BOARD MEETING MINUTES

TIME AND PLACE: Wednesday, November 14, 2018
Board Conference Room

MEMBERS PRESENT: Yolanda Green, LPN; Rachel Sims, BSN, RN; Neldia Dycus, BS, MHSN, MHRD, RN; Stacie Hipp, APRN; Pamela Leal, RN, Representative of the Older Population; Michael Burdine, RN; Renee Mihalko-Corbitt, DNP, APRN, ACNS-BC; Melanie Garner, LPN, CLC; Janice Ivers, MSN, RN, CNE; Kaci Bohn, PhD, Consumer Representative; Lance Lindow, RN

MEMBERS ABSENT: None

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

Vice President Lance Lindow, RN, called the meeting to order at 8:30 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARING
General Counsel, Fred Knight represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

AARON ARTHUR BAXTER, CNP LICENSE NO. A005848 AND RN LICENSE NO. R092943
Respondent was present for the proceedings before the Board and was not represented by counsel. Debra Garrett, DNP, APRN, provided testimony on behalf of the Board. The Board has received a request for a hearing from Respondent to request a Prescriptive Authority Certificate pursuant to Ark. Code Ann. § 17-87-310. Respondent's Registered Nurse License was placed on probation for one (1) year per a Consent Agreement on February 13, 2013, for violating Ark. Code Ann. § 17-87-309(a)(2) and (a)(4). Respondent was non-compliant with the terms and conditions of his February 13, 2013 Consent Agreement and was allowed to enter into a Non-Compliance Consent Agreement with the Board on February 12, 2014, placing his license on probation for one (1) year with conditions. Respondent is the holder of CNP License No. A005848 and RN License No. R092943. Respondent's February 13, 2013 Consent Agreement was predicated on issues of Public Intoxication and Driving Under the Influence (DWI 1st). On or about February 25, 2015, Respondent's probationary status was removed from his license. Respondent was issued a CNP license on or about August 8, 2018. Respondent now requests his Prescriptive Authority Certificate.
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 AARON ARTHUR BAXTER, CNP LICENSE NO. A005848 AND RN LICENSE NO. R092943 Prescriptive Authority be issued.

Brought by Michael Burdine and seconded by Yolanda Green.

PASSED

KELLIE JEAN RUFF HART BOULLIE, RN LICENSE NO. R072606

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On June 8, 2016, the Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6). Her RN license was placed on probation for one (1) year with conditions. On September 13, 2017, Respondent was found guilty of violating the terms and conditions of her June 8, 2016 Consent Agreement and 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 one thousand dollars ($1,000.00), plus any outstanding balance associated with previous disciplinary action, 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 October 16, 2018, the Respondent has failed to comply with the terms and conditions of the Non-Compliance Consent Agreement that she signed and entered into with the Board on September 13, 2017. Specifically, Respondent has failed to submit personal reports, employer reports, civil penalty payments, and was late submitting some of her reports. Respondent failed to call or report to FirstSource for urine drug screens as agreed on March 13, March 22, April 25, May 30, June 15, June 27, and July 25, 2018. Respondent failed to call FirstSource on at least 161 occasions. Staff have attempted to contact and work with the Respondent regarding her non-compliance.

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 KELLIE JEAN RUFF HART BOULLIE, RN LICENSE NO. R072606, has been charged with a violation of terms of probation, and that Respondent's license and privilege to practice as a nurse be suspended for two (2) years, 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 change, in name or address.
- Respondent shall attend AA/NA, or other Board approved treatment program/support group meetings and shall submit quarterly reports to the Board. Respondent shall provide acceptable evidence of attendance. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.

- Respondent shall 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: Nurse and Professional Behaviors, Substance Abuse

Respondent shall request license reinstatement in a registered letter to the Board once compliance with the Board’s Order is met.

Respondent shall submit a personal report to accompany required data to the Board on a quarterly basis.

Respondent shall ensure that all required reports are submitted to the Board on a quarterly basis.

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 Stacy Hipps and seconded by Pamela Leal.

