



Arkansas State Board of Nursing

UNIVERSITY TOWER BUILDING, SUITE 800
1123 SOUTH UNIVERSITY AVENUE
LITTLE ROCK, ARKANSAS 72204-1619
Telephone 501.686.2701 • Facsimile 501.686.2714
www.arsbn.org

BOARD MEETING MINUTES

TIME AND PLACE: October 9, 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 8:35 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

General Counsel, Fred Knight represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

TIHA MARIE DOUGAN WALMSLEY, RN LICENSE NO. R091806

Respondent was present for the proceedings before the Board and was not represented by counsel. Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent has been charged with violating the terms of probation and pleads guilty to the charges. On September 12, 2018, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6). Her license was placed on probation for one (1) year subject to conditions. As of September 16, 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 September 12, 2018. Specifically, Respondent failed to submit a personal report for the quarter ending January 2019. Respondent's December 4, 2018, urine drug screen specimen was dilute. Respondent's January 9, 2019, urine drug screen was dilute and Respondent waited three (3) hours and twenty-four (24) minutes before submitting a specimen. Respondent's March 8, 2019, urine drug screen was dilute and she waited three (3) hours and thirty-four (34) minutes before submitting a specimen.

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Respondent's March 11, 2019, urine drug screen was positive for amphetamines and the Respondent has failed to provide a prescription for amphetamines. This specimen was also dilute and not submitted for six (6) hours and seventeen (17) minutes. Respondent's April 17, 2019, urine drug screen was positive for amphetamines, no prescription on file, was dilute, and was submitted ten (10) hours and nine (9) minutes after calling. Respondent's April 22, 2019, urine drug screen was positive for ETG/ETS and not submitted until fourteen (14) hours and thirty (30) minutes after she called in. Respondent's May 30, 2019, urine drug screen was dilute and not submitted for eight (8) hours and nine (9) minutes. Respondent's June 21, 2019, urine drug screen was dilute. On August 10, 2019, Respondent failed to check-in with the drug testing company. Respondent's August 14, 2019, urine drug screen was positive for ETG/ETS at 13,340 mg/mL. Respondent's August 16, 2019, urine drug screen was dilute, positive for BZE, a Cocaine metabolite, and not submitted for two (2) hours and seven (7) minutes. Respondent's September 6, 2019, urine drug screen was dilute and positive for ETG/ETS.

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 **TIHA MARIE DOUGAN WALMSLEY, RN LICENSE NO. R091806**, 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

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prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.

- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following Board order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.
- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *Substance Use Disorder* 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.

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- 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 Ramonda Housh and seconded by Rachel Sims.

PASSED

DECOYA DEMOND WALKER, LPN LICENSE NO. L059189

Respondent was present for the proceedings before the Board and was not represented by counsel. Shannon Loyd, RN, and Deborah Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and Board's *Rules*, Chapter Seven, Section IV(A)(6)(c), and pleads not guilty to the charges. Respondent is licensed as a Licensed Practical Nurse and holds License No. L059189. After a public complaint regarding Respondent's nursing practice an investigator with Pharmacy Services, Arkansas Department of Health, Little Rock, Arkansas reviewed Respondent's documentation at Bentley Healthcare, Texarkana, Arkansas. In his report, the investigator indicated about April 2, 2018, Respondent gave a resident's medications by mouth instead of peg tube. A second medication error report was completed about May 25, 2018, for failing to give a resident the proper formula for a peg tube feeding. Ten (10) medical records were reviewed by the investigator and a total of 60 mg of codeine and 0.5 mg of lorazepam was not documented by Respondent as administered or wasted. There is no record of what happened to these drugs. This is Respondent's first nursing position. Respondent was hired about March 22, 2018, following receipt of his license about August 4, 2017.

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 **DECOYA DEMOND WALKER, LPN LICENSE NO. L059189**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and Board's *Rules*, Chapter Seven, Section IV(A)(6)(c) and that Respondent's license and privilege to practice as a nurse be placed on probation for one (1) year with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$1,250.00 plus any outstanding balance associated with previous disciplinary action.
- 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

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specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.

- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *LPN Refresher*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- 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 submit the Enforcement Personal Report to the Board via the Board approved monitoring program quarterly.
- If working as a nurse while on probation, 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 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 not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
- 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 to the Board verification of termination of the probationary period and license reinstatement via the Arkansas Nurse Portal once compliance with the Board's order is met.
- 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.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this order may result in additional disciplinary action on the Respondent's licensure and/or privilege, including but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

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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:

Crum, Tasha Kay, L045980 (Charleston, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(9)

Probation – 1 year

Civil Penalty - \$750.00

James, Kimberly Ashley Suber, L048620 (Star City, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(4), (a)(6), (a)(8)

Probation – 1 year

Courses – Documentation for Nurses; Substance Use Disorder

Civil Penalty - \$750.00

Kidd, Julie A., A004334, R050405, PAC 004124 (Springdale, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(4), (a)(6), (a)(7)

Probation – 5 years

Courses – The Nurse and Professional Behaviors

McClaren, Brody James, R102951, L053838 (Jonesboro, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(8)

Probation – 1 year

Courses – The Nurse and Professional Behaviors; Anger Management

Patterson, Gregory Lewis, R098462, L050756 (Conway, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(6)

Probation – 1 year

Courses – Sharpening Critical Thinking Skills; Substance Use Disorder

Civil Penalty - \$750.00

Russell, Keara Madison, R104348 (Ft. Smith, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(1) and (a)(6)

