



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: January 9, 2019
Board Conference Room

MEMBERS PRESENT: Ramonda Housh, MNsc, APRN, CNP, C-PNP; Yolanda Green, 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; Lance Lindow, RN; Jasper Fultz, LPN

MEMBERS ABSENT: Kaci Bohn, PhD, Consumer Representative

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
Tonya Gierke, Assistant Director, JD, BSN, RN
Debra Garrett, Program Coordinator, DNP, APRN
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Deborah Rodgers, Program Coordinator, MSN, RN
Susan Lester, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Leslie Suggs, Legal Support Specialist
Corrie Edge, Legal Support Specialist

President Ramonda Housh called the meeting to order at 8:30 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.

VALERIE LYNETTE WALK, MISSISSIPPI RN LICENSE NO. 884277

Respondent was present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, and Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent requested a hearing to appeal a Cease and Desist Order issued by Sue Tedford, MNsc, APRN, Executive Director, on July 13, 2018. Respondent was charged with a violation of § 17-87-309(a)(6), § 17-87-601 *et seq.*, and Arkansas State Board of Nursing Rules and Regulations, and pleads guilty to the charges. Respondent is licensed as a Mississippi Registered Nurse and holds Mississippi Registered Nurse license number 884277. Respondent was working in Arkansas pursuant to the Nurse Licensure Compact, Ark. Code Ann. § 17-87-601 *et seq.* Respondent received the Cease and Desist Order after an investigation of a complaint against the Respondent established the following: Respondent is the holder of Mississippi Multistate RN license number 884277 issued by exam on January 28, 2010. Jefferson Regional Medical Center in Pine Bluff, Arkansas, employed Respondent through TruStaff Traveling Nursing in Cincinnati, Ohio, for a thirteen week contract from June 19, 2017 to December 23, 2017. On or about December 27, 2017, the housekeeper at Margland Inns discovered a

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bottle of morphine that had been opened, several small green and white colored caps, and an unopened saline flush in the room where Respondent had been staying since August 14, 2017. On or about January 2, 2018, the owner of Margland Inns contacted Jefferson Regional Medical Center and reported the findings. The Inn owner reports Respondent did not want anyone to clean her room. Hospital staff conducted a controlled substance activity audit for Respondent. The audit indicated Respondent's charting of pain medications was not in compliance and she frequently used over-ride to access medications. An investigator from Pharmacy Services, Arkansas Department of Health, conducted an audit and 36mg of morphine is unaccounted for. This was a violation of Ark. Code Ann. § 17-87-309(a)(6), § 17-87-601 *et seq.*, and Arkansas State Board of Nursing Rules and Regulations.

MOTION: I MOVE that Arkansas State Board of Nursing uphold the Cease and Desist Order for VALERIE LYNETTE WALK, MISSISSIPPI RN LICENSE NO. 884277.

Brought by Yolanda Green and seconded by Rachel Sims.

PASSED

SHERRY ELAINE WADDELL NUNLEY, LPN LICENSE NO. L045402 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, and Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L045402 (expired). The Tennessee State Board of Nursing notified the Arkansas State Board of Nursing that Respondent's Privilege to Practice authority to practice nursing in Tennessee had been revoked due to Respondent's violation of TENN. CODE ANN. § 63-7-115(a)(1)(F), unprofessional conduct. The investigation established the following: On September 27, 2016, the Respondent was hired by Laughlin Healthcare Center, Greenville, Tennessee. On May 15, 2017, Patient RW reported to Heather Brashears, RN, Nurse Manager, that Respondent gave her a pill with L484 printed on it, later identified as acetaminophen (Tylenol) 500 mg, instead of the hydrocodone ordered for RW. Patient RW suspected her earlier dose of hydrocodone was also acetaminophen as she did not experience any pain relief after the dose. Respondent reported she had given Patient RW her (Respondent's) Tylenol instead of the ordered hydrocodone by mistake. Respondent stated she also had a prescription for hydrocodone. On May 15, 2017, Respondent documented administration of lorazepam and tramadol to Patient RC. Patient RC's urine drug screen tested negative for benzodiazepines and opiates. On May 18, 2017, Respondent's for cause urine drug screen tested positive for benzodiazepines (Lorazepam) at 1,360 ng/mL. On May 23, 2017, Respondent's employment with Laughlin was terminated. On May 25, 2017, Respondent submitted prescriptions for hydrocodone/APAP and Ativan (Lorazepam). It was noted that the prescriptions were issued on May 24, 2017, six (6) days "after" Respondent's urine drug screen. Respondent has provided false, misleading, and inaccurate information on her application for employment. Staff have attempted to contact the Respondent and work with her.

