



Arkansas Department of Health

Arkansas State Board of Nursing
1123 S. University Ave., #800 • Little Rock, Arkansas 72204 • (501) 686-2700 • Fax (501) 686-2714
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health
Sue A. Tedford, MNsc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: July 15, 2021
Board Conference Room

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

MEMBERS ABSENT: Rachel Sims, BSN, RN
Michael Burdine, RN

STAFF ATTENDING AT VARIOUS TIMES: Sue A. Tedford, Director, MNsc, APRN
David Dawson, JD, General Counsel
Lisa Wooten, Assistant Director, MPH, BSN, RN
Ashley Fisher, Attorney Specialist
Karen McCumpsey, Assistant Director, MNsc, RN, CNE
Tonya Gierke, Assistant Director, JD, BSN, RN
Aaron Singleton, Regulatory Board Chief Investigator
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Mary Kennebrew, Office of Attorney General

President Lance Lindow called the meeting to order at 8:33 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

General Counsel, David Dawson and Attorney Specialist, Ashley Fisher represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

MOTION: I MOVE that the Arkansas State Board of Nursing make the following changes regarding the Jill Hasley Memorial Scholarship for the 2021 Spring Semester, as follows:

Practice Applicant:

Rescind the scholarship in the amount of \$1,200.00 payable to ARNEC-Ozarka on behalf of Jennifer Rose.

Brought by Janice Ivers and seconded by Jasper Fultz.

PASSED

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TARA ANNE BARBER-LOWRY, LICENSE NO. R072238 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Nick Shull PharmD., provided testimony on behalf of the Board. Respondent holds Arkansas License No. R072238. An investigation was prompted by a complaint sent to the Arkansas State Board of Nursing from Lauren Taylor, PACU Nurse Manager, CHI St. Vincent Infirmary. The complaint alleges that Respondent failed to show for her assigned 6:30 shift on August 17, 2019. Respondent arrived at work at 11:30 and lied about why she had not been on time. Respondent later walked out of the department without telling anyone, and abandoning patient care for a patient coming out of the operating room. Respondent returned 1.5 hours later and was asked to submit to a for cause drug screen. Respondent refused to submit to the drug screen and was terminated from employment. Ten (10) medical records were reviewed with dates ranging from February 1, 2019, to July 31, 2019 and no discrepancies were noted. Court documents indicate that Respondent was also the Respondent in a Narcotic Commitment case filed by Respondent's mother on September 5, 2019 in the Circuit Court of Hot Spring County, Arkansas. It alleged that Respondent was addicted to drugs and should be committed to the appropriate receiving facility or program for treatment. Court documents indicate Respondent tested positive for amphetamine and methamphetamine. A court appointed evaluator reported that Respondent had received methamphetamine from a boyfriend. The evaluator indicated that Respondent has chronic and severe drug addiction and recommended traditional residential treatment. An Order of Involuntary Admission was signed by the Court on September 10, 2019 ordering that Respondent be admitted to a treatment facility. On November 10, 2020, ASBN staff sent a letter by regular and certified mail to Respondent at her last known mailing address on file with the Board requesting an addictive evaluation by December 10, 2020. The letter sent by certified mail was signed for by Respondent on November 12, 2020. On January 29, 2021, ASBN staff sent a letter by regular mail and the ASBN Nurse Portal to Respondent notifying her the case was being forwarded to the Board for a hearing. Respondent was given the opportunity to voluntarily surrender in lieu of a hearing. Respondent has not set up her portal account and has not communicated with ASBN staff.

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 **TARA ANNE BARBER-LOWRY, LICENSE NO. R072238 (EXPIRED)**, has been charged with a violation of A.C.A. §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 with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$4,125.00 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.

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- 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 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 courses: *The Nurse and Professional Behaviors and Substance Use Disorder Bundle*. Respondent shall submit the certificates 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) 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, 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.

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- 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.
- 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 Melanie Garner.

PASSED

JACLYN REBECCA HUDDLESTON, LICENSE NO. L050376 (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 holds Arkansas License No. L050376 (expired). On February 5, 2019, The Arkansas State Board of Nursing (ASBN) received notification from the Cotter Police Department that Respondent was arrested on February 4, 2019. ASBN staff obtained a copy of the Affidavit of Probable Cause for Arrest, Case Number: 19-00015, filed on February 01, 2019 in the Circuit Court of Baxter County, Arkansas for the following offenses that occurred on January 29, 2019.

