



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:	May 12, 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:	Michael Burdine, RN Rachel Sims, BSN, RN Stacie Hipp, APRN, Afternoon sessions
STAFF ATTENDING AT VARIOUS TIMES:	Sue A. Tedford, Director, MNSc, APRN David Dawson, JD, General Counsel Lisa Wooten, Assistant Director, MPH, BSN, RN Karen McCumpsey, Assistant Director, MNSc, RN, CNE Tonya Gierke, Assistant Director, JD, BSN, RN Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC Tammy Vaughn, ASBN 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 Joe Russell, Fiscal Support Specialist Lori Gephart, Licensing Coordinator Mary Kennebrew, Attorney General's Office

President Lance Lindow called the meeting to order at 8:35 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

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

DEANGELO RASHAD LOWE, RN APPLICANT

Respondent was present for the proceedings before the Board and was not represented by counsel. Karen McCumpsey, MNSc, RN, CNE, provided testimony on behalf of the Board. Glenn Barnes testified on behalf of the Respondent. Applicant made application to sit for the NCLEX-RN examination on July 28, 2020, and answered "Yes" to the question "Have you been convicted of a misdemeanor or felony, plead guilty or nolo contendere to any charge in any state, jurisdiction, country or province?" Applicant submitted additional documents regarding the prior convictions. On or about August 30, 2005, in the District Court of Jefferson County, Applicant entered a plea of No Contest to Shoplifting, less than \$1,000.00. (A.C.A. §5-36-116). Applicant paid a fine. On February 26, 2018, in the Desha County Circuit Court, Applicant entered a negotiated plea of guilty to Fraud/Deceit Procure Narcotic (A.C.A. §20-64-217 - Felony). 36 Months supervised probation and, Fleeing in a Vehicle Causing Danger (A.C.A. §5-54-125

MAY 12, 2021

Page 2

– Felony), and Fraud/Deceit Procure Narcotic (A.C.A. §20-64-217 - Felony) 36 Months supervised probation. Respondent was discharged from probation on May 21, 2020. Applicant obtained an evaluation from New Dawn Counseling, John Leach, M.D. Dr. Leach recommended in part, random urine drug screens and limit access to any hard-copy prescriptions. On October 1, 2020, Karen McCumpsey, ASBN Asst. Director, informed Applicant by letter that his application to sit for the NCLEX-RN examination is denied. On October 28, 2020, Applicant sent a letter to ASBN requesting a hearing to appeal his denial to sit for the NCLEX-RN examination.

MOTION: I MOVE that DEANGELO RASHAD LOWE, RN APPLICANT be allowed to sit for the NCLEX-RN and enter the Arkansas Nurses Alternative to Discipline Program (ArNAP) upon successfully passing the NCLEX-RN.

Brought by Janice Ivers and seconded by Neldia Dycus.

