



Arkansas Department of Health

Arkansas State Board of Nursing
1123 S. University Ave., #800 • Little Rock, Arkansas 72204 • (501) 686-2700 • Fax (501) 686-2714
Governor Asa Hutchinson
Jennifer A. Dillaha, MD, Director
Renee Mallory, RN, Interim Secretary of Health
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: January 4, 2023
Board Conference Room

MEMBERS PRESENT: Lance Lindow, RN; Neldia Dycus, BS, MHSM, MHRD, RN; Janice Ivers, MSN, RN, CNE; Stacie Hipp, APRN, MSN; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; LPN; Ramonda Housh, MNSc, APRN, CNP, C-PNP

MEMBERS ABSENT: None

STAFF ATTENDING AT VARIOUS TIMES: Sue A. Tedford, Director, MNSc, APRN
David Dawson, General Counsel
Ashley Fisher, Attorney Specialist
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director, MNSc, RN, CNE
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Kim Hooks, ASBN Assistant Director- ArNAP
Janet Simpson, ASBN Program Coordinator, MSN, RNP, RNC-MNN
Udell Ward Jr., Regulatory Board Chief Investigator
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Tami Duke, Administrative Specialist III
Leslie Suggs, Executive Assistant to the Director
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist
Kelly Doppelhammer, Legal Support Specialist

Guests: Slone Stine, Observing Law Student with Kutak Rock Law Firm

President Lance Lindow called the meeting to order at 8:35 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

General Counsel, David Dawson, and Ashley Fisher, Attorney Specialist, represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

MEREDITH ANN HALE, LICENSE NO. R090080

Respondent was present for the proceedings before the Board and was represented by counsel, Michael Mitchell. Lisa Wooten, MPH, BSN, RN, and Kimberly Rowe, HR Analyst, Arkansas State Hospital, provided testimony on behalf of the Board. Charles Burchfield, RN, Nurse Manager, Arkansas State Hospital, testified on behalf of the Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads guilty to the charges. On September 9, 2020, Respondent entered into a Reinstatement Consent Agreement placing her RN license on probation for three (3) years. Respondent

ASBN MINUTES

January 4, 2023

Page 2

has a history of probation, suspension, and voluntary surrender of her license from 2012 to present. Board staff sent Respondent a compliance packet by certified mail to her last known address on file with the Board. The certified mail was signed for on September 14, 2020. Respondent has become noncompliant with the September 9, 2020, Reinstatement Consent Agreement. Respondent failed to contact the Board approved monitoring company daily. Respondent missed fifteen (15) check-ins between the dates of March 14, 2021, and November 30, 2022. Respondent failed to call and submit a specimen for drug testing when selected by the Board approved monitoring company on August 3, 2022 and October 17, 2022. Respondent tested positive for drugs with no prescription on file with the Board as follows: May 26, 2021 – Nordiazepam, oxazepam and temazepam; May 15, 2021 – oxazepam; January 31, 2022 – hydrocodone, hydromorphone and dihydrocodeine; July 11, 2022 – hydromorphone and alprazolam; September 7, 2022 – hydromorphone and dihydrocodeine; September 14, 2022 – hydrocodone, hydromorphone, dihydrocodeine, nordiazepam and oxazepam; October 6, 2022 – dihydrocodeine; October 25, 2022 – hydrocodone, hydromorphone and dihydrocodeine; November 15, 2022 - hydrocodone, hydromorphone and dihydrocodeine; and November 23, 2022 - hydrocodone, hydromorphone and dihydrocodeine. Respondent submitted dilute specimens for testing on July 23, 2021, May 13, 2022, and August 12, 2022. Respondent failed to submit a quarterly Employer Report for the quarter of October 1, 2021, through December 31, 2021. Board staff received the Employer's Performance Evaluation Report for the quarter of July 1, 2022, to September 30, 2022. The report indicates Respondent received a non-disciplinary counseling for seven (7) unexcused absences between August 8, 2021, through April 25, 2022. A police welfare check was required on October 2, 2022, due to No Call No Show. Respondent eventually arrived 2.5 hours late. Respondent was suspended on October 5, 2022, for being a No Call No Show on September 18, 2022. She was sent for a for cause drug screen on October 5, 2022, due to suspicious behaviors. Respondent's test on October 5, 2022, was reported to the employer as positive. The substance was not listed. Respondent uploaded a prescription for hydrocodone/APAP 5/325mg #15 written by her physician to be filled on or after October 5, 2022. She also provided a page from the discharge summary indicating she was prescribed hydrocodone. She did not have her physician complete the short-term waiver form. There is not a prescription or short-term waiver to cover the six (6) positive tests between May 26, 2021, through September 14, 2022. There have been multiple communications with Respondent by Board staff. Respondent is aware of her noncompliance. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by failing to comply with the terms and conditions of the Reinstatement Consent Agreement, signed by Respondent, and ratified by the Board on September 9, 2020.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **MEREDITH ANN HALE, LICENSE NO. R090080**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$3,750.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence within six (6) months of successful completion of the Board approved course: *The Nurse and Professional Behaviors*. Respondent shall submit the certificate of completion via the Board approved monitoring program. Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.

