BOARD MEETING MINUTES

TIME AND PLACE: Thursday, November 15, 2018
Board Conference Room

MEMBERS PRESENT: Yolanda Green, LPN; Rachel Sims, BSN, RN; Neldia Dycus, BS, MHSM, 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; Lance Lindow, RN

MEMBERS ABSENT: Kaci Bohn, PhD, Consumer Representative

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 called the meeting to order at 8:40 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.

ERICA GENETTE SMITH, MISSISSIPPI RN 906014, ARKANSAS RTP-021491 (EXPIRED)
Respondent was present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, Pharmacy Services, and Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. The Board has received a request for a hearing from Respondent to appeal a Cease and Desist Order issued by Sue Tedford, MNSc, APRN, Executive Director, on June 12, 2018, and pleads not guilty to the charges. Respondent is licensed as a Mississippi Registered Nurse and holds license number Mississippi R906014. Respondent was working in Arkansas on her Mississippi Multistate License privilege pursuant to Ark. Code Ann. §17-87-601 Article III and Article V. Respondent received the Cease and Desist Order after receiving a complaint from St. Bernards Medical Center, Jonesboro, Arkansas, stating the following: Respondent is the holder of Mississippi Multistate RN License 906014 issued by exam on 3/20/2017 and Arkansas RN Temporary License RTP-021491 issued on 12/1/2017 and expired on 6/1/2018. St. Bernards Medical Center employed Respondent 4/24/2017 through 9/6/2017. On or about August 25, 2017 Respondent was placed on a six (6) month Performance Improvement Plan due to the following areas of concern: 1) patient voiced opportunities over concern of competency, 2) lack of awareness surrounding basic nursing functions, and 3) failure to work as an
effective teammate. On or about September 6, 2017 Respondent’s documentation was reviewed and Mike Phillips, Nursing Director and Kristy Ammons, RN discovered Respondent charted medications (Zosyn and Pravachol) as given; however, Omnicell reports indicate the medications were never removed. Respondent was also witnessed scanning a Zosyn vial that was hanging on an IV pole from a previous administration. Investigator from Pharmacy Services, Arkansas Department of Health discovered Respondent accessed the Azactam bin in the Omnicell without issuing or returning anything for Patient GF on August 31, 2017 at 20:33. Respondent charted on the Medication Administration Record the Azactam was administered to Patient GF on August 31, 2017 at 03:09. Respondent was terminated on September 6, 2017 at 17:30 for falsification of medication administrations. On September 6, 2017 at 21:49 Respondent applied for employment at NEA Baptist Memorial Healthcare in Jonesboro, AR. Respondent did not disclose her employment at St. Bernards Medical Center on her application. 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)(c) and (o).

**MOTION:** I move that that Arkansas State Board of Nursing uphold the Cease and Desist Order for ERICA GENETTE SMITH, MISSISSIPPI RN LICENSE NO. 906014, ARKANSAS RTP-021491 (EXPIRED).

Brought by Yolanda Green and seconded by Rachel Sims.

PASSED

**JACKIE GAYLEN COGGSINS, RN LICENSE NO. R095271, LPN LICENSE NO. L051307 (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 Licensed Practical Nurse and holds License No. R095271 and L051307 (expired). On March 20, 2018, the Arkansas State Police notified the Board that the Respondent had been arrested and charged with 3rd Degree Domestic Battery on January 4, 2018, in Izard County, Arkansas. Ultimately, this charge was Nolle Prossed, but during the investigation, staff discovered that Respondent plead nolo contendere to DWI in the District Court of Independence County, Arkansas, on October 11, 2017. On or about July 25, 2018, the Arkansas State Police again notified board staff that the Respondent was found guilty of Public Intoxication on February 9, 2018, District Court of Horseshoe Bend, Arkansas, and that Respondent plead guilty to DWI on July 12, 2018, in the District Court of Izard County, Arkansas. Staff requested that Respondent submit to a psychiatric evaluation on or about June 5, 2018. On or about July 17, 2018, Respondent notified board staff by email stating, in part, that she was in the process of setting up her appointment for a proper evaluation. Respondent failed to submit an evaluation to the Board. Staff have attempted to contact and work with the Respondent.

