



# Arkansas State Board of Nursing

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## BOARD MEETING MINUTES

**TIME AND PLACE:** June 6, 2018  
Board Conference Room

**MEMBERS PRESENT:** Ramonda Housh, MNSc, APRN, CNP, C-PNP; Haley Strunk, LPN, Rachel Sims, BSN, RN; Stacie Hipp, APRN; Pamela Leal, RN, Representative of the Older Population; Renee Mihalko-Corbitt, DNP, APRN, ACNS-BC; Melanie Garner, LPN, CLC; Janice Ivers, MSN, RN, CNE; Kaci Bohn, PhD, Consumer Representative; Lance Lindow, RN

**MEMBERS ABSENT:** Yolanda Green, LPN; Michael Burdine, RN; Neldia Dycus, BS, MHSM, MHRD, RN;

**STAFF ATTENDING AT VARIOUS TIMES:** Sue A. Tedford, Executive Director, MNSc, APRN  
William F. Knight, General Counsel, JD  
Mary Trentham, Attorney Specialist, JD, MNSc, MBA, APRN  
Lisa Wooten, Assistant Director, MPH, BSN, RN  
Karen McCumpsey, Assistant Director MNSc, RN, CNE  
Debra Garrett, Program Coordinator, DNP, APRN  
Tammy Claussen, Program Coordinator, MSN, RN, CNE  
Susan Lester, Executive Assistant to the Director  
Albert Williams, Information Systems Coordinator  
Jim Potter, Regulatory Chief Investigator  
Stephanie Johnsen, Administrative Analyst  
Leslie Suggs, Legal Support Specialist

President Ramonda Housh called the meeting to order at 8:32 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.

### **BAMBI LEE TURNER, LPN LICENSE NO. L054113**

Respondent was not present for the proceedings before the Board and was not represented by counsel. Jim Potter, Chief Investigator, and Penny Summers, RN, Pharmacy Services, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L054113. On or about August 8, 2016, Peggy Moody with Indian Rock Village, Fairfield Bay, Arkansas, reported that during a narcotic audit, it was discovered that the Respondent failed to properly document the administration of Patient L.S.'s oxycodone, 30mg tablet, on May 18, 2016. Ms. Moody stated the audit in question was confirming that various narcotics that had been signed out had been sent to the Arkansas Department of Health for destruction. Ms. Moody also stated that it appeared that the Respondent had forged Lora Turknnett's, RN, Director of Nursing, signature on certain narcotic records. Respondent's employment with Indian Rock Village was terminated on or about August 6, 2016. Ms. Moody notified the Arkansas Department of Health of the issue. An investigation with Pharmacy Services, Arkansas Department of Health, conducted an investigation and randomly reviewed three (3) patient medical records for the date range March 21, 2016 through May 24, 2016. It was discovered that the Respondent failed to document the administration of 215mg of hydrocodone, 2.5mg of lorazepam and 110mg of oxycodone in the Medication Administration Record (MAR). There was also no documentation

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that the Respondent had wasted the narcotics in question. Pharmacy computer printouts obtained from four (4) pharmacies indicated that three (3) different providers had written prescriptions for Respondent between October 13, 2014 and October 13, 2016, for alprazolam, hydrocodone and oxycodone. Respondent had multiple disciplinary actions in her personnel file at Indian Rock Village. On or about January 1, 2018, the Board received a new complaint on the Respondent from Southridge Village Nursing and Rehabilitation Center, Heber Springs, Arkansas. It was reported that the Respondent could not account for sixty (60) Lortab 7.5/325mg tablets. Respondent's rapid read urine drug screen was positive for benzodiazepines and opioids. During the drug screening process, Respondent was seen removing a condom full of urine from her vagina. Respondent's employment was terminated with Southridge Village Nursing and Rehabilitation Center. On January 24, 2018, the Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care, issued a Founded Report against the Respondent related to this incident for Exploitation. Respondent will be added to the Adult Maltreatment Central Registry.