PASSED

AMBER NICHOL MILLER, RN LICENSE NO. R094174
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 26, 2016, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6) and the Board’s Rules, Chapter Seven, Section IV(A)(1)(f) and (A)(6)(l). Respondent was issued a Letter of Reprimand on May 26, 2016, and ordered to provide evidence of completion within six (6) months of the course The Nurse and Professional Behaviors. As of October 16, 2018, Respondent has failed to comply with the terms and conditions of the Board’s May 26, 2016 Letter of Reprimand.
MOTION: I move that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of AMBER NICHOL MILLER, RN LICENSE NO. R034174, that the Board suspend the license and privilege to practice until the terms of their Letter of Reprimand are met.
Brought by Kaci Bohn and seconded by Janice Ivers.
PASSED

EMANUELE PAUL DIMATTIA, RN LICENSE NO. R090898 (EXPIRED)
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 Registered Nurse and holds License No. R090898. On or about July 5, 2017, the Kansas Board of Nursing informed board staff that the Respondent’s Kansas nursing license had been suspended indefinitely for a variety of reasons, including, but not limited to, to the following: Respondent had been observed sleeping on the job; refused a urine drug screen; refused to enter the Kansas Impaired Provider Program for testing positive for benzodiazepines. On December 12, 2017, the Texas Board of Nursing revoked the Respondent’s Texas nursing license due to the actions by the Kansas Board of Nursing. Board staff have attempted to work with the Respondent. Board staff spoke with the Respondent on April 17, 2018, and again on June 6, 2018. In both conversations, Respondent stated he was going to voluntarily surrender his Arkansas registered nursing license. Respondent has failed to voluntarily surrender his license.

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 EMANUELE PAUL DIMATTIA, RN LICENSE NO. R090898 (EXPIRED), has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(7) and that Respondent’s license and privilege to practice as a nurse be suspended until eligible for an unencumbered license in Kansas with the following terms and conditions:

- Respondent shall immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent shall appear for license reinstatement upon completion of the Board’s suspension order. Respondent shall request a hearing in a registered letter.

Brought by Janice Ivers and seconded by Kaci Bohn.
PASSED

CARLOS RAMOS-RODRIGUEZ, LPN LICENSE NO. L053412
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. On March 9, 2017, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6) and the Board’s Rules, Chapter Seven, Section IV(a)(6). Respondent was issued a Letter of Reprimand on March 9, 2017, and ordered to provide evidence of completion within six (6) months of the following courses: The Nurse and Professional Behaviors; Sharpening Critical Thinking Skills; and Documentation.
As of October 16, 2018, Respondent has failed to comply with the terms and conditions of the Board’s March 9, 2017 Letter of Reprimand.

MOTION: I move that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of CARLOS RAMOS-RODRIGUEZ, LPN LICENSE NO. L053412, that the Board suspend the license and privilege to practice nursing until the terms of their Letter of Reprimand are met.
Brought by Yolanda Green and seconded by Rachel Sims.
PASSED
Mary Trentham, the Board’s attorney, presented consent agreements that had been entered into since the last meeting. Following discussion of each individual agreement, the following motion was passed:

**MOTION:** I MOVE that the Arkansas State Board of Nursing ratify the following Consent Agreements:

**Baker, Jennifer Sue Hays Allen, R069641, L033762(expired) (Hope, AR)**
Violation – ACA § 17-87-309 (a)(4) and (a)(6)(p)
Probation – 3 years
Course – Sharpening Critical Thinking Skills
Civil Penalty - $750.00

**Ball, Tara Rachelle, R096662 (Benton, AR)**
Violation – ACA § 17-87-309 (a)(6)(p)
Probation – 1 year
Courses – The Nurse and Professional Behaviors
Civil Penalty - $750.00

**Coleman, Jeremy Nicholas, RN Applicant (Alexander, AR)**
Violation – ACA § 17-87-309 (a)(2)
Probation – 1 year

**Deckard, Joseph Alan, L054373(expired) (Pearcy, AR)**
Violation – ACA § 17-87-309 (a)(4), (a)(6)(u), and (a)(9)(e)
Probation – 3 years
Courses – Sharpening Critical Thinking Skills and Substance Abuse

