



Arkansas State Board of Nursing

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BOARD MEETING MINUTES

TIME AND PLACE: October 11, 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

Vice President Lance Lindow called the meeting to order at 8:48 a.m. Guests were welcomed and a flexible agenda was approved.

MORNING SESSION: BUSINESS

Sue Tedford, Executive Director, MNSc, APRN, discussed the following motion:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the September 12, 2018 and September 13, 2018 meetings.
Brought by Janice Ivers and seconded by Melanie Garner.
PASSED.

Pamela Leal, RN, Chair of the Scholarship Committee, brought the following motion:

MOTION: I MOVE that the Arkansas State Board of Nursing make the following changes to the Faith A. Fields Nursing Scholarship disbursement for the 2018 Fall Semester, as follows:
Reduce the amount awarded in memory of Jill Hasley from \$3000.00 to \$1500.00 payable to University of Arkansas in Fayetteville on behalf of Susan Ferguson.
Brought by Pam Leal and seconded by the Scholarship Committee.
PASSED.

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Tonya Gierke, Assistant Director, JD, BSN, RN, updated the Board on the Arkansas Nurses Alternative Program (ArNAP). The following motions were passed:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the use of an alternative drug screening company that meets current screening and testing standards.
Brought by Kaci Bohn and seconded by the Janice Ivers.
PASSED.

Ms. Gierke discussed qualifications for each applicant for the evaluator list, and the Board approved the following individuals for the initial list of evaluators for addictive evaluations:

- Dr. Edward M. Anderson
- Kathy Bettinardi-Angres
- Dr. Phil Brown
- Dr. Anthony Calabrese
- Dr. Bradley Diner
- Dr. Betty Feir
- Dr. Deborah Gross
- Dr. Lacey Herrington
- Dr. Donnie Holden
- Dr. Judson Hout
- Dr. Savanna McCain
- Dr. Michael McCormick
- Stuart D. Milan
- Dr. Rafeal Otero
- Charity Tarr
- Dr. Frederick Woolverton

MOTION: I MOVE that the Arkansas State Board of Nursing approve the attached marked list of Evaluators as Board-approved Evaluators for addictive evaluations.
Brought by Janice Ivers and seconded by Neldia Dycus.
Kaci Bohn Abstained.
PASSED.

After discussion regarding current procedures and utilization of the current evaluator list, the following motion was brought:

MOTION: I MOVE that the Arkansas State Board of Nursing begin utilization of the Board approve list of evaluators effective July 1, 2019.
Brought by Melanie Garner and seconded by Michael Burdine.
PASSED.

Ms. Gierke discussed details regarding each of the treatment providers which made application to be placed on the approved treatment provider list, and the Board approved the following ArNAP Treatment Providers for the initial list:

- Behavioral Science Clinic
- Conway Behavioral Health
- Bradford Health Services
- Betty J. Feir, PhD, PC
- Harbor House, Inc.
- OCH Gravette Clinic- Psychiatry

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- Rafael F. Otero, PhD
- Ouachita County Medical Center
- Palmetto Addiction Recovery Center
- Parkdale Center
- Pine Grove Behavioral Health and Addiction Services
- MCAP of Chicago/Positive Sobriety Institute
- Ranch Mississippi
- The Village Institute

MOTION: I MOVE that the Arkansas State Board of Nursing approve the attached marked list of Treatment Providers as Board-approved Treatment Providers.

Brought by Melanie Garner and seconded by Michael Burdine.

PASSED.

For the Board's review, Ms. Tedford and Ms. Gierke shared a draft version of the proposed policy regarding Alternative to Discipline Policy XI-9: *CRNA Specific Requirements for Employment*. The Board provided their suggested revisions, which will be applied by Ms. Gierke then provided to the Board at their next Board Meeting.

CONSENT AGREEMENT

Mary Trentham, Attorney Specialist, JD, MNSc, MBA, APRN, presented a consent agreement which 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 Agreement:

Searcy, Morgan Leigh, L057329
Violation – ACA § 17-87-309 (a)(6)(p)
Probation – 1 year
Course- Substance Abuse
Civil Penalty - \$500.00

(Kingsland, AR)

Brought by Kaci Bohn and seconded by Janice Ivers.

PASSED

There being no further business, the meeting recessed for lunch at 12:15 pm.



Lance Lindow, Vice-President



Susan Lester, Recording Secretary

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Date Approved

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Vice President Lance Lindow called the meeting to order at 12:59 p.m. A flexible agenda was approved.

RACHEAL MARIE COLLUMS, LPN LICENSE NO. L058186 (EXPIRED)