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 SHERRY ELAINE WADDELL NUNLEY, LPN LICENSE NO. L045402 (EXPIRED), has been charged with a violation of Arkansas Code Annotated § 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, 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 \$4,375.00, 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

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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; 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.

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- 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 Lance Lindow.

PASSED

TRACY GAIL BOWERS WILLIAMS, RN LICENSE NO. R052411 (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. Respondent is licensed as a Registered Nurse and holds License No. R052411 (expired). On or about October 5, 2018, the Maumelle Police Department notified the Board that the Respondent had been arrested for Possession of Methamphetamine and Possession of Drug Paraphernalia. On or about January 29, 2018, in the Circuit Court of Pulaski County, Arkansas, 1st Division, Respondent entered a negotiated plea of guilty to Possession of a Schedule I or II Controlled Substance, Methamphetamine or Cocaine, a Class "C" felony, and Possession of a Controlled Substance, Schedule I or II, not Methamphetamine or Cocaine, a Class "D" felony. Respondent was placed on probation for 48 months, fined \$1,000.00 and court costs. These convictions constitute a bar to the practice of nursing pursuant to Ark. Code Ann. § 17-87-312(e)(32). Staff have attempted to contact the Respondent and work with her.

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 **TRACY GAIL BOWERS WILLIAMS, RN LICENSE NO. R052411 (EXPIRED)**, pleaded guilty or nolo contendere to, or has been found guilty of a crime making them ineligible to hold a nursing license as cited in Arkansas Code Annotated § 17-87-312 and § 17-87-309(a)(2) and (a)(6), and that the Board revoke Respondent's nursing license(s) and/or privilege to practice nursing.

Brought by Janice Ivers and seconded by Lance Lindow.

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:

Ayers, Tina Johnny Ayers Bill, R079728 (Horatio, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(u)
Probation – 1 year
Course – Sharpening Critical Thinking Skills
Civil Penalty - \$750.00

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- Briggs, Robin Lee, R084028 (Mountain View, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(2)
Probation – 1 year
Course – Sharpening Critical Thinking Skills
Civil Penalty - \$750.00
- Clifton, Amanda Kaye, L053058 (Hope, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(2), (A)(4),
(A)(6), (A)(9)
Probation – 1 year
Course – Sharpening Critical Thinking Skills
- Coleman, Katrina Anette, L054689 (Batesville, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(c), and
(A)(9)(e)
Probation – 1 year
Course – Documentation for Nurses
Civil Penalty - \$1,480.00
- Ellis, Quana LaCol, L047915 (expired) (Ashdown, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(4), (A)(6)(u)
and (A)(9)(e)
Probation – 3 years
Course – The Nurse and Professional Behaviors
- Emerson, Jennifer Marie, R078192 (Little Rock, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV (A)(6)(p)
Probation – 1 year
Course – The Nurse and Professional Behaviors
Civil Penalty - \$750.00
- Garrison, Christie Lee Queen Mason Todd, L041226 (expired) (Melbourne, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(u) and
(A)(9)(e)
Probation – 1 year
Course – Substance Abuse and Addiction
- Jacks, Dennis William, C002870, R070488 (White Hall, AR)
ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(c)
Probation – 2 years
Courses – The Nurse and Professional Behaviors, and Documentation for Nurses
Civil Penalty - \$2,000.00
- Stacie Hipp has recused herself from this case.**
- Kaufman, Lisa Gail Hoggard, R055401 (Maumelle, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(4), (A)(6)(d)
and (A)(9)(e)
Probation – 3 years
- Kieselhorst, Taira Renea, R089079 (Bryant, AR)
ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(9)(e)
Suspension – 6 months, to be followed by
Probation – 4 years
Civil Penalty - \$1,500.00
- Long, Marissa Ann, PN Applicant (Bella Vista, AR)
ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(2)
Probation – 1 year

