



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: February 15, 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
Deborah Jones, Assistant Director, MNSc, 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 8:33 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.

WINONA MERIE BRACKEEN, RN LICENSE NO. R104065

Respondent was present for the proceedings before the Board and was not represented by counsel. Karen McCumpsey, MNSc, RN, CNE, provided testimony on behalf of the Board. Respondent had requested a hearing to appeal a Letter of Reprimand and pleads guilty to the charges. Respondent is licensed as a Registered Nurse and holds license number R104065. Respondent received the Letter of Reprimand after it was determined that Respondent submitted false and inaccurate information on her endorsement application for licensure to the Arkansas State Board of Nursing. Specifically, Respondent marked "no" as her answer to the question "Have you ever been convicted of a misdemeanor or felony or pled guilty or nolo contendere to any charge in any state or jurisdiction?" In fact, on or about July 11, 1990 the Respondent was found guilty of Remain at the Scene of Riot, and Disorderly Conduct – Begging in the Municipal Court of Los Angeles, California. This was a violation of Ark. Code Ann. §17-87-309(a)(1) and (a)(2) and Arkansas State Board of Nursing Rules.

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 **WINONA MERIE**

BRACKEEN, RN LICENSE NO. R104065, had requested a hearing to appeal a Letter of Reprimand and Respondent's Board Letter of Reprimand issued on June 5, 2017 be upheld.
Brought by Michael Burdine and seconded by Neldia Dycus.
PASSED

STEPHANIE ANN GRIFFIN LYONS, RN LICENSE NO. R089546

Respondent was not present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, Pharmacy Services and Lisa Wooten, MNSc, RN, provided testimony on behalf of the Board. Respondent is licensed as a Registered Nurse and holds License No. R089546. On or about February 8, 2017, Melissa Cole, Human Resource Director, HealthSouth Rehab Hospital (HealthSouth), Fayetteville, Arkansas, reported to Board staff that the Respondent's employment with HealthSouth had been terminated due in part to Respondent's mismanagement of controlled substances and activity consistent with drug diversion. Respondent was hired by HealthSouth as a Registered Nurse on April 17, 2012. Respondent received verbal warnings for excessive absences and tardiness on December 31, 2013, and September 11, 2016. Respondent received a written warning for excessive absences and tardiness on December 5, 2016. Respondent received a written warning on July 12, 2016, due to a patient complaint concerning the administration of pain medications. It was discovered that Respondent was documenting in the Medication Administration Record (MAR) when she pulled the narcotics versus when the narcotics were actually administered to the patients. It was also noted that the Respondent was not wasting narcotic properly. The patient in question stated he did not get his pain medications even though Respondent had pulled the narcotic in question. Respondent also stated she gave the patient's narcotics to the wrong patient. On February 3, 2017, the Proactive Diversion Report established that the Respondent was pulling the highest number of narcotics at +4 standard deviations above the mean. On February 6, 2017, it was determined that Respondent's narcotic medication practices would be monitored to see if there was a problem. Respondent's employment was terminated after twenty-three (23) narcotics were found on Respondent's person even though she had already documented the narcotics as given. The drugs found on Respondent on February 6, 2017, were alprazolam, clonazepam, hydrocodone, meperidine, Ritalin, oxycodone, and Tramadol. Respondent's Pharmacy Computer printout established that between June 8, 2015, and April 18, 2017, Respondent obtained twenty-six (26) prescriptions for alprazolam for a total of 1,560 tablets; two (2) hydrocodone prescriptions for twenty-four (24) tablets; twenty-six (26) zolpidem for 780 tablets. 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 **STEPHANIE ANN GRIFFIN LYONS, RN LICENSE NO. R089546**, 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 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 \$4,338.00 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 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 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, and Medication Errors*.
- 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.

TANYA LYNNE FREYTAG RAMIREZ, LPN LICENSE NO. L045238 (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. L045238. On or about March 18, 2017, Board staff received a complaint alleging the Respondent "is in and out of Green County jail and is an avid drug user." On or about March 28, 2017, Board staff received Sentencing Order from the Circuit Court of Green County, Arkansas. The Orders noted that on October 3, 2016, Respondent entered a negotiated plea of guilty to Possession of a Controlled Substance, Scheduled I or II, Methamphetamine or Cocaine, a Class "C" Felony, in case number 28CR-16-206 and in case number 28CR-16-461. Respondent was sentenced to forty-eight (48) months probation, and assessed fines and court cost. This conviction is a bar to the practice of nursing in Arkansas. In addition to the above, Respondent has pending felony drug charges in Green County, Arkansas, Circuit Court for Possession of Meth and Possession of Drug Paraphernalia. Board staff discovered Respondent was convicted June 5, 2008, of Obstructing Governmental Operations; August 31, 2015, Respondent was convicted of Obstructing Governmental Operations; and on September 29, 2016, Respondent was convicted of Possession of an Instrument of Crime. Respondent also failed to report her criminal history at the time on her December 31, 2008, renewal application. 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 **TANYA LYNNE FREYTAG RAMIREZ, LPN LICENSE NO. L045238 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(1), (a)(2), (a)(4) and Ark. Code Ann. § 17-87-312(e)(28) and that Respondent's license and privilege to practice as a nurse be Revoked.

