

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

MINUTES OF THE HEARING PANEL HELD ON THURSDAY, JUNE 16, 2022

Call to Order: The Hearing Panel of the Louisiana State Board of Nursing was called to order at 2:54 p.m., immediately following the regularly scheduled board meeting, by J. Manning, Alternate Officer, and Presiding Officer, on Thursday, June 16, 2022, at the Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, Louisiana 70810.

Roll Call: The following Board members were in attendance:
Jennifer Manning, DNS, APRN, CNS, CNE, Alternate Officer
Jennifer Couvillon, PhD, RN- BC, CNE
Wendi Palermo, PhD, RN
Frederick Pinkney, EdD
Teresita McNabb, RN, MHA
Deborah Spann, MSN, RN-BC,CEN, FAEN

The following staff members were in attendance:
Karen C. Lyon, PhD, MBA, APRN-CNS, NEA, Executive Director/Chief Executive Officer
Wanda Matthews, MPA, BBA, Chief Compliance Officer
Carrie LeBlanc Jones, JD, MBA, Chief Legal Officer/General Counsel
William J. Wilson, JD, Hearing Officer
Lauren Papillion, JD, Prosecuting Attorney
Nichole R. Battle, Compliance Investigator Team Leader
Lenora Thomas, Compliance Investigator
Tarneisha Scott, BA, CAA, Executive Assistant to CEO

Ms. Jones stated there were no changes to the agenda.

Motion: by W. Palermo, seconded, to approve the Agenda as presented.

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes;
T. McNabb-yes; D. Spann-yes

Motion Carried

Motion: by W. Palermo, seconded, to authorize one panel member to approve the minutes of today's Hearing Panel. W. Palermo will review and approve.

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes;
T. McNabb-yes; D. Spann-yes

Motion Carried

Motion: by T. McNabb, seconded, to go into Executive Session pursuant to La. R.S. 42:17(1) for the purpose of hearing those disciplinary matters and/or reviewing those consent orders, automatic suspensions and other disciplinary actions in the cases listed on the Agenda.

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes; T. McNabb-yes; D. Spann-yes

Motion Carried

CONSENT ORDERS

The following Consent Orders went on record as presented:

Nurse Practice Act Violations:

**Jennifer Leigh Barnhill
Rachelle Nicolle Black
Jared Levi Brabham
Sonya Slayton Doyle
Magen Joyce McDonald
Stacie Patzwald
Rachel Manuel Rowland
Kala Parks Sistrunk
Brian Patrick Swaim
Charissa Lemoine Theriot
Tracie Emerson Varnell
Kimberly Lowery Wagner**

Reinstatement of Licensure:

**Adrienne McGee Basco
Kylie Renee Guidry
Danielle Adams Hart
Kimberly Darelene Short
Christine Faye Zurn**

Students:

**Jade Ashton Bryan
Jazmin Marlyn Lagarde
Alyssa Theresa Elanor Ruiz
Madison Hope Stewart**

REPORT OF AUTOMATIC SUSPENSIONS

The following Automatic Suspensions by staff were presented to the Board for ratification:

**Ginger Fruge Barbier
Claudia Delgado Carbo
Brandi Mary Cedotal
James Olen Delony
Mickey Joseph Russo
Tanagla Sherelle Torres**

RATIFICATION OF DELAY/DENIAL BY STAFF ACTION:

The following delay/denials by staff were presented to the Board for ratification:

**Brandon Marquis Alexander
Jessica Delatte Dufrene
A'Taus Rodriguez**

RATIFICATION OF MULTIPLE ACTIONS

The following ratification of Multiple Actions was presented to the Board for ratification:

**Connie Smith
Melissa Catherine Thompson**

Cody James Naquin

Charges Filed: 04/01/2022
Continued: from May 18, 2022

Mr. Naquin entered the hearing room at 3:11 p.m. and was not represented by counsel.

Ms. Lauren Papillion served as the prosecuting attorney for the Board.

Nicole Battle was sworn in and testified as a witness for the Board.

Patient JM was sworn in and testified as a witness for the Board.

Patient AY was sworn in and testified as a witness for the Board.

Katy L. Wilkens was sworn in and testified as a witness for the Board.

Cynthia Laborde was sworn in and testified as a witness for the Board.

Mr. Naquin was sworn in as a witness and testified on his own behalf.

Twenty-five (25) exhibits were entered into the Record labeled Board 1 through 25.

Three (3) exhibits were entered into evidence labeled Respondent 1 through 3.

Ms. Papillion submitted Proposed Findings of Fact and Conclusions of Law.

Motion: by F. Pinkney, seconded, to return to Open Session.

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes; T. McNabb-yes; D. Spann-yes

Motion Carried

Cody James Naquin

Motion: by J. Couvillon, seconded, that the Board accept the Findings of Fact as presented by the Prosecuting Attorney as amended.