ASBN MINUTES

January 4, 2023

Page 3

- Respondent shall attend at least three (3) AA/NA or other Board approved support group meeting(s) a week during the period of suspension and / or probation.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the Treatment Provider Report quarterly via the Board approved monitoring program until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this Order.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment [less than three (3) weeks] with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.

ASBN MINUTES

January 4, 2023

Page 4

- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

BRADLEY WAYNE COLE, LICENSE NO. R082061 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On January 6, 2022, the Board received a copy of an Office of Long-Term Care (OLTC) report submitted by Timberlane Health and Rehabilitation in El Dorado, Arkansas. The facility reported that Respondent was terminated after multiple doses of hydrocodone were wasted without a witness and Respondent refused to submit to a for cause drug screen. Respondent was contacted by Board staff and offered the opportunity to participate in the Arkansas Nurse Alternative Program (ArNAP). On January 11, 2022, Respondent notified Board staff he would like to enroll in ArNAP. The Board received notification from OLTC on January 28, 2022, the allegation of exploitation was founded for thirteen (13) residents. After a telephone conversation with Respondent, Board staff mailed a letter to Respondent on January 31, 2022, requesting that Respondent obtain a psychological/addiction evaluation within thirty (30) days. Respondent signed an ArNAP agreement on February 11, 2022, for violation of the Arkansas *Nurse Practice Act*: A.C.A. 17-87-

309(a)(6), which states in part: "Is guilty of unprofessional conduct", and ASBN *Rules*, Chapter 7, Section IV (A)(6)(c), which states in part, "unprofessional conduct includes, failing to make entries, destroying entries, and/or making false entries in records pertaining to the giving of narcotics, drugs, or nursing care;" and (A)(6)(p), which states in part, "unprofessional conduct includes, failing or refusing a drug screen as requested by employer or Board." On March 24, 2022, Respondent was evaluated by George DeRoerck, MD and he made the following recommendations: Continued work in the field of nursing would be indicated though supervisory assessments on a bimonthly basis for one (1) year would be necessary regarding his capacity to effectively work with patients, coworkers, and supervisory staff. I would encourage working only a forty (40) hour workweek for at least six (6) months while medications are adjusted, and he understands procedures more effectively. Education regarding ethical issues. This can be online or through bibliotherapy though should be documented by the Nursing Board. In addition, further education regarding policies and procedures with documented understanding of policies/procedures and how to proceed if having concerns about ambiguous situations. Working on communication skills with supervisory staff will also be necessary. I believe psychiatry must evaluate his need for medications. Clarification of diagnoses will be necessary associated with his described questionable treatment via a psychiatrist who is no longer working in Arkansas. Some mental health counseling for at least a four (4) to six (6) month-period is necessary to aid him in addressing issues associated with the gunshot wound, unresolved childhood of origin issues and interpersonal skill development that may be interfering with social and emotional interactions. This is all the more important given the diagnostic considerations of a rule out of unspecified bipolar symptomology versus persistent depressive disorder. His reluctance to receive services is of concern given recent events. Continued random urine drug screens for the next twelve (12) months. Education regarding substance abuse issues will be necessary in tandem with individualized counseling. On May 13, 2022, Respondent's Attorney forwarded the evaluation and the signed ArNAP agreement to the Board. On June 13, 2022, Respondent met with Board staff to review the terms of the ArNAP contract. On June 14, 2022, Respondent notified Board staff he was unable to enroll in ArNAP. On June 29, 2022, Board staff offered Respondent the opportunity to voluntarily surrender and stated that a failure to provide the Board with a signed voluntary surrender form by July 1, 2022, would result in his case being referred for a hearing. Respondent's attorney withdrew representation and Respondent has not had any further contact with Board staff.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **BRADLEY WAYNE COLE, LICENSE NO. R082061 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$3,750.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence within six (6) months of successful completion of the Board approved course(s): *Substance Abuse Bundle, The Nurse and Professional Behaviors* and *Critical Thinking*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend at least three (3) AA/NA or other Board approved support group meeting(s) a week during the period of suspension and / or probation.