**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 **BAMBI LEE TURNER, LPN LICENSE NO. L054113**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, to be followed by 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 \$4,463.00 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.

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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. 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, and Critical Thinking Skills*.
- 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 Janice Ivers and seconded by Melanie Garner.

**PASSED**

### **KIMBERLY SUEANNA BROWN COOPER ROBBINS HENRY, LPN LICENSE NO. L041838**

Respondent was not present for the proceedings before the Board and was not represented by counsel. Jim Potter, Chief Investigator, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L041838. On or about May 24, 2017, the Office of Long Term Care (OLTC), reported that Legacy Health and Rehabilitation, Fort Smith, Arkansas, reported two (2) -2mg tabs of Dilaudid missing and falsification of their narcotic book. Respondent's employment with Legacy Health and Rehabilitation was terminated. On or about May 1, 2017, Pam Saulsberry reported to the Director of Nursing (DON), Crystal Hartman and Administrator, Deanna Fears, that Resident R.G. was missing 2mg of Dilaudid. Respondent was the nurse who removed the Dilaudid and her documentation did not account for the administration of the Dilaudid. Respondent had also documented other nurses had witnessed the wastage of the narcotics. Charge Nurses, Evelyn Christopher and Gabrea Smith, stated they did not witness or waste Dilaudid with the Respondent on April 9, 2017. Charge Nurse, Pam

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Saulsberry, stated numerous concerns were brought to her attention on the evening of April 30, 2017, regarding the Respondent and her documentation in the narcotic book of Dilaudid. Respondent was terminated for failing to report or call-in for work. Board staff have made numerous attempts to contact the Respondent. On March 12, 2008, Respondent's employment at Cooper Clinic, Fort Smith, Arkansas was terminated for Insubordination. In May 2013, Respondent was hired to work at Pointer Trail Family Clinic, Van Buren, Arkansas. Her employment with Pointer Trail was terminated May 15, 2014, for walking out. Respondent has obtained multiple prescriptions for controlled substances from six (6) different providers including, but not limited to: tramadol HCL 50mg tablet, 605 tablets; phentermine 37.5 mg tablet, 90 tablets; acetaminophen-codeine #4 tablet, 90 tablets; hydrocodone-APAP 5-325mg tablet, 40 tablets; and hydrocodone-APAP 10-325mg tablet, 20 tablets. On October 16, 2015, Respondent obtained a prescription from Dr. Jason Seiter, DPM, Fort Smith, Arkansas, for tramadol HCL 50mg tablet, 90 tablets for thirty (30) days. One week later, on October 23, 2015, Respondent obtained a prescription from Dr. T.D. Jennings, DDS, Fort Smith, Arkansas, for tramadol HCL 50mg tablet, 15 tablets for two (2) days. On March 9, 2016, Respondent obtained a prescription from Dr. Jason Seiter, DPM, Fort Smith, Arkansas, for tramadol HCL 50mg tablet, 90 tablets, for thirty (30) days. On the same day, Respondent obtained a prescription from Lance Clouse, DC, Fort Smith, for acetaminophen-codeine #4, 30 tablets, for ten (10) days. Board 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 **KIMBERLY SUEANNA BROWN COOPER ROBBINS HENRY, LPN LICENSE NO. L041838** has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, to be followed by 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 follow the evaluator's recommendations regarding treatment and support group meetings. Respondent shall attend three (3) meetings per week until the Board receives the evaluation with recommendations regarding meeting attendance.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent shall not submit specimens at Respondent's place of employment or practice site. Respondent shall not collect any drug screen ordered by the Board of Nursing.

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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 and 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 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 Stacie Hipp and seconded by Haley Strunk.