A. JURISDICTION

1. On February 9, 2004, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.

B. LEGAL FILINGS AND NOTICES

2. On March 12, 2020, Informal Notice Pursuant to LA R.S. 49:961 was mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed by Respondent and dated March 14, 2020.
3. On March 16, 2020, Informal Notice Pursuant to LA R.S. 49:961 was mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed and dated March 18, 2020.
4. On November 23, 2020, Informal Notice Pursuant to LA R.S. 49:961 was mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed by agent and dated November 25, 2020.
5. On April 1, 2022, Complaint was filed. Complaint and Notice of Administrative Hearing were mailed to Respondent's address of Record by regular mail and by certified mail, return receipt requested.
6. On April 11, 2022, the Board received Respondent's signed Response Form and Cost Structure for Disciplinary Matters Form.

7. On April 28, 2022, Board's List of Exhibits and Witnesses was mailed to Respondent's address of record by certified mail, return receipt requested.
8. On May 17, 2022, Order and Notice of Continuance were mailed to Respondent's address of record by regular mail and by certified mail, return receipt requested.

C. FACTS SUPPORTING VIOLATION OF THE NURSE PRACTICE ACT

9. On June 1, 2015, Respondent was hired as a Registered Nurse for CHRISTUS Health System and assigned to Schumpert /Highland in the Emergency Department.

On or about December 3, 2015, while employed as a Registered Nurse at CHRISTUS Schumpert/Highland and assigned to the care of Patient JB, Patient JB reported Respondent fondled Patient JB's breast and tried to put Patient JB's hand on his penis. Patient JB also reported that Respondent said he would give her more pain medication than the physician ordered to "help" her.

10. On or about February 12, 2016, while employed as a Registered Nurse at CHRISTUS Schumpert/Highland and assigned to the care of Patient AY, Patient AY reported Respondent made patient AY stroke his penis. Patient also reported that Respondent whispered in her ear that Respondent would provide her with additional narcotics.

11. On September 30, 2018, Respondent was transferred to CHRISTUS Bossier Emergency Hospital and assigned to the Emergency Department.

On or about December 21, 2019, while employed as a Registered Nurse at CHRISTUS Bossier in the Emergency Department and assigned to the care of Patient JM, Patient JM reported Respondent kissed Patient JM, inserting his tongue into Patient JM's mouth, and fondled Patient JM's breast.

On December 30, 2019, Respondent was terminated identifying key behavioral and performance challenges as: conduct and behavior, standards of behavior, and failure to uphold CHRISTUS core values.

12. On June 16, 2022, an administrative hearing was held. The Board reviewed documents, evidence and heard testimony.

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes; T. McNabb-yes; D. Spann-yes

Motion Carried

Motion: by J. Couvillon, seconded, that the Board accept the Conclusions of Law as presented by the Prosecuting Attorney as amended.

CONCLUSIONS OF LAW

1. That pursuant to LA R.S. 37:911 et seq., the Louisiana State Board of Nursing has jurisdiction over this matter.
2. That Respondent was properly notified of the charges and date of hearing.
3. That based on the foregoing Findings of Fact, Respondent did violate LA R.S. 37:921 as follows:
 - Respondent is unfit or incompetent by reason of negligence, habit, or other cause; La. R.S. 37:921(3). More specifically, LAC 46:XLVII.3405 defines “other cause” to include:
 - Respondent failed to utilize appropriate judgement L.A.C. 46:XLVII.3405(c);
 - Respondent exceeded professional boundaries, including but not limited to sexual misconduct; L.A.C. 46:XLVII.3405(s).
4. That the evidence presented constitutes sufficient cause pursuant to LA R.S. 37:921 to probate, suspend, revoke, or otherwise discipline Respondent’s license to practice as a Registered Nurse in Louisiana.

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes; T. McNabb-yes; D. Spann-yes

Motion Carried

Motion: by J. Couvillon, seconded, that the Board adopt the following Board Order as amended:

It is **ORDERED, ADJUDGED, AND DECREED** that the Respondent’s license is suspended with stay, and probated for three (3) years with the following stipulations:

1. Submit written evidence of completion of LSBN staff approved continuing education hours in the areas of Professional Accountability & Legal Liability for Nurses (4.6 hours), Professional Boundaries in Nursing (3.0 hours), and Righting a Wrong-Ethics & Professionalism in Nursing (3.0 hours). See LSBN website, Monitoring –Resources for CE Courses.
2. Within three (3) months, submit to a **comprehensive psychosexual evaluation, at Respondent’s expense, at Pine Grove Behavioral Health & Addiction Services, phone number 601-288-8064**, 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