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- Lossing, Chase Jacob, L057130 (Rogers, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(2) and (A)(9)(e)
Probation – 2 years
- McAllister, Randy Don, R105319 (Fort Smith, AR)
ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(u)
Probation – 1 year
Course – The Nurse and Professional Behaviors
Civil Penalty - \$750.00
- Mondragon, Hernan Roman, R106863 (Montrose, AR)
ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(p)
Probation – 2 years
Course – The Nurse and Professional Behaviors
- Myers, Joshua Ryan, R101141 (Hackett, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(2) and (A)(6)(u)
Probation – 1 year
Course – The Nurse and Professional Behaviors
- Newcomb, Andrea Paige, L053853 (Benton, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(e)
Probation – 1 year
- Smith, Tammy Jean Edwards Fuller, L033837 (Huntsville, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(1), (A)(2) and (A)(6)(c)
Probation – 2 years
Course – Documentation for Nurses
Civil Penalty - \$375.00
- Spooner, Mary Elizabeth, R037289 (El Dorado, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(p)
Probation – 1 year
Course – The Nurse and Professional Behaviors
Civil Penalty - \$750.00
- Steele, Amy Nicole, L046266 (Fort Smith, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(6)(b), (d), and (q)
Probation – 3 years
Courses – The Nurse and Professional Behaviors, Documentation for Nurses, Elder Care, Medication Errors: Detection and Prevention, and Geriatric Assessment
Civil Penalty - \$3,000.00
- Townsend, Caroline Walker, R089235, L049981(expired) (Mountain View, AR)
Violation – ACA §17-87-309 and Rules, Chapter Four, Section IV(A)(2), (A)(4) and (A)(6)(u)
Probation – 2 years
Course – The Nurse and Professional Behaviors

Brought by Melanie Garner and seconded by Michael Burdine.

PASSED

Tonya Gierke, Assistant Director, presented information regarding an individual applicant for the ArNAP program that is currently being prescribed Gabapentin by a treating physician, and after discussion, the following motion was presented:

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MOTION: I MOVE that the Arkansas State Board of Nursing approve Wanda Koelling, RN License No. R043241, to be admitted into the ArNAP Program while taking Gabapentin as prescribed.

Signed by Yolanda Green and seconded by Michael Burdine.

PASSED

The meeting recessed for lunch at 12:00 p.m. Following lunch, the Board resumed hearings.

President Ramonda Housh called the meeting to order at 1:00 p.m. A flexible agenda was approved.

MARC ALLEN THOMPSON, RN LICENSE NO. R041362

Respondent was 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 has been charged with Ark. Code Ann. § 17-87-309(a)(2), (a)(4) and (a)(6), and Ark. Code Ann. § 17-87-312(e)(22), and pleads guilty to the charges. Respondent is licensed as a Registered nurse and holds license number R041362. On or about February 5, 2018, Board staff received an on-line complaint stating the Respondent had two (2) past convictions for 2nd Degree Endangering the Welfare of a Minor. On November 8, 2001, in the Circuit Court of Pulaski County, Arkansas, 7th Division, Respondent was found guilty of 2nd Degree Endangering the Welfare of a Minor. On November 18, 2002, Respondent was found guilty of DWI in the District Court of Conway, Arkansas. On May 8, 2003, in the District Court of Conway, Arkansas, Respondent was found guilty of Endangering the Welfare of a Minor, 2nd Degree. On February 18, 2016, in the District Court of Franklin County, Arkansas, the Respondent was found guilty of DWI. On March 21, 2018, staff contacted the Respondent and requested that he respond to the allegations, submit employment and pharmaceutical records, and complete a criminal background check. Respondent completed the request and obtained an addictive evaluation. Respondent is requesting a waiver pursuant to Ark. Code Ann. § 17-87-312(g)(1).