**MOTION:** I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that JACKIE GAYLEN COGGSINS, RN LICENSE NO. R095271, LPN LICENSE NO. L051307 (EXPIRED), has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(2), (a)(4), and (a)(6), and that Respondent’s license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation 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: Substance Abuse; Anger Management; The Nurse and Professional Behaviors

- 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

KIMBERLY DEE GRIFFIN PENNINGTON, RN LICENSE NO. R070202

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. R070202. On or about January 31, 2018, the Board received a complaint from Medical Solutions, Omaha, Nebraska, stating Respondent's pre-employment drug screen was positive for amphetamines and methamphetamines at 832 ng/mL and 1168 ng/mL respectfully. On March 21, 2018, board staff mailed Respondent a letter, by certified mail and regular mail, requesting a response to the allegations, as well as her employment and pharmaceutical records. On April 19, 2018, notified board staff that she had been taking a friend's diet pills in preparation for a cruise. Respondent acknowledged that she did not have a prescription for the amphetamines, nor did she present a statement from a physician that she needed to be on a diet medication. Respondent did note that she was taking four (4) pills a day. On April 20, 2018, board staff requested, in writing, the Respondent obtain an addictive evaluation. Respondent notified board staff on April 26, 2018, that she was scheduled to see Dr. Richard Back, Fayetteville, Arkansas, on May 15, 2018, with a two (2) week follow-up. Board staff never received an evaluation from Respondent or Dr. Back. On July 3, 2018, Dr. Back's staff informed board staff that the Respondent cancelled her appointment with Dr. Back and did not call back and reschedule. Staff have attempted to work with the Respondent.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that KIMBERLY DEE GRIFFIN PENNINGTON, RN LICENSE NO. R070202, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6), and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, 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: Substance Abuse; The Nurse and Professional Behaviors

- 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 Yolanda Green and seconded by Rachel Sims.

PASSED

SHELLI WRYN DELANEY LEE COX, LPN LICENSE NO. L049124 (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. L049124. On or about April 23, 2018, the Board
received a complaint from Twin Rivers Health and Rehabilitation, Arkadelphia, Arkansas, stating the
Respondent quit her job after refusing a for-cause drug screen related to missing narcotics. Respondent
advised facility administrators that she “would be hot, but not from those narcotic.” Respondent would not
tell the administrators what she would be “hot” from. A total of two (2) Norco 10/325 mg tablets were
missing from the facility. Respondent’s employment with Yukon-Kuskowim Health Corporation, Bethel,
Alaska, was terminated June 9, 2016, for job abandonment. On July 12, 2018, Respondent contacted
board staff by telephone and requested to voluntarily surrender her license. Respondent was sent the
proper form for surrendering her license, but she never returned the forms to the board. Staff have
attempted to 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 SHELLI WRYN
DELANEY LEE COX, LPN LICENSE NO. L049124 (EXPIRED), has been charged with a
violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6), and that Respondent’s license and
privilege to practice as a nurse be suspended two (2) years, to be followed by probation 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 submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent shall not submit specimens at Respondent's place of employment or practice site. Respondent shall not collect any drug screen ordered by the Board of Nursing. Respondent shall contact the drug screening company daily. If selected for testing, Respondent shall present for a drug screen the same day of the notification and shall have two (2) hours to submit a specimen. Dilute specimens will be considered an attempt to alter test results.

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

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

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.
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- Respondent shall request verification of termination of the probationary period in a registered letter to the Board.

Brought by Pamela Leal and seconded by Stacy Hipp.

PASSED

GEORGE MONROE WALSTON, LPN LICENSE NO. L053939

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. L053939. On or about June 15, 2018, board staff received a complaint from Canyon Springs Health and Rehabilitation, Hot Springs, Arkansas. On June 14, 2018, Scarlett Lewellen, Director of Nursing (DON), was notified by Brittany Hillstad, LPN, that the Respondent was acting suspicious and that she was concerned that he might be under the influence of drugs. Hillstad further reported that the Respondent yelled at another CNA, made her cry, and was currently pacing the halls and talking so rapidly that she was unable to understand him. Lewellen, DON, stated she went to get the Respondent and take him to the Human Resource (HR) Office for privacy. Lewellen stated she found him on the recovery unit with his girlfriend who was a CNA. She stated the Respondent and his girlfriend were very angry and were pacing back and forth. Lewellen stated the Respondent’s speech was slurred, he was jerking his arms, and he kept yelling “this is stupid”, and “who called y’all up here.” She also stated that when she asked Respondent to submit to a drug screen he became angry, stood up yelling and cursing, started jumping up and down, and lunged at the Assistant Director of Nursing (ADON) and herself. Respondent also threatened that he would “get” their jobs. Lewellen noted the Respondent refused to submit to a drug screen. Lewellen’s description of Respondent’s behavior on June 14, 2018, was corroborated by others who were present at the time of the incident. During the investigation it was discovered that the Respondent was convicted of DWI in Garland County, Arkansas, District Court, on November 27, 2017. On or about June 27, 2018, board staff notified the Respondent of the allegations by both certified mail and regular mail. Board staff requested that the Respondent complete an updated criminal background check, respond to the allegations and submit his employment and pharmaceutical records. Board staff received an email from the Respondent on July 16, 2018. He did not submit any employment records, pharmaceutical records, and did not complete an updated criminal background check. Staff have made multiple attempts 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 GEORGE MONROE WALSTON, LPN LICENSE NO. L053939, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6), and that Respondent’s license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action.