ASBN MINUTES

January 4, 2023

Page 6

- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the Treatment Provider Report quarterly via the Board approved monitoring program until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this Order.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment [less than three (3) weeks] with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.

ASBN MINUTES

January 4, 2023

Page 7

- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Ramonda Housh and seconded by Melanie Garner.

PASSED

CLEOPHIS COLLIER, LICENSE NO. R078826 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On September 13, 2021, the Board issued a Letter of Reprimand with stipulations on Respondent's Registered Nurse License. The Letter of Reprimand directed Respondent to complete the *Critical Care* and *Sharpening Critical Thinking Skills* courses by March 17, 2022. The Letter of Reprimand was sent by certified mail to Respondent's last known mailing address on file with the Board and through the nurse portal. The certified letter was delivered by the Postal Service on September 17, 2021. Respondent viewed the letter in the nurse portal on September 15, 2021. On June 28, 2022, a notice was sent to Respondent through First Class Mail and the nurse portal, notifying him to submit the course completion certificates by July 11, 2022, or a hearing would be scheduled. The letter sent by the Postal Service has not been returned. Respondent has not viewed the message in the nurse portal. Respondent has failed to contact Board staff or provide the course completion certificates for the *Critical Care* and *Sharpening Critical Thinking Skills* courses.

ASBN MINUTES

January 4, 2023

Page 8

Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by failing to fully comply with the terms and conditions of the Letter of Reprimand dated September 13, 2021.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **CLEOPHIS COLLIER, LICENSE NO. R078826 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and that Respondent's license and privilege to practice as a nurse be suspended the license and privilege to practice nursing until the terms of their Letter of Reprimand are met.

Brought by Ramonda Housh and seconded by Melanie Garner.

PASSED

Ashley Fisher, Attorney Specialist, presented consent agreements that had been entered into since the last meeting. Following discussion of each individual agreement, the following motion was passed:

MOTION: I MOVE that the Arkansas State Board of Nursing ratify the following Consent Agreements:

Dunlap, Jennifer Gayle Tarpley R104332

(Jefferson, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(6) *Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(b), (c) and (m)*

Probation – 1 year

Courses – *Documentation for Nurses*

Civil Penalty - \$750.00

Dunn, Jennifer Lynn L043450

(Fayetteville, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(2), (a)(6) *Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(m)*

Probation – 2 years

Courses – *The Nurse and Professional Behaviors*

Civil Penalty - \$1,500.00

Johnson, Carolyn Jane Orr L029338

(Benton, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(6) *Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(c) and (d)*

Probation – 2 years

Courses – *Documentation for Nurses*

Civil Penalty - \$1,000.00

Kelly, Jonathan Michael MA-C Applicant

(Charleston, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(3), (a)(5) *Arkansas State Board of Nursing Rules, Chapter Eight, Section XIV (A)(1)(c) and (e)*

Probation – 1 year

Courses – *Substance Abuse Bundle*

Ledbetter, Allison M Davenport R084159

(Benton, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(4), (a)(6) *Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4) and (A)(6)(p)*

Probation – 2 years

Courses – *Substance Abuse Bundle, Documentation for Nurses*

McDaniel, Laurie Elizabeth Kimmel Hendrix Kimmel

L054435 (Harrisburg, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(2), (a)(4) and (a)(6) *Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)*

Probation – 1 year

Courses – *Substance Abuse Bundle*

ASBN MINUTES

January 4, 2023

Page 9

Simon, Chad Eugene R077313

(North Little Rock, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(4), (a)(6) *Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4), (A)(6)*

Probation – 2 years

Courses – *Substance Abuse Bundle*

Singleton, Theresa Lynn Myers LPN 220724

(El Dorado, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(2) *Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(t)*

Probation – 2 years, Non-compliance w/ARNAP

Courses – *Substance Abuse Bundle, The Nurse and Professional Behaviors*

Brought by Lane Lindow and seconded by Stacie Hipp

PASSED

The meeting recessed for lunch at 12:10 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:15 p.m. A flexible agenda was approved.

