



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 P. Thomas
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 878740
Issued to MITCHELL JUDE LARTIGUE,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§
§ **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

**TO: MITCHELL JUDE LARTIGUE
4110 FAIRMOUNT ST., APT. 1123
DALLAS, TX 75219**

A public meeting of the Texas Board of Nursing was held on March 30, 2018 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 878740, issued to MITCHELL JUDE LARTIGUE was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented information and evidence concerning the conduct of MITCHELL JUDE LARTIGUE and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about February 26, 2018, Respondent's Louisiana Registered Nurse license was Summarily Suspended by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Louisiana Board of Nursing's Notice of Summary Suspension of License, dated February 26, 2018, is attached and incorporated, by reference, as part of this pleading.

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

The Texas Board of Nursing further finds that, given the nature of the charges, the continued practice of nursing by MITCHELL JUDE LARTIGUE constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number

878740, is justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.


NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 878740, issued to MITCHELL JUDE LARTIGUE, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 30th day of March, 2018.

TEXAS BOARD OF NURSING

BY:


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 878740 §
Issued to MITCHELL JUDE LARTIGUE, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MITCHELL JUDE LARTIGUE, is a Registered Nurse holding License Number 878740, 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 February 26, 2018, Respondent's Louisiana Registered Nurse license was Summarily Suspended by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Louisiana Board of Nursing's Notice of Summary Suspension of License, dated February 26, 2018, is attached and incorporated, by reference, as part of this pleading.

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.

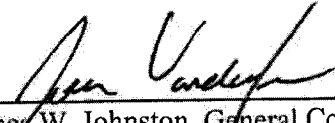
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Sanction Policies for Sexual Misconduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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: Louisiana Board of Nursing's Notice of Summary Suspension of License, dated February 26, 2018.

Filed this 30th day of March, 2018.

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
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

Jessica DeMoss, Assistant General Counsel
State Bar No. 24091434

Skyler Landon Shafer, Assistant General Counsel
State Bar No. 24081149

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Louisiana Board of Nursing's Notice of Summary Suspension of License, dated February 26, 2018.

D(2018.02.26)

Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7582

<http://www.lsbns.state.la.us>

Overnight/Email/Regular & Certified Mail/Return Receipt Requested

February 26, 2018

Mr. Mitchell Jude Lartigue
18041 Legonier Access Road
Lettsworth, LA 70753

Dear Mr. Lartigue:

It has come to the attention of the Louisiana State Board of Nursing that you have been involved with incidents which could affect patient safety, specifically:

1. On or about August 11, 2011, Patient S.P. filed a Sexual Battery Complaint with the Jefferson Parish Sheriff's Office. The Complainant stated that on or about August 4, 2011, he was admitted to Ochsner Medical Center in New Orleans, Louisiana, for a minor procedure (Endoscopy). Complainant stated that when he awoke in the recovery room he observed Respondent standing on the left side of his bed, with his hand inside of Complainant's pants fondling his genitals. Jefferson Parish Sheriff's Office attempted to follow up with Complainant and was unsuccessful. Due to the crime occurring in 2011, the statute of limitations has been met for this case.
2. On or about May 31, 2015, Respondent was arrested by the Los Angeles Police Department for Misdemeanor Driving Under the Influence (BAC .14g%). On June 25, 2015, in the Superior Court of California, County of Los Angeles, Respondent was charged with Count 1: Driving Under the Influence of Alcohol, Count 2: Driving Under the Influence with Blood Alcohol Content of .08 Percent or More and Count 3: Driving Without a License. On or about July 15, 2015, Respondent pled Nolo Contendere to Driving Under the Influence with Blood Alcohol Content of .08 Percent or More and was found guilty of said charge. Respondent's sentence was suspended and Respondent was placed on summary probation for a period of 36 months and ordered to pay a fine of \$390.00 and fees.
3. On or about June 8, 2017, Respondent received a Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California, adopting the Stipulated Settlement and Disciplinary Order issued on December 28, 2016. The Stipulated Settlement and Disciplinary Order revoked Respondent's Registered Nurse license. The revocation was stayed, and Respondent was placed on probation for three (3) years with conditions.
4. On or about November 6, 2017, Patient B.P. filed a Sexual Battery Complaint with the Jefferson Parish Sheriff's Office. The Complainant stated that on or about November 3, 2017, he was admitted to Ochsner Medical Center in New Orleans, Louisiana, for an Endoscopy. The Complainant stated that he was awoken by pressure against his left upper thigh, followed by fondling of his penis and testicles, up to his abdomen and returning to his genitals. The Complainant stated that the recovery nurse was sitting beside him and was the only other person in the room. On or about November 16, 2017, the patient was shown a photographic lineup and identified Respondent as the individual who he observed reaching into his gown and fondling his genitals. On November 16, 2017, an Arrest Warrant was issued charging Respondent with Sexual Battery (Felony).