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. L058186. On or about September 17, 2017, a co-worker of Respondent's at Alma Health and Rehabilitation, Alma, Arkansas, reported that Respondent had been arrested and charged with DWI and Resisting Arrest on September 14, 2017, in Franklin County, Arkansas. It was reported that Respondent had discrepancies in her PRN controlled substance administration; had tested positive for controlled substances at work, but provided a prescription; and that nothing was ever done by management although it had been reported. An Ozark, Arkansas Police Report indicated the Respondent was arrested on September 14, 2017, and charged with DWI-Drugs, Following to Close, Careless and Prohibited Driving, and Refusal to Submit. Respondent was hired at Alma Health on August 2, 2017, and terminated September 19, 2017, due, in part, to negligence, carelessness, and multiple medication errors. During Respondent's approximately six (6) weeks of employment at Alma Health, she received a written warning and multiple counselings. Respondent's application for employment with Alma Health contained false and misleading information. Arkansas Department of Health, Pharmacy Services, Little Rock, Arkansas, conducted an investigation into Respondent's practice at Alma Health. After a review of five (5) medical records it was determined that Respondent's documentation failed to account for 5 mg of hydrocodone, 10 mg of oxycodone, and it appeared that the Respondent was the only nurse administering hydrocodone to several patients. The Respondent failed to properly document the administration of controlled substance and wastage if there was any. On or about July 31, 2017, Respondent's employment with Paris Health and Rehabilitation Center, Paris, Arkansas, was terminated, in part, for failing to perform duties as assigned; not assessing residents in a timely manner as related to chest pain, and not following policies related to falls, discharges, re-admissions, and narcotic sign-outs. Before Respondent's termination at Paris Health she incurred multiple warnings, counselings, and write-ups. Respondent's employment with Madison Health and Rehabilitation Center, Little Rock, Arkansas, ended June 6, 2017, after she resigned in lieu of involuntary termination. Respondent's employment with Madison Health and Rehabilitation Center began March 21, 2017 and during her three (3) months of employment with Madison Health and Rehabilitation Center, she received both verbal and written warnings. Respondent was employed with the Arkansas State Hospital, Little Rock, Arkansas, from December 5, 2016, until March 10, 2017, when her employment was terminated due to her lack of performance and understanding of job description (as related to her number of medication errors); repeated non-compliance with twenty-four (24) hour chart checks; and poor documentation skills. Respondent failed to properly document medication administration; failed to do glucometer log chart checks; was found asleep in the break room; administered Haldol to a patient who didn't have an order for Haldol; failed to administer a patient their hydroxyzine; and sleeping at the nurse's station. Respondent's employment with Brookridge Cove Health and Rehabilitation, Morrilton, Arkansas, began on August 12, 2016, and was involuntarily terminated on October 5, 2016, due to her inability to perform her job after extensive training and her supervisor was not comfortable with her medication pass. Respondent's pharmacy records reflect that between February 6, 2016, through February 6, 2018, the Respondent used four (4) different pharmacies and obtained nine (9) prescriptions for Alprazolam, 840 tablets; one (1) prescription for Tylenol #3, 12 tablets; one (1) prescription for clorazepate dipotassium, 90 tablets; nine (9) prescriptions for hydrocodone, 145 tablets; two (2) prescriptions for Tramadol, 37 tablets; and three (3) Tussionex prescriptions. Staff have attempted to contact and work with the Respondent. On September 14, 2017, in the Franklin County District Court, Ozark Division, Respondent was found guilty of Driving While Intoxicated.

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 **RACHEAL MARIE COLLUMS, LPN LICENSE NO. L058186 (EXPIRED)**, has violated Ark. Code Ann. § 17-87-309(a)(2), (a)(4) and (a)(6),

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and that Respondent's license and privilege to practice as a nurse be suspended two (2) years , followed by three (3) years probation, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$4,563.00, 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 follow the evaluator's recommendations regarding treatment and support group meetings. Respondent shall attend three (3) meetings per week until the Board receives the evaluation with recommendations regarding meeting attendance.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report 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, Documentation*
- Respondent shall request license reinstatement in a registered letter to the Board once compliance with the Board's Order is met.

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- 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 Mike Burdine and seconded by Yolanda Green.

PASSED

LEIGH MICHELE MULLEN, RN LICENSE NO. R092538, LPN LICENSE NO. L052471 (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 November 16, 2016, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(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 \$1,850.00, plus any outstanding balance associated with previous disciplinary action, pursuant to Ark. Code Ann. § 17-87-104(b)(1). Such fine was payable within fifteen (15) days of receipt of the Order. As of September 17, 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 November 16, 2016. Specifically, Respondent has submitted sixteen (16) dilute urine drug screens to FirstSource. Respondent failed to report for a urine drug screen with FirstSource on June 26, 2018 and December 18, 2017. Respondent failed to submit a civil penalty payment for the quarter ending September 2017 and was late submitting her payment for the quarter ending June 2018. Respondent was late submitting reports for September 2017 and June 2018. Respondent has failed to call FirstSource on six (6) occasions. Respondent has made multiple travel requests while on probation.

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 **LEIGH MICHELE MULLEN, RN LICENSE NO. R092538, LPN LICENSE NO. L052471 (EXPIRED)**, has violated the terms of probation and that Respondent's license and privilege to practice as a nurse be suspended two (2) years, followed by three (3) years probation, 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.

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- 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 Arkansas Nurse Practice Act; Sharpening Critical Thinking Skill*
- 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 Janice Ivers and seconded by Kaci Bohn.

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:

Jordan, Christopher Lee, L055695

(Fayetteville, AR)

Violation – ACA § 17-87-309 (a)(1)(f) and Terms and Conditions

Probation – 3 years

Civil Penalty - \$2,250.00

Brought by Melanie Garner and seconded by Mike Burdine.

PASSED

There being no further business, the meeting adjourned at 2:40 pm.



Lance Lindow, Vice President



Leslie Suggs, Recording Secretary

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Date Approved