



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Stephanie C. Thomas
Executive Director of the Board

DOCKET NUMBER 507-19-4957

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 319484,
ISSUED TO
ASHLEY NICOLE COOPER**

§
§
§
§
§

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

TO: ASHLEY NICOLE COOPER
6448 JOY DRIVE
SHREVEPORT, LA 71119

BETH BIERMAN
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on October 24-25, 2019, the Texas Board of Nursing (Board) considered the following items: (1) Order No. 1, *Order of Conditional Dismissal*, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's vocational nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On July 8, 2019, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on July 8, 2019, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class certified mail return receipt requested to her last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order No. 1, *Order of Conditional Dismissal*, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order No. 1, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice vocational nursing in the State of Texas. The Board further finds that the Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the violations alleged in the Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and

1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that the factual allegations listed in the Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's vocational nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations and conclusions of law contained in the Formal Charges, which have been deemed admitted, and which are attached hereto and incorporated herein by reference for all purposes, and Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. All parties have a right to judicial review of this Order. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 319484, previously issued to ASHLEY NICOLE COOPER, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 24th day of October, 2019.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Formal Charges

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 319484	§	
Issued to ASHLEY NICOLE COOPER,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ASHLEY NICOLE COOPER, is a Vocational Nurse holding License Number 319484, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 13, 2017, Respondent's license to practice vocational nursing in the State of Louisiana was issued a Default Order of Suspension, by the Louisiana State Board of Practical Nurse Examiners, Metairie, Louisiana. A copy of the Findings of Fact, Conclusions of Law, and Order dated September 13, 2017, is attached and incorporated by reference as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

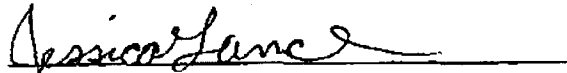
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Sanction Policies related to Behavior Involving Lying and Falsification; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated September 13, 2017.

Filed this 7th day of December, 2017.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
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Attachments: Order of the Board dated September 13, 2017.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
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DEFAULT ORDER IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

**Ashley Cooper (respondent), LPN, license #20142493
6448 Joy Drive, Shreveport LA 71119**

On August 25, 2017, a formal complaint/notice of hearing (Attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint/notice of hearing, as required by the LAC 46:XLVII. 306.I and therefore the respondent waived the right to a formal hearing. In accordance with the LAC 46:XLVII.306.J, this order is issued by default.

LEGAL AUTHORITY AND JURISDICTION

The board's legal authority and jurisdiction, in adjudication proceedings, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on July 15, 2014.
2. On May 18, 2016, the respondent entered into a voluntary agreement placing her license on probation due to the following allegations:

On April 12, 2015, while employed as a licensed practical nurse, with the Guest Care Center at Springlake, the respondent was informed that the oncoming nurse was running late. While waiting for the oncoming nurse to arrive, the respondent refused to speak to a resident's family member who had called over concerns about the resident eating. The respondent scolded the ward clerk, instructing her that she should have lied to the resident's family member. The respondent threatened to slap the ward clerk and left the facility prior to the arrival of the oncoming nurse, leaving residents without care. The respondent also failed to count narcotics and give report. She later asked a co-worker to lie and say that narcotics had been counted and report had been given prior to her leaving. The respondent was terminated from the facility.

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The respondent was employed with The Guest House from April 10, 2014 until September 16, 2014. During her employment the respondent was counseled on April 23, 2014, for failing to ensure that certified nursing assistants were placing residents in bed in appropriate clothing and ensuring their call lights were in reach. A resident complained that the certified nursing assistants were putting him to bed in regular clothes and on top of the bedding. This resident also alleged that the certified nursing assistants were taking the call light away. On September 16, 2014, the respondent had a confrontation with the contact person of a resident. She refused to work with the contact and resigned from the facility.

3. While holding a probated license, the respondent was terminated from employment at Pierremont Healthcare Center for not following policy and procedures after an incident and giving misleading information during an investigation. On January 30, 2017, a resident fell off her bed during the respondent's shift. The respondent and a certified nursing assistant picked the resident up from the floor. The respondent failed to document the fall, failed to notify the physician, failed to notify the family and failed to notify the oncoming shift of the fall. The following morning, on January 31, 2017, the resident notified the nurse practitioner that her legs appeared to be different sizes. The nurse practitioner, along with the respondent, assessed the resident's leg. The respondent failed to notify the nurse practitioner that the resident had fallen the previous day on her shift. The respondent then falsely documented the nature of the respondent's fall in the medical record. During the investigation, the respondent continuously denied having knowledge of the patient fall and attempted to have the certified nursing assistant change the scenario of the facts surrounding the resident's fall on January 30, 2017. The resident sustained a pelvic and femoral fracture.
4. On April 21, 2015, the respondent falsified her application for employment to Pierremont Healthcare. The respondent documented her reason for leaving was to seek an 8 hour position, however she had been terminated on April 13, 2015.

CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

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;
- (f) is guilty of unprofessional conduct;
- (g) has violated any provisions of this Part;

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And 978 A (8) Violate any provisions of this Part and B. And

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;
- 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;
 - g. improper use of drugs, medical supplies, or patients' records;
 - i. falsifying records;
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
 - o. being guilty of moral turpitude;
 - p. inappropriate, incomplete or improper documentation;
 - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

ORDER

In view of the above findings of fact and conclusions of law, the board issues the following order by default.