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Mitchell Jude Lartigue
Notice of Summary Suspension of License
February 26, 2018

5. On or about November 8, 2017, Accountable Healthcare Staffing was notified by Ochsner Medical Center in New Orleans that they were ending Respondent's contract due to two (2) patient complaints alleging that Respondent touched the patients inappropriately. On or about November 10, 2017, Accountable Healthcare Staffing placed Respondent under clinical review pending review/solution of the investigation. Respondent is no longer eligible to work for Accountable Healthcare Staffing.
6. On or about January 9, 2018, Patient G.P. filed a complaint with LSBN stating that on or about October 24, 2017, he had Colonoscopy and Endoscopy procedures completed at Ochsner Medical Center in New Orleans, Louisiana. The Complainant stated that when he awoke from his anesthesia, he saw Respondent holding his Complainant's penis in one hand and pressing his pubic area with the other hand.

Grounds for disciplinary proceedings against a Registered Nurse are specified in La. R.S. 37:921 and authorizes the Board to probate, limit, restrict or revoke any license issued to Respondent on any of the following grounds:

- Respondent is convicted of a crime or offense which reflects the inability of the nurse to practice nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement or nonadjudication. La. R.S. 37:921 (2);
- Respondent has had a license to practice nursing or to practice as another health care provider denied, revoked, suspended, or otherwise restricted. La. R.S. 37:921 (7);
- Respondent failed to utilize appropriate judgment; L.A.C. 46:XLVII.3405 (c);
- Respondent demonstrated failure to act, or negligently or willfully committing any act that adversely affects the physical or psychosocial welfare of the patient...; L.A.C. 46:XLVII.3405 (k); and
- Respondent exceeded professional boundaries, including but not limited to sexual misconduct; L.A.C. 46:XLVII.3405 (t).

La. R.S. 37:925 authorizes the Board to impose a fine of up to \$5,000.00 for each count or separate offense and to assess all costs of the proceedings including but not limited to the costs of investigation and disciplinary proceedings.

The health, safety, and welfare of the citizens of Louisiana are threatened by this conduct. The seriousness of this conduct constitutes a threat to the safety of patients and to allow nursing practice in Louisiana to continue in light of the above would constitute a serious risk to the public's health, safety, and welfare. Since these allegations are directly related to safe patient care, the board has determined that summary suspension of your license to practice nursing in the state of Louisiana is in order.

Therefore, your Louisiana Registered Nurse license is summarily suspended.

Additionally, within 14 days, please submit the following to the Board office:

- A written statement that addresses the allegation(s) and provides information regarding the circumstances surrounding the incidents alleged; and
- A completed employment questionnaire (enclosed).

Pursuant to the Louisiana Administrative Procedures Act, R.S. 49:961.C:

If the agency finds that public health, safety, or welfare imperatively requires emergency action, and

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incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.


This will be reported to the National Practitioner Data Bank (NPDB) as D1: Sexual Misconduct, 19: Criminal Conviction, 39: License Revocation, Suspension or Other Disciplinary Action Taken by a Federal, State or Local Licensing Authority.

NPDB Narrative: Respondent's Registered Nurse license was summarily suspended on February 26, 2018 as the public health, safety, and welfare required emergency action after Respondent touched patients inappropriately and an arrest warrant was issued charging Respondent with Sexual Battery. Further, Respondent's California Registered Nurse License was probated for three (3) years with conditions.

The Board will file a formal complaint for further action and will schedule an administrative hearing on June 13, 2018, at the Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, Louisiana. At the administrative hearing, the Board Panel will also consider the matter of ratification of staff action to summarily suspend your license.

Should you have any questions, or you would like the opportunity to meet with Board staff to discuss this matter, you may contact Wanda Matthews, Chief Regulatory Officer at 225-755-7552.

LOUISIANA STATE BOARD OF NURSING


Karen C. Lyon, PhD, APRN, ACNS, NEA
Executive Director

Enclosures

KCL/WM/lmt

LOUISIANA STATE BOARD OF NURSING
IN THE MATTER OF MITCHELL JUDE LARTIGUE, RN105010

COMPLAINT

Karen C. Lyon, acting in her official capacity as Executive Director of the Louisiana Board of Nursing ("Board"), with respect to the above entitled matter appears for the purpose of commencement of a Formal Hearing in accordance with La. R.S. 37:911, *et seq.* and respectfully represents:

1.

MITCHELL JUDE LARTIGUE ("Respondent") was licensed as a Registered Nurse by examination on July 25, 2002.

2.