- a) 27-16-303 / Driving on Suspended License / Unclassified Misdemeanor
- b) 5-64-443(a)(1) / Possession of Drug Paraphernalia / Class A Misdemeanor
- c) 5-64-443(c) / Possession of Drug Paraphernalia Conceal Meth Cocaine / Class D Felony
- d) 5-64-436(b)(1) Possession with Purpose to Deliver Controlled Substance Schedule VI <=14g / Class A Misdemeanor
- e) 5-64-420(b)(1) / Possession of Meth or Cocaine with Purpose to Deliver < 2gm / Class C Felony

On March 19, 2019, ASBN staff sent a letter by certified and regular mail to Respondent and her Attorney, requesting a response to the findings of the investigation. Respondent did not contact ASBN. On October 24, 2019, Respondent entered a negotiated plea of guilty to 5-64-419, Possession of Controlled Substance (Class A Misdemeanor) in lieu of 5-64-422 (b)(1) (Class C Felony). Respondent was sentenced to 12 months' probation. In October of 2020, ASBN staff corresponded with Respondent by email. Respondent provided documentation that she would complete the court ordered probation on October 23, 2020. On October 27, 2020, ASBN staff sent an offered consent agreement to Respondent by certified mail. The three-year probation consent agreement required Respondent to provide an addictive evaluation report and submit to daily monitoring. The certified mail was returned as unclaimed. Respondent has not returned a signed consent agreement or contacted ASBN staff.

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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 **JACLYN REBECCA HUDDLESTON, LICENSE NO. L050376 (EXPIRED)**, has been charged with a violation of A.C.A. §17-87-309(a)(2) 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 \$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 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 Use Disorder Bundle and The Nurse and Professional*

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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) 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, 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.
- 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 Neldia Dycus.

PASSED

FARRAH RAE AYNES, LICENSE NO. L054080

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On June 8, 2016, the Board accepted a voluntary surrender of Respondent's LPN License No. L054080 and Privilege to Practice in Arkansas in lieu of an ongoing investigation and hearing. On July 8, 2020, the Board ratified a Reinstatement Consent Agreement placing Respondent's LPN licensure on probation three (3) years.

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Respondent became noncompliant with the July 8, 2020 Reinstatement Consent Agreement and on November 18, 2020, the Board ratified a Noncompliance Consent Agreement placing Respondent's LPN licensure on probation for three (3) years. On November 20, 2020, ASBN staff sent Respondent a compliance packet by certified mail to her last known address on file with ASBN. The certified mail was delivered on November 24, 2020. Respondent has failed to comply with all of the terms of the November 18, 2020 Noncompliance Consent Agreement. Respondent failed to submit an Employer Acknowledgement Form, Quarterly Employer Performance Evaluation Reports and Quarterly Personal Reports. Respondent failed to contact the Board approved monitoring company daily. Respondent missed one hundred-one (101) check-ins as of June 11, 2021. Respondent failed to call and submit specimens for drug testing, when selected by the Board approved monitoring company, six (6) times between December 1, 2020 and June 11, 2021. Respondent called but failed to show and submit specimens for drug testing when selected by the Board approved monitoring company, four (4) times between January 25, 2021 and March 1, 2021. Respondent failed to submit AA/NA/support group reports. Respondent submitted eighteen (18) of fifty (50) reports between the dates of December 1, 2020 and June 11, 2021. Respondent has failed to submit quarterly Civil Penalty Payments of \$250.00 each quarter (Balance \$3000.00). Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's Rules, Chapter Seven, Section IV (A)(6)(t) by failing to comply with the terms and conditions of the Probation Noncompliance Consent Agreement, signed by Respondent, and ratified by the Board on November 18, 2020.

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 **FARRAH RAE AYNES, LICENSE NO. L054080**, has been charged with a violation of A.C.A. §17-87-309(a)(6) 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 \$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

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- 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 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 courses: *Substance Use Disorder Bundle* and *The Nurse and Professional Behaviors*. Respondent shall submit the certificates 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 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, 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.

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- 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.
- 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 Neidia Dycus.

PASSED

Ashley Fisher, 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:

Williams, Brittany Marie, L055079

(Gentry, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6) and (a)(9)

Probation – 2 years

Courses – Substance Abuse Bundle, The Nurse and Professional Behaviors

Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

Tonya Gierke, ASBN Assistant Director, presented a proposed ArNAP policy change to the Board. After discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the following ArNAP Policy XI-3 Admission Criteria.

Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

Sue Tedford, Director, discussed with Board Members the following items and proposed changes to *Rules* Chapters 1, 2, 3, 4, 5, 6, 7 and 8. After discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Mark-up copies of proposed changes to ASBN *Rules* Chapters 1,2,3,4,5,6,7, and 8 as attached.