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 **MARC ALLEN THOMPSON, RN LICENSE NO. R041362**, pleaded guilty or nolo contendere to, or has been found guilty of a crime making them ineligible to hold a nursing license as cited in Arkansas Code Annotated § 17-87-312 and § 17-87-309(a)(2), and that the Board grant a waiver of ACA § 17-87-312.

Brought by Janice Ivers and seconded by Lance Lindow.

PASSED

JAIME LEIGHANN KIRKPATRICK LANE, LPN LICENSE NO. L041749 (expired)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, and Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L041749 (expired). Respondent was terminated about October 5, 2017, from Crawford Healthcare and Rehabilitation Center, Van Buren, Arkansas, for misappropriation of residents' property. A narcotic discrepancy was noted about September 27, 2017. An internal audit of residents' narcotic records of the prior ninety (90) days found several patterns of numerous narcotic log errors. Respondent, on numerous occasions, carried forward less narcotic amounts when she transferred the count to a new page. It was also noted that Respondent has also received pharmacy deliveries and entered narcotic amounts less than what was listed on the pharmacy manifest showing what was delivered. Respondent also failed to document as administered or wasted numerous as-needed medications that she logged out of the narcotic log. The facility audit found a total of 2,695 mg of oxycodone, 3,477.5 mg of hydrocodone, and 250 mg of Ritalin not documented as administered or wasted. Respondent's 12-panel urine drug screen about September 27, 2017, was negative. Drugs tested for included amphetamines, cocaine, oxycodone, benzodiazepines, methadone, methamphetamine, and buprenorphine. Respondent's documentation was reviewed in two (2) medical records for the date May 31, 2017, by an investigator for Pharmacy Services, Arkansas Department of Health, Little Rock, Arkansas. The investigator noted a total of 675 mg of

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oxycodone and 780 mg of hydrocodone not documented as administered or wasted. Respondent's personnel file from the facility indicated she received a warning about September 6, 2016, for failure to notify the director of nursing of discrepancies to the narcotic book on September 2, 2016. Staff have contacted and attempted to work with the Respondent.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **JAIME LEIGHANN KIRKPATRICK LANE, LPN LICENSE NO. L041749**, has been charged with a violation of Arkansas Code Annotated § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. § 17-87-104(b)(1), Respondent must pay a civil penalty of \$4,075.00, 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 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.

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- Respondent shall provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *Documentation; 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 Pamela Leal and seconded by Stacie Hipp.

PASSED

TENISHA BROOK WINNINGHAM BARTOLIN, RN LICENSE NO. R102358 and LPN LICENSE NO. L047991

Respondent was not present for the proceedings before the Board and was not represented by counsel. Paul Koesy, PharmD, and Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent is licensed as a Registered Nurse and Licensed Practical Nurse and holds License Nos. R102358 and L047991. An anonymous complaint to the Arkansas State Board of Nursing was received about December 26, 2016, and indicated North Metro Medical Center, Jacksonville, Arkansas terminated Respondent's employment about December 11, 2016, due to repeated tardiness, absenteeism, possible impairment at work, and refusing a for-cause urine drug screen. North Metro Medical Center allowed Respondent to return to work about December 21, 2016, on a probationary basis. North Metro Medical Center terminated Respondent's employment without eligibility for rehire about February 20, 2017, for no-call no-show. An investigator for Pharmacy Services, Arkansas Department of Health, Little Rock, Arkansas reviewed five (5) medical records and the following discrepancies were found: no documentation of wastage of any controlled substance since about November 30, 2016, and 0.5mg of alprazolam and 1mg of hydromorphone not documented as administered or wasted. Board staff received a second complaint regarding Respondent about April 14, 2017, indicating while she was employed at Greystone Nursing and Rehabilitation, Cabot, Arkansas, she put waste medications in her pocket and carried around her son's urine in case she was drug tested. Greystone Nursing and Rehabilitation hired Respondent about March 6, 2017, and terminated her employment for a no-call no-show about May 1, 2017. On her application, Respondent failed to notify the facility that she was ineligible for rehire at North Metro Medical Center. The Lakes at Maumelle Health and Rehabilitation hired Respondent about