SARAH LYNN ANDERSON ROSE, LICENSE NO. R073326 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, RN, provided testimony on behalf of the Board. A complaint was submitted to the Board on September 17, 2019, alleging that Respondent, while working at Conway Behavioral Health on September 14, 2019, admitted to taking several Klonopin prior to reporting for work. Respondent was drowsy that night and was caught sleeping. Another nurse complained about a toothache and Respondent offered her tramadol and Flexeril several times. Employment records indicate that Respondent was hired at Conway Behavioral Health on June 24, 2019. On September 7, 2019, several employees reported Respondent had been sleeping off and on through her shift. On September 14, 2019, several employees reported Respondent was falling asleep prior to her shift in her car, then during her shift Respondent was nodding off all night and failed to help. Respondent reported she had taken Ativan, Klonopin and Flexeril before she reported for work. Another nurse reported that Respondent looked debilitated and glassy eyed and was falling asleep. Respondent stated that she wanted to go home as her Klonopin was wearing off. Respondent would sit on her phone constantly, not complete her work and would pass it to someone else. Respondent offered another nurse prescription tramadol and Flexeril several times. During med pass Respondent stated, "I'm tired", "you finish" and she left the med room. Respondent continued to fall asleep at the desk and take prescription drugs all night. Respondent seemed impaired enough to affect patient safety. On September 16, 2019, it was reported to Human Resources by Respondent's supervisor that Respondent's job performance has been erratic and inconsistent. Because of the inconsistent and erratic behavior, the supervisor had to send Respondent home early on two (2) occasions. The supervisor believed that Respondent was impaired. Respondent was suspended from employment at Conway Behavioral Health pending an investigation, and Respondent's employment was terminated on September 17, 2019, due to sleeping on the job. Pharmacy records indicate that from October 1, 2019, through December 17, 2021, Respondent was issued numerous prescriptions for Adderall, carisoprodol, clonazepam, fentanyl, Focalin, hydrocodone, Lyrica, oxycodone, Vyvanse, and zaleplon. On February 17, 2022, Board staff sent a letter via the nurse portal and certified mail to Respondent's last known mailing address on file with the Board, requesting Respondent to obtain a psychological/addiction evaluation by March 24, 2022. The certified letter was returned on March 21, 2022, by the postal service marked *Return to Sender / Unclaimed / Unable to Forward*. Respondent viewed the message sent through the portal on April 23, 2022. On March 29, 2022, Board staff sent a letter via the nurse portal and certified mail to Respondent's last known mailing address on file with the Board, notifying Respondent her case has been forwarded for hearing for failure to provide the requested psychological/addictive evaluation. The certified letter was delivered by the

ASBN MINUTES

January 4, 2023

Page 10

postal service on April 1, 2022. Respondent viewed the message sent through the portal on April 23, 2022. On April 1, 2022, Respondent contacted Board staff and claimed that she did not receive the request for evaluation letter. Respondent was granted until May 6, 2022, to have the evaluation completed. On May 24, 2022, and June 7, 2022, Board staff sent messages to Respondent through the nurse portal notifying her again to provide the requested evaluation. Respondent has failed to communicate with Board staff since April of 2022 and has not provided an addictive evaluation report.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **SARAH LYNN ANDERSON ROSE, LICENSE NO. R073326 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$4,075.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence within six (6) months of successful completion of the Board approved course(s): *The Nurse and Professional Behaviors* and *Substance Abuse Bundle*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall provide evidence of a comprehensive assessment for substance use disorder within thirty (30) days of receipt of this Order. Acceptable evidence shall consist of an evaluation with appropriate testing by a Board approved evaluator. Respondent shall supply a copy of the Board's Order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall ensure the evaluator sends the report directly to the Board at ASBN.monitoring@arkansas.gov.
- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend at least three (3) AA/NA or other Board approved support group meeting(s) a week during the period of suspension and / or probation.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment [less than three (3) weeks] with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring

ASBN MINUTES

January 4, 2023

Page 11

program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.

- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent

ASBN MINUTES

January 4, 2023

Page 12

and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.

- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.

- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Jasper Fultz and seconded by Stacie Hipp.

