



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE:

July 11, 2018
Board Conference Room

MEMBERS PRESENT:

Ramonda Housh, MNSc, APRN, CNP, C-PNP; Yolanda Green, LPN; Haley Strunk, LPN; Neldia Dycus, BS, MHSM, MHRD, RN; Stacie Hipp, APRN; Pamela Leal, RN, Representative of the Older Population; Michael Burdine, RN; Renee Mihalko-Corbitt, DNP, APRN, ACNS-BC; Melanie Garner, LPN, CLC; Janice Ivers, MSN, RN, CNE; Kaci Bohn, PhD, Consumer Representative; Lance Lindow, RN

MEMBERS ABSENT:

Rachel Sims, BSN, RN (PM Session)

STAFF ATTENDING AT VARIOUS TIMES:

Sue A. Tedford, Executive Director, MNSc, APRN
William F. Knight, General Counsel, JD
Mary Trentham, Attorney Specialist, JD, MNSc, MBA, APRN
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director MNSc, RN, CNE
Debra Garrett, Program Coordinator, DNP, APRN
Tammy Claussen, Program Coordinator, MSN, RN, CNE
Susan Lester, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Susan Moore, Computer Operator
Jim Potter, Regulatory Chief Investigator
Stephanie Johnsen, Administrative Analyst
Leslie Suggs, Legal Support Specialist

President Ramonda Housh called the meeting to order at 8:49 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

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

CRYSTAL DEANNE LEDBETTER, RN LICENSE NO. R082369

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 23, 2017, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(2) and (a)(6), and the Board's Rules, Chapter Seven, Section IV. Respondent was issued a Letter of Reprimand on January 23, 2017, and ordered to provide evidence of completion within six (6) months of the Letter of Reprimand, the courses: The Nurse and Professional Behaviors, Sharpening Critical Thinking Skills, and Ethics. As of June 14, 2018, Respondent has failed to comply with the terms and conditions of the Board's January 23, 2017 Letter of Reprimand.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **CRYSTAL DEANNE LEDBETTER, RN LICENSE NO. R082369**, that the Board Suspend the license and privilege to practice nursing until the terms of their letter of reprimand are met.

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Janice Ivers has recused herself from this case.
Brought by Haley Strunk and seconded by Pamela Leal.
PASSED

Sue Tedford, Executive Director, MNsc, APRN, discussed the following motion:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the June 6, June 7, and June 19, 2018 meetings.

Brought by Kaci Bohn and seconded by Michael Burdine.
PASSED.

The following items were brought by Sue Tedford:

- Four boards; Board of Nursing, Board of Pharmacy, Medical Board and Board of Veterinarian Medicine, were asked to appear before the committee and discuss how they were responding to the opioid crisis.
- Joint Public Health Committee

Lisa Wooten updated the Board of School Nurse guideline revisions. The following motion was passed:

MOTION: I MOVE that the ARSBN accept the changes made to the School Nurse Guidelines 2018 Revision.

PASSED.

Mary Trentham, the Board's attorney, presented consent agreements that had been entered into since the last meeting. Following discussion of each individual agreement, the following motions were passed:

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

Allen, Adam Luke, R092939 (expired), L051241 (expired)

Violation – ACA § 17-87-309 (a)(4), (a)(6)(u)

Probation – 3 years

Courses – Prescription Drug Abuse, The Nurse and Professional Behaviors

Civil Penalty - \$2,250.00

Bell, Leigh Ann Higgins, R071561 (expired)

Violation – ACA § 17-87-309 (a)(4), (a)(6)(m) and (p)

Probation – 2 years

Course – The Nurse and Professional Behaviors

Civil Penalty - \$1,500.00

Borchers, Heather Dawn Smith, R088694, L049284 (expired)

Violation – ACA § 17-87-309 (a)(6)(p)

Probation – 2 years

Course – The Nurse and Professional Behaviors

Bryan, Laura Nell Hooper, R056624

Violation – ACA § 17-87-309 (a)(1)(g), (a)(6)(u)

Civil Penalty - \$450.00

Gillespie, Carrie Robin, R045071 (expired)