Brought by Neldia Dycus and seconded by Michael Burdine.

PASSED

AMY DENISE GARDNER SHOCKLEY GARDNER, CNP LICENSE NO. A005014 (EXPIRED) and RN LICENSE NO. R056851 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Debbie Garrett , provided testimony on behalf of the Board. Respondent is licensed as a Certified Nurse Practitioner and Registered Nurse and holds license numbers A005014 (expired) and R056851 (expired). Respondent received the Letter of Reprimand after the Respondent provided false and inaccurate information on her application for licensure as an Advanced Practice Registered Nurse to the Board on or about March 18, 2016. On Respondent's application for licensure she marked "no" as her answer to the question "Have you ever been convicted of a misdemeanor or felony or pled guilty or nolo contendere to any charge in any state or jurisdiction?" In fact, on or about October 8, 2013, Respondent entered a plea of guilty in the 39th Judicial Circuit Court of Barry County, Missouri, to Passing Bad Check, a Class "A" misdemeanor. This was a violation of Ark. Code Ann. §17-87-309(a)(1) and (a)(2) and Arkansas State Board of Nursing Rules, Chapter Seven, Section IV A.1.a and A.2.

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 **AMY DENISE GARDNER SHOCKLEY GARDNER, CNP LICENSE NO. A005014 (EXPIRED) and RN LICENSE NO. R056851 (EXPIRED)**, had requested a hearing to appeal a Letter of Reprimand and that the Respondent's request to appeal a Letter of Reprimand be dismissed for failure to appear at the hearing held February 15, 2017.

Brought by Kaci Bohn and seconded by Michael Burdine.

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:

Wagner, Patricia Ann Danley Dunavant Reubendale Green, L030621 (Waldron, AR)
Violation – ACA § 17-87-309 (a)(1) and (a)(6)
Probation – 1 year
Courses – Ethics of Nursing Practice and The Arkansas Nurse Practice Act
Civil Penalty - \$800.00

Brought by Yolanda Green and seconded by Melanie Garner.

PASSED

The meeting recessed for lunch at 10:45 p.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.

NIKKI NICHOLE TIPTON CALHOUN, LPN LICENSE NO. L045826 (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. L045826 (expired). On or about March 21, 2017, Board staff received a complaint against the Respondent from the 16th Judicial District Drug Task Force. It was reported that Respondent had been arrested for multiple narcotics related felony offenses. The probable cause Affidavit from the Prosecuting Attorney's Office for the 16th Judicial District, Independence County, Arkansas alleged the following: Respondent was charged with twenty-three (23) counts of Prescription Fraud to Obtain a Schedule II Controlled Substance, a Class "C" Felony. Investigators were contacted by Dr. Franklin Bivins on December 20, 2016. Dr. Bivins reported Respondent has been writing unauthorized prescriptions for controlled substances and passing them at multiple pharmacies. The prescriptions were for Hydrocodone, Morphine, and Oxycodone. The prescriptions were written to Respondent, her boyfriend, and one other person. Dr. Bivins did not authorize these prescriptions. On January 24, 2017, Investigators interviewed Respondent. Respondent stated, "...she had a pill problem and that she used Oxycodone and Hydrocodone...". Respondent further admitted writing multiple prescriptions for Oxycodone and Hydrocodone for her boyfriend. Respondent additionally admitted writing prescriptions for herself for Oxycodone, Morphine, and Tylenol with Codeine on multiple occasions. Respondent fraudulently obtained a total of twenty-three (23) Schedule II Controlled Substance prescriptions between December of 2015 and December of 2016. Respondent was arrested following the interview. Respondent was not a licensed Advanced Practice Nurse and did not have prescriptive authority as required by Arkansas Law. Respondent was practicing outside the scope of her practice by writing prescriptions for controlled substances for herself and others. On or about May 31, 2017, in the Circuit Court of Cleburne County, Arkansas 4th Division, Respondent plead guilty to two (2) counts of Prescription Fraud, a Class "C" felony. Respondent was sentenced to seventy-two (72) months' probation and fined \$3,395.00. This conviction is a bar to the practice of Nursing in Arkansas under Ark. Code Ann. § 17-87-312 (e)(28). 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 **NIKKI NICHOLE TIPTON CALHOUN, LPN LICENSE NO. L045826 (expired)**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(2), (a)(4), and (a)(6) and Ark. Code Ann. § 17-87-312 (e)(28) and that Respondent's license and privilege to practice as a nurse be Revoked.