Brought by Stacie Hipp and seconded by Lance Lindow.

PASSED

MOTION: I MOVE that Lance Lindow and Sue Tedford act as the delegates to the 2021 NCSBN Delegate Assembly on August 18-19 2021 and Janice Ivers and Ramonda Housh be named alternates to the delegates.

Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

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MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the May 12, 2021, and May 13, 2021, Board Meetings.

Brought by Lance Lindow and seconded by Stacie Hipp.

PASSED

Janice Ivers presented a motion on behalf of the Scholarship Committee:

MOTION: I MOVE that the Arkansas State Board of Nursing distribute funds from the Faith A. Fields Nursing Program for the 2021 Fall Semester, as follows.

Practice Applicants:

- 1) \$600.00 payable to University of Arkansas at Fayetteville on behalf of Faith Boyd;
- 2) \$600.00 payable to University of Arkansas at Little Rock on behalf of Brittney Harding;
- 3) \$600.00 payable to North Arkansas College on behalf of Brandie Cleveland;
- 4) \$1,200.00 payable to ARNEC- South Arkansas Community College on behalf of Ciente Gibbs;
- 5) \$1,200.00 payable to University of Arkansas at Fort Smith on behalf of Erica Harris;
- 6) \$1,200.00 payable to University of Arkansas at Little Rock on behalf of Naomi Hill;
- 7) \$1,200.00 payable to University of Central Arkansas on behalf of Shatina Hunter;
- 8) \$1,200.00 payable to Henderson State University on behalf of Keairra Jackson;
- 9) \$1,200.00 payable to University of Arkansas for Medical Sciences on behalf of Carey James, Jr.;
- 10) \$1,200.00 payable to University of Arkansas for Medical Sciences on behalf of Dominique Matlock;
- 11) \$1,200.00 payable to University of Arkansas at Fort Smith on behalf of Barbara Mendez;
- 12) \$1,200.00 payable to University of Arkansas Community College-Batesville on behalf of Jodi Moody;
- 13) \$1,200.00 payable to University of Arkansas at Fort Smith on behalf of Allison Mooney;
- 14) \$1,200.00 payable to Northwest Technical Institute on behalf of Chirstine Moore;
- 15) \$1,200.00 payable to Walden University on behalf of Shannon Morgan;
- 16) \$1,200.00 payable to University of Arkansas at Fayetteville on behalf of Jennifer Ragsdale;
- 17) \$1,200.00 payable to Arkansas Tech University on behalf of Allison Shelton;
- 18) \$1,200.00 payable to Arkansas State University on behalf of Emma Watkins.

Practice Renewal Applicants:

- 1) \$1,200.00 payable to University of Arkansas at Fayetteville on behalf of Raymond Cabarcas;
- 2) \$1,200.00 payable to Baptist Health College Little Rock on behalf of Mica Hollingshead.

Educator Renewal Applicants:

- 1) 4,000.00 payable to University of Central Arkansas on behalf of Karmen Goodner;
- 2) \$4,000.00 payable to Chamberlain University on behalf of Christa Jones;
- 3) \$2,500.00 payable to Aspen University on behalf of Kristina Shelton;
- 4) \$2,500.00 payable to Aspen University on behalf of Ashley Simmons;
- 5) \$2,500.00 payable to the University of Arkansas for Medical Sciences on behalf of Sara Underwood

Jill Hasley Memorial Scholarship:

Educator- Susan Ferguson in the amount of \$2,500.00 payable to University of Arkansas in Fayetteville.

Practice- Summer Swann in the amount of \$1,200.00 payable to ARNEC- Black River.

Brought by Jasper Fultz and seconded by The Scholarship Committee.

PASSED

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

President Lance Lindow called the meeting to order at 1:06 p.m. A flexible agenda was approved.

STEPHANIE ANN KALBAUGH WESSELL, LICENSE NO. R102837 (INACTIVE-SUSPENSION)

