



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: April 11, 2018
Board Conference Room

MEMBERS PRESENT: Ramonda Housh, MNSc, APRN, CNP, C-PNP; Yolanda Green, LPN; Haley Strunk, LPN, Rachel Sims, BSN, RN; 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: None

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
Jim Potter, Regulatory Chief Investigator
Stephanie Johnsen, Legal Support Specialist

President Ramonda Housh called the meeting to order at 8:40 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.

JODI SAVANNAH BRADFORD BALL BRADFORD MACHEN, RN LICENSE NO. R092088 and LPN LICENSE NO. L049286 (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 June 14, 2017, Respondent was found guilty of violating Ark. Code Ann. §17-87-309(a)(4) and (a)(6). Her license was placed on probation for three (3) years subject to the following conditions: Respondent's responsibility is to ensure that all reports are submitted to the Board on a quarterly basis. Respondent must immediately notify the Board in writing of any change, even a temporary one, in name, address, or employer. Respondent shall execute any release necessary to give the Board of Nursing access to records, including but not limited to medical, employment and criminal records. Failure to execute a release shall be grounds for disciplinary action against Respondent's nursing license/privilege. Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state. All costs involved in complying with this Order shall be borne by Respondent. Failure to comply with a signed Consent Agreement may result in the suspension of the nurse's licensure to practice nursing in this state. Respondent shall attend AA/NA, or other Board approved treatment program and must submit quarterly reports to the Board. Respondent

ASBN MINUTES

April 11, 2018

Page 2

shall provide acceptable evidence of attendance. Acceptable evidence shall consist of completion of the disciplinary form: Aftercare Meetings Report. Respondent must maintain an active relationship with a sponsor during the period of probation. It is ordered that Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision. Respondent must submit to observed random drug screens. Drug screens include, but are not limited to urine, hair, and blood. The observed drug screens must meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program, laboratory, and collection site. Contact must be made with a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent cannot submit specimens at Respondent's place of employment or practice site. Respondent cannot collect any drug screen ordered by the Board of Nursing. Respondent must 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 have the specimen collected. 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 considered a course of treatment that is limited in duration. The Respondent shall notify board staff in writing immediately of any acute illness or acute condition that is diagnosed and treated. 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 must provide evidence of successful completion of the Board approved course, *Substance Abuse*, by March 15, 2018. Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis. Respondent must notify each present and future employer in professional nursing of this Order of the Board and the probation conditions on Respondent's license and present to every employer in professional nursing a copy of this Consent Agreement and Order. Respondent, if employed as a nurse, must practice under an employer-monitored nurse contract. A copy of the employer-monitored nurse contract and a quarterly Performance Evaluation Report must be submitted by the employer to the Board. It is the responsibility and duty of Respondent to ensure that the employer submits these documents in a timely fashion. Respondent may not work outside the State of Arkansas in another compact licensure state without written permission of the Arkansas State Board of Nursing and the Board of Nursing in the compact licensure state where Respondent wishes to work. Respondent must work under supervision in any setting. Supervision requires another nurse with at least the same level of licensure to be working in the same setting as Respondent and readily available to provide assistance and intervention. Respondent may not be employed in Home Health, Hospice, or Critical Care. Critical Care includes the areas of ICU, ER, OR, and Recovery Room. Verification of termination of the probationary period shall be requested in a letter to the Board. In addition to the probation imposed above, Respondent was to pay a fine of \$3,000.00 pursuant to Ark. Code Ann. §17-87-104(b)(1). Such fine was payable within fifteen (15) days of receipt of the Order. As of March 9, 2018, the Respondent has failed to comply with any of the terms and conditions of the Consent Agreement that she signed and entered into with the Board on June 14, 2017. Respondent is one hundred percent non-compliant with the terms of the consent agreement.

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 JODI SAVANNAH BRADFORD BALL BRADFORD MACHEN, RN LICENSE NO. R092088 and LPN LICENSE NO. L049286 (EXPIRED), has been charged with violation of terms and of probation and that Respondent's license and privilege to practice as a nurse be suspended two (2) years to be followed by three (3) years probation 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 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 obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report every three (3) months until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.
- 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: *Substance Abuse and The Nurse and Professional Behaviors*.
- 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.

