



BOARD MEETING MINUTES

TIME AND PLACE: January 8, 2020
Board Conference Room

MEMBERS PRESENT: Michael Burdine, RN; Lance Lindow, RN; Janice Ivers, MSN, RN, CNE; Stacie Hipp, APRN; Neldia Dycus, BS, MHSM, MHRD, RN; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Yolanda Green, LPN; Ramonda Housh, MNsc, APRN, CNP, C-PNP; Rachel Sims, BSN, RN

MEMBERS ABSENT: None

STAFF ATTENDING AT VARIOUS TIMES: Sue A. Tedford, 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
Tonya Gierke, Assistant Director, JD, BSN, RN
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Deborah Rodgers, Program Coordinator, MSN, RN
Brandon Grimes, Chief Investigator
Susan Lester, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Leslie Suggs, Legal Support Specialist
Corrie Edge, Legal Support Specialist

President Michael Burdine called the meeting to order at 8:39 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.

ANGELA SUE REED NESTLER, LPN LICENSE NO. L047033 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. On January 2, 2018, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(2) and (a)(6), and the Board's Rules, Chapter Seven, Section IV(A)(2) and (A)(6)(t). Respondent was issued a Letter of Reprimand on January 2, 2018, and ordered to provide evidence of completion of the Board approved courses: Documentation for Nurses, Anger Management, and Ethics of Nursing Practice. As of December 13, 2019, Respondent has failed to comply with the terms and conditions of the Board's January 2, 2018, Letter of Reprimand.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **ANGELA SUE REED NESTLER, LPN LICENSE NO. L047033 (EXPIRED)**, the Arkansas State Board of Nursing finds that Respondent has violated the terms and conditions of their Board order and that the Board suspend the license and privilege to practice nursing until the terms of their Letter of Reprimand are met.

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Brought by Ramonda Housh and seconded by Rachel Sims.

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, David Burton, R051585** (Hot Springs, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(2), (a)(7) and (a)(8)
Probation – 1 year
- Banning, Jacee Mae, R093982** (Ft. Smith, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)
Probation – 1 year
- Borchers, Heather Dawn Smith, R088694, L049284** (Harrison, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(9)
Probation – 2 years
Course – *The Nurse and Professional Behaviors*
- Boyd, Melissa Lynn, R086409** (Ash Flat, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(2), (a)(6) and (a)(8)
Probation – 2 years
Course – *Documentation for Nurses*
Civil Penalty – \$900.00
- Burkhart, Diane M. Wenrick, R097678, L036415** (Cave City, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)
Probation – 1 year
Course – *Sharpening Critical Thinking Skills*
Civil Penalty – \$750.00
- Charleville, Kelly Marie Winter, R076848, L041217** (Grapevine, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(8)
Probation – 2 years
- Foster, Catherine Therese, R100938** (Williford, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(9)
Probation – 1 year
Course – *Disciplinary Actions: What Every Nurse Should Know*
- Gilbert, Jacob Lyle, R101783** (Russellville, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)
Probation – 1 year
Course – *Documentation for Nurses*
Civil Penalty – \$650.00
- Hayes, Carolyn Diane, R084663, L020148** (Heber Springs, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(8)
Probation – 2 years
- Mason, Connie Elizabeth Hoover, R084976, L041464** (Winthrop, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6) and (a)(7)
Probation – 3 years
Course – *The Nurse and Professional Behaviors; Ethics of Nursing Practice; Sharpening Critical Thinking Skills, and Advanced Fetal Monitoring*

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Mendoza, Erica Marie, PN Applicant (Ft. Smith, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(2)

Probation – 1 year

Paulman, Sasha Lee Logan Dunn, L033353 (Forrest City, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)

Probation – 1 year

Course – *Documentation for Nurses*

Civil Penalty – \$700.00

Pless, Tori Lynn Lawson Congolani, L040367 (McGehee, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)

Probation – 4 years

Course – *The Nurse and Professional Behaviors*

Civil Penalty – \$3,612.00

Sutton, Jennifer Marie, R081589 (Greenwood, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(9)

Probation – 1 year

Course – *The Nurse and Professional Behaviors*

Tibbs, Desiree Nicole Demchak, L049569 (Rogers, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(8)

Probation – 2 years

Ward, Christina Pruitt Rose Vaughn Rose, L038752 (Van Buren, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)

Probation – 3 years

Course – *The Nurse and Professional Behaviors, Preventing Medication Errors, Documentation for Nurses*

Civil Penalty – \$3,000.00

Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

The meeting recessed for lunch at 10:00 a.m. Following lunch, the Board resumed hearings.