**English, Larry Anthony, R101874 (Ward, AR)**
Violation – ACA § 17-87-309 (a)(6)(p)
Probation – 2 years
Courses – The Nurse and Professional Behaviors
Civil Penalty - $2,500.00

**Fisher, Daniel Lee, R072380(expired) (Alma, AR)**
Violation – ACA § 17-87-309 (a)(4), (a)(6)(d),(p) and (a)(9)(e)
Probation – 3 years
Courses – The Nurse and Professional Behaviors
Civil Penalty - $238.00

**Hansen, Dawna Sue McLard, R091251 (Pearcy, AR)**
Violation – Terms and Conditions
Probation – 2 years

**Holmes, Debra Marie Scott Richardson, R052631, L015672(expired) (El Dorado, AR)**
Violation – ACA § 17-87-309 (a)(6)(b) and (d)
Probation – 1 year
Course – Documentation for Nurses
Civil Penalty - $900.00

**Holt, Ragen M., PN Applicant (Ft Smith, AR)**
Violation – ACA § 17-87-309 (a)(2)
Probation – 1 year

**Hosman, Christy Diane Boudra Hogue, R055493 (Jefferson, AR)**
Violation – Terms and Conditions
Suspension – 6 months to be followed by
Probation – 2 ½ years

**Jones, Carrah Marie Jones Bauer, R082991(expired) (Jonesboro, AR)**
Violation – ACA § 17-87-309 (a)(4), (a)(6)(p) and (a)(9)(e)
Probation – 3 years
Course – Sharpening Critical Thinking Skills
Civil Penalty - $100.00
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Lewis, Ryan Wade, RN Applicant (Benton, AR)
Violation – ACA § 17-87-309 (a)(2) and (a)(4)
Probation – 1 year

Sumey, April Elaine, L049889(expired) (Pine Bluff, AR)
Violation – ACA § 17-87-309 (a)(9)(a) and (e)
Probation – 2 years
Courses – Substance Abuse and Addiction, Ethics of Nursing Practice, and The Arkansas Nurse Practice Act

Swaim, Kelly Ann, PN Applicant (Royal, AR)
Violation – ACA § 17-87-309 (a)(2)
Probation – 1 year

Tosh, Bethany Allison Tosh Darr, A001883(expired), R071948(expired), PAC 1777(inactive) (Jonesboro, AR)
Violation – ACA § 17-87-309 (a)(2), (a)(4) and (a)(9)(e)
Probation – (licensure and PAC) 4 years
Course – The Nurse and Professional Behaviors

Brought by Kaci Bohn and seconded by Janice Ivers.

PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the October 10, 2018 and October 11, 2018 Board Meetings.
Signed by Kaci Bohn and seconded by Janice Ivers.
PASSED.

Sue Tedford informed Board the Attorney General’s Office has yet to confirm Board appointments as of today.

After discussion of the ArNAP program, the following motions were presented by Tonya Gierke, ASBN Assistant Director - ArNAP:

MOTION: I MOVE that the Arkansas State Board of nursing approve the attached, marked list of Evaluators, as Board-approved Evaluators for participants of ArNAP to use for their evaluation.
Brought by Kaci Bohn and seconded by Janice Ivers.
PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the attached, marked list of Treatment Providers, as Board-approved Treatment Providers for participants of ArNAP to use for their treatment.
Brought by Melanie Garner and seconded by Michael Burdine.
PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the following ArNAP policy:
XI-9 CRNA Specific Requirements for Employment
Brought by Kaci Bohn and seconded by Janice Ivers.
PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the following revision to ArNAP policies: XI-8 Employment Conditions and Parameters; XI-13 Progressive Action.
Brought by Kaci Bohn and seconded by Janice Ivers.
PASSED

The meeting recessed for lunch at 12:07 p.m. Following lunch, the Board resumed hearings.

