



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: April 12, 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 8:34 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.

Doris Darcia Woodson, RN ENDORSEMENT APPLICANT AND WAIVER REQUESTED

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Karen McCumpsey, MNSc, RN, CNE, provided testimony on behalf of the Board. Respondent has been charged with Ark Code Ann. §17-87-309(a)(2), (a)(6) and (a)(7), and Ark Code Ann. §17-87-312(e)(28) and (e)(32) and pleads guilty to the charges. Respondent submitted her application for endorsement on or about December 2, 2016. Respondent acknowledged on her application for endorsement that she had a previous criminal history and that Florida PN Nursing license was revoked in Florida on December 31, 1997. Respondent admitted the following: On October 28, 1975, she was convicted of Petit Larceny, a misdemeanor; on October 22, 1987, she plead guilty to Fraud/Forgery: Use of a Driver's License, a misdemeanor; on December 14, 1987, Respondent pled guilty to Fraud/Swindling/Larceny and failure to appear; on May 24, 1988 she pled guilty to Utter Forget Instrument, a misdemeanor; on June 21, 1991, Respondent pled guilty to Cocaine Possession two (2) counts, a felony and Bar to practicing in Arkansas; on May 11, 1993, Respondent pled guilty to all counts of Grand Theft 300 less than 20, Forgery/Uttering, three (3) counts and Uttering Forgery three (3) counts – Grand Theft is a Bar to practicing as a nurse in Arkansas; on January 2, 2003, Respondent plead nolo

contendere to Theft/To Deprive, a misdemeanor; and on May 11, 2010, Respondent was found guilty of Assault on Family member 3rd degree, a misdemeanor. As a Licensed Practical Nurse in Florida the Respondent entered into the Florida Board of Nursing's Intervention Project for Nurses (IPN). It appears that the Respondent entered into the IPN in December 2003 but didn't complete the five (5) year contract. Respondent was licensed as a Registered Nurse by the Florida Board of Nursing in 2016 without an order to participate in their IPN program. Respondent's Florida RN license is clear/active.

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 **Doris Darcia Woodson, RN ENDORSEMENT APPLICANT AND WAIVER REQUESTED**, has been charged with a violation of Ark Code Ann. §17-87-309(a)(2), (a)(6) and (a)(7), and Ark Code Ann. §17-87-312(e)(28) and (e)(32) and that Respondent be GRANTED a waiver to practice nursing pursuant to Ark. Code Ann. §17-87-312. Prior to issuance of a license 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 enter into a Consent Agreement based on evaluator's recommendations.

Brought by Michael Burdine and seconded by Neldia Dycus.

PASSED

HOLLEY ALEECE LAWSON FOWLER, CNP LICENSE NO. A005398, RN LICENSE NO. R092903 and LPN LICENSE NO. L048705 (EXPIRED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Debra Garrett, DNP, APRN, provided testimony on behalf of the Board. On April 7, 2009, the Respondent was issued a Letter of Reprimand (LOR) after it was determined that she had pled guilty to possession of a controlled substance and possession of marijuana, a misdemeanor, on December 3, 2003, in the Harrisburg District Court, Poinsett County, Arkansas. Respondent also pled guilty to possession of a controlled substance in the Circuit Court of Poinsett County, on or about November 8, 2007. Respondent was issued a LOR with conditions. Respondent failed to comply with the conditions of the LOR. On or about November 18, 2009, the Respondent entered into a Consent Agreement with the Board after failing to comply with the terms and conditions of her April 7, 2009 LOR. On or about November 29, 2010, Respondent completed the requirements of her November 29, 2009 Consent Agreement. Respondent now request that the Board grant her a Prescriptive Authority Certificate.

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 **HOLLEY ALEECE LAWSON FOWLER, CNP LICENSE NO. A005398, RN LICENSE NO. R092903 and LPN LICENSE NO. L048705 (EXPIRED)**, be issued prescriptive authority. Upon issuance Respondents Prescriptive Authority Certificate will be placed on probation for eighteen (18) months with the following conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$1,125.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent must immediately notify the Board in writing of any change, even a temporary one, in name or address.

ASBN MINUTES

April 12, 2018

Page 3

- Upon issuance of the Prescriptive Authority Certificate, Respondent shall be monitored by a preceptor who meets the preceptor criteria as specified in the ASBN Rules. Respondent shall cause the preceptor to submit quarterly reports to the Board regarding Respondent's performance in the clinical setting.
- Respondent shall have personal prescriptions monitored through the Prescription Drug Monitoring Program every three (3) months for a period of eighteen (18) months.
- Upon issuance of DEA number, Respondent shall be monitored through the PDMP for prescribing trends, at least every three (3) months for the duration of probation.
- 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 cannot be a preceptor during the period of monitoring by the Board.
- Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis.
- Respondent's responsibility and duty is to insure 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.
- All costs involved in complying with the Board's Order shall be borne by the Respondent.
- 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 cannot 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.