PASSED

BILLIE RAE ALBERSON-WILLIS, LICENSE NO. R083429 (INACTIVE-SUMMARILY SUSPENDED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, RN, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. §17-87-309(a)(4) and (a)(6) and pleads guilty to the charges. Respondent holds Arkansas License No. R083429. An investigation was prompted by a letter written on July 6, 2020 by Frances Efird, Chief Quality Assurance Officer at Drew Memorial Hospital in Monticello, Arkansas. This letter was reporting the termination of Respondent following an investigation into the tampering of Demerol vials, in the Post Anesthesia Care Unit department, and Respondent's positive drug screen for Demerol. Respondent was hired at Drew Memorial Hospital on March 2, 2015. On May 14, 2020, according to Dana Miles, OR Director, Respondent overslept. She then asked to leave early due to pain in coccyx from a fall she had the night before. On May 20, 2020, Respondent was a no call/no show. Ms. Miles documented she was worried because this was not normal for Respondent. On May 21, 2020, Respondent was late, about 15-20 minutes. On June 8, 2020, Respondent was a no call/no show. Respondent texted Ms. Miles at 14:47 reporting she had been in a wreck. On June 10, 2020 Devan Hargrave, RN reported to Ms. Miles he was concerned about Respondent's personality change. She seems to always be wired up now. On June 11, 2020, Dana Miles, OR Director and L. Wright, RN, CNO, were notified of a possible issue of tampered medication in the emergency room. The Director of Pharmacy ran an Omnicell usage audit for all Omnicells in the surgical area. HR began to notify all OR staff who had access to Omnicells to present to a drug screen. Respondent's drug screen results indicated the following compounds, in part, were detected: gabapentin, meperidine and promethazine. Respondent was placed on suspension pending an investigation. On June 29, 2020, Respondent submitted her list of medications from the pharmacy, to Ms. Miles, which included Demerol dated February 2019. On July 2, 2020, a letter sent to Respondent by Leah Wright, CNO, stated in part, "as a conclusion to our drug diversion investigation, we found that you are in violation of Drew Memorial Health System's Reporting Control Drug Substance Loss, Misuse or Diversion Policy. Based on the evidence collected during this investigation, and your failure to provide an accurate prescription medication list to validate the narcotic substances, which resulted in the positive drug screen, we are terminating your employment effective June 29, 2020." On July 7, 2020, Quest DynaLabs were only able to provide analysis of five (5) of the morphine carpuments submitted. The meperidine carpuments were not able to be tested. Test results indicated No. 1 – 3.9% morphine; No. 2 – 7.6% morphine; No. 3 – 0.1% morphine; No. 4 – 4.6% morphine; and, No. 5 – 3.4% morphine. five (5) medical records related to Respondent, were reviewed from Drew Memorial Hospital for the dates from May 7, 2020 to June 10, 2020. A total of 237.5mg of meperidine is unaccounted for; a total of 32mg of morphine is unaccounted for; and, a total of 87.5mg of promethazine is unaccounted for. Respondent was dispensed the following prescriptions by two pharmacies from August 6, 2018 to August 6, 2020: eight carisoprodol prescriptions, which totaled nine-hundred (900) tablets, last filled on June 18, 2019, seven gabapentin prescriptions, which totaled six hundred thirty (630) capsules, last filled on August 25, 2020, four hydrocodone/APAP

MAY 12, 2021

Page 3

prescriptions, which totaled one hundred eight (108) tablets, last filled on August 4, 2020, one hydrocodone/APAP/Robitussin prescription, filled on 3/27/2020, Two (2) Lyrica prescriptions, which totaled one hundred-twenty (120) capsules, last filled on June 26, 2020, one (1) meperidine prescription, which totaled thirty (30) tablets, filled on February 4, 2019, four (4) promethazine prescriptions, which totaled 100 tablets, last filled on June 23, 2020, three (3) promethazine OM prescriptions, last filled on June 23, 2020, one (1) promethazine with codeine prescription, filled on April 8, 2019, one (1) tramadol prescription, which totaled sixty (60) tablets, filled on July 1, 2020, and three (3) zolpidem prescriptions, which totaled two-hundred (210) tablets, last filled on November 26, 2018. On January 4, 2021, ASBN Staff sent a certified letter to Respondent requesting an addictive evaluation. The certified letter was returned as "Unclaimed" on January 28, 2021. Respondent was sent an email to the email address on record with the Board, on March 12, 2021, advising Respondent to contact ASBN Staff as soon as possible. A voicemail message was also left via telephone at the number on record with the Board. Respondent has not responded. ASBN Staff attempted to reach Respondent by telephone again on March 16, 2021. Respondent did not answer and has not contacted Board Staff. Another complaint was filed by Respondent's employer, Jefferson Regional Medical Center, on March 24, 2021. The complaint alleges in part, on March 17, 2021, Respondent was flagged as several standard deviations above peers in removal of Demerol and Dilaudid from the Omnicell machine. During the investigation and detailed review by management of the narcotic administration/documentation, Respondent called in sick to work for several days and was actually admitted as a patient. The narcotic audits indicated documentation discrepancies, and failure to follow internal policy on narcotic documentation. On March 17, 2021 at 09:45, Star City Police Department Officer was dispatched to Respondent's home. The report indicated, in part, Respondent had possibly overdosed and there were several medication vials strewn around where Respondent was sitting. In total, there were twelve (12), 25mg meperidine vials and fourteen (14), 25mg hydromorphone vials. Respondent was identified as being currently employed at Jefferson Regional Medical Center as a nurse and had been taking medication from the hospital for a while and that has been an ongoing issue. On March 17, 2021 at 10:18, EMS indicated Respondent was found to be in emotional and psychological distress. Respondent presented as if she did not know who or where she was. Family stated they feel it could possibly be drug related. Respondent assaulted the medic by throwing objects. Respondent was transported to Jefferson Regional Medical Center. According to Respondent's medical record from Jefferson Regional Medical Record, in part, Respondent was admitted to ER after taking an overdose of opiate medication and calling 911. Respondent said she struggled with being addicted to pills since she was seventeen (17). She was sober for a number of years and relapsed fifteen (15) years ago. She said she will inject morphine. Respondent's drug screen was positive for opiates. Respondent was discharge to rehab for treatment. On March 24, 2021, two (2) DEA agents arrived at Jefferson Regional to inform JRMC that the Demerol vials found at the residence of Respondent last Wednesday were actually from Jefferson Regional and that Respondent has admitted to taking these vials from Jefferson Regional PACU area (her assigned work department). They also informed JRMC that the evidence indicates she would use a key to access the sharps disposal container to obtain discarded vials and access any discarded Demerol placed there. Six (6) medical records were reviewed from Jefferson Regional Medical Center from March 3, 2021 to March 10, 2021. A total of 0.75mg of hydromorphone is unaccounted for. Respondent has failed to submit an addictive evaluation indicating whether it is safe for Respondent to continue the practice of nursing at this time. On April 7, 2021 Respondent's license was summarily suspended by the Arkansas State Board of Nursing, after the Board determined that the continued practice by the Respondent will create an immediate hazard to the public, A hearing is being set, as outlined below, for the Respondent and Board staff to make a full evidentiary presentation, and for the Board to consider whether continued suspension, revocation, or other action is warranted in order to protect the public.