Vice President Lance Lindow called the meeting to order at 1:05 p.m. A flexible agenda was approved.
DEBORAH FAY WATERS ULIBARRI, RN LICENSE NO. R098464, LPN LICENSE NO. L043305 (EXPIRED)
Respondent was present for the proceedings before the Board and was not represented by counsel. Jim Potter, Chief Investigator, provided testimony on behalf of the Board. The Board has received a request for a hearing from Respondent to appeal a Letter of Reprimand issued by Sue Tedford, MNSc, APRN, Executive Director, on May 8, 2018, and pleads not guilty to the charges. Respondent is licensed as a Registered Nurse and Licensed Practical Nurse and holds license numbers R098464 and L043305 (expired). Respondent received the Letter of Reprimand after the Respondent self-reported on January 2, 2018, that she administered the wrong medication to a patient. Respondent failed to report the incident to the administrators. The Respondent’s employer documented that the Respondent’s employment was terminated December 29, 2017, after it was discovered that the Respondent gave a patient the wrong medication and when questioned about it, she denied it. Respondent then abandoned her patients and left her job without approval and without giving report to anyone. This was a violation of Ark. Code Ann. § 17-87-309(a)(6) and Arkansas State Board of Nursing Rules, Chapter Seven, Section IV(a)(6).

MOTION: I move that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case DEBORAH FAY WATERS ULIBARRI, RN LICENSE NO. R098464 and LPN LICENSE NO. L043305 (EXPIRED), that the Board uphold the Letter of Reprimand issued on May 8, 2018.

Brought by Yolanda Green and seconded by Michael Burdine.
PASSED

CHRISTAL LYN JACOBY DOYLE, LPN LICENSE NO. L035766 (EXPIRED)
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. L035766. On or about October 24, 2017, the Respondent self-reported during an attempt to renew her nursing license that she had received multiple criminal convictions. On May 1, 2014, in the District Court of Garland County, Arkansas, Respondent was found guilty of Possession of Drug Paraphernalia, a Class “A” misdemeanor. The police report indicated that marijuana was present in the vehicle with a pipe. On January 20, 2016, Respondent was found guilty of DWI #1 and Resisting Arrest in the District Court of Garland County, Arkansas. On April 6, 2018, in the District Court of Garand County, Arkansas, the Respondent was found guilty of DWI #2 and Possession of Marijuana. 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 CHRISTAL LYN JACOBY DOYLE, LPN LICENSE NO. L035766 (EXPIRED), has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(2) and (a)(6), and that Respondent’s license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. § 17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent shall provide evidence of evaluation for treatment of addictive behavior within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an in-depth psychological/addiction evaluation with appropriate testing by a practitioner, who meets the Board approved criteria and specializes in addiction disorders. Respondent shall ensure the practitioner sends the report directly to the Board. Respondent shall supply a copy of the Board’s Order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall execute any
release necessary to give the Board access to records, including but not limited to medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent’s license / privilege to practice.

- Respondent shall attend AA/NA, or other Board approved treatment program/support group meetings and shall submit quarterly reports to the Board. Respondent shall provide acceptable evidence of attendance. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator’s recommendations if the evaluator’s recommendations are greater.

- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner’s progress report every three (3) months until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.

- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent shall not submit specimens at Respondent’s place of employment or practice site. Respondent shall not collect any drug screen ordered by the Board of Nursing. Respondent shall contact the drug screening company daily. If selected for testing, Respondent shall present for a drug screen the same day of the notification and shall have two (2) hours to submit a specimen. Dilute specimens will be considered an attempt to alter test results.

- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Short-term treatment may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify board staff in writing immediately of any acute illness or condition treated with abuse potential substances. Respondent shall ensure that the prescribing practitioner submits a written report to Board staff within ten (10) days of prescribing a controlled or abuse potential substance.

- Respondent shall provide evidence of successful completion of a continuing education course approved by the Board staff in the following: Nurse and Professional Behaviors; Substance Abuse, Refresher Course

- 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 Neldia Dycus.