Probation – 2 years

Course – The Nurse and Professional Behaviors

Civil Penalty - \$1,500.00

Ruth, Genelle, L055201 (Fort Smith, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)

Probation – 1 year

Shelnutt, Darla Brooke Broadway, R082257 (Benton, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(9)

Probation – 1 year

Course – The Nurse and Professional Behaviors

Civil Penalty - \$750.00

Tidwell, Tiffany, L054211 (EI Dorado, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(9)

Probation – 2 years

Courses – Documentation for Nurses; Sharpening Critical Thinking Skills;
Medication Errors: Causes and Prevention; Ethics of Nursing Practice

Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

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Ramonda Housh presented a motion on behalf of the Scholarship Committee:

MOTION: I MOVE that the Arkansas State Board of Nursing make the following changes regarding the Faith. A. Fields Nursing Loan Program for the 2019 Fall Semester, as follows:

Education Applicants:

- Reduce the scholarship amount from \$3,000.00 to \$1,500.00 payable to Chamberlain University on behalf of Lindsey Clarke;
- Increase the scholarship amount from \$1,500.00 to \$3,000.00 payable to Henderson on behalf of Kristina Shelton;
- Increase the scholarship amount from \$1,500.00 to \$3,000.00 payable to Henderson on behalf of Ashley Simmons;
- Increase the scholarship amount from \$1,500.00 to \$3,000.00 payable to University of Arkansas in Little Rock on behalf of Christa Jones.

Brought by Ramonda Housh and seconded by The Scholarship Committee.

PASSED

After discussion, the following Motion was presented to the Board:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the September 11, 2019 and September 12, 2019 Board Meetings.

Brought by Lance Lindow and seconded by Stacie Hipp.

PASSED

After discussion of Board will not be attending 2019 AR Prescription Drug Abuse Summit due to a conflict with previous scheduled Board hearings, the following motion was passed:

MOTION: I MOVE ASBN approve \$5,000 for the AR Prescription Drug Abuse Summit held November 2019.

Brought by Melanie Garner and seconded by Yolanda Green.

PASSED

Sue Tedford introduced the new Arkansas Department of Health logo seal that will be on ASBN stationary effective immediately.

The meeting recessed for lunch at 12:05 p.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.

ROBIN LEIGH DILLARD BRATTON HARDEN, RN LICENSE NO. R065605

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 with violating the terms of probation and pleads guilty to the charges. On September 29, 2017, Respondent voluntarily surrendered her Registered Nurse license after self-reporting that she had been diverting Demerol for her personal use for several months. Respondent also acknowledged that she had been smoking Marijuana too. Respondent's employment with UAMS, Little Rock, Arkansas, was terminated April 20, 2017. On or about July 6, 2017, Respondent admitted to residential treatment for substance use disorder. On September 12, 2018, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(4) and (a)(6). Her license was placed on probation for three (3) years subject to conditions. As of September 12, 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 September 12, 2018. Specifically, Respondent has failed to submit any personal reports, employer reports, or support group reports as

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agreed for the quarters ending April 19, and July 19, 2019. Respondent has consistently tested positive for diphenhydramine while on probation, with her May 15, 2019, urine drug screen testing positive for diphenhydramine at 7131 ng/mL. Respondent failed to complete the course *The Nurse and Professional Behaviors* by April 15, 2019, as agreed. Respondent still has not completed the course. Respondent failed to call FirstSource on at least five (5) occasions.

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 **ROBIN LEIGH DILLARD BRATTON HARDEN, RN LICENSE NO. R065605**, 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 one (1) year, 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 \$3,000.00 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 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 specimen when notified, and failure of Respondent to provide specimen within the allotted time.

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- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *The Nurse and Professional Behaviors* and *Substance Abuse*. 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

KELLY ANN SWAIM, LPN LICENSE NO. L060522

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 with violating the terms of probation and pleads guilty to the charges. On November 14, 2018, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(2). Her license was placed on probation for

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one (1) year subject to conditions. As of September 12, 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 November 14, 2018. Specifically, on March 28, 2019, Respondent's urine drug screen tested positive for clonazepam (she has not provided a prescription), alprazolam (script on file), diphenhydramine, and the specimen was dilute. Respondent also failed to submit the screen within two (2) hours as agreed in her Consent Agreement. Respondent's April 8, 2019, urine drug screen was rejected at the lab because the bottle has been tampered / damaged. Respondent's April 15, 2019, urine drug screen was positive for alprazolam (script on file) and diphenhydramine at 6,155 ng/mL. Respondent failed to submit her specimen within two (2) hours as agreed in her Consent Agreement. On May 14, 2019, Respondent waited four (4) hours and twenty-nine (29) minutes before submitting her urine drug screen. She was positive for alprazolam (script on file) and diphenhydramine. Respondent failed to report for her urine drug screens on May 17, and July 9, 2019. Respondent's June 19, 2019, urine drug screen was positive for promethazine and Respondent did not have a prescription on file with the Board. Respondent has failed to submit a prescription for promethazine. This urine drug screen was positive for diphenhydramine. Respondent was late submitting her personal report for the quarter ending March 4, 2019. Respondent's urine drug screen with Affinity dated August 21, 2019, tested positive for ETG/ETS for alcohol. Respondent's urine drug screen with Affinity dated September 4, 2019, tested positive for ETG/ETS for alcohol and clonazepam, which she has not provided a prescription for. In addition to the above areas of non-compliance Respondent was arrested in Garland County, Arkansas, