



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: October 10, 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; 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

President Lance Lindow called the meeting to order at 8:34 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.

KALLY MARIE RITCHIE SIVAGE, CNP LICENSE NO. A005843, RN LICENSE NO. R091820

Respondent was present for the proceedings before the Board and was represented by counsel, Mr. Dustin A. Duke. 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 after a hearing before the Board on July 11, 2012. These were a violation of Ark. Code Ann. § 17-87-309(a)(2) and (a)(6) and § 17-87-312(e)(28). On July 11, 2012, the Board granted the Respondent a waiver as she has reported on her NCLEX-RN application that she had a history of criminal convictions. The convictions in question were a violation of Arkansas Code Ann. § 17-87-309(a)(2), (a)(4), and § 17-87-312(e)(28), (g)(1) and (g)(2). On or about August 15, 2013, the Respondent successfully completed the terms and conditions of the Board's July 11, 2012 Order and the probationary status on her license was removed. Respondent now requests that she be granted prescriptive authority.

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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 **KALLY MARIE RITCHIE SIVAGE, CNP LICENSE NO. A005843, RN LICENSE NO. R091820**, Prescriptive Authority be Issued.

Brought by Yolanda Green and seconded by Rachel Sims.

PASSED

BRIANNA RANAE LOTER BREEDING, CNP LICENSE NO. A003620, RN LICENSE NO. R069514
PAC 3460

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 Reinstatement pursuant to Ark. Code Ann. § 17-87-310. Respondent's Prescriptive Authority Certificate and DEA authority were surrendered in May and June, 2013. This was a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6). On or about March 8, 2013, Respondent's employment was terminated following a complaint from Sue Tsuda, MD, of Conway Hematology / Oncology Clinic, Conway, Arkansas, for drug diversion and forging prescriptions using Dr. Tsuda's name. Respondent entered a Pre-Adjudication Court Order and Waiver of Rights pursuant to Drug Court Treatment about August 19, 2013, in the Circuit Court of Faulkner County, Arkansas, Third Division (CR2013-258). Respondent voluntarily surrendered her Drug Enforcement Authority Number about May 9, 2013. Respondent voluntarily surrendered her Prescriptive Authority Certificate on June 7, 2013. Respondent entered into a Consent Agreement on or about April 9, 2014, admitting that she had violated Ark. Code Ann. § 17-87-309(a)(4) and (a)(6). Respondent was placed on probation for four (4) years with conditions. Respondent completed the terms and conditions of her Consent Agreement on April 19, 2018. Respondent is now requesting that the Board reinstate her 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 that **BRIANNA RANAE LOTER BREEDING CNP LICENSE NO. A003620, RN LICENSE NO. R069514, PAC 3460 (surrendered)**, Prescriptive Authority be Reinstated.

Brought by Janice Ivers and seconded by Kaci Bohn.

PASSED

LISA MARIE WILSON ASHABRANNER, LPN LICENSE NO. L038072

Respondent was 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. Respondent has been charged a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6), and pleads not guilty to the charges. Respondent is licensed as a Licensed Practical Nurse and holds License No. L038072. On or about October 31, 2016, while employed with The Children's Clinic, Jonesboro, Arkansas, the Respondent reported to Jane Sneed, M.D., that she had been to the emergency room earlier and tested positive for methamphetamines. Respondent alleged that her husband had given her tainted coffee with methamphetamine without her knowledge. Respondent's urine drug screen was positive for amphetamines at 728 ng/mL and methamphetamines at 3,805 ng/mL. Respondent stated she tried to file a police report with the Arkansas State Police, but couldn't because the incident occurred while she was visiting her husband in Ohio. Respondent was evaluated by Todd Clements, M.D., Psychiatry, and he submitted proposed recommendations. 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 **LISA MARIE WILSON ASHABRANNER, LPN LICENSE NO. L038072**, 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 placed on probation for three (3) years with the following terms and conditions:

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- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$2,463.00, plus any outstanding balance associated with previous disciplinary action.
- Respondent shall immediately notify the Board in writing of any change, even a temporary one, in name or address.
- Respondent shall 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: *Critical Thinking; Substance Abuse*
- 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.
- Respondent shall 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.
- 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.

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- 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.

Brought by Janice Ivers and seconded by Melanie Dycus.

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:

- Adams, Kyndal Jewell, R096408** (Benton, AR)
Violation – ACA § 17-87-309 (a)(6)(p)
Probation – 1 year
Course – The Nurse and Professional Behaviors
Civil Penalty - \$750.00
- Bishop, Billy Ben, L056265** (Conway, AR)
Violation – ACA § 17-87-309 (a)(1), (a)(6)(u), and (a)(9)(e)
Probation – 1 year
Courses – Ethics of Nursing and Preventing Medical Errors
Civil Penalty - \$350.00
- Forga, Jill Kathleen Hutchinson Forga Schaap, R042571 (expired)** (Springdale, AR)
Violation – ACA § 17-87-309 (a)(4), (a)(9)(e)
Probation – 2 years
- Foster, Catherine Therese, R100938** (Williford, AR)
Violation – ACA § 17-87-309 (a)(2)
Probation – 1 year
Courses – The Nurse and Professional Behaviors
- Fowler, Lindsey A., R096946** (Maud, TX)
Violation – Terms and Conditions
Suspension– 6 months to be followed by
Probation – 1 year
- Gage, April Dawn, R099480, L053855 (expired)** (Hot Springs, AR)
Violation – ACA § 17-87-309 (a)(6)(p)
Probation – 1 year
Courses – Professional Accountability and Critical Thinking
- Hughes, Katherine Marie, R085457** (Bismark, AR)
Violation – Terms and Conditions
Suspension– 6 months to be followed by
Probation – 2 ½ years
Course – Substance Abuse
Civil Penalty - \$2,250.00
- McGhee, Mary Elizabeth, L052555** (Hope, AR)
Violation – ACA § 17-87-309 (a)(4) and (a)(6)(u)
Probation – 3 years
Course – The Nurse and Professional Behaviors
Civil Penalty - \$2,250.00
- Rorie, Ashley Diane, R103204** (Batesville, AR)
Violation – ACA § 17-87-309 (a)(4), (a)(6)(d), (m) and (p)

