

Diversion: Court Says Board Had Grounds To Impose Remedial Plan.

The nurse's employer, a long-term nursing care facility, supplied the State Board with a long list of discrepancies in the nurse's administration and documentation of narcotics.

Some of her patients who had narcotics charted were given UA's which showed no narcotics in their systems.

No Direct Proof of Diversion

Even though there was no direct proof the nurse had ever diverted narcotics for her own consumption, the Court of Appeal of Louisiana endorsed the State Board's imposition of a corrective plan which included:

Suspension of her license;

Psychological and chemical dependency assessment;

Strict adherence to treatment recommendations;

If found to be chemically-dependent, three year's participation in the Recovering Nurse Program;

Payment of a fine and costs.

The rationale was simply that the nurse had demonstrated she was incompetent to provide safe and effective nursing care. **Lewis v. State Board of Nursing, 2009 WL 4981290 (La. App., December 23, 2009).**

This nurse charted that she twice gave 4 mg of morphine to a patient who was only supposed to get 1 mg.

That fact alone supports the Board's decision to suspend the nurse's license and to impose certain conditions on her getting it back, on the basis that she is not able to practice safely and effectively as a nurse.

COURT OF APPEAL OF LOUISIANA
December 23, 2009