ASBN MINUTES

April 11, 2018

Page 4

- 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

JUDY LYNN COONS ENNIS, RN LICENSE NO. R027420

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, 2017, Respondent was found guilty of violating Ark. Code Ann. §17-87-309(a)(6). Her license was placed on probation for one and one half (1 ½) years subject to the following conditions: Respondent must notify each present and future employer in professional nursing of this Order of the Board and the probation conditions on Respondent's license and present to every employer in professional nursing a copy of this Consent Agreement and Order. Respondent, if employed as a nurse, must practice under an employer-monitored nurse contract. A copy of the employer-monitored nurse contract and a quarterly Performance Evaluation Report must be submitted by the employer to the Board. It is the responsibility and duty of Respondent to ensure that the employer submits these documents in a timely fashion. Respondent must 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 must provide evidence of successful completion of the Board approved course, *The Arkansas Nurse Practice Act and Documentation for Nurses*, by November 15, 2017. Respondent must immediately notify the Board in writing of any change, even a temporary one, in name, address, or employer. Respondent may not work outside the State of Arkansas in another compact licensure state without written permission of the Arkansas State Board of Nursing and the Board of Nursing in the compact licensure state where Respondent wishes to work. Respondent must submit to observed random drug screens. The observed drug screens must meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program, laboratory, and collection site. Contact must be made with a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent cannot submit specimens at Respondent's place of employment or practice site. Respondent cannot collect any drug screen ordered by the Board of Nursing. Respondent must 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 have the specimen collected. 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 considered a course of treatment that is limited in duration. The Respondent shall notify board staff in writing immediately of any acute illness or acute condition that is diagnosed and treated. 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's failure to have the practitioner notify board staff in writing of treatment obtained or proposed shall be considered non-compliance with this agreement and may result in additional disciplinary action of licensure and privilege to practice nursing. Respondent must work under supervision in any setting. Supervision requires another nurse with at least the same level of licensure to be working in the same setting as Respondent and readily available to provide assistance and intervention. Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis. Respondent's responsibility is to ensure that all reports are submitted to the Board on a quarterly basis. Respondent shall execute any release necessary to give the Board of Nursing access to records, including but not limited to medical, employment and criminal records. Failure to execute a release shall be grounds for disciplinary action against Respondent's nursing license/privilege. Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state. All costs involved in complying with this Order shall be borne by Respondent. Failure to comply with a signed Consent Agreement may result in the suspension of the nurse's license to practice nursing in this state. Verification of termination of the probationary period shall be requested in a letter to the Board. In addition to the probation imposed above, Respondent was to pay a fine of \$2,100.00 pursuant to Ark. Code Ann. §17-87-104(b)(1). Such fine was payable within fifteen

(15) days of receipt of the Order. As of March 9, 2018, the Respondent has failed to comply with any of the terms and conditions of the Board's September 13, 2017 Order.

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 **JUDY LYNN COONS ENNIS, RN LICENSE NO. R027420**, has been charged with violation of terms and of probation and that Respondent's license and privilege to practice as a nurse be suspended two (2) years to be followed by three (3) years probation with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$2,625.00 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 obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report every three (3) months until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.
- 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: *Arkansas Nurse Practice Act, Documentation for Nurses, and Substance Abuse*.
- 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.

ASBN MINUTES

April 11, 2018

Page 6

- 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 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:

- Adams, Shanna Marie Nalley Vought Wilkins, R069552 (expired), L037966 (expired)**
Violation – ACA § 17-87-309(a)(2), (a)(4) and (a)(6) (Hot Springs, AR)
Probation – 3 years
Courses – Critical Thinking; Documentation for Nurses; Substance Abuse
- Banning, Jacee Mae, R093982** (Pocola, OK)
Violation – ACA § 17-87-309(a)(6)
Probation – 2 years
Course – Sharpening Critical Thinking Skills
- Brooks, Anna Jeanette Brooks-Williams Brooks Van Dyke, R063857 (expired)**
Violation – ACA § 17-87-309(a)(4), (a)(6), (a)(7) and (a)(8) (Hot Springs, AR)
Probation – 3 years
Course – The Nurse and Professional Behaviors
- Compton, Jannis Kathryn Faust, R072681** (Maumelle, AR)
Violation – ACA § 17-87-309(a)(2), (a)(4) and (a)(6)
Probation – 4 years
Courses – Substance Abuse; The Nurse and Professional Behaviors
Civil Penalty - \$3,000.00
- Earnest, Hollie Kay Swallers Hinkle McLaughlin, A001892 (expired), R064059 (expired), PAC 01759 (surrendered), L037969 (expired)** (Jonesboro, AR)
Violation – ACA § 17-87-309(a)(6)
Probation – 3 years, PAC surrendered 1 year
Course – The Nurse and Professional Behaviors
- Ellis, Cathy Loretta, L024594 (expired)** (Waldron, AR)
Violation – ACA § 17-87-309(a)(6)
Probation – 1 year
Courses – Professional Accountability and Ethics of Nursing Practice