Ramonda Housh has recused herself from this case.

Brought by Janice Ivers and seconded by Melanie Garner.

PASSED

TINA ANNETTE ROBINSON PORTER ANDERSON, LPN LICENSE NO. L036375 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, (see agenda for invest.), provided testimony on behalf of the Board. On September 8, 2016, Respondent was found guilty of violating Ark. Code Ann. §17-87-309(a)(2) and (a)(6) and Ark. Code Ann. §17-87-207(c)(2) and the Board's Rules, Chapter Two, Section VII. Respondent was issued a Letter of Reprimand on September 8, 2016, and ordered to provide evidence of completion within six (6) months of the courses The Nurse and Professional Behaviors and The Arkansas Nurse Practice Act. As of March 16, 2018, Respondent has failed to comply with the terms and conditions of the Board's September 8, 2016, Letter of Reprimand.

ASBN MINUTES

April 12, 2018

Page 4

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 **TINA ANNETTE ROBINSON PORTER ANDERSON, LPN LICENSE NO. L036375 (EXPIRED)**, has been charged with violation of terms and conditions of the September 8, 2016 Letter of Reprimand and that Respondent's license and privilege to practice as a nurse be suspended until the terms of the Letter of Reprimand are met.

Brought by Pamela Leal and seconded by Haley Strunk.

PASSED

The meeting recessed for lunch at 11:33 a.m. Following lunch, the Board resumed hearings.

President Ramonda Housh called the meeting to order at 1:02 p.m. A flexible agenda was approved.

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:

Lentz, Jaclyn Mary Childers, L046001

(Alma, AR)

Violation – Terms and Conditions

Probation – 3 years

Courses – Substance Abuse; The Arkansas Nurse Practice Act

Civil Penalty - \$1,500.00

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

LOURA MAY SIMONS, LPN LICENSE NO. L019843 (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. L019843 (expired). Respondent has had previous disciplinary action taken against her LPN license. On February 9, 2005, Respondent was placed on probation, per a consent agreement, for three (3) years after admitting to drug diversion while employed at Baptist Health, Little Rock, Arkansas. Over a six (6) month period Respondent diverted oxycodone, Mepergan Fortis, hydrocodone, hydromorphone, and temazepam while employed at Baptist Health. On March 8, 2017, Board staff received a complaint from Lonoke Health and Rehabilitation (Lonoke Health), Lonoke, Arkansas. Ashley Thomley, administrator at Lonoke Health, reported that a co-worker asked Respondent for change and noticed a pill the Respondent dropped and kicked under the counter. Staff looked for the pill later but could not locate it. Respondent signed out hydrocodone for Resident G.J. on February 3, 2017, at 1530 and 2000. However the security cameras indicated the Respondent made only one contact with G.J. at 1735. When questioned, Respondent stated she gave two (2) pain pills at once occasionally even without orders to do so. Respondent's employment was terminated. Respondent received multiple warnings while employed at Lonoke Health. The warnings included the following: Failed to notify physician to verify medications for an incoming admission; Resident admitted with a wound and no clarification on wound orders; Respondent faxed x-ray results but did not notify the physician by phone of the abnormal results and she had been in-serviced to do; failed to fax new resident medication list to the pharmacy so the resident would receive her medications timely; and failed to properly document and chart a resident's diet. Between March 9, 2015, and March 9, 2017, Respondent has been prescribed 2,460 doses of hydrocodone/APAP 7.5/325 mg, 453 doses of Lyrica 50 mg tablets, 270 doses of acetaminophen/codeine #3, and 90 doses of hydrocodone/APAP 10/325 mg. Respondent was arrested on October 31, 2014, in Beebe, Arkansas and charged with theft of property, a class "A" misdemeanor. Respondent entered a guilty plea to the charge on April 16, 2015 in the White County

District Court. Respondent failed to report this on her May 9, 2015, application for license renewal. Respondent advised Board staff that she was going to complete an addictive evaluation. As of this date she has failed to complete a proper addictive evaluation. Staff have made multiple attempts to work with Respondent and her attorney.

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 **LOURA MAY SIMONS, LPN LICENSE NO. L019843 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(1), (a)(2), (a)(6) and (a)(9) 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 \$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 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.
- Respondent shall request verification of termination of the probationary period in a registered letter to the Board.

Brought by Michael Burdine and seconded by Kaci Bohn.