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

DEBRA ANN IRBY STEWART, LPN LICENSE NO. L036568 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Respondent is licensed as a Licensed Practical Nurse and holds license number L036568. Respondent received the Letter of Reprimand after she plead nolo contendere to one (1) count of Theft of Property, a Class "A" misdemeanor, in the Circuit Court of Pulaski County, Arkansas, Division 4. Respondent was placed on probation and ordered to pay fines and cost. This was a violation of Ark. Code Ann. § 17-87-309(a)(2) and Arkansas State Board of Nursing Rules.

MOTION: I MOVE to dismiss the Appeal of the Reprimand on 01/08/2020 on Ms. Debra Ann Irby Stewart, L036568 (EXP).

Brought by Lance Lindow and seconded by Melanie Garner.

PASSED

WESLEY KIRK, RN LICENSE NO. R103330

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. Respondent is licensed as a Registered Nurse and holds License No. R103330. On March 14, 2019, Board staff received a complaint on Respondent from Oklahoma University Medical Center where he was on assignment with Health Trust through a contract with travel Nurse Across America. Respondent's contract was cancelled when he

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refused to submit to a for cause urine drug and alcohol test. The complaint was sent to the Oklahoma Board of Nursing where it is still under investigation. On or about July 25, 2019, Board staff received a second complaint from Lauren Buker, Physician's Specialty Hospital, Fayetteville, Arkansas, stating Respondent's for cause urine drug screen had tested positive for marijuana, opiates, benzodiazepines, and amphetamines. On or about July 8, 2019, Theresa Clark, RN, reported to her supervisors at Physician's Specialty Hospital that Respondent was extremely moody, rude, and very passive aggressive when asked to do a task. Clark also stated Respondent appeared to be hungover or on some type of drug. Clark stated she had seen Respondent pull-up drugs away from the camera and then put something in his backpack. Stephanie Woods reported seeing Respondent putting things in his pockets and backpack while attending patients; going through Omnicell looking at medications; going to the restroom with a full syringe of medication; and turning his back to the camera when pulling medications. Ms. Wood's and Ms. Clark's reports were corroborated by Samantha Foresee, RN, PACU charge nurse. Respondent disclosed that he was currently taking without a valid prescription: marijuana, opioids, benzo, and Adderall. 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 **WESLEY KIRK, RN LICENSE NO. R103330**, 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 two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$3,750.00, plus any outstanding balance associated with previous disciplinary action.
- Respondent shall provide evidence of a comprehensive assessment for substance use disorder within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an evaluation with appropriate testing by an evaluator, who meets the Board approved criteria and specializes in addiction disorders. Respondent shall supply a copy of the Board's order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall ensure the evaluator sends the report directly to the Board.
- Respondent shall attend AA/NA, or other Board approved counseling / support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program. 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 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. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication 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 within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
- 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

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drug screen monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following Board order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.

- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): Substance Abuse; Anger Management; and Nurse and Professional Behaviors. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- 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 ensure that all reports, of Respondent and the employer, are submitted quarterly.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's order.
- Respondent shall request license reinstatement to the Board via the Arkansas Nurse Portal once compliance with the Board's suspension order is met.
- A probation period of three (3) year(s) 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. The Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the state of Arkansas. Respondent may submit the *Multistate Nursing License Application* after successful completion of probation to determine if license qualifies for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Board order. Respondent shall have employer sign and submit directly to the Board the document, *Employer Acknowledgement*.
- Respondent shall have their employer submit directly to the Board a *Performance Evaluation Report* quarterly.
- Respondent shall not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention.
- Respondent shall not be employed in critical care, in-home hospice or home health settings.
- Respondent shall notify the Board within ten (10) days, via the Arkansas Nurse Portal, of any change, even a temporary one, in name, address, or employer.
- Respondent shall request verification of termination of the probationary period via the Arkansas Nurse Portal.

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- 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 Ramonda Housh and seconded by Rachel Sims.

PASSED

Mary Trentham presented the following consent agreements. 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:

Hall, Candace Elaine, L054990

(Jacksonville, AR)

Violation - *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(6) and (a)(8)*

Probation - 3 years

Courses - Ethics of Nursing Practice; Medication Errors: Causes and Prevention; Sharpening Critical thinking Skills

Civil Penalty - \$450.00

Kemper, Kayla Lenee Sartin, L054839

(Calico Rock, AR)

Violation - *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*

Probation - 2 years

Course - *Documentation for Nurses; The Nurse and Professional Behaviors*

Civil Penalty - \$2,100.00

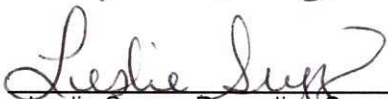
Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

There being no further business, the meeting adjourned at 2:50 pm.



Michael Burdine, President



Leslie Suggs, Recording Secretary



Date Approved