**PASSED**

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**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:

**Banks, Kyna Katrease, L051503** (Conway, AR)

Violation – ACA § 17-87-309 (a)(6)  
Probation – 1 year  
Courses – Critical Thinking; Anger Management  
Civil Penalty - \$750.00

**Barnard, Janice Michelle, RN Applicant** (Harrison, AR)

Violation – ACA § 17-87-309 (a)(2) and (a)(4)  
Probation – 1 year

**Brashears, Courtney, L056014 (expired)** (Benton, AR)

ACA § 17-87-309 (a)(4), (a)(6)(m) and (u)  
Probation – 2 years  
Courses – Professional Accountability; Professional Boundaries  
Civil Penalty - \$2,000.00

**Horton, Tiffany Leann Choate Lewis Choate, R100176 (expired), L042412(expired)** (Russellville, AR)

Violation – ACA § 17-87-309 (a)(4), (a)(6) and (a)(9)  
Probation – 3 years

**Ivie, Angela Gayle Brock, R078057 (expired), L043243 (expired)** (Tuckerman, AR)

Violation – ACA § 17-87-309 (a)(4), (a)(6)(d) and (q)  
Probation – 4 years  
Course – The Arkansas Nurse Practice Act

**Phipps, Misty Dell, R090103, L050261 (expired)** (Mountain Home, AR)

Violation – ACA § 17-87-309 (a)(6)  
Probation – 1 year  
Course – Sharpening Critical Thinking Skills

**South, Rachel Elizabeth Davis Wallace, L043020 (expired)** (Beebe, AR)

Violation – ACA § 17-87-309 (a)(2), (a)(4), (a)(6)(c) and (e)  
Probation – 3 years  
Courses – Documentation for Nurses and Substance Abuse

**Thompson, Cody Ray , R102891, L055408** (Arkadelphia, AR)

Violation – ACA § 17-87-309 (a)(2)  
Probation – 1 year  
Course – The Nurse and Professional Behaviors

**Tucker, Deann Marie, R100795** (Sherwood, AR)

Violation – ACA § 17-87-309 (a)(2)  
Probation – 1 year  
Course – The Nurse and Professional Behaviors

Brought by Kaci Bohn and seconded by Stacie Hipp.

**PASSED**

**Sue Tedford, Executive Director, MNSc, APRN**, discussed the following motion:

**MOTION:** I MOVE that the Arkansas State Board of Nursing approve funding to allow Board Members to attend the 2018 Arkansas Prescription Drug Abuse Prevention Summit in Hot Springs, Arkansas on October 31, 2018, as well as November 1, 2018.

Brought by Kaci Bohn and seconded by Stacie Hipp.

**PASSED**

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The following items were brought by Sue Tedford:

- Sue Tedford introduced new employee Leslie Suggs, Legal Support Specialist
- NCSBN Annual meeting: Ramonda Housh cannot attend, therefore, Lance will be the delegate.
- Updated Board on Logo contest. Submissions are limited to nurses and students enrolled in a AR nursing program.
- Chapter 7, Section IV regarding unprofessional conduct: add failure to follow terms of CA or LOR; violation of boundaries (hippa, patient relationship); refusing drug screens; Chapter 4, Section VII C, if notification is required to certifying body when disciplinary action is taken against license.
- Funding for the ArNAP becomes available July 1, 2018. Information to Board for approval will be presented at July hearing.
- Presented option of LOR being issued with more stipulations in lieu of CA probation.
- Board suggestions on how to shorten case time. Board suggests seeing how issuing LOR helps with the case load prior to adding hearing dates.

The meeting recessed for lunch at 11:19 a.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.