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 **BILLIE RAE ALBERSON-WILLIS, LICENSE NO. R083429 (INACTIVE-SUMMARILY SUSPENDED)**, 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 \$6,242.00 plus any outstanding balance associated with previous disciplinary action.
- 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 follow the evaluator's recommendations regarding treatment, counseling 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 obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report quarterly until discharged by the practitioner. Respondent shall log all appointments via the Board approved monitoring program. Treatment shall begin within thirty (30) days of receipt of this order.
- 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 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 (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

STACEY LYNN EVANS, LICENSE NO. R106090 (EXPIRED), L055962 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN., and Shannon Loyd, RN, provided testimony on behalf of the Board. Respondent holds Arkansas License No. R106090 (expired) and L055962 (expired). An investigation was prompted by an anonymous letter dated January 23, 2020. The Complainant addresses Respondent's mental stability and states, "This nurse is very mentally unstable and is going to hurt someone if actions are not taken." Respondent's past employment includes: Cardiovascular Associates of North Central Arkansas, Mountain Home, Arkansas, from October 4, 2018 through March 22, 2019 and April 2, 2019 through August 1, 2019. Respondent voluntarily resigned on August 1, 2019 and the employer was not aware of any problems during Respondent's employment. Ozark Medical Center, West

Plains, Missouri, from January 8, 2018 to March 29, 2018. Respondent resigned on March 29, 2018. Riverlodge Assisted Living, Mountain Home, Arkansas, from December 6, 2016 through May 7, 2018. Respondent was terminated on May 7, 2019 for a "Med error and documentation error." On July 20, 2020, a letter was sent to Respondent from an Investigator with the Board, by certified mail, asking Respondent to contact the Investigator to discuss the allegations of the complaint. A signed copy of the certified mail receipt was returned to the Investigator, but Respondent did not contact the investigator. On December 21, 2020, Respondent notified ASBN staff via email that she wanted to voluntarily surrender her license as she feels she is not safe to practice due to Post Traumatic Stress Disorder (PTSD). ASBN staff sent a voluntary surrender form to Respondent via email that same date. Respondent failed to return a signed voluntary surrender form. On March 12, 2021, ASBN staff attempted to contact Respondent by telephone and her voice mailbox was full. She was notified via email that her case was being forwarded for hearing. Respondent 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 **STACEY LYNN EVANS, LICENSE NO. R106090 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(3) (a)(5) and (a)(6), and that Respondent's license and privilege to practice as a nurse be suspended One (1) year with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$1,250.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall provide evidence to the Board of a comprehensive psychological evaluation within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an in-depth psychological evaluation with appropriate testing from a psychiatrist. 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 obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report quarterly until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.
- Respondent shall provide evidence within six months of successful completion of the Board approved courses: *Medication Errors and Documentation of Nurses*. Respondent shall submit the certificates of completion via the Arkansas Nurse Portal-Discipline/Monitoring.
- Respondent shall submit the *Enforcement Personal Report* to the Arkansas Nurse Portal-Discipline/Monitoring 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 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 a hearing and appear for license reinstatement once compliance with the Board's suspension order is met.
- 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.