ASBN MINUTES

April 11, 2018

Page 7

- Fleckenstine, Brian Robert, RN Applicant** (North Little Rock, AR)
Violation – ACA § 17-87-309(a)(2)
Probation – 1 year
- Huffman, Jennifer Dee McLeod, R086553** (Blytheville, AR)
Violation – ACA § 17-87-309(a)(4), (a)(6) and (a)(8)
Probation – 3 years
Course – The Nurse and Professional Behaviors
- Huitt, Debra Ann, L051234** (Mabelvale, AR)
Violation – ACA § 17-87-309(a)(6)
Probation – 2 years
Courses – Documentation for Nurses, Patient Privacy, Medication Errors: Detection and Prevention
Civil Penalty - \$1,500.00
- Hunt, Leslie Ann Branson Tucker, R066674 (expired)** (Gillham, AR)
Violation – ACA § 17-87-309(a)(2), (a)(4) and (a)(6)
Probation – 3 years
Course – The Arkansas Nurse Practice Act
Civil Penalty - \$500.00
- Johnson, Terriane Marie, R087674, L046797 (expired)** (Mabelvale, AR)
Violation – ACA § 17-87-309(a)(4) and (a)(6)
Suspension – 6 months
To Be Followed By: Probation – 3 years
Course – The Nurse and Professional Behaviors
Civil Penalty - \$2,000.00
- Kenamer, Cynthia Ann, L050143 (expired)** (Van Buren, AR)
Violation – ACA § 17-87-309(a)(6) and (a)(9)
Probation – 2 years
Course – Substance Abuse
- Litmon-Gray, Carlisa Rene', R091883, L052314** (Sherwood, AR)
Violation – ACA § 17-87-309(a)(2), (a)(4) and (a)(6)
Probation – 2 years
Civil Penalty - \$850.00
- McDaniel, Zachary Paul, L052294 (expired)** (Jonesboro, AR)
Violation – ACA § 17-87-309(a)(4) and (a)(6)
Probation – 2 years
Course – The Arkansas Nurse Practice Act
- Moody, Jill Ann Johnston, R052470 (expired)** (Lonsdale, AR)
Violation – ACA § 17-87-309(a)(4) and (a)(6)
Probation – 5 years
- Pollitzer, Kathryn Elizabeth, R062613** (Little Rock, AR)
Violation – Terms and Conditions
Probation – 1 year
Civil Penalty - \$750.00
- Scott, Stacy Shae, PN Applicant** (Cherokee Village, AR)
Violation – ACA § 17-87-309(a)(2) and (a)(4)
Probation – 1 year
- Thomas, Felicia Marie, L051281** (Sheridan, AR)
Violation – ACA § 17-87-309(a)(4) and (a)(6)
Probation – 3 years
Course – The Nurse and Professional Behaviors
Civil Penalty - \$925.00

Wren, Lauren Nicole Spears, L055032

(Conway, AR)

Violation – ACA § 17-87-309(a)(2), (a)(4) and (a)(6)

Probation – 2 years

Courses – Ethics of Nursing Practice, The Nurse and Professional Behaviors, Preventing Medication Errors, and Documentation for Nurses

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

The meeting recessed for lunch at 11:50 a.m. Following lunch, the Board resumed hearings.

President Ramonda Housh called the meeting to order at 1:05 p.m. A flexible agenda was approved.