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May 8, 2017. After only three (3) shifts, the facility conducted a medication audit and terminated her employment about June 30, 2017, after a for cause urine drug screen tested positive for amphetamines. Respondent did not have a prescription for amphetamines in her name. Respondent's previous employment indicates that Beebe Retirement Center in Beebe, Arkansas, hired her about February 28, 2017, and she quit without notice about March 3, 2017. Respondent was a no-call no-show and is not eligible for rehire. Woodland Hills in Jacksonville, Arkansas hired Respondent about November 1, 2013, and terminated her employment about November 14, 2014, for failure to sign out narcotics upon removal from the lockbox, among other violations. Respondent was evaluated by George M. DeRoeck, Psy.D., and his recommendations are in the 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 **TENISHA BROOK WINNINGHAM BARTOLIN, RN LICENSE NO. R102358 and LPN LICENSE NO. L047991**, has been charged with a violation of Arkansas Code Annotated § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. § 17-87-104(b)(1), Respondent must pay a civil penalty of \$4,500.00, 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: *The Nurse and Professional Behaviors, Substance Abuse; Documentation*

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- Respondent shall request license reinstatement in a registered letter to the Board once compliance with the Board's Order is met.
- Respondent shall submit a personal report to accompany required data to the Board on a quarterly basis.
- Respondent shall ensure that all required reports are submitted to the Board on a quarterly basis.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and /or privilege, including but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse Respondent shall notify each employer of the Board's Order and shall practice under an employer monitored nurse contract. The employer shall submit to the Board a copy of the employer-monitored nurse contract and quarterly Performance Evaluation Reports.
- Respondent shall work under direct supervision in any setting. Direct supervision requires another nurse to be working in the same setting as Respondent and readily available to provide assistance and intervention.
- Respondent shall not be employed in critical care, hospice or home health settings.
- Respondent shall not work outside the State of Arkansas in another compact licensure state.
- Respondent shall request verification of termination of the probationary period in a registered letter to the Board.

Brought by Neldia Dycus and seconded by Janice Ivers.

PASSED

WENDY DIANE ROWAN, LPN LICENSE NO. L047447 (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. Respondent is licensed as a Licensed Practical Nurse and holds License No. L047447 (Expired). Respondent pleaded guilty about November 9, 2017, to violation of A.C.A. § 5-64-443(a)(1), Possession of Drug Paraphernalia, Class "A" misdemeanor in the Circuit Court of Washington County, 4th Judicial District, 6th Division. Respondent received one (1) year probation with conditions. Respondent pleaded guilty about August 1, 2018, to violation of A.C.A. § 5-64-419, Possession of a Controlled Substance, a Class "A" misdemeanor, in the Circuit Court of Benton County, 19 W Judicial District, 11th Division. Per court order, Respondent shall be evaluated for substance abuse/mental/alcohol issues within thirty (30) days of the plea and comply with recommended treatment. Staff have attempted to contact the Respondent and work with her. Respondent is currently wanted on an active arrest warrant in Crawford County, Arkansas, for two (2) counts of Commercial Burglary, a Class "C" felony.

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 **WENDY DIANE ROWAN, LPN LICENSE NO. L047447 (EXPIRED)**, has been charged with a violation of Arkansas Code Annotated § 17-87-309(a)(2), (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.

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- 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: *The Nurse and Professional Behaviors; 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.

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- 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 Melanie Garner and seconded by Michael Burdine.