- 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

The meeting recessed for lunch at 12:30 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:14 p.m. A flexible agenda was approved.

TAYLA RICHELLE HOSEY, LICENSE NO. L058275

Respondent was present for the proceedings before the Board and was represented by counsel, Justin B. Hurst. Lisa Wooten, MPH, BSN, RN, and Jon Hopkins, Contract Investigator, provided testimony on behalf of the Board. On January 27, 2021, the Arkansas State Board of Nursing Staff issued a Letter of Reprimand to Respondent based upon two complaints received by the Board. The Respondent and her attorney received the Letter of Reprimand on January 29, 2021. The investigation was prompted by two complaints to ASBN by Pam Ables, of The Manor Assisted Living Facility in Little Rock, AR. Statements from Laura Ayers, the Director of Nursing for The Manor were attached to the complaints. A subpoena was issued to The Manor Assisted Living Facility for the employment separation documentation. The records revealed the Respondent was verbally warned on August 9, 2018 for failing to complete an appointed task and demonstrating disrespect to supervisor. On February 7, 2020, the Respondent was verbally warned for rudeness for making racial comments when given a task. On March 6, 2020, the Respondent was given a final warning for leaving a resident in wet clothes for an hour. March 1, 2020, the Respondent was terminated from her employment with The Manor for resident neglect and/or abuse. The January 27, 2021 Letter of Reprimand was issued for a violation of the *Nurse Practice Act*, A.C.A. § 17-87-309(a)(3) and (a)(6), based upon the following findings of fact: Respondent is the holder of Arkansas LPN multistate license number L058275 issued by exam on October 4, 2016 with an expiration date of January 31, 2023. ASBN received two (2) related complaints on or about April 7, 2020 from The Manor Assisted Living Facility in Little Rock, Arkansas. The first complaint alleges on March 5, 2020 Respondent left Resident BG in wet clothes soaked in urine due to a leaking catheter for an extended period of time (early morning to around 5pm). Respondent had received orders for the catheter to be removed at some point prior to this incident. Respondent provided "at home" instructions for Resident BG to remove the catheter himself. Laura Ayers, Director of Nursing (DON) then gathered supplies and removed the catheter. DON Ayers noted that the Resident BG's pants were "cold" and "heavy" from being wet. The second complaint received by ASBN on April 7, 2020 from The Manor Assisted Living Facility in Little Rock, Arkansas alleged on March 5, 2020 DON Laura Ayers entered Resident SR's room looking for Respondent and observed Resident SR sitting on the toilet with trash, clothing, and feces on the floor. Resident SR stated that she had been there for "awhile" and was starting to experience back pain. DON Ayers stated in her complaint that she assisted Resident SR in getting dressed and moved her from the bathroom to the living room to sit in a recliner. DON Ayers placed a small trash bag around her stomach while they waited for home health to bring supplies. Around 1:30 PM, DON Ayers stated that she met with Respondent in the Admin Office to ask her about the incident. DON Ayers asked Respondent why Resident SR was left in that condition. Respondent stated Resident SR had been "cussing" and "fussing" at her so Respondent "just walked out" leaving Resident SR in that condition. On February 9, 2019, ASBN Staff received a request from Respondent's attorney for a hearing to appeal the Letter of Reprimand issued on January 27, 2021.