KIMBERLY DAWN CURRAN HUNT, LPN LICENSE NO. L044307

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. L044307. On January 26, 2016, Respondent voluntarily surrendered her Oklahoma Practical Nursing License after it was determined that she could not account for multiple doses of Narco 10/325 mg, a schedule II Controlled Dangerous Substance (CDS) medication, while employed at Bear Manor Nursing Home, Hartshorne, Oklahoma. Respondent failed to document the administration of the medication to patients or the wastage of the CDS medications. The patients in question denied getting their medications for pain. Respondent provided false and misleading information on her application for licensure renewal in Arkansas when she checked she was not under investigation in any other state or jurisdiction. Staff have attempted to contact and 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 **KIMBERLY DAWN CURRAN HUNT, LPN LICENSE NO. L044307**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(1) and (a)(8) and that Respondent's license and privilege to practice as a nurse be suspended until she is eligible for an unencumbered license in Oklahoma at which time Respondent may apply for reinstatement of Arkansas license.

Brought by Kaci Bohn and seconded by Michael Burdine.

PASSED

CHARLES HARRISON SANDERS, LPN LICENSE NO. L029607 (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. L029607 (expired). On July 31, 2017, Heritage of Hot Springs, Hot Springs, Arkansas notified Board staff that the Respondent's employment was terminated after a resident fell and Respondent told the resident not to say anything because Respondent did not want to complete the paper work. On August 4, 2017, Board staff discovered that Respondent had entered a guilty plea on August 23, 2006, in the Circuit Court of Hot Springs County, Arkansas, to Aggravated Assault, a class "D" felony. Respondent was sentenced to six (6) years' probation. This crime is a bar to nursing in Arkansas. Respondent falsified his January 30, 2008, application for licensure renewal by answering "no" to the question, "Since your last renewal have you been convicted of a misdemeanor or felony, pled guilty or nolo contendere to any charge in any state or jurisdiction?" On or about August 7, 2017, the Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care issued a founded report against the Respondent for neglect for the incident at Heritage of Hot Springs. Respondent has been added to the Adult Maltreatment Central Registry. Staff have attempted to contact and 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 **CHARLES HARRISON SANDERS, LPN LICENSE NO. L029607 (EXPIRED)**, has been charged with a

violation of Ark. Code Ann. §17-87-309(a)(1), (a)(2) and (a)(6) and Ark. Code Ann. §17-87-312(e)(11) and that Respondent's license and privilege to practice as a nurse be Revoked.

Brought by Rachel Sims and seconded by Lance Lindow.

PASSED

STEPHANY J MARSH BARKER, RN LICENSE NO. R065213

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. R065213. On or about July 2, 2017, South Arkansas Physician Services, El Dorado, Arkansas, notified the Board that the Respondent's random urine drug screen of July 11, 2017, was positive for cocaine. Respondent disclosed that she had used cocaine and was referred to the facilities Employee Assistance Program (EAP). On or about August 18, 2017, Respondent reported to Board staff that she was undergoing treatment for substance abuse and noted that she had an initial screening for outpatient treatment scheduled for August 21, 2017, at Southwest Arkansas Mental Health Center. On December 7, 2017, Board staff received a second complaint from South Arkansas Physician Services, El Dorado, Arkansas, stating the Respondent had tested positive for cocaine again and that her employment had been terminated. Staff have made multiple attempts to contact and 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 **STEPHANY J MARSH BARKER, RN LICENSE NO. R065213**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(4) and (a)(6) and that Respondent's license and privilege to practice as a nurse be suspended one (1) year to be followed by four (4) years probation 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 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 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 follow the evaluator's recommendations regarding treatment and support group meetings. Respondent shall attend three (3) meetings per week until the Board receives the evaluation with recommendations regarding meeting attendance.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report every three (3) months until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.
- 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: *Substance Abuse and The Nurse and Professional Behaviors*.
- 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 four (4) 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

ASBN MINUTES

April 11, 2018

Page 11

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

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the February 14, 2018 and February 15, 2018 meetings.

Brought by Kaci Bohn and seconded by Michael Burdine.

PASSED

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

MOTION: I MOVE that the Arkansas State Board of Nursing make the following change to the Faith A. Fields Nursing Scholarship disbursement for the 2018 Spring Semester, as follows:

- 1) Reduce the amount of the scholarship award from \$1,200.00 to \$600.00 payable to University of Central Arkansas on behalf of Emily Luck.

Brought by Kaci Bohn and seconded by The Scholarship Committee.

PASSED

Alternative to Discipline Program committee will meet immediately following this board meeting.

There being no further business, the meeting adjourned at 3:35 pm.



Ramonda Housh, President



Stephanie Johnson, Recording Secretary

5 / 10 / 18

Date Approved