

Chemical Dependency: Evidence Not Conclusive, License Restored.

An LPN committed many errors giving and charting medications, including narcotics. His co-workers found him irritable. He was downright belligerent with his superiors when confronted about mistakes.

One day he arrived late for work, red-faced and agitated, saying his car broke down and he had had to walk in in the cold. He was ordered to give a sample for a drug screen, but it was negative.

His supervisors concluded that a drug problem was the only logical explanation for his behavior overall. They fired him and reported him to the state board. The board took away his license.

The evidence was not conclusive that the nurse was habitually intemperate and addicted to habit-forming drugs.

His license must be restored if he completes an approved course of study in medication administration and documentation.

COURT OF APPEALS OF LOUISIANA
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The Court of Appeal of Louisiana disagreed. There was no direct evidence; no one could say they ever saw him take drugs on or off the job. His one and only drug screen was negative.

The circumstantial evidence, his level of nursing practice with medications being far below par, did not prove he was diverting narcotics. Nor did his disagreeable personality prove anything. **Primes v. Louisiana State Board**, __ So. 2d __, 2008 WL 2877751 (La. App., July 23, 2008).