### **ANGELA MICHELLE AUSTIN TAYLOR, LPN LICENSE NO. L045413(EXPIRED)**

Respondent was not present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, Pharmacy Services, and Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On January 18, 2017, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6). Her license was placed on probation for one (1) year subject to conditions. In addition to the probation imposed above, Respondent was to pay a fine of \$1,700.00 pursuant to Ark. Code Ann. § 17-87-104(b)(1). Such fine was payable within fifteen (15) days of receipt of the Order. As of May 15, 2018, the Respondent has failed to comply with the terms and conditions of the Consent Agreement that she signed and entered into with the Board on January 18, 2017. Specifically, Respondent has failed to submit any of the following: personal reports, employer reports and contracts, and civil penalty payments. Respondent has failed to contact FirstSource and has not submitted any urine drug screens as agreed. Respondent failed to complete the course, Documentation for Nurses, by June 15, 2017, as agreed. On or about February 20, 2017, Premier Health and Rehabilitation Center, North Little Rock, Arkansas reported Respondent's mismanagement of narcotics and activity consistent with drug diversion. Respondent's employment with Premier Health was terminated on or about January 27, 2017. A review of five (5) patient medical records were reviewed by the Arkansas Department of Health, Pharmacy Services, and it was determined that Respondent's documentation could not account for 215 mg of hydrocodone and 60 mg of phenobarbital. Respondent repeatedly failed to properly document the administration of controlled substances in the Medication Administration Record (MAR), and failed to document the wastage of the controlled substances in question. On April 14, 2017, Respondent's employment with Evergreen Living Center, Bryant, Arkansas was suspended pending an investigation for suspected drug diversion. Respondent resigned her employment with Evergreen on April 14, 2017. While at Evergreen, Respondent failed to properly document or account for 5 mg of hydrocodone and 2 mg of diazepam. Between January 1, 2015, and March 20, 2017, Respondent obtained twenty – four (24) prescriptions for hydrocodone/APAP for a total of one thousand five hundred thirty (1,530) tablets. Staff have attempted to contact the Respondent.

**MOTION:** I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **ANGELA MICHELLE AUSTIN TAYLOR, LPN LICENSE NO. L045413(EXPIRED)**, has been charged with a violation Ark. Code Ann. § 17-87-309(a)(4) and (a)(6), and terms of probation, 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:

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- Pursuant to A.C.A. § 17-87-104(b)(1), Respondent must pay a civil penalty of \$4,925.00 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.
- Respondent shall provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *The Nurse and Professional Behaviors, Substance Abuse and Documentation*.
- 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.



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- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and /or privilege, including but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.
- 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.

Rachel Sims, BSN, was recused from this case.

Brought by Kaci Bohn and seconded by Stacie Hipp.

**PASSED**

### **KANEASHA MARIE ELLIS, RN LICENSE NO. R102599, LPN LICENSE NO. L056307(EXPIRED)**

Respondent was not present for the proceedings before the Board and was not represented by counsel. Paul Koesy, PharmD, Pharmacy Services, and Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent is licensed as a Registered Nurse and Licensed Practical Nurse and holds License Nos. R102599 and L056307, expired. On or about April 4, 2017, Carolyn Whitley, CNO, RN, St. Vincent Rehabilitation Hospital, Sherwood, Arkansas, reported that the Respondent's employment with St. Vincent was terminated April 4, 2017, because of possible drug diversion. Ms. Whitley reported that on March 19, 2017, Patient M.K. reported to staff that she had requested pain medication from Respondent, but never received it. Patient M.K. kept a personal log of her medications and reported not getting any pain medication from Respondent even though Respondent documented that she had given the medication. On March 22, 2017, a Pyxis Report was generated which indicated what controlled substances were dispensed between February 20, 2017 and March 21, 2017. The Pyxis Report indicated that the Respondent withdrew sixty-four (64) tablets of Hydrocodone/APAP 10/325mg. The Respondent's withdrawal was the highest of all her peers, with the next highest being forty-eight (48) tablets. On March 23, 2017, Patient M.R. reported that she had requested pain medication from the Respondent and did not receive it. Respondent advised that M.R. had already received her pain medication. The Pyxis Report indicated that the Respondent had withdrawn the medication and administered it to M.R. Both patient complaints involved hydrocodone/APAP 10/325mg, also known as Norco 10. Respondent was called to come in for an interview with the Director of Nursing (DON) on March 30, 2017. Respondent called in on March 30, 2017, and stated she was in the hospital in Conway, Arkansas. Ms. Whitley reported she sent a plant to the Respondent at both hospitals in Conway and the plant was returned as undeliverable. Ms. Whitley reported that on April 1, 2017, a Proactive Diversion Report with User Detail was generated. The report indicated that Respondent was more than one standard deviation above most of her peers in the dispensing of controlled substances, specifically hydrocodone/APAP 10/325mg. On April 4, 2016, the Respondent was interviewed about the allegations and findings. The Respondent neither confirmed nor denied the findings of the investigation. During the investigation it was determined that the Respondent was hired to work at North Metro Medical Center, Jacksonville, Arkansas, on January 28, 2016. Respondent was written up on April 18, 2016, for behavioral issues with a co-worker. Respondent was written up again on September 9, 2016, for tardiness, absences, chain of command issues, and medication errors. Respondent's employment was terminated October 1, 2016, for falsifying doctor's orders with narcotics. It was also reported that