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

- Respondent shall provide evidence of evaluation for treatment of addictive behavior within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an in-depth psychological/addiction evaluation with appropriate testing by a practitioner, who meets the Board approved criteria and specializes in addiction disorders. Respondent shall ensure the practitioner sends the report directly to the Board. Respondent shall supply a copy of the Board’s Order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall execute any release necessary to give the Board access to records, including but not limited to medical,
psychological, employment, and or criminal records. Failure to execute a release shall be
 grounds for additional disciplinary action against Respondent's license or 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 offered 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: Anger Management; The 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 Michael Burdine and seconded by Melanie Garner.

**PASSED**

The meeting recessed for lunch at 12:35 p.m. Following lunch, the Board resumed hearings.

Vice President Lance Lindow called the meeting to order at 1:35 p.m. A flexible agenda was approved.

**STEPHANIE LEE SMITH, RN LICENSE NO. R077448 (EXPIRED)**

Respondent was not present for the proceedings before the Board and was not represented by counsel. Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. On September 11, 2014, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(4) and (a)(6). Her license was placed on probation for five (5) years subject to conditions. In addition to the probation imposed above, Respondent was to pay a fine of $2,500.00 pursuant to Ark. Code Ann. § 17-87-104(b)(1). Such fine was payable within fifteen (15) days of receipt of the Order. As of October 19, 2018, the Respondent has failed to comply with the terms and conditions of the Consent Agreement that she signed and entered into with the Board on September 11, 2014. Specifically, Respondent repeatedly failed to submit personal reports and employer performance evaluations as agreed in her Consent Agreement. Respondent failed to contact FirstSource daily as agreed, missing at least 126 check-ins. Respondent failed to submit drug screens as agreed on October 15, 2015; February 14, February 27, April 26, April 30, May 16, June 19, July 12, and July 31, 2018. Respondent failed to submit drug screens within the two (2) hour time limit allowed. Instead of reporting within two (2) hours, the Respondent waited three (3) hours and seven (7) minutes on July 29, 2016; and waited twelve (12) hours and forty-two (42) minutes on September 15, 2017. Respondent repeatedly submitted Low Creatinine / Dilute specimens for drug testing. In total fourteen (14) of Respondent's drug screens had abnormally Low Creatinine / Dilute specimens. Respondent repeatedly failed to attend AA/NA or other approved counseling as agreed. Respondent failed to provide evidence of treatment from a specialist who specialized in pain control treatment as agreed. Respondent failed to provide evidence of continued treatment for substance use disorder. Respondent failed to pay her civil penalty payments as agreed. 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 STEPHANIE LEE SMITH, RN LICENSE NO. R077448 (EXPIRED), has been charged with a violation of terms of probation, and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, to be followed by probation for three (3) years, with the following terms and conditions:

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

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

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

- 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.