Violation – Terms and Conditions of Probation; ACA § 17-87-309 (a)(4), (a)(6)

Probation – 3 years

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Gray, Shayne Michael, R063378

Violation – ACA § 17-87-309 (a)(6)(u), (a)(9)(e)

Probation – 1 year

Courses – Sharpening Critical Thinking Skills, The Arkansas Nurse Practice Act

Hodge, Christy A., LPN Applicant

Violation – ACA § 17-87-309 (a)(2), (a)(4)

Probation – 2 years

Kelley, Angela Michelle Grimes, L038809 (expired)

Violation – ACA § 17-87-309 (a)(1), (a)(2), (a)(4), (a)(6)(e)(u)

Probation – 3 years

Course – The Nurse and Professional Behaviors

McCoy, Colleen, RN Endorsement

Violation – ACA § 17-87-309 (a)(2), (a)(4)

Probation – 1 year

Naegle, Rebecca Dawn, R078253

Violation – Terms and Conditions of Probation

Probation – 2 years

Whitcomb, Susan Marie, R080486

Violation – ACA § 17-87-309 (a)(6)

Probation – 1 year

Courses – Sharpening Critical Thinking Skills, The Arkansas Nurse Practice Act

Civil Penalty - \$750.00

Woodson, Doris Darcia, RN Endorsement

Violation – ACA § 17-87-309 (a)(2), (a)(6)(q), (a)(7)

Probation – 1 ½ years

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

The following items were brought by **Fred Knight, General Counsel**:

- Justin Dale Smith Appeal reversal
- After a hearing before the ASBN, the ASBN cannot delegate its final decision making authority to an outside entity without legislative authority to do so.
Sources: §17-87-203(2)&(20), Powers and duties; §17-87-309; and APA §25-15-213.

Mary Trentham requested guidance from Board in reference to Consent Agreements not approved during the June hearings. Following discussion of each individual agreement, the following motions were passed:

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

Sutterfield, Adam Anderson, C002925 (expired), R077567 (expired)

Violation – ACA § 17-87-309(a)(6)

Probation – 5 years

Course – The Nurse and Professional Behaviors

Civil Penalty - \$3,000.00

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

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

Young, Daniel Thomas, A001914 (expired), R064649, PAC 01769 (inactive)

Violation – ACA § 17-87-309(a)(6)

Probation – 5 years, APRN and PAC suspended 1 year

Courses – Proper Prescribing of Controlled Drugs for Advanced Nurse Practitioners and Physician Assistants, Maintaining Proper Boundaries, The Nurse and Professional Behaviors
Civil Penalty - \$3,750.00

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

The meeting recessed for lunch at 12:15 p.m. Following lunch, the Board resumed hearings.

President Ramonda Housh called the meeting to order at 1:13 p.m. A flexible agenda was approved.

MISTY LEE KENDALL SCANTLING, LPN LICENSE NO. L056459 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Jim Potter, Chief Investigator, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L056459 (expired). On or about March 21, 2017, Ginger Dixon, Legacy Heights Nursing and Rehabilitation, Russellville, Arkansas, reported that the Respondent's employment with Legacy Heights Nursing and Rehabilitation had been terminated on March 20, 2017, after she failed to call in or report for work. Respondent's employment with Legacy Heights Nursing and Rehabilitation began March 17, 2017, although she had been employed with them previously from September 25, 2014 to April 4, 2016, and ended three (3) days later on March 20, 2017. Respondent's urine drug screen for Legacy Heights Nursing and Rehabilitation tested positive for Benzodiazepines and amphetamines. Respondent provided a prescription for Bupren/Nalox for eight (8) 2mg tablets and stated that was the reason for her positive screen. Respondent stated she took the medication for scoliosis, but she did not take it while at work. Dixon stated on the day in question it was reported that the Respondent was exhibiting strange behaviors, she could not pay attention or focus on her duties, and that she was located in the break room where she had clocked out and was just sitting there like she did not know what she was doing. On the last day of her employment it was discovered that the Respondent failed to chart on any of her Medicare residents, failed to do any of her treatments, her 8:00 p.m. medications had not been signed off, and that the hydrocodone orders were not written and placed in the narcotic log properly. Board staff have made multiple contacts and attempts to work with the Respondent.