Brought by Lance Lindow and seconded by Rachel Sims.

PASSED

BLANCHE KIMBERLY HARTZELL NORTON (SCHILT), RN LICENSE NO. R035374 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Deborah Jones, MNsc, RN, provided testimony on behalf of the Board. Respondent is licensed as a Registered Nurse and holds License No. R035374 (expired). On or about December 16, 2016, Respondent voluntarily surrendered her Wyoming RN and APRN licenses. Respondent surrendered her Wyoming licenses after it was reported that Respondent was impaired at work and that her drug screen was positive for propofol. On or about January 3, 2017, Respondent voluntarily surrendered her Arizona RN license and Advanced Practice Certificate for at least three (3) years. On or about June 23, 2017, Respondent voluntarily surrendered her California RN license and Nurse Anesthetist Certificate for a minimum of two (2) years. On or about September 14, 2017, Respondent's Ohio RN license was suspended indefinitely. Board staff have made multiple attempts 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 **BLANCHE KIMBERLY HARTZELL NORTON (SCHILT), RN LICENSE NO. R035374 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(6) and (a)(7) and that Respondent's license and privilege to practice as a nurse be Revoked.

Brought by Neldia Dycus and seconded by Michael Burdine.

PASSED

PATRICIA ANN EASLEY KENNEDY FRANKLIN WILLIAMS, LPN LICENSE NO. L035139 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Deborah Jones, MNsc, RN, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L035139 (expired). On March 30, 2017, Board staff was notified of disciplinary action in another jurisdiction. On or about March 21, 2017, after an open meeting, the Texas Board of Nursing revoked the Respondent's Texas LPN license and Privilege to Practice (PTP) in Texas on her Arkansas LPN license for the following reason: On or about May 2, 2016, while utilizing a PTP nursing from the State of Arkansas and employed with The Villa at Texarkana, Texas, Respondent opened the mouth of Resident SR, tilted the resident's head back while holding her nose, and then poured medications and water into the resident's mouth and told the resident to swallow if she wanted to breathe. Respondent subsequently admitted to the conduct and stated that she should not have done it. Respondent's conduct was likely to injure the resident in that it could have result in the resident suffering from adverse reactions and/or physical metal or emotional harm. 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 **PATRICIA ANN EASLEY KENNEDY FRANKLIN WILLIAMS, LPN LICENSE NO. L035139 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(6) and (a)(7) 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 must pay a civil penalty of \$1,500.00 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.
- 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 must provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *The Nurse and Professional Behaviors and Anger Management*.
- Respondent must appear for license reinstatement once compliance with the Board's Order is met. A hearing may be requested in a registered letter to 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 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.

Brought by Janice Ivers and seconded by Melanie Garner.

PASSED

CARLOS RAMOS – RODRIGUEZ, LPN LICENSE NO. L053412

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 number L053412. Respondent received the Letter of Reprimand after it was determined that the Respondent failed to assess and evaluate a patient's status, failed to institute nursing interventions which might be required to stabilize a patient's condition or prevent complications, failed to supervise staff to whom nursing functions had been delegated or assigned. Specifically, on August 5, 2016, Respondent was employed by Northwest Arkansas Therapy and Living Center in Rogers, Arkansas. A resident diagnosed with Congestive Heart Failure had an order for oxygen by nasal cannula with activity. Respondent failed to ensure that a Certified Nursing Assistant used portable oxygen to shower the resident. The resident complained of shortness of breath and tightness of the chest. Respondent asked a Supervisor to evaluate the resident. The resident was transported to the hospital where he later died. This was a violation of Ark. Code Ann. §17-87-309(a)(6) and Arkansas State Board of Nursing Rules, Chapter Seven, Section IV, A.6.

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 **CARLOS RAMOS – RODRIGUEZ, LPN LICENSE NO. L053412**, had requested a hearing to appeal a Letter of Reprimand and that the Respondent's request to appeal a Letter of Reprimand be dismissed for failure to appear at the hearing held February 15, 2017.

Brought by Michael Burdine and seconded by Kaci Bohn.

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:

Leflar, Ruth Esther, L044229

(Fayetteville, AR)

Violation – ACA § 17-87-309 (a)(6)

Probation – 2 years

Course – The Nurse and Professional Behaviors

Civil Penalty - \$1,500.00

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 approve the Grant Agreement (Grant Contract Number; ASBN2018-001) between the Arkansas State Board of Nursing and the Arkansas Center for Nursing, Inc.

Brought by Kaci Bohn and seconded by Michael Burdine.
PASSED

There being no further business, the meeting adjourned at 2:52 pm.



Ramonda Housh, President



Stephanie Johnsen, Recording Secretary



Date Approved