PASSED

ANNA JANE MOHUNDRO MASONER BROWN WILSON SIMPSON MASONER, LICENSE NO. L035637 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On October 29, 2021, the Board issued a Letter of Reprimand with stipulations on Respondent's Practical Nurse License. The Letter of Reprimand directed Respondent to complete the *Documentation* and *The Nurse and Professional Behaviors* courses by April 29, 2022. The Letter of Reprimand was sent by certified mail to Respondent's last known mailing address on file with the Board and through the nurse portal. The certified letter was delivered to Respondent per phone conversation with Board staff on October 18, 2022. Respondent failed to view the letter in the nurse portal. On August 23, 2022, a notice was sent to Respondent through First Class Mail and the nurse portal, notifying Respondent to submit the course completion certificates by August 31, 2022, or a hearing would be scheduled. The letter sent by the Postal Service has not been returned. Respondent has not viewed the message in the nurse portal. On October 4, 2022, an email was sent to Respondent's last known email on file with the Board requesting Respondent to contact Board staff. On October 18, 2022, Board staff contacted Respondent by telephone. Respondent stated that she was aware of the Letter of Reprimand, but that because of her health she could not work, and she was retired. After staff explained that the Board will not retire a license when there is an active discipline, Respondent stated that she would not attend the hearing and the Board could suspend her license as she did not intend to complete the courses. Respondent has failed to provide the course completion certificates for the *Documentation* and *The Nurse and Professional Behaviors* courses. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by failing to fully comply with the terms and conditions of the Letter of Reprimand dated October 29, 2021.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **ANNA JANE MOHUNDRO MASONER BROWN WILSON SIMPSON MASONER, LICENSE NO. L035637 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and that Respondent's license and privilege to practice as a nurse be suspended until the terms of their Letter of Reprimand are met.

Brought by Ramonda Housh and seconded by Melanie Garner.

PASSED

Jasper Fultz, presented to the Board proposed disbursement of funds from the Faith A. Fields Nursing Loan Program for the 2023 Spring Semester for review. Following discussion, the following motion was presented:

ASBN MINUTES

January 4, 2023
Page 13

I MOVE that the Arkansas State Board of Nursing continue the disbursement of funds from the Faith A. Fields Nursing Loan Program for the 2023 Spring Semester, as Follows.

Practice Renewal Applicants:

- 1) \$2,000.00 payable to Baptist Health College on behalf of Sarah Barger;
- 2) \$2,000.00 payable to University of Arkansas at Hope on behalf of Matthew Bruce;
- 3) \$2,000.00 payable to University of Arkansas at Fayetteville on behalf of Jose Cano;
- 4) \$1,000.00 payable to Northwest Arkansas Community College on behalf of Amanda Cecil;
- 5) \$1,000.00 payable to University of Arkansas at Fayetteville on behalf of Cierra Lenderman;
- 6) \$2,000.00 payable to Arkansas State University on behalf of Alyssa Rowland;
- 7) \$1,000.00 payable to University of Arkansas at Monticello on behalf of Holly Wilson;
- 8) \$1,000.00 payable to University of Arkansas at Fayetteville on behalf of Faith Boyd;
- 9) \$2,000.00 payable to Henderson State University on behalf of Keaira Jackson;
- 10) \$2,000.00 payable to University of Arkansas for Medical Sciences on behalf of Carey James, Jr.;
- 11) \$2,000.00 payable to Walden University on behalf of Shannon Morgan;

Educator Renewal Applicants:

- 1) \$4,000.00 payable to William Carey University on behalf of Lindsey Baertlein;
- 2) \$2,500.00 payable to Henderson State University on behalf of Erica King;
- 3) \$4,000.00 payable to University of Central Arkansas on behalf of Karmen Goodner.

Brought by Jasper Fultz and seconded by Scholarship Committee.

PASSED.

Sue Tedford presented information to the Board on DNA authentication urine drug testing through Genotox Laboratories. After discussion the following motion was presented:

I MOVE that the Arkansas State Board of Nursing allow individuals under Board ordered drug screening to have the option to use DNA authentication urine drug testing through Genotox Laboratories.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

Sue Tedford spoke to the Board about M.A.T. monitoring.

David Dawson updated the Board on the appeal brought by Jennifer Lindsey.

Sue Tedford spoke to the Board about active shooter training. She is scheduled to be on a panel discussion later this month related to an active shooter situation in a hospital setting and asked if there was anything that the Board wanted the panel that she is on to know.

There being no further business, the meeting adjourned at 5:15 pm.



Lance Lindow, President



Mindy Darnier, Recording Secretary

2-16-23

Date Approved