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 **MISTY LEE KENDALL SCANTLING, LPN LICENSE NO. L056459 (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 placed on probation for two (2) years with the following terms and conditions:

- Pursuant to A.C.A. § 17-87-104(b)(1), Respondent must pay a civil penalty of \$1,500.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent shall provide evidence of evaluation for treatment of addictive behavior within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an in-depth psychological/addiction evaluation with appropriate testing by a practitioner, who meets the Board approved criteria and specializes in addiction disorders. Respondent shall ensure the practitioner sends the report directly to the Board. 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

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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 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 attend AA/NA, or other Board approved treatment program/support group meetings and shall submit quarterly reports to the Board. Respondent shall provide acceptable evidence of attendance. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator's recommendations if the Evaluator's recommendations are greater.
- 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 drug screen monitoring program, laboratory, and collection site. Respondent shall contact a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent shall not submit specimens at Respondent's place of employment or practice site. Respondent shall not collect any drug screen ordered by the Board of Nursing. Respondent shall contact the drug screening company daily. If selected for testing, Respondent shall present for a drug screen the same day of the notification and shall have two (2) hours to submit a specimen. Dilute specimens will be considered an attempt to alter test results.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Short-term treatment may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify board staff in writing immediately of any acute illness or condition treated with abuse potential substances. Respondent shall ensure that the prescribing practitioner submits a written report to Board staff within ten (10) days of prescribing a controlled or abuse potential substance.
- Respondent shall provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *Critical Thinking and Documentation*
- Respondent shall submit a personal report to accompany required data to the Board on a quarterly basis.
- Respondent shall ensure that all required reports are submitted to the Board on a quarterly basis.
- 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.
- 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.
- Respondent shall not work outside the State of Arkansas in another compact licensure state.
- Verification of termination of the probationary period shall be requested in a registered letter to the Board.
- While on probation, if working as a nurse: Respondent shall notify each employer of the Board's Order and shall practice under an employer monitored nurse contract. The employer shall submit to the Board a copy of the employer-monitored nurse contract and quarterly Performance Evaluation Reports.
- Respondent shall work under direct supervision in any setting. Direct supervision requires another nurse to be working in the same setting as Respondent and readily available to provide assistance and intervention.

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- Respondent shall not be employed in critical care, hospice or home health settings.

Brought by Haley Strunk and seconded by Stacie Hipp.

PASSED

KERI NICOLE GILL, RN LICENSE NO. R087178 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Jim Potter, Chief Investigator, provided testimony on behalf of the Board. Respondent is licensed as a Registered Nurse and holds License No. R087178 (expired). Respondent was terminated about March 3, 2017, from Cornerstone Healthcare Group, Little Rock, Arkansas, after a random drug screen was positive for amphetamine at 22,292 ng/ml, methamphetamine greater than 25,000 ng/ml, D-methamphetamine at 100%, and URN Creatinine was 184.6. Respondent was employed with CHI St. Vincent, Little Rock, Arkansas, on November 17, 2014, and her employment with CHI St. Vincent was terminated on October 12, 2016, for absenteeism.

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 **KERI NICOLE GILL, RN LICENSE NO. R087178 (EXPIRED)**, has been charged with a violation of Arkansas Code Annotated . § 17-87-309(a)(6), and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. § 17-87-104(b)(1), Respondent must pay a civil penalty of \$3,750.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent shall attend AA/NA, or other Board approved treatment program/support group meetings and shall submit quarterly reports to the Board. Respondent shall provide acceptable evidence of attendance. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.
- 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 drug screen monitoring program, laboratory, and collection site. Respondent shall contact a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent shall not submit specimens at Respondent's place of employment or practice site. Respondent shall not collect any drug screen ordered by the Board of Nursing. Respondent shall contact the drug screening company daily. If selected for testing, Respondent shall present for a drug screen the same day of the notification and shall have two (2) hours to submit a specimen. Dilute specimens will be considered an attempt to alter test results.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Short-term treatment may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify board staff in writing immediately of any acute illness or condition treated with abuse potential substances. Respondent shall ensure that the prescribing practitioner submits a written report to Board staff within ten (10) days of prescribing a controlled or abuse potential substance.
- Respondent shall provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *The Nurse and Professional Behaviors, Substance Abuse, Critical Thinking and Documentation*.

