

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LIONELLE TROFORT, R.N. REINSTATEMENT APPLICANT
License No.: 0001-196367

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 27, 2016, in Henrico County, Virginia, to receive and act upon the application of Lionelle Trofort for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended on May 29, 2015, and to inquire into evidence that Ms. Trofort may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. James E. Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Trofort was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Lionelle Trofort was issued License No. 0001-196367 to practice professional nursing in the Commonwealth of Virginia on June 27, 2005. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on May 29, 2015.
2. Ms. Trofort submitted an application for reinstatement of her license to the Board on October 13, 2015. Although she resides in Tennessee, Ms. Trofort declared Virginia as her primary state of residence.
3. By Order of the Arizona Board of Nursing entered on May 12, 2015, Ms. Trofort voluntarily surrendered her privilege to practice professional nursing in lieu of further disciplinary action. Said action

formed the basis of the mandatory suspension of Ms. Trofort's license to practice professional nursing in Virginia.

4. On November 19, 2015, the Tennessee Board of Nursing denied Ms. Trofort's application for licensure as a professional nurse.

5. Ms. Trofort's employment at Chinle Nursing Home, Chinle, Arizona, was terminated on January 31, 2012, for initiating the falsification of credentials for two nursing assistant applicants. Specifically, Ms. Trofort printed an online verification for a certified nursing assistant and forged the verification by cutting and pasting the names of the applicants. Further, each applicant was hired and worked three to four shifts on orientation.

6. During the course of her employment with Harris Hospital, Newport, Arkansas:

a. In January 2013, Ms. Trofort submitted falsified radiology quality and peer review data.

b. From February 27, 2013 to March 19, 2013, Ms. Trofort practiced professional nursing without a valid license or multistate privilege.

c. Ms. Trofort's employment was terminated on March 23, 2013, for failure to report licensure change and practicing nursing without a valid multistate compact license.

7. On July 18, 2014, Ms. Trofort was issued an Order to Cease and Desist from the practice of nursing in Arkansas until her licensure was addressed by the Virginia Board of Nursing, based on the incidents that occurred at Harris Hospital.

8. During the course of her employment at Walter Reed Army Medical Center, Washington, D.C., on April 25, 2008, Ms. Trofort made a false statement to her superior officers. Specifically, Ms. Trofort stated that she accompanied a patient to the pharmacy and the patient obtained her medications, which included 10 vials of Dilaudid (hydromorphone, C-II); however, Ms. Trofort reported to the pharmacy without the patient and signed for the patient's medications, which included 20 vials of Dilaudid, 20 tablets

of Dilaudid and four tablets of morphine (C-II).

9. On November 19, 2008, Ms. Trofort was removed from clinical practice at Walter Reed Army Medical Center and charged with dereliction of duty and making a false official statement. On February 9, 2009, Ms. Trofort's request for resignation for the good of the service in lieu of court martial was approved and became effective on February 26, 2009.

10. On the application for reinstatement of her nursing license dated October 6, 2015, Ms. Trofort answered "no" to the question, "have you ever had disciplinary action taken against your license to practice in a state or against your multi-state privilege to practice," when, in fact she has had disciplinary action taken by the Arkansas Board of Nursing and the Arizona Board of Nursing.

11. Ms. Trofort falsified the following employment applications:

a. The application for employment with Millenia Medical Staffing dated February 2, 2012, in that she falsely indicated that her employment at Chinle IHS Hospital ended February 1, 2012, and that her reason for leaving was "contract completed," when, in fact, her contract was terminated on or about November 7, 2011. Further, Ms. Trofort failed to disclose her employment with Chinle Nursing Home and her subsequent termination for falsification of documents.

b. The application for employment with Golden Living Centers, Southaven, Mississippi, dated March 22, 2013, in that she falsely indicated that her reason for leaving Chinle Nursing Home was "married, moved to Tennessee," when, in fact, her employment was terminated for unsatisfactory performance. Ms. Trofort also indicated that her reason for leaving Harris Hospital was "one year contract," when, in fact, her employment was terminated for failing to report a license change and practicing nursing without a valid multistate privilege. Further, Ms. Trofort failed to disclose her employment with Chinle IHS Hospital.

c. The application for employment with Lakeside Behavioral Health, Memphis, Tennessee, dated March 7, 2014, in that she falsely indicated that her reason for leaving Golden Living was

“contract completed,” when, in fact, her employment was terminated for extreme failure to perform job duties.

d. The application for employment with Poplar Point Health and Rehabilitation, Memphis, Tennessee, dated May 11, 2015, in that Ms. Trofort failed to disclose all of her professional nursing licenses and disciplinary actions taken against her. She also falsely indicated reasons for leaving three employers who actually terminated her employment.

12. Ms. Trofort’s employment has been terminated from her last seven employers; six of the employers terminated her for unprofessional conduct and/or substandard job performance. The last employer terminated her due to the suspension of her license. Further, Ms. Trofort has displayed several episodes of bizarre behavior while on duty. Chinle IHS Hospital reported that during a meeting on November 4, 2011, regarding the termination of her contract, Ms. Trofort became loud and distraught, could be overheard by patients and had to be escorted off of the property. On March 8, 2013, Ms. Trofort was suspended from her employment at Harris Hospital for creating a hostile environment and making threatening comments to staff.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”).
3. Finding of Fact No. 6(a) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
4. Finding of Fact No. 6(b) constitutes a violation of §§ 54.1-3007(3) and 54.1-3008(A)(2) of the Code.
5. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(5) and (8) of the Code.

6. Finding of Fact No. 10 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations.

7. Finding of Fact No. 11 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

8. Lionelle Trofort has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

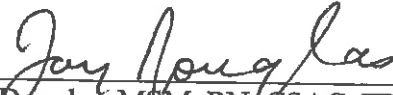
1. The application of Lionelle Trofort for reinstatement of License No. 0001-196367 to practice professional nursing in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that the license of Lionelle Trofort be CONTINUED on INDEFINITE SUSPENSION for a period of not less than two years. At such time as she shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

2. The license shall be recorded as suspended.

3. This Order shall be applicable to Ms. Trofort's multistate licensure privileges, if any, to practice professional nursing.

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

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing



ENTERED

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 P. Douglas, MSM, RN, CSAC, FRE, 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.

Certified True Copy

By 
Virginia Board Of Nursing