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 A.C.A. §17-87-309(a)(6) and pleads not guilty to the charges. On April 1, 2020, the Arkansas State Board of Nursing (ASBN) ratified a Consent Agreement placing Respondent's RN licensure on probation for one (1) year. Respondent became noncompliant with the April 01, 2020 Consent Agreement. On September 9, 2020, ASBN ratified a Probation Noncompliance Consent Agreement placing Respondent's licensure on probation for one (1) year. On September 11, 2020, ASBN staff sent Respondent a compliance packet by certified mail to her last known address on file with ASBN. The certified mail was signed for on September 15, 2020. Respondent has failed to comply with all of the terms of the September 9, 2020 Probation Noncompliance Consent Agreement. Respondent failed to daily contact the Board approved monitoring company, Affinity, as agreed in the Probation Noncompliance Consent Agreement. Respondent missed one hundred fifteen (115) check-ins as of February 28, 2021. Respondent failed to call and submit specimens for drug testing when selected by Affinity, as agreed in the Probation Noncompliance Consent Agreement, five (5) times between the dates of October 1, 2020 and February 28, 2021. Respondent called but failed to show and submit specimens for drug testing when selected by Affinity, as agreed in the Probation Noncompliance Consent Agreement, on October 16, 2020, October 26, 2020, and November 2, 2020. Respondent failed to submit Personal and Employer Quarterly Reports as agreed in the Probation Noncompliance Consent Agreement. Respondent failed to submit Civil Penalty Payments of \$125.00 each quarter as agreed in the Probation Noncompliance Consent Agreement: (Balance \$500.00). The Affinity/Spectrum Compliance Program automatically notifies Respondent of each missed check in and test. Additionally, ASBN staff notified Respondent of missed tests. ASBN staff notified Respondent on November 9, 2020, November 10, 2020, November 12, 2020, and December 3, 2020. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by failing to comply with the terms and conditions of the Probation Noncompliance Consent Agreement, signed by Respondent, and ratified by the Board on September 9, 2020. Respondent failed to appear at the hearing before the Board on April 7, 2021, and an Order was entered suspending Respondent's license for three years, to be followed by three years of probation. Respondent filed a Petition for Judicial Review with the Craighead County Circuit Court, requesting a rehearing before the Board. After review, a hearing is being set for the date and time outlined herein, for the Board to rehear this matter.

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 KALBAUGH WESSELL, LICENSE NO. R102837 (INACTIVE-SUSPENSION)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and that Respondent's license and privilege to practice as a nurse be suspended one (1) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$2,250.00 plus any outstanding balance associated with previous disciplinary action.
- 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

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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 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 courses: *Documentation for Nurses and Critical Thinking*. Respondent shall submit the certificates 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 two (2) 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, 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.

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- 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.
- 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 Neldia Dycus.

PASSED

STACEY LYNN MCCALL METZGER, LICENSE NO. R095737 (EXPIRED), L046318 (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 holds Arkansas License No. R095737 and L046318. On November 5, 2018, the Arkansas State Board of Nursing (ASBN) received a complaint from Respondent's spouse alleging that she is an opioid addict and abusing Adderall. ASBN staff sent a letter to Respondent requesting a response to the allegation and her employment history. Respondent contacted ASBN staff numerous times, but did not provide the requested information. On November 18, 2019 ASBN received a second complaint from an anonymous source alleging Respondent failed a drug test on November 14, 2019 but still has an active license. On January 2, 2020, ASBN received a third complaint from an anonymous source alleging Respondent was ordered by Judge Ashley Parker in the Circuit Court of Lonoke County in the Case No. 43 DR-14-1017 to submit to fingernail and urine drug screens. Court documents reveal that an Order was entered by the Lonoke County Circuit Court, Domestic Relations Division, in case number 43DR-14-1017, on September 18, 2019, ordering that Respondent submit to a 10-panel fingernail drug test for extended opiates and urinalysis drug testing. ASBN staff continued to request a response to the allegations, employment history and court documents from Respondent. After numerous communications, Respondent provided a written statement on April 7, 2020, and provided court documents on August 5, 2020. On August 18, 2020, a request for an addictive evaluation was sent by regular and certified mail to Respondent at her last known mailing address. The evaluation was due by September 17, 2020. A second request for an addictive evaluation was sent to Respondent on November 8, 2020. Respondent has not provided the requested addictive evaluation.

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 **STACEY LYNN MCCALL METZGER, LICENSE NO. R095737 (EXPIRED), L046318 (EXPIRED)**, 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 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.

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- 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 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 courses: *Substance Abuse Bundle and The Nurse and Professional Behaviors*. Respondent shall submit the certificates 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.

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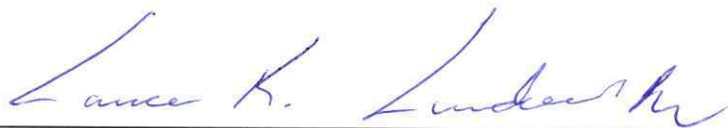
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- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, 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.
- 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 Neldia Dycus.

PASSED

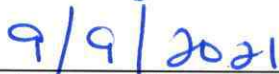
There being no further business, the meeting adjourned at 5:15 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved