

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASTRIDE LAGUERRE, L.P.N.
LicenseNumber: 0002-074659
Case Number: 175430

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on March 22, 2017, in Henrico County, Virginia, to inquire into evidence that Astride Laguerre, L.P.N., may have violated certain laws governing the practice of nursing in the Commonwealth of Virginia.

Astride Laguerre, L.P.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 3, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Laguerre notifying her that a formal administrative hearing would be held on March 22, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On October 11, 2006, the Board issued License Number 0002-074659 to Astride Laguerre, L.P.N. to practice practical nursing in the Commonwealth of Virginia. Said license expired on January 31, 2017. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. Ms. Laguerre has been diagnosed with alcoholic hepatitis without ascites, alcoholic neuropathy, alcoholic fatty liver, seizures and lupus. Further, on June 13, 2016, Ms. Laguerre was convicted of driving while intoxicated (“DWI”), first offense, in the General District Court for Suffolk, Virginia.

3. The summary of the investigation provided by the investigator for the Department of Health Professions (“Investigator”) revealed that Ms. Laguerre told the investigator that she does not believe that she has a problem with alcohol, although she admitted that she sometimes drinks too much. She also told the investigator that she had never gone to work hungover enough to interfere with patient care. The investigator testified at the hearing that Ms. Laguerre appeared to believe that she could go to work hungover and not have it impact her job performance. Ms. Laguerre told the Board that she did not make this statement to the investigator.

4. Ms. Laguerre told the investigator that she had obtained narcotic medication from a relative when her lupus flared up. At the hearing, Ms. Laguerre admitted that it was inappropriate to take the medication, but stated that she was in severe pain and it was a family member. Upon further consideration, she told the Board that she had a prescription for Percocet (C-II) at that time and that it was not actually her cousin’s pill, it was her own prescription.

5. Ms. Laguerre told the investigator that she had not attended court-ordered Virginia Alcohol Safety Action Program (“VASAP”) following her DWI conviction. At the hearing, she testified that she had tried to attend the VASAP program previously, but was told she arrived too late. Later in the hearing, she told the Board that she had gone to VASAP class the night before the hearing.

6. The evidence Ms. Laguerre submitted to the Board demonstrated that she had again been diagnosed with alcohol abuse as recently as January 17, 2017. Ms. Laguerre told the Board that she does not believe she is an alcoholic, but other people do, so she takes precautions to do things that

she may have to do if she was an alcoholic. Later in the hearing, she reiterated that she does not think she has a problem, but she is not disagreeing with the doctors.

7. Ms. Laguerre stated that she has attended Alcoholics Anonymous a couple of times, but she could not identify a date of sobriety.

8. In the evidence Ms. Laguerre presented to the Board, Ms. Laguerre was diagnosed with encephalopathy and abnormal liver enzymes in January 2017.

9. Ms. Laguerre stated that she was anxious at the hearing. She presented as confused, rambling at times, and slow to understand the questions presented to her.

10. Ms. Laguerre stated that a physician has told her that her seizures are related to alcohol, and Ms. Laguerre testified that she does not believe her physician. She also told the Board her diagnoses are old because she is currently 37 and the diagnoses came when she was 35 or 36.

11. Ms. Laguerre testified that she is a hard working nurse.

12. Ms. Laguerre told the Board that the day she was arrested for DWI, it was her intention to go to work “later.” When asked, Ms. Laguerre was vague as to what “later” meant.

13. Ms. Laguerre’s friend testified on her behalf, and stated he that believes she has a good work ethic, and that her presentation at the hearing was due to her anxiety.

14. When asked, Ms. Laguerre had difficulty articulating when she last worked as a nurse, but stated it was sometime in the Fall of 2016.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(6).
2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Laguerre’s health records or health services.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The right of Astride Laguerre, L.P.N., to renew her license to practice practical nursing is SUSPENDED.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Ms. Laguerre seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Laguerre to demonstrate that she is safe and competent to return to the practice of nursing. Ms. Laguerre shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.
5. The suspension shall be STAYED upon proof of Ms. Laguerre's entry into the Virginia Health Practitioners' Monitoring Program ("HPMP").
6. Upon stay of the suspension, Ms. Laguerre shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Ms. Laguerre's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Laguerre's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license to practice practical nursing.
8. This Order is applicable to Ms. Laguerre's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Laguerre shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission

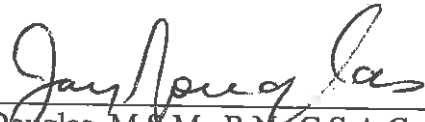
of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

9. Ms. Laguerre shall comply with all laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

10. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Ms. Laguerre and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Laguerre may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.


FOR THE BOARD



Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

April 14th, 2017

Certified True Copy
By 

Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.