Respondent has violated La. R.S. 37:911, *et seq.* ("Nurse Practice Act"), and the Rules and Regulations promulgated pursuant thereto, as a result of the following facts:

- A. On or about August 11, 2011, Patient S.P. filed a Sexual Battery Complaint with the Jefferson Parish Sheriff's Office. The Complainant stated that on or about August 4, 2011, he was admitted to Ochsner Medical Center in New Orleans, Louisiana, for a minor procedure (Endoscopy). Complainant stated that when he awoke in the recovery room he observed Respondent standing on the left side of his bed, with his hand inside of Complainant's pants fondling his genitals. Jefferson Parish Sheriff's Office attempted to follow up with Complainant and was unsuccessful. Due to the crime occurring in 2011, the statute of limitations has been met for this case.
- B. On or about May 31, 2015, Respondent was arrested by the Los Angeles Police Department for Misdemeanor Driving Under the Influence (BAC .14g%). On June 25, 2015, in the Superior Court of California, County of Los Angeles, Respondent was charged with Count 1: Driving Under the Influence of Alcohol, Count 2: Driving Under the Influence with Blood Alcohol Content of .08 Percent or More and Count 3: Driving Without a License. On or about July 15, 2015, Respondent pled Nolo Contendere to Driving Under the Influence with Blood Alcohol Content of .08 Percent or More and was found guilty of said charge. Respondent's sentence was suspended and Respondent was placed on summary probation for a period of 36 months and ordered to pay a fine of \$390.00 and fees.
- C. On or about June 8, 2017, Respondent received a Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California, adopting the Stipulated Settlement and Disciplinary Order issued on December 28, 2016. The Stipulated Settlement and Disciplinary Order revoked Respondent's Registered Nurse license. The revocation was stayed, and Respondent was placed on probation for three (3) years with conditions.
- D. On or about November 6, 2017, Patient B.P. filed a Sexual Battery Complaint with the Jefferson Parish Sheriff's Office. The Complainant stated that on or about November 3, 2017, he was admitted to Ochsner Medical Center in New Orleans, Louisiana, for an Endoscopy. The Complainant stated that he was awoken by pressure against his left upper thigh, followed by fondling of his penis and testicles, up to his abdomen and returning to his genitals. The Complainant stated that the recovery nurse was sitting

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beside him and was the only other person in the room. On or about November 16, 2017, the patient was shown a photographic lineup and identified Respondent as the individual who he observed reaching into his gown and fondling his genitals. On November 16, 2017, an Arrest Warrant was issued charging Respondent with Sexual Battery (Felony).

- E. On or about November 8, 2017, Accountable Healthcare Staffing was notified by Ochsner Medical Center in New Orleans that they were ending Respondent's contract due to two (2) patient complaints alleging that Respondent touched the patients inappropriately. On or about November 10, 2017, Accountable Healthcare Staffing placed Respondent under clinical review pending review/solution of the investigation. Respondent is no longer eligible to work for Accountable Healthcare Staffing.
- F. On or about January 9, 2018, Patient G.P. filed a complaint with LSBN stating that on or about October 24, 2017, he had Colonoscopy and Endoscopy procedures completed at Ochsner Medical Center in New Orleans, Louisiana. The Complainant stated that when he awoke from his anesthesia, he saw Respondent holding his Complainant's penis in one hand and pressing his pubic area with the other hand.

3.

La. R.S. 37:921 authorizes the Board to deny, suspend, probate, limit, restrict or revoke any licensee to practice as a Registered Nurse, and to impose fines, assess costs or otherwise discipline a licensee or applicant. As a result of the above-listed facts, Respondent has violated the Nurse Practice Act and the Rules and Regulations promulgated thereunder, specifically:

- Respondent is convicted of a crime or offense which reflects the inability of the nurse to practice nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement or nonadjudication. La. R.S. 37:921 (2);
- Respondent has had a license to practice nursing or to practice as another health care provider denied, revoked, suspended, or otherwise restricted. La. R.S. 37:921 (7);
- Respondent failed to utilize appropriate judgment; L.A.C. 46:XLVII.3405 (c);
- Respondent demonstrated failure to act, or negligently or willfully committing any act that adversely affects the physical or psychosocial welfare of the patient...; L.A.C. 46:XLVII.3405 (k); and
- Respondent exceeded professional boundaries, including but not limited to sexual misconduct; L.A.C. 46:XLVII.3405 (t).

4.

La. R.S. 37:921 authorizes the Board to deny, suspend, probate, limit, restrict or revoke any license for the violations set forth above.

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MITCHELL JUDE LARTIGUE
February 26, 2018**

5.

La. R.S. 37:925 authorizes the Board to impose a fine of up to \$5,000.00 for each count or separate offense and to assess all costs of the proceedings, including, but not limited to, the costs of investigation and disciplinary proceedings.

WHEREFORE, the undersigned prays that, after due proceedings, the Louisiana State Board of Nursing render a decision, upon written Findings of Fact and Conclusions of Law, imposing the appropriate, authorized sanction(s) including denial, suspension, probations, limitation, or revocation of license and assessing all costs of this proceeding, including, but not limited to, the cost of investigation and disciplinary proceedings.

LOUISIANA STATE BOARD OF NURSING

By: *Karen C. Lyon*
Karen C. Lyon, PhD, APRN, ACNS, NEA Date
Executive Director

Sworn to and subscribed before me, this 26th
day of February, 20 18 in Baton Rouge, Louisiana

William E. Little
WILLIAM E. LITTLE Notary/Bar # 26972

NOTARY PUBLIC
My commission expires @ death