00 to the Board as cost of this hearing.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Cynthia Ann Moses

The matter was heard by the Board in response to Charges as filed

Motion: by L. Haley, seconded, that the Findings of Fact as proposed by the Board Attorney be received as written.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by L. Haley, seconded, that the Conclusions of Law as proposed by the Board Attorney

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by L. Haley, seconded, that respondent's license is hereby suspended and respondent shall be eligible to request license reinstatement with probation after completing the following stipulations:

Immediately surrender current RN license to Board staff to be retained in the Respondent's file.

Refrain from working in any capacity as a Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.

Immediately (within 72 hours) inform the Board in writing of any change in address.

Submit to comprehensive INPATIENT psychiatric, psychological, and substance abuse evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.

Shall submit **all pages** of this Order to each evaluator prior to the start of the evaluations in order for the evaluation to be deemed valid.

Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This

stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.

If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate, to the satisfaction of the Board, that she poses no danger to the practice of nursing or to the public and can safely and competently perform the duties of a Registered Nurse. If the Board approves subsequent licensure, a period of probation, along with supportive conditions or stipulations, will be required to ensure that patients and the public are protected.

If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program (RNP) and cause to have submitted evidence of compliance with all program requirements for a minimum of 3 years. Any subsequent license suspension with stay and probation shall be extended to run concurrently, on the same dates, with RNP participation.

Submit payment of \$600.00 as cost of board hearing.

Submit payment of \$750.00 as fine.

Failure to comply with the above orders shall result in further disciplinary action.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by C. MacMillan, seconded, that the Conclusions of Law as proposed by Board Counsel are adopted with the following changes:

That the second bullet under Item 3 is deleted.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by P. Johnson, seconded, that Respondent's RN license is hereby permanently revoked and Respondent shall not be eligible to apply for RN licensure in Louisiana.

Further, within 12 months, the Respondent shall submit to the Board payment of \$2400 for cost of the Board hearing. And within 12 months, Respondent shall submit payment of \$3500 as a fine.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Consent Orders:

There were 20 matters presented to the Board in the form of Consent Orders.

Motion: by S. Westbrook, seconded that the Consent Orders submitted by the following registrants be accepted:

**Mary Christian Bennett
Shane Denman Bryan
Renee Suzanne David
Mary Grace Faucheaux
Kerry Jean Van Epps Foreman
Megan Petty Gimber
Lori Johnson Gray
Tonieta Garner Green
Jody Ray Hart
Hallie Caitlin Hatton
Robert Michael Hebert
Phillip Andrew Lottinger
Lana Pinder May
William Deaton Mitchell, III
Michael Frederick Peifer
Mary Strahan Phelps
Nicki Wilkson Presley
Deborah McNeely Schmelling
Donna Foret Stansbury**

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

Motion: by D. Porche, seconded, that the Consent Order submitted by **Dehlia Sasing Lockwood** be accepted provided Ms. Lockwood agrees to the changes and the HIPDB narrative changing three (3) years to one (1) year.

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;

L. Haley-yes; J. Harris-yes

Motion Carried

Automatic Suspensions:

There were six (6) matters heard by the Board as ratification of staff action for Automatic Suspensions.

Motion: by C. MacMillan, seconded, that the Board ratify Automatic Suspensions by the staff of the following registrants:

**Sharon Haynes Barnett
Leslie Ann Bays
Joshua John Bruce
Ashlee Luise Davis
Helen Elizabeth Green
Rachel Lynn Silvestri**

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

RATIFICATION OF DELAY/DENIAL BY STAFF ACTION:

There were three (3) matters heard by the Board as Ratification of licensure by staff of the following individuals:

Motion: L. Haley, seconded, that the Board ratify the Delay/Denial of licensure by staff of the following individuals:

**Nicole Kristine Bairski
Gloria DeMaude Green
Robin Rials Simmons**

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

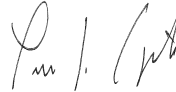
Motion Carried

Motion: D. Porche, seconded, to adjourn

Voice Vote: L-Agosta-yes; C. MacMillan-yes; D. Porche-yes;
L. Haley-yes; J. Harris-yes

Motion Carried

ADJOURNMENT: The meeting adjourned at 5:41 p.m.



**LUCY AGOSTA, PRESIDENT
LOUISIANA STATE BOARD OF NURSING**