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- Respondent shall request license reinstatement in a registered letter to the Board once compliance with the Board's Order is met.
- Respondent shall submit a personal report to accompany required data to the Board on a quarterly basis.
- Respondent shall ensure that all required reports are submitted to the Board on a quarterly basis.
- 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.
- 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.
- 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 Respondent shall notify each employer of the Board's Order and shall practice under an employer monitored nurse contract. The employer shall submit to the Board a copy of the employer-monitored nurse contract and quarterly Performance Evaluation Reports.
- Respondent shall work under direct supervision in any setting. Direct supervision requires another nurse to be working in the same setting as Respondent and readily available to provide assistance and intervention.
- Respondent shall not be employed in critical care, hospice or home health settings.
- Respondent shall not work outside the State of Arkansas in another compact licensure state.
- Respondent shall request verification of termination of the probationary period in a registered letter to the Board.

Brought by Janice Ivers and seconded by Melanie Garner.

PASSED

Mary Trentham, the Board's attorney, presented consent agreements for reconsideration. Following discussion of each individual agreement, the following motions were passed:

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

Sanders, Christi Lynn, R044642

Violation – ACA § 17-87-309 (a)(6)

Probation – 1 year

Courses – Anger Management, The Nurse and Professional Behaviors, and

Professional Boundaries

Civil Penalty - \$1,000.00

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

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

Deshazier, Travis Fitzgerald, L030618 (expired)

Violation – ACA § 17-87-309(a)(4), (a)(6) and (a)(9)

Probation – 3 years

Course – The Arkansas Nurse Practice Act

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Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

Sue Tedford, Executive Director, MNsc, APRN, brought the following motion:

MOTION: I MOVE that the Arkansas State Board of Nursing distribute funds from the Faith A. Fields Nursing Loan Program for the 2018 Fall Semester, as follows:

New Practice Applicants:

- 1) \$1,200.00 payable to Arkansas State University on behalf of Kelsey Richey;
- 2) \$1,200.00 payable to University of Arkansas at Hope on behalf of Jessica Ridgell;
- 3) \$1,200.00 payable to Arkansas Tech on behalf of Nicole Smith;

Practice Renewal Applicants:

- 1) \$600.00 payable to University of Arkansas in Little Rock on behalf of Amanda Harwell;

New Educator Applicants:

- 1) \$1,500.00 payable to the University of Arkansas for Medical Sciences on behalf of Sara Underwood;
- 2) \$1,500.00 payable to University of Arkansas for Medical Sciences on behalf of Brook Scalzo;
- 3) \$3,000.00 payable to Henderson University on behalf of Lori Lindsey;

Educator Renewal Applicants:

- 1) \$1,500.00 payable to the American Sentinel on behalf of Elizabeth Riley;

Jill Hasley Memorial Scholarship:

The educator student recipient for 2018 is **Susan Ferguson** in the amount of **\$3,000.00** payable to **University of Arkansas in Fayetteville**, and the practice student recipient for 2018 is **Wesley Smith** in the amount of **\$600.00** payable to **University of Arkansas in Little Rock**.

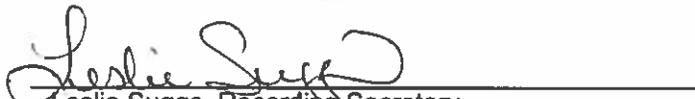
Brought by Pamela Leal and seconded by Scholarship Committee.

PASSED.

There being no further business, the meeting adjourned at 3:19 pm.



Ramonda Housh, President



Leslie Suggs, Recording Secretary

9/13/18

Date Approved