



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: October 10, 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 8:45 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.

TANIKA LADAWN MOORE, RN LICENSE NO. R085939 and LPN LICENSE NO. L044866 (EXPIRED)

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 February 13, 2019, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6)(c). Her license was placed on probation for two (2) years subject to conditions. In addition to the probation imposed above, Respondent was to pay a fine of \$1,200.00, plus all outstanding balances associated with previous disciplinary action, pursuant to Ark. Code Ann. § 17-87-104(b)(1). Such fine was payable within fifteen (15) days of receipt of the Order. As of September 5, 2019, 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 February 13, 2019. Specifically, Respondent has failed to comply with any of the terms and conditions of the Consent Agreement she signed and entered into with the Board on February 13, 2019.

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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 **TANIKA LADAWN MOORE, RN LICENSE NO. R085939 and LPN LICENSE NO. L044866 (EXPIRED)**, has been charged with a violation of the 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 provide evidence of a comprehensive assessment for substance use disorder within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an evaluation with appropriate testing by an evaluator, who meets the Board approved criteria and specializes in addiction disorders. Respondent shall supply a copy of the Board's order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall ensure the evaluator sends the report directly to the Board.
- Respondent shall attend AA/ NA, or other Board approved counseling / support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.
- Respondent shall 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

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- 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): *Documentation*; *Substance Abuse Disorder*; and *Disciplinary Action: What Every Nurse Should Know*. 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 three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
 - While on probation, if working as a nurse, The Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the state of Arkansas. Respondent may submit the Multistate Nursing License Application after successful completion of probation to determine if license qualifies for multi-state compact status.
 - Respondent shall notify and present to each employer a copy of this Board order. Respondent shall have employer sign and submit directly to the Board the document, Employer Acknowledgement.
 - Respondent shall have their employer submit directly to the Board a Performance Evaluation Report quarterly.
 - Respondent shall not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
 - Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention.
 - Respondent shall not be employed in critical care, in-home hospice or home health settings.
 - Respondent shall notify the Board within ten (10) days, via the Arkansas Nurse Portal, of any change, even a temporary one, in name, address, or employer.
 - Respondent shall request verification of termination of the probationary period via the Arkansas Nurse Portal.
 - Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this order may result in additional disciplinary action on the Respondent's licensure and/or privilege, including but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

TAMMY JEAN EDWARDS FULLER SMITH, LPN LICENSE NO. L033837 (EXPIRED)

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 January 9, 2019,

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Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(1), (a)(2), and (a)(6). Her license was placed on probation for two (2) years subject to conditions. In addition to the probation imposed above, Respondent was to pay a fine of \$375.00, plus all outstanding balances associated with previous disciplinary action, pursuant to Ark. Code Ann. § 17-87-104(b)(1). Such fine was payable within fifteen (15) days of receipt of the Order. As of August 30, 2019, the Respondent has failed to comply with any of the terms and conditions of the Consent Agreement that she signed and entered into with the Board on January 9, 2019. Specifically, Respondent has failed to submit employer reports, personal reports, counseling reports, and has not signed up with FirstSource for drug testing.

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 **TAMMY JEAN EDWARDS FULLER SMITH, LPN LICENSE NO. L033837 (EXPIRED)**, has been charged with a violation of the 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 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 follow the previous evaluation recommendations.
- 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

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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): *Disciplinary Action: What Every Nurse Should Know; Substance Abuse Disorders; Documentation for Nurses; and The Nurse and Professional Behaviors*. 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 three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, The Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the state of Arkansas. Respondent may submit the Multistate Nursing License Application after successful completion of probation to determine if license qualifies for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Board order. Respondent shall have employer sign and submit directly to the Board the document, Employer Acknowledgement.
- Respondent shall have their employer submit directly to the Board a Performance Evaluation Report quarterly.
- Respondent shall not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention.
- Respondent shall not be employed in critical care, in-home hospice or home health settings.
- Respondent shall notify the Board within ten (10) days, via the Arkansas Nurse Portal, of any change, even a temporary one, in name, address, or employer.
- Respondent shall request verification of termination of the probationary period via the Arkansas Nurse Portal.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this order may result in additional disciplinary action on the Respondent's licensure and/or privilege, including but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Jasper Fultz and seconded by Neldia Dycus.

PASSED

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Tonya Gierke, Assistant Director, presented the Board with information regarding the ArNAP program. After discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve Alternative to Discipline Program Policy Number: XI-12, Program Completion.

Brought by Ramonda Housh and seconded by Yolanda Green.

PASSED

The meeting recessed for lunch at 11:10 a.m. Following lunch, the Board resumed hearings.

Vice President Lance Lindow called the meeting to order at 1:05 p.m. A flexible agenda was approved.

ROSALAND DUNN, LPN LICENSE NO. L053115

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 April 4, 2018, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6) and (a)(9) and the Board's Rules, Chapter Seven, Section IV. Respondent was issued a Letter of Reprimand on April 4, 2018, and ordered to provide evidence of completion of the following courses: *Documentation*, *Professional Accountability*, and *Sharpening Critical Thinking Skills* within six (6) months. As of September 6, 2019, Respondent has failed to comply with the terms and conditions of the Board's April 4, 2018, Letter of Reprimand.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **ROSALAND DUNN, LPN LICENSE NO. L053115**, that the Board Suspend the license and privilege to practice nursing until the terms of their Letter of Reprimand are met.

Brought by Ramonda Housh and seconded by Rachel Sims.

PASSED

There being no further business, the meeting adjourned at 1:15 pm.



Lance Lindow, Vice President



Leslie Suggs, Recording Secretary

11/13/19

Date Approved