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- recommended treatment, prognosis, and professional opinion as to Respondent's capability of practicing nursing with reasonable skill and safety to patients.
3. Shall submit all pages of this agreement to each evaluator prior to the start of the evaluation in order for the evaluation to be deemed valid.
 4. 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 the Respondent can safely and competently perform the duties of a Registered Nurse.
 5. 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 agreement to each employer and nursing supervisor.
 6. Immediately submit to all recommendations thereof of the therapist, physician or treatment team and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. If monitoring is recommended, license suspension with stay and probation shall be required and Respondent shall work and practice nursing in the state of Louisiana during the monitoring period. This stipulation shall continue until Respondent is fully discharged by the respective professionals and until approved by the Board staff.
 7. Prior to beginning or returning to work, shall cause all employers to submit to the Board signed employer's agreement from each employer.
 8. 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.
 9. Work in a restrictive environment as a member of the treatment team rather than alone or with a few employees. Additionally, not be employed in an unsupervised setting. Must be directly supervised by an onsite Registered Nurse or other health care professional that is higher on the organizational chart than the Respondent. Not be employed in agency pool or staffing home health service or nursing homes.
 10. Immediately, (within 72 hours) inform the Board in writing of any changes in address.
 11. 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.
 12. In unemployed, inform the Board in writing on a quarterly basis.
 13. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty-four (24) hours per week for a minimum of eighteen (18) consecutive months.
 14. Submit payment of zero dollars to the Board as a fine.
 15. Submit payment of \$3,000 to the Board as cost of this hearing.

16. By the first of the month, submit a monthly probation fee of twenty-five dollars (\$25) to the Board.
17. Not have any further misconduct, criminal violations or convictions or violations of any health care regulations reported to the Board related to this or any other instances.
18. Failure to comply with the above orders, receipt of an unfavorable report or non-receipt of reports on or before the date due shall result in an immediate suspension of the Respondent's license.

Reporting: This will be reported to the National Practitioner Data Bank (NPDB) as D1: Sexual Misconduct.

NPDB Narrative: By Final Order, Respondent's Registered Nurse license is suspended with stay and probated for three (3) years with stipulations after Respondent reportedly engaged in sexual misconduct.

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes; T. McNabb-yes; D. Spann-yes

Motion Carried

CONSENT ORDERS

There were twenty-one (21) matters considered by the Board as Consent Orders.

Motion: By D. Spann, seconded, that the Board accept the Consent Order for the following individuals:

Nurse Practice Act Violations:

**Jennifer Leigh Barnhill
Rachelle Nicolle Black
Jared Levi Brabham
Sonya Slayton Doyle
Magen Joyce McDonald
Stacie Patzwald
Rachel Manuel Rowland
Kala Parks Sistrunk
Brian Patrick Swaim
Charissa Lemoine Theriot
Tracie Emerson Varnell
Kimberly Lowery Wagner**

Reinstatement of Licensure:

Adrienne McGee Basco

**Kylie Renee Guidry
Danielle Adams Hart
Kimberly Darelene Short
Christine Faye Zurn**

Students:

**Jade Ashton Bryan
Jazmin Marlyn Lagarde
Alyssa Theresa Elanor Ruiz
Madison Hope Stewart**

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes;
T. McNabb-yes; D. Spann-yes

Motion Carried

RATIFICATION OF AUTOMATIC SUSPENSIONS:

There were six (6) matters considered by the Board as ratification of Automatic Suspensions by Board staff. W. Matthews' affidavits were introduced to support the position that these automatic suspensions were in order:

Motion: by, T. McNabb, seconded, that the Board ratify the Automatic Suspensions on the following individuals:

**Ginger Fruge Barbier
Claudia Delgado Carbo
Brandi Mary Cedotal
James Olen Delony
Mickey Joseph Russo
Tanagla Sherelle Torres**

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes;
T. McNabb-yes; D. Spann-yes

Motion Carried

RATIFICATION OF DELAY/DENIAL BY STAFF ACTION:

There were two (2) matters considered by the Board as Ratification of Delay/Denial by staff action. C. Jones' affidavits were introduced to support the position that these Delay/Denials were in order:

Motion: by F. Pinkney, seconded, that the Board ratify the Delay/Denial on the following individuals:

Brandon Marquis Alexander

Jessica Delatte Dufrene
A'Taus Rodriguez

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes;
T. McNabb-yes; D. Spann-yes

Motion Carried

RATIFICATION OF MULTIPLE ACTIONS:

There were two (2) matters considered by the Board as a Ratification of Multiple Actions.

Motion: By W. Palermo, seconded, that the Board accept the Report of Multiple Actions on the following individuals:

Connie Smith
Melissa Catherine Thompson

Voice Vote: J. Manning-yes; J. Couvillon-yes; W. Palermo-yes; F. Pinkney-yes;
T. McNabb-yes; D. Spann-yes

Motion Carried

ADJOURNMENT:

Motion: by W. Palermo, seconded, to adjourn.

The Hearing Panel adjourned at 9:09 p.m.



J. MANNING, ALTERNATE OFFICER, AND PRESIDING OFFICER
LOUISIANA STATE BOARD OF NURSING