That the license of the respondent, Ashley Cooper, license #20142493 be suspended for a minimum period of two (2) years from the date of this order.

During this suspension time, the respondent must abide by the following stipulations:

- 1. Return license to the board office:
 - A. The respondent shall return his/her current practical nursing license to the board office within ten (10) days of the date of this order.
 - B. The respondent shall not practice nursing during the period that his/her license is suspended.
- 2. Obey all laws:
 - A. The respondent shall obey all laws/rules governing the practice of practical nursing in this state and obey all federal, state, and local laws.

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B. The respondent shall report to the board within **ten (10) days** any misdemeanor and/or felony arrest(s) or conviction(s).

3. **Notify board of change of address/telephone number:**

A. The respondent shall notify the board in writing within **ten (10) days** of any change in personal address or telephone number.

4. **Courses:**

The respondent must take and satisfactorily complete board approved courses in the following areas:

- **Documentation for Nurses**
- **Communication Skills for Nursing**
- **Nursing Assessments**
- **Patient Advocacy**
- **Patient Safety**
- **Ethics**

Evidence of completion of the course(s) is due in the board office prior to any reinstatement request.

5. **Fines/Fees:**

A. The respondent is hereby fined **\$1000.00 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 must pay any/all fines/fees owed to the board, including a reinstatement fee, if/when applicable. Fines/fees are **payable by cashier's check or money order only**.

6. **Reinstatement requirements:**

A. All stipulations of the suspension must be successfully fulfilled prior to a request for reinstatement.

B. The respondent is to submit a written request for reinstatement to the board office.

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Upon favorable review of the reinstatement request, the license of the respondent may then be placed on probation for a minimum period of two (2) years. During this probationary period the respondent shall follow stipulations #2 and #3 as stipulated above and the following stipulations as stipulated below:

1. **License:**

- A. The license of the respondent will be stamped "PROBATION".

2. **Fines/Fees:**

- A. The respondent is to submit a \$500.00 annual probation monitoring fee, payable by cashier's check or money order only.
- B. The probation monitoring fee is due within three (3) months of receiving a probated license, and annually thereafter until the probation is satisfactorily completed.
- C. Failure to pay this fee in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

3. **Employment:**

- A. The respondent shall provide a copy of the entire board order/consent order including the findings of fact and conclusions of law immediately to any/all current employer(s) and at the time of application to any/all prospective employer(s).
- i. If the respondent is already employed as an lpn, the respondent and the current employer shall enter into the board's Employer's Agreement (form(s) issued by board). The signed form(s) shall be submitted to the board office within ten (10) days of the date of this order.
- ii. Upon obtaining new employment as an lpn, the respondent shall enter into the board's Employer's Agreement (form(s) issued by board) with the prospective employer. The signed form(s) shall be submitted to the board office within ten (10) days of the date of hire.
- B. All current and prospective employers must agree to allow the respondent's direct supervisor to monitor the respondent while on probation as well as timely submission of evaluations.
- C. Probation will run concurrent with employment as an lpn.

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- D. The respondent must be employed a minimum of 80 hours per month.
- E. The probationary period will not commence or progress until and unless the respondent is employed and delivering direct patient care as a licensed practical nurse.
- F. Failure to maintain stable employment may be grounds for termination of probation.
- G. The respondent must practice under the supervision of a nurse (rn or lpn) or physician whose license is unencumbered and must provide direct patient care as follows:
 - i. The respondent must be supervised on a regular and consistent basis by his/her assigned supervisor. The supervisor must observe and work closely enough with the respondent to be able to give an informed evaluation of the respondent. The employer must be willing to allow this supervision and provide opportunities for the same supervisor to evaluate the performance of the respondent.
 - ii. It is the respondent's responsibility to ensure that his/her supervisor submits the evaluation reports quarterly.
 - a. Reports are due on or before the 10th day of January, April, July, and October of each year. (Note: these forms will be provided to the employer)
 - b. Only the respondent's direct supervisor may complete the evaluations according to the observations made during the supervision.
- H. The respondent is prohibited from working in temporary staffing, as an agency nurse, for a nursing pool and/or in the home health setting, or in any other similar setting including but not limited to working in a teaching capacity, as a travel nurse and/or on an "as needed" basis - pm.
- I. The respondent shall notify the board in writing within ten (10) days of any change in employment. Changes in employment include accepting a new job, as well as resignation, or termination.

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Violations

The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

a) immediate suspension of license, b) indefinite suspension of license, c) ineligibility for annual renewal of license, d) additional fines/penalties up to \$500.00 per occurrence, e) increased probationary period, f) summary suspension and g) revocation.

Public Records

This order is public record. All disciplinary actions of the board will be reported to all required data banks and agencies as required by law.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

M. Lynn Ansardi, RN

M. Lynn Ansardi, RN
Executive Director

9.13.2017
Date

Rendered this 13th day of September, 2017, and mailed this 13th day of September, 2017, by U.S. Postal Service, Regular and Certified Mail No. 7017 1070 0000 9715 2649 to:

Ashley Cooper
6448 Joy Drive
Shreveport, LA 71119