MAY 12, 2021

Page 8

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **TAYLA RICHELLE HOSEY, LICENSE NO. L058275**, the Arkansas State Board of Nursing finds that the Letter of Reprimand issued on January 27, 2021, be rescinded and a Letter of Warning be issued:

Brought by Jasper Fultz and seconded by Neldia Dycus.

PASSED

REXANNA MORRISON THOMASSON WARREN, LICENSE NO. L041859 (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 September 9, 2019, the Arkansas State Board of Nursing issued a Letter of Reprimand with Stipulations on Respondent's Licensed Practical Nurse License for violations of A.C.A. §17-87-309(a)(6) and the Board's *Rules*, Chapter 7, Section IV, (A)(6) (a), (c), (e), and (o). The Letter of Reprimand ordered Respondent to submit evidence of completion within six (6) months of the following courses: Elder Care, Nurse and Professional Behaviors and Sharpening Critical Thinking Skills. The Letter of Reprimand was sent by certified and regular mail to Respondent's last known address. The unclaimed certified letter was returned to the ASBN office on March 5, 2019. The letter sent by regular mail was not returned. Respondent has not submitted her Certificates of Completion, nor has she been in contact with ASBN staff. 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 Letter of Reprimand dated September 9, 2019.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **REXANNA MORRISON THOMASSON WARREN, LICENSE NO. L041859 (EXPIRED)**, the Arkansas State Board of Nursing finds that Respondent has violated 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 until the terms of their Letter of Reprimand have been met.

Brought by Melanie Garner and seconded by Yolanda Green.

PASSED

SHARON DELORIS ANN TAYLOR PIPPEN, LICENSE NO. L047056

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 February 12, 2020, the Arkansas State Board of Nursing (ASBN) ordered that Respondent's LPN license be placed on probation for one (1) year. Respondent became noncompliant with the February 12, 2020 Board Order. On September 9, 2020, the Arkansas State Board of Nursing ratified a Probation Noncompliance Consent Agreement placing Respondent's license 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 delivered on September 14, 2020. Respondent has failed to comply with all of the terms of the September 9, 2020 Probation Noncompliance Consent Agreement. Respondent failed to submit Quarterly Employer Performance Evaluation Reports. Respondent failed to submit the Employer Performance evaluation due January 10, 2021. Respondent failed to contact the Board approved monitoring company daily. Respondent missed 13 check-ins as of March 31, 2021. Respondent failed to call and submit a specimen for drug testing when selected by the Board approved monitoring company on January 5, 2021. Respondent called but failed to show and submit specimens for drug testing when selected by the Board approved monitoring company on October 2, 2020, October 30, 2020, November 12, 2020, December 18, 2020, and, March 16, 2021. Respondent submitted a Positive Specimen as follows:

MAY 12, 2021

Page 9

Date	Positive for	GC/MS Confirmation Level
02/22/2021	Ethyl Alcohol 0.113 g%	0.01 g%
	Tramadol >50000 ng/mL	100ng/mL
	O-DM Tramadol 18531 ng/mL	100ng/mL
02/10/2021	Tramadol 16995 ng/mL	100ng/mL
	O-DM Tramadol 7040 ng/mL	100ng/mL
01/04/2021	Tramadol >50000 ng/mL	100ng/mL
	O-DM Tramadol 22079 ng/mL	100ng/mL
10/14/2020	Tramadol 19046 ng/mL	100ng/mL
	O-DM Tramadol 4411 ng/mL	100ng/mL

Respondent has failed to submit Civil Penalty Payments of \$375.00 each quarter as agreed in the Noncompliance Consent Agreement: (Balance \$1,500.00). ASBN staff notified Respondent via the Spectrum Message Center of her noncompliance on October 21, 2020 and November 11, 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.