PASSED

REGINALD BRIAN FLUKER, LPN LICENSE NO. L034534

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. L034534. On February 26, 2016, Board staff were notified by Jefferson Comprehensive Care, Pine Bluff, Arkansas, that the Respondent had been arrested in Jefferson County, Arkansas and charged with 2nd degree Forgery. On July 12, 2016, Board staff received a complaint from Arkansas Convalescent Center, Pine Bluff, Arkansas stating the Respondent took possession of hydrocodone/APAP 5/325 mg for the facility on July 2, 2016. Respondent failed to secure the drugs, failed to log the drugs into the narcotic log, failed to lock the drugs in the lock box on the med cart, and failed to lock the med cart. Sixty (60) tablets of hydrocodone APAP were unaccounted for. In February 2016 the Drug Enforcement Agency (DEA) arrested the Respondent and charged him with three (3) counts of second degree Forgery from his previous employer. Respondent admitted giving prescriptions of hydrocodone to others to fill after being paid. Respondent's employment with Arkansas Convalescent Center was terminated on July 11, 2016. On August 2, 2016, the Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care, issued a Founded Report against Respondent for Exploitation. Respondent was added to the Adult Maltreatment Registry. On or about September 19, 2017, Respondent entered into a plea of guilty to Possession of a Controlled Substance – Schedule II, not methamphetamine or cocaine, a class "D"

ASBN MINUTES

April 12, 2018

Page 7

felony. Respondent was sentenced to 36 months probation and fines. Respondent also entered a plea of guilty to 2nd Degree Forgery a class "C" felony. The pleas were conducted in the 1st Division Circuit Court of Jefferson County, Arkansas. These pleas are a bar to nursing in Arkansas. Staff have attempted to contact 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 **REGINALD BRIAN FLUKER, LPN LICENSE NO. L034534**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(2) and (a)(6) and Ark. Code Ann. §17-87-312(e)(32) and that Respondent's license and privilege to practice as a nurse be Revoked.

Brought by Neldia Dycus and seconded by Michael Burdine.

PASSED

CANDICE DEANN OVERBY CARTER, RN LICENSE NO. R088098

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. R088098. On or about January 16, 2016, the Oklahoma state Board of Nursing summarily suspended Respondent's Oklahoma Registered Nurse license for conduct which unnecessarily exposed a patient or other person to risk of harm. On or about April 10, 11, 15, 26, 27, and 28, 2014, the Respondent, while working as a staff nurse in the Emergency Department at Deaconess Hospital, Oklahoma City, Oklahoma, removed multiple controlled dangerous substances (CDS) medications for at least three (3) patients without a physician's order. Respondent failed to document the administration or wastage of these CDS medications. In additions Respondent removed CDS medications prior to receiving a physician's order and for patients who had already been discharged from the facility. On or about December 16, 2014, Respondent's employment with the Oklahoma County Jail in Oklahoma City, Oklahoma was terminated. She is not eligible for rehire. Respondent was employed as a Registered Nurse with Armor Correctional Health, Miami, Florida, but her employment there was terminated because of acts related to Case No. CM-2015-984. On or about June 23, 2016, the Respondent entered a plea of guilty to Possession of a Controlled Substance (marijuana). Respondent was ordered by the District Court of Oklahoma County, Oklahoma to serve a three (3) year deferred sentence. This plea is a bar to nursing in Arkansas. On or about June 23, 2016, Respondent entered a plea of guilty in District Court of Oklahoma County, Oklahoma, to Conspiracy to Commit a Misdemeanor: Possession of Contraband in a Penal Institution. On or about December 16, 2016, in the District of Lincoln County Oklahoma, the Respondent pled guilty to Possession of a Controlled Dangerous Substance, morphine, a felony, and to transporting Opened Container of Beer, a misdemeanor. Respondent was sentenced to five (5) years deferred sentence, other conditions and fines. Staff have attempted to contact 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 **CANDICE DEANN OVERBY CARTER, RN LICENSE NO. R088098**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(2), (a)(4), and (a)(7) and Ark. Code Ann. §17-87-312(e)(32) and that Respondent's license and privilege to practice as a nurse be Revoked.

Brought by Neldia Dycus and seconded by Michael Burdine.

PASSED

Fred Knight, General Counsel, JD, brought the following motion::

MOTION: I MOVE that the Arkansas State Board of Nursing rescind Motion #8 (Reginald Brian Fluker, L034534) Revocation.

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

ASBN MINUTES

April 12, 2018

Page 8

There being no further business, the meeting adjourned at 2:45 pm.



Ramonda Housh, President



Stephanie Johnson, Recording Secretary

5/10/18

Date Approved