ERIKA K. PAYNE MANS FLEMING, LPN LICENSE NO. L055457

Respondent was not present for the proceedings before the Board and was not represented by counsel. Penny Summers, RN, Pharmacy Services, and Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent is licensed as a Licensed Practical Nurse and holds License No. L055457. On or about March 16, 2018, a complaint was filed with the Board stating Respondent had been admitted to a mental hospital in 2016, is on multiple controlled substances, and has been seen smoking marijuana. It was alleged that the above information was reported to Gosnell Therapy and Living Center, Gosnell, Arkansas, Respondent's place of employment. The complaint also indicated that the Respondent might be stealing drugs from Gosnell Therapy and Living Center, and that Respondent was adjusting and giving medications to complainant's daughter. On November 16, 2017, the Respondent was hired to work as an LPN at Gosnell Therapy and Living Center. On May 31, 2018, during Pharmacy Services investigation of the above complaint, it was initially discovered that Respondent's documentation failed to account for 2.5 mg of alprazolam and 15 mg of hydrocodone. The investigator then requested additional documents related to the narcotic audit. On June 5, 2018, the Director of Nursing (DON), Ms. Neil, contacted the Pharmacy Services investigator and advised her that they had discovered missing narcotics and that they were going to drug test the Respondent on June 4, 2018, when she returned to work. Respondent did not return to work on June 4, 2018, as scheduled and her employment with Gosnell Therapy and Living Center was terminated June 8, 2018, due to violations of policies and procedures, dishonesty, falsification of records/documentation, misappropriation of resident funds and property, and unsatisfactory job performance. The investigator with Pharmacy Services, Arkansas Department of Health, pulled and reviewed five (5) medical records from Gosnell Therapy and Living Center, and found the following: that Respondent on May 17, 2018, removed one (1) alprazolam 0.5 mg tablet for Patient D.S. and that the Respondent failed to document that she administered the medication or that she wasted the medication. The Respondent repeated this practice four (4) times from May 17, 2018 to May 27, 2018. The controlled substance record reflects that on May 26, 2018, Respondent removed one (1) hydrocodone/APAP 5/325 mg tablet for Patient D.S. and that the Respondent failed to document that she administered or wasted the hydrocodone. The Respondent repeated this pattern on May 27, 2018, at 07:32 and 15:30. On March 16, 2018, at 15:48, the Respondent removed one (1) hydrocodone/APAP 7.5/325 mg tablet for Patient C.P., but failed to document that she administered the hydrocodone in the Mediation Administration Record (MAR). Respondent also failed to document that she wasted the drug. Respondent repeated this pattern six (6) times from March 17, 2018 through April 3, 2018. A total of 52.5 mg of hydrocodone is unaccounted for.
Respondent was the only nurse administering hydrocodone to Patient C.P. On April 19, 2018, at 15:45, Respondent removed one (1) Tylenol #3 tablet for Patient I.R. The MAR does not reflect that the Respondent administered the Tylenol #3 to Patient I.R. and there is no documentation of wastage. A total of 30 mg of codeine is unaccounted for. On April 13, 2018, at 07:00 and 23:00, Respondent removed one (1) Tylenol #4 tablet, however, the MAR indicates Respondent administered Tylenol #4 to Patient V.C. at 07:00, 13:13, and 20:00. According to the controlled substance record the Respondent removed one (1) tablet of lorazepam 0.5 mg for Patient L.R. on May 12, 2018, at 08:06. On October 5, 2015, Respondent was hired at ARcare, Jonesboro, Arkansas, and her employment was terminated on January 27, 2016, due to excessive absenteeism, tardiness, and not notifying her supervisor. Respondent was hired by Monette Manor, Monette, Arkansas, on August 4, 2014, and terminated on August 19, 2015, for giving a resident Ativan two (2) hours early, resident not given Xanax, resident given tramadol three (3) hours late, and for skips in the MAR and other related issues. Respondent's pharmacy computer printouts indicates that Respondent is obtaining multiple controlled or abuse potential medications from five (5) different pharmacies. Respondent is taking alprazolam, carisoprodol, clonazepam, clonazepate, dextra / amphetamine, lorazepam, Lyrica, tramadol, and Vyvanse. On or about May 15, 2018, in the Mississippi Court District, Respondent was found guilty of Criminal Mischief, 2nd Degree. 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 ERIKA K. PAYNE MANS FLEMING, LPN LICENSE NO. L055457, 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 $4,613.00 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: The 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 Melanie Garner and seconded by Michael Burdine.

PASSED
ASBN MINUTES

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After discussion of Respondent, the following verbal motion was presented by Fred Knight, General Counsel, JD:

**MOTION:** I MOVE the ASBN rescind the Order regarding Leigh Michelle Mullen, RN License R092538 and LPN License L052471, dated October 11, 2018. In turn ASBN will accept the voluntary surrender of Leigh Michelle Mullen’s RN License R092538 and LPN License L052471 dated October 4, 2018.

Brought by Janice Ivers and seconded by Neldia Dycus.

**PASSED**

The following items were brought by Sue Tedford:
- Discussed possible urine drug screen monitoring companies for ArNAP
- Rules Change – public hearing
- Proposed Legislation status

There being no further business, the meeting adjourned at 3:05 pm.

_Lance Lindow, Vice President_

Leslie Suggs, Recording Secretary

**01 / 10 / 19**

Date Approved