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 **SHARON DELORIS ANN TAYLOR PIPPEN, LICENSE NO. L047056**, 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 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 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 obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report quarterly until discharged by the practitioner. Respondent shall log all appointments via the Board approved monitoring program. Treatment shall begin within thirty (30) days of receipt of this order.
- 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: *Documentation for Nurses and Substance Abuse 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.
- 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

MISTY LEE KENDALL SCANTLING, LICENSE NO. L056459

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 July 11, 2018, the Arkansas State Board of Nursing (ASBN) ordered Respondent's LPN licensure on probation two (2) years. Respondent became noncompliant with the July 11, 2018 Consent Agreement and the Arkansas State Board of Nursing ratified a Noncompliance Consent Agreement on September 12, 2019, placing Respondent's LPN licensure on probation for two (2) years. On September 19, 2019, ASBN staff sent Respondent a compliance packet by certified mail to her last known address on file with ASBN. The certified mail was returned Addressee Unknown. ASBN staff contacted Respondent and updated her address. The compliance packet was resent on October 3, 2019. The certified mail was signed for on October 8, 2019. Respondent has failed to comply with all of the terms of the September 12, 2019 Noncompliance Consent Agreement. Respondent failed to submit Quarterly Employer Performance Evaluation Reports and Quarterly Support Group Attendance Logs. Respondent submitted four (4) of five (5) employer reports and two (2) of five (5) attendance logs between the dates of October 1, 2019 and March 31, 2021. Respondent failed to submit AA/NA/support group reports. Respondent submitted twenty-eight (28) of seventy-seven (77) reports between the dates of October 1, 2019 and March 31, 2021. Respondent failed to contact the Board approved monitoring company daily. Respondent missed twenty-seven (27) check-ins as of March 31, 2021. Respondent failed to call and submit specimens for drug testing when selected by the Board approved monitoring company on October 4, 2019. Respondent called but failed to show and submit specimens for drug testing when selected by the Board approved monitoring company on six (6) occasions between February 10, 2019 and March 16, 2021. Respondent submitted a positive specimen for a drug with no prescription on file with the board on June 16, 2020 – Morphine 706 ng/mL and Codeine 527 ng/mL; and September 9, 2020 – Cyclobenzaprine 1562 ng/mL. Respondent submitted a positive specimen for a supra-therapeutic level (>5,000 ng/mL) of diphenhydramine on October 25, 2019. On November 3, 2020, ASBN staff notified Respondent via the Affinity Message Center of her noncompliance. 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 12, 2019.

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 **MISTY LEE KENDALL SCANTLING, LICENSE NO. L056459**, 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 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 courses: *Sharpening Critical Thinking Skills, Documentation for Nurses, and Substance Abuse 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.
- 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 Yolanda Green.

PASSED

David Dawson presented to the Board evidence for an Emergency Hearing regarding **Alan Justin Bright, RN License No. R088356**, and after discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing summarily suspend the license of **Alan Justin Bright, Arkansas Registered Nurse License No. R088356**. The Board declares an emergency and states Respondent is a threat to the health, safety and welfare of the citizens of Arkansas.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

David Dawson presented to the Board evidence for granting a waiver regarding **Nichole Lynn Brennom, RN License No. R087480**, and after discussion, the following motion was presented:

MOTION: I MOVE that based on the evidence presented to the Arkansas State Board of Nursing finds that **Nichole Lynn Brennom, RN License No. R087480**, be granted a waiver of ACA §17-3-102.

Brought by Ramonda Housh and seconded by Melanie Garner.

PASSED

ASBN MINUTES

MAY 12, 2021

Page 14

David Dawson, the Board's General Counsel, 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:

Anderson, Tressa Elaine, L054443 (Roland, OK)

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

Probation – 1 year

Courses – Documentation for Nurses

Civil Penalty - \$1,550.00

Brown, Tammy Lynn Harrison, R064472 (Bellavista, AR)

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

Probation – 1 year

Courses – Substance Abuse Bundle, Critical Thinking

Clayton, James Wesley, R094492 (Floral, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(4), (a)(6)

Probation – 5 years

Courses – Substance Abuse Bundle

Civil Penalty - \$4,500.00

Solida, Amanda Renee Davis, R105065 (Sheridan, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(4) and (a)(6)

Probation – 1 year

Courses – Substance Abuse Bundle

Civil Penalty - \$1,300.00

Brought by Janice Ivers and seconded by Neldia Dycus

PASSED

There being no further business, the meeting adjourned at 5:35 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved