



Arkansas Department of Health

Arkansas State Board of Nursing
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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:** November 16, 2022
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
Janet Simpson, ASBN Program Coordinator, MSN, RNP, RNC-MNN
Kim Hooks, ASBN Assistant Director, ArNAP
Udell Ward, ASBN Chief investigator
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist
- Guests:** None

President Lance Lindow called the meeting to order at 8:36 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

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

STARRY DALENE TAYLOR HUBBELL, LICENSE NO. A004766 (EXPIRED), R086428 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Terry Kuykendall, Investigator, provided testimony on behalf of the Board. A complaint was submitted to the Board on March 10, 2022, alleging that between August of 2020 and March of 2022, the Respondent has displayed signs of alcohol and/or substance abuse including being late to work, leaving early, frequent trips to the bathroom, long lunch breaks, inconsistent patient care and not completing chart documentation. It also alleged that Respondent entered an alcohol rehabilitation facility for treatment in January of 2022. On March 30, 2022, Respondent had a telephone

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conversation with the Board Director regarding participation in the Board's alternative to discipline program. Respondent failed to provide a requested psychological/addictive evaluation and the matter was assigned to a Board investigator. Respondent's employment records at Mercy Gastroenterology indicate that on December 22, 2021, a Performance Improvement Plan was completed for the Respondent due to significant delays in closing patient charts. On March 15, 2022, Respondent received a written warning for speaking to coworkers in an unprofessional and disrespectful manner and for refusing to reschedule a patient as soon as possible because they were seventeen (17) minutes late to an appointment. On March 23, 2022, a coworker sent an email requesting that the Respondent be removed as the Lead Practitioner due to lack of communication, a breakdown of trust, arriving late, leaving early, taking personal time off for weeks at a time, being disrespectful to patients and coworkers, and not following protocol. Also on March 23, 2022, a coworker reported that the Respondent voluntarily admitted to using marijuana to help her sleep. Respondent was interviewed by staff, and she admitted that she used marijuana and that she drank alcohol the night before. Respondent reported that she would be entering alcohol rehab on March 30, 2022, and that she had been reported to the Board of Nursing for being in treatment in the fall of 2021 and not self-reporting. On April 14, 2022, Respondent was notified by Human Resources that she had tested positive for alcohol at .146 and she was being terminated effective April 13, 2022. The test sample had been collected on April 13, 2022, and Respondent had been at work since 8:30 a.m. on that date. A second complaint was received by the Board on April 22, 2022. On August 9, 2022, Board staff sent a letter via the nurse portal and certified mail to Respondent offering Respondent a consent agreement. Respondent was to return the signed consent agreement by August 30, 2022. Respondent viewed the message sent through the portal on August 9, 2022, at 12:05 p.m. Board staff sent a letter via the nurse portal notifying Respondent to contact the Board by September 16, 2022, or her case will be forwarded for hearing for failing to cooperate with the investigation. Respondent has not communicated 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 **STARRY DALENE TAYLOR HUBBELL, LICENSE NO. A004766 (EXPIRED), R086428 (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 \$1,933.00, 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 courses: *Substance Abuse Bundle, The Nurse and Professional Behaviors and Documentation for Nurses*. 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*

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Report. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.

- Respondent shall attend three (3) meetings per week until the Board receives the evaluation report with the evaluator's recommendations regarding meeting attendance.
- 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.
- 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.

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- Respondent shall request verification of termination of the suspension period and a hearing to appear before Board by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- 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 Melanie Garner and seconded by Ramonda Housh.

PASSED

David Dawson, General Counsel, JD: presented evidence to the Board regarding Todd Morrow, L034169. After discussion the following Motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing summarily suspend the license of Todd Hammond Morrow, Arkansas Licensed Practical Nurse License #L034169. The Board declares an emergency and states Respondent is a threat to the health, safety, and welfare of the citizens of Arkansas. A hearing will be promptly scheduled for the Board's next regular hearing date, to consider and determine revocation or other action.

Brought by Janice Ivers and seconded by Lance Lindow.

PASSED

Ashley Fisher, Attorney Specialist, presented evidence regarding Jennafer Pruitt, L049871. After discussion the following Motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing ratify the following Board Ordered Letter of Reprimand:

Pruitt, Jennafer Janell McDonald LPN L049871 **(Greenbrier, AR)**

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a),
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(1)(g)*

Civil Penalty – \$1,250.00

Brought by Janice Ivers and seconded by Lance Lindow.

PASSED

Ashley Fisher, the Board's 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:

Charles, Kameron Leigh LPN 125864 **(Cabot, 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)(d)*

Probation – 2 years, Reinstatement

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

Ellis, Catherine Denise Weaver Ogelvie Chapman L041202 **(Searcy, 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)(b) and (c)*

Probation – 2 years

Courses – *Substance Abuse Bundle*

Civil Penalty - \$1,500.00

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Gamble, Jennifer Marie Johnson R105418 (Alexander, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(9) Arkansas State Board of Nursing Rules, Chapter Seven, Section IV(A)(6)(b), (c), (e), (t) and (p) and (A)(9)(a)*
Probation – 1 year, Noncompliance
Courses – *Substance Abuse Bundle, Documentation for Nurses*
Civil Penalty - \$750.00

Hendrix, Roni Larae Johnson L041883 (Vilonia, 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)(p)*
Probation – 1 year
Courses – *Substance Abuse Bundle*
Civil Penalty - \$750.00

Petree, Johnnie Renea Moss L045445 (Alma, 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 (p)*
Probation – 2 years
Courses – *The Nurse and Professional Behaviors, Documentation for Nurses*
Civil Penalty - \$1,500.00

Wilbanks, Leslie Suzanne R085275 (Farmington, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(6), (a)(9) Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(d), (p), (t) and (A)(9)(a)*
Probation – 2 years, Noncompliance
Courses – *The Nurse and Professional Behaviors, Documentation for Nurses*
Civil Penalty - \$1,500.00

Williams, Katelyn Lee L056840 (Batesville, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(2), (a)(4), (a)(6) Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4), (A)(6)*
Probation – 4 years, Reinstatement
Courses – *Substance Abuse Bundle and The Nurse and Professional Behaviors*
Civil Penalty - \$3,000.00

Brought by Janice Ivers and seconded by Lance Lindow.

After discussion, the following Motions were presented to the Board.

David Dawson, General Counsel, JD, updated board members on the proposed changes for the ArNAP attendees. The following Motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the proposed changes to the *Nurse Practice Act*, Subchapter 8, Alternative to Discipline Act, ACA 17-18-801 et seq.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

Kim Hooks, ASBN Assistant Director, ArNAP, spoke to the Board about a new treatment provider in Texas. After discussion the following Motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve Sante Center for Healing as a Board approved treatment facility.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

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MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the October 12, 2022, and October 13, 2022, Board Meetings.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

Jasper Fultz brought a motion before the on behalf of the Faith A Fields Scholarship Loan:

MOTION: I MOVE that the Arkansas State Board of Nursing make the following changes regarding the Faith A. Fields Nursing Loan for the 2022 Fall Semester, as follows:

Practice Applicant:

Reduce the scholarship amount from \$2,000.00 to \$1,000.00 payable to Northwest Arkansas Community College on behalf of Amanda Cecil.

Brought by Jasper Fultz and seconded by Stacie Hipp.

The meeting recessed for lunch at 12:00 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:04 p.m. A flexible agenda was approved.

KRISTIE ANN PARKER HOLCOMB, LICENSE NO. L058243

Respondent was present for the proceedings before the Board and was represented by counsel, Bryan Vernetti. Janet Simpson, MSN, RNP, RNC-MNN, and Rhonda Mayo, RN, Investigator, provided testimony on behalf of the Board. Stephanie Saclolo, DON, Innisfree Health and Rehab, Rogers, AR, provided testimony behalf of the Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. An investigation was initiated after the Board received a complaint reporting that Respondent had raised her voice, was disrespectful and threatening to a patient in her care while on duty at Apple Creek Health and Rehab in Centerton, Arkansas. On October 20, 2021, the Administrator at Apple Creek Health and Rehab received a phone call from a nurse reporting that Respondent was on 300 Hall yelling at residents and telling them to shut up. A CNA reported that Respondent was yelling at two (2) residents. The Director of Nursing went to the facility and removed Respondent from the floor. The Administrator and Director of Nursing met with Respondent. Respondent stated that she probably did raise her voice at the residents. Respondent also stated, "I've been sick and overwhelmed. I know I shouldn't have raised my voice." Respondent was advised that she would be placed on suspension until an investigation was complete. A video and audio file depict Respondent pointing her finger and yelling at Resident PM. Board staff requested that Respondent provide a neuropsychological evaluation. On August 18, 2022, staff received the neuropsychological evaluation from Dr. Garrett Andrews, dated August 9, 2022. The summary statement indicates Respondent "meets retention standards from a cognitive neuropsychological perspective and is fit for full duty". On August 24, 2022, the Board issued a Letter of Reprimand with stipulations on Respondent's Licensed Practical Nurse (LPN) License based on the following Findings of Fact: Respondent is the holder of Arkansas LPN license number L058243, issued by endorsement on September 20, 2016, Respondent was hired at Apple Creek Health and Rehabilitation in Centerton, Arkansas in July 2021, On October 20, 2021, Respondent engaged in a verbal altercation with a resident. Facility video and audio reveal Respondent using a raised voice and aggressive body language during the incident. Respondent threatened resident with placement in the lockdown unit, and Employee records include absenteeism due to health issues, but no previous discipline issues. Respondent voluntarily terminated on January 12, 2022. The Letter of Reprimand ordered Respondent to complete the *Nurse and Professional Behaviors* and *Older Adult Care-Geriatrics* courses within six (6) months. The Letter of Reprimand was sent via the nurse portal and Certified Mail to Respondent's last known address on file with the Board. Respondent viewed the portal message on August 25, 2022, and the certified mail was signed for by Respondent on

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August 27, 2022. Respondent's attorney requested an appeal of the Letter of Reprimand on September 22, 2022.

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 **KRISTIE ANN PARKER HOLCOMB, LICENSE NO. L058243**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's Letter of Reprimand be upheld.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

There being no further business, the meeting adjourned at 4:34 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary

1/05/2023

Date Approved