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Respondent administered Demerol to at least two (2) patients per a verbal order from Dr. Williams. Dr. Williams did not order the Demerol in question. Respondent has had previous disciplinary action taken against her by the Board. On February 12, 2016, Respondent received a Letter of Reprimand for violating Ark. Code Ann. § 17-87-309(a)(6). Board staff have made repeated attempts to contact and work with the Respondent. Respondent advised board staff that she had a drug and alcohol evaluation scheduled for January 6, 2017. Board staff have not received a report from the evaluator as of May 15, 2018.

**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 **KANEASHA MARIE ELLIS, RN LICENSE NO. R102599, LPN LICENSE NO. L056307(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, to be followed by probation 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 \$4,288.00 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 follow the evaluator's recommendations regarding treatment and support group meetings. Respondent shall attend three (3) meetings per week until the Board receives the evaluation with recommendations regarding meeting attendance.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent shall not submit specimens at Respondent's place of employment or practice site. Respondent shall not collect any drug screen ordered by the Board of Nursing. Respondent shall contact the drug screening company daily. If selected for testing, Respondent shall present for a drug screen the same day of the notification and shall have two (2) hours to submit a specimen. Dilute specimens will be considered an attempt to alter test results.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Short-term treatment may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify board staff in writing immediately of any acute illness or condition treated with abuse potential substances.

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Respondent shall ensure that the prescribing practitioner submits a written report to Board staff within ten (10) days of prescribing a controlled or abuse potential substance.

- Respondent shall provide evidence of successful completion of a continuing education course approved by the Board staff in the following: *The Nurse and Professional Behaviors, Substance Abuse and Documentation*.
- 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) 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 Lance Lindow and seconded by Janice Ivers.

**PASSED**

### **LILLIAN NOVAK TUCKER MYLES, LPN LICENSE NO. L043361(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. On May 5, 2016, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(2) and (a)(6), and the Board's *Rules*, Chapter Seven, Section IV(a)(2)(6)(j) and (a)(t). Respondent was issued a Letter of Reprimand on May 5, 2016, and ordered to provide evidence of completion within six (6) months of the courses *The Nurse and Professional Behaviors* and *The Arkansas Nurse Practice Act*. As of May 11, 2018, Respondent has failed to comply with the terms and conditions of the Board's May 5, 2016, Letter of Reprimand.

**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 **LILLIAN NOVAK TUCKER MYLES, LPN LICENSE NO. L043361(EXPIRED)**, has been charged with a violation of § 17-87-309(a)(2) and (a)(6) and the Board's *Rules*, Chapter Seven, Section IV(a)(2)(6)(j) and (a)(t), and that Respondent's license and privilege to practice as a nurse be suspended until the terms of Letter of Reprimand are met.

Brought by Haley Strunk and seconded by Stacie Hipp.

**PASSED**

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Sue Tedford, Executive Director, MNSc, APRN, discussed the following motion:

**MOTION:** I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the May 9, 2018 and May 10, 2018 meetings.

Brought by Kaci Bohn and seconded by Stacie Hipp.

**PASSED**

There being no further business, the meeting adjourned at 3:06 pm.



Ramonda Housh, President



Leslie Suggs, Recording Secretary

7/11/18

Date Approved