PASSED

MELISSA RENEE WALKER BENTLEY, LPN LICENSE NO. L040475 (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. Respondent is licensed as a Licensed Practical Nurse and holds License No. L040475 (expired). On or about November 21, 2016, Board staff received a complaint from Donna Mabry, Director of Nursing, Epic Health Services, Houston, Texas, stating the Respondent had been observed sleeping while being responsible and caring for eleven (11) special needs children. The Respondent was working in Texas at the time on the "Privilege to Practice" authority associated with her Arkansas LPN license as authorized by Ark. Code Ann. § 17-87-601 *et seq.* On or about May 9, 2017, the Texas State Board of Nursing, after a hearing, revoked Respondent's Arkansas Privilege to Practice authority and her Texas Vocational Nurse License after investigating the above Epic Health Services complaint. During the investigation of Respondent's behavior in Texas it was discovered that the Respondent had previous disciplinary action taken against her Texas VN license and Oklahoma LPN license. On or about August 1, 2006, the Texas Board of Nursing granted the Respondent a conditional Vocational Nurse license with conditions after learning the Respondent had been convicted of Theft of Property in Arkansas in 1995, and that the Oklahoma State Board of Nursing had taken action against the Respondent's license on September 30, 1999, and again on May 25, 2000. On or about September 30, 1999, Respondent entered into an agreed Stipulation, Settlement, and Order with the Oklahoma Board of Nursing, placing conditions on Respondent's LPN license for six (6) months after the Respondent tested positive for cannabinoids on a pre-employment drug screen with Beverly Enterprises, Fort Smith, Arkansas. On or about May 25, 2000, Respondent entered into an agreed Stipulation, Settlement, and Order with the Oklahoma State Board of Nursing placing her Oklahoma LPN license on probation for six (6) months after the Respondent was found sleeping on the job on more than one (1) occasion, while employed by Oklahoma Home Health, Inc., Tulsa, Oklahoma. On or about September 27, 2000, the Oklahoma State Board of Nursing revoked Respondent's LPN license for one (1) year after the Respondent failed to advise and provide her employer, Maplewood Care Center, Tulsa, Oklahoma, of the Oklahoma Board's Probation Order of May 25, 2000. On or about September 11, 2017, the Arkansas Board of Nursing received a complaint against the Respondent from Hillview Health and Rehabilitation, Little Rock, Arkansas. The complaint stated the Respondent's employment was terminated after she was witnessed by a C.N.A. slamming a

resident's door and swearing loudly that "You better take this medication to that b_ _ _ _ I will f_ _ _ _ her up if I have to go back in there." On or about December 14, 2017, Board staff received a complaint from Barrow Creek Health and Rehabilitation, Little Rock, Arkansas. The complaint stated the Respondent's employment had been terminated for sleeping on the job, a positive urine drug screen for THC, and unprofessional conduct. 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 **MELISSA RENEE WALKER BENTLEY, LPN LICENSE NO. L040475 (EXPIRED)**, has been charged with a violation of Arkansas Code Annotated § 17-87-309(a)(6), (a)(7) and (a)(8), and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. § 17-87-104(b)(1), Respondent must pay a civil penalty of \$3,750.00, plus any outstanding balance associated with previous disciplinary action.
- Respondent shall immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent shall 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: *The Nurse and Professional Behaviors; Anger Management; 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.
- 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 probation 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 Yolanda Green and seconded by Michael Burdine.

PASSED

Tonya Gierke, Assistant Director, discussed the ArNAP Program with the Board and the following motions were presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the attached Alternative to Discipline Policy XI-13: Progressive Action.

Signed by Lance Lindow and seconded by Janice Ivers.

PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the attached list of Evaluators and Treatment Provider for participants of ArNAP to sue for their evaluations and treatment.

Signed by Lance Lindow and seconded by Janice Ivers.

PASSED

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There being no further business, the meeting adjourned at 5:05 pm.

Ramonda Housh APPA

Ramonda Housh, President

Leslie Suggs

Leslie Suggs, Recording Secretary

2/13/19

Date Approved