PASSED

HILLARY ANN HARRINGTON, LPN LICENSE NO. L052129
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. L052129. On or about February 27, 2018, the Board received a complaint from Apple Creek Health Rehabilitation, Centerton, Arkansas, stating the Respondent failed to properly report a resident fall. The Respondent’s employment was immediately terminated by Apple Creek Health and Rehabilitation. On or about April 11, 2018, the Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care, issued a Founded Report against Respondent for “neglect” regarding the incident at Apple Creek Health and Rehabilitation. Without appeal, the Respondent will be added to the Adult Maltreatment Central Registry. A review of Respondent’s employment history produced the following: a) Respondent’s employment with Bradford House, Bentonville, Arkansas, was terminated on April 30, 2016, after the Respondent asked another employee to clock-in for her; b) Respondent’s employment with Concordia, Bella Vista, Arkansas, (September 2016 – December 2016) was terminated on November 29, 2016, for “within 90 days”. Concordia records indicated that on December 9, 2016, medications not given from the drug cart, and medication had not been removed from their drug card although the doses were documented as given, narcotics were administered to residents who other caregivers noted the residents didn’t request narcotics from them, complaints of Respondent over-medicating resident, being on the phone and Facebook, and having a poor attitude; c) Respondent’s employment with Rogers Health and Rehabilitation, Rogers, Arkansas, was terminated on March 29, 2017, for insubordination; (d) Respondent repeatedly submitted false and misleading information on her application for employment; On or about May 7, 2018, the Board received a second complaint against the Respondent from Rogers Health and Rehabilitation, Rogers, Arkansas. The complaint stated the Respondent arrived four (4) hours early for her shift and appeared disheveled. Respondent’s co-workers reported that they did not feel like Respondent was able to provide care for the residents. Respondent was observed having the medication Rocephin with her and was seen at the medication cart injecting herself with Lidocaine that belonged to a resident. Respondent refused a drug screen and was terminated. On or about June 12, 2018, the Arkansas Department of Human Services, Division of Medical Services, Office of Long Term Care, issued a Founded Report against Respondent for Exploitation for the incident at Rogers Health and Rehabilitation. Without appeal, Respondent will be added to the Adult Maltreatment Central Registry. Staff have made numerous attempts to contact the Respondent. Respondent did provide some documents to staff and knew she was under investigation by the Board.

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 HILLARY ANN HARRINGTON, LPN LICENSE NO. L052129, has violated 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 one (1) year, to be followed by probation for 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 $2,250.00 plus any outstanding balance associated with previous disciplinary action.

Respondent must immediately notify the Board in writing of any change, even a temporary one, in name or address.

Respondent must provide evidence to the Board of a complete psychological / addiction evaluation within 30 days of receipt of this order. Acceptable evidence shall include at least an in-depth psychological evaluation with appropriate testing from a psychiatrist. The Respondent shall supply a copy of the Board’s Order to the evaluator. The evaluation must contain evidence that the evaluator knows the reason for the referral. The evaluator must specifically advise the Board that the nurse is presently able to engage in the safe practice of nursing or recommend the conditions under which safe practice could be obtained. The Respondent will 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 disciplinary action against Respondent’s license / privilege to practice.

Respondent shall follow the evaluator’s recommendations regarding treatment and support group meetings. Respondent shall attend three (3) AA/NA or other Board approved treatment program/support group 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 every three (3) months until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.

Respondent must provide evidence of successful completion of a continuing education course approved by the Board staff in the following: Nurse and Professional Behaviors; Medication Administration

Respondent shall request license reinstatement in a registered letter to the Board once compliance with the Board’s Order is met.

Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis.

Respondent’s responsibility and duty is to insure 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.

All costs involved in complying with the Board’s Order shall be borne by Respondent.

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.

The suspension period is to be followed by a probationary period of two (2) years. All conditions of suspension period shall continue through the probation year.

While on probation, if working as a nurse, Respondent must notify each employer of the Board’s Order.

The employer must submit quarterly Performance Evaluation Reports to the Board regarding Respondent’s safe practice of nursing.

Respondent must 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 cannot be employed in critical care, hospice or home health settings.

Respondent may not work outside the State of Arkansas in another compact licensure state.
• Verification of termination of the probationary period shall be requested in a registered letter to the Board.

Brought by Janice Ivers and seconded by Neldia Dycus.

PASSED

There being no further business, the meeting adjourned at 3:25 pm.

Lance Lindow, Vice President

Leslie Suggs, Recording Secretary

01/10/19

Date Approved