



Arkansas Department of Health

Arkansas State Board of Nursing
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Governor Asa Hutchinson
Nathaniel Smith, MD, MPH, Secretary of Health
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: November 14, 2019
Board Conference Room

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

MEMBERS ABSENT: None

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

Vice President Lance Lindow called the meeting to order at 10:35 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.

DANIELLE LEE KRAKER HARFORD, RN LICENSE NO. R096746 and LPN LICENSE NO. L051423

Respondent was not present for the proceedings before the Board and was not represented by counsel. Brandon Grimes, Chief Investigator, provided testimony on behalf of the Board. On May 1, 2018, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6), (a)(9), and the Board's *Rules*, Chapter Seven, Section IV(a)(6). Respondent was issued a Letter of Reprimand on May 1, 2018, and ordered to provide evidence of completion of the Board approved courses *The Nurse and Professional Behaviors*, *PN Scope of Practice*, and *Sharpening Critical Thinking Skills* within six (6) months. As of October 21, 2019, Respondent has failed to comply with the terms and conditions of the Board's May 1, 2018, Letter of Reprimand.

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MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **DANIELLE LEE KRAKER HARFORD, RN LICENSE NO. R096746 and LPN LICENSE NO. L051423 (expired)**, the Respondent has violated the terms and conditions of their Board order and 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 Melanie Garner.

PASSED

Tonya Gierke, ArNAP, presented one (1) evaluator and (1) treatment provider seeking approval for the ArNAP program. After discussion, the following motion was presented.

I MOVE that the ASBN approve the attached, marked list of Treatment Providers and Evaluators, as Board-approved for participants of ArNAP and Respondents to use for their treatment and evaluations.

Brought by Ramonda Housh and seconded by Rachel Sims.

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:

King, Tamera Jo Harris Cooper, L036586

(Paragould, AR)

A.C.A. § 17-87-309 (a)(6)

Probation – 2 years

Civil Penalty - \$1,000.00

Courses – LPN Refresher Course and The California Academy of Healthcare Pharmacology Program

Brought by Stacie Hipp and seconded by Janice Ivers.

The meeting recessed for lunch at 11:00 a.m. Following lunch, the Board resumed hearings.

Vice President Lance Lindow called the meeting to order at 1:00 p.m. A flexible agenda was approved.

STEPHEN LAURANCE HOBBS, LPN LICENSE NO. L058679

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Dr. Jimmy Valentine, Medical Pharmacology and Toxicology Consulting, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV(A)(6)(p) and pleads not guilty to the charges. Respondent is licensed as a Licensed Practical Nurse and holds License No. L058679. On or about December 26, 2018, Wendy Lincoln, Assistant Vice President of Patient Care, Baptist Health, Little Rock, Arkansas, reported that Respondent was given a for-cause drug screen that reported positive. Respondent was sent for a reasonable cause drug screen on November 20, 2018, during a facility investigation of missing Percocet 5-325 mg tablet. Respondent's drug screen tested positive for THC at 2937.3 ng/mL. The normalized quantitation result is 1300 ng/mL creatinine. The results were verified on December 11, 2018. On November 26, 2018, Respondent was sent for another reasonable cause urine drug screen during a facility investigation of missing oxycodone 10/325 mg tablet. Respondent's drug test was positive for THC at 671.1 ng/mL. The normalized quantitation result is 450 ng/mL creatinine. The results were verified by a Medical Review Officer on December 11, 2018. Respondent's employment was terminated for misconduct and violation of facility rules on December 12, 2018. Respondent contends he tested positive for THC due to his use of CBD oil. Staff attempted to work with Respondent, but he didn't want to enter into a Consent Agreement.

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MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **STEPHEN LAURANCE HOBBS, LPN LICENSE NO. L058679**, 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)(p), and that Respondent's license and privilege to practice as a nurse be suspended until safe to practice obtained with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$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 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 course(s): *Sharpening Critical Thinking Skills*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
 - Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
 - Respondent shall execute any release necessary to give the Board access to records, including but not limited to medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
 - Respondent shall ensure that all reports, of Respondent and the employer, are submitted quarterly.
 - Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
 - Respondent shall be responsible for all costs involved in complying with the Board's order.
 - Respondent shall request license reinstatement to the Board via the Arkansas Nurse Portal once compliance with the Board's suspension order is met.
 - A probation period of one (1) year 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 licensee 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 Stacie Hipp.

PASSED

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There being no further business, the meeting adjourned at 3:00 pm.



Lance Lindow, Vice President



Leslie Suggs, Recording Secretary



Date Approved