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Probation – 2 years
Course – The Nurse and Professional Behaviors
Civil Penalty - \$2,000.00

Rushing, Sherrie Paulette Jetton Bruce Benefield Roose, R039702 (Jonesboro, AR)

Violation – ACA § 17-87-309 (a)(4), (a)(6)(p) and (a)(9)(e)

Probation – 2 years
Course – The Nurse and Professional Behaviors
Civil Penalty - \$1,500.00

Schneider, Jessica Denise Bauman, R100735, L045930 (expired) (Greenland, AR)

Violation – Terms and Conditions

Probation – 1 year
Civil Penalty - \$750.00

Shehane, Megan Louise, L054604 (El Dorado, AR)

Violation – ACA § 17-87-309 (a)(6)(p)

Probation – 1 year
Civil Penalty - \$750.00

Brought by Kaci Bohn and seconded by Janice Ivers.

PASSED

The meeting recessed for lunch at 12:10 p.m. Following lunch, the Board resumed hearings.

Vice President Lance Lindow called the meeting to order at 1:11 p.m. A flexible agenda was approved.

AMY CHRISTINE STUCKEY, RN LICENSE NO. R066500 (EXPIRED), LPN LICENSE NO. L033195 (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. Respondent has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6), and pleads guilty to the charges. Respondent is licensed as a Registered Nurse and Licensed Practical Nurse and holds License No.'s R066500 (expired) and L033195 (expired). On or about December 28, 2017, Christopher Cox with Baptist Health Extended Care Hospital, Little Rock, Arkansas, reported that on December 20, 2017, that Respondent was impaired at work. Respondent's first alcohol test was positive and her second test showed an error. Respondent acknowledged that she had been drinking the evening before the test. Respondent's urine drug screen was positive for hydrocodone. Respondent stated that she had taken a hydrocodone from a family member's old prescription the week before. Respondent's employment with Baptist was terminated on December 27, 2017. Respondent had received multiple written and verbal warnings and counselings regarding attendance and falling asleep at her desk prior to her termination. Respondent notified the Board staff that she had been treated and completed The BridgeWay's Intensive Outpatient Program for Addictive Diseases on or about January 25, 2018. Staff have attempted to contact and work with 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 **AMY CHRISTINE STUCKEY, RN LICENSE NO. R066500 (EXPIRED), LPN LICENSE NO. L033195 (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 until completion of addictive evaluation and safe to practice, 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 shall pay a civil penalty of \$1,500.00 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

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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.

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- A probation period of two (2) 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 Neldia Dycus and seconded by Janice Ivers.

PASSED

BERNA LYNN DAVIS HUFFMAN, RN LICENSE NO. R033798

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. R033798. On or about January 2, 2018, the Florida State Board of Nursing indefinitely suspended Respondent's Florida registered nurse license after the Respondent tested positive for marijuana on a pre-employment drug screen. Respondent was unable to provide a prescription for the marijuana. Arkansas Board staff sent Respondent certified letters requesting a response to the Florida allegations. Respondent has failed to contact Board staff.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **BERNA LYNN DAVIS HUFFMAN, RN LICENSE NO. R033798**, has violated Ark. Code Ann. § 17-87-309(a)(4), (a)(6), and (a)(7), and that Respondent's license and privilege to practice as a nurse be suspended until an unencumbered license is issued in Florida, with the following terms and conditions:

- 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 Melanie Garner and seconded by Michael Burdine.

PASSED

KRISTI MICHELLE TURNER DeLEE THOMAS, LPN LICENSE NO. L058146

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. L058146. On or about December 15, 2007, Board staff received the first complaint from Monette Manor, Monette, Arkansas, stating the Respondent's employment as an LPN had been terminated for misappropriating discontinued medication from a resident. On December 27, 2017, Board staff received a second complaint from Monette Manor, Monette, Arkansas, stating the Respondent's drug screen was positive for methamphetamine. Staff contacted Respondent by certified mail and requested that she obtain an addictive evaluation on March 26, 2018. On or about March 26, 2018, Respondent entered into a negotiated plea of guilty to one (1) count of Possession of a Schedule I/II Controlled Substance, Methamphetamine or Cocaine., a Class "D" felony and one (1) count of Possession of Drug Paraphernalia for Methamphetamine or Cocaine, a Class "D" felony, in the Circuit Court of Greene County, Arkansas. Respondent was sentenced to forty-eight (48) months probation with fines and court costs. Staff have attempted to contact and work with the Respondent.

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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 **KRISTI MICHELLE TURNER DeLEE THOMAS, LPN LICENSE NO. L058146**, pleaded guilty or nolo contendere to, or has been found guilty of a crime making them ineligible to hold a nursing license as cited in Arkansas Code Annotated § 17-87-312 and §17-87-309(a)(2), and that the Board Revoke Respondent's nursing license(s) and/or privilege to practice nursing.

Brought by Melanie Garner and seconded by Michael Burdine.

PASSED

There being no further business, the meeting adjourned at 2:50 pm.



Lance Lindow, Vice President



Leslie Suggs, Recording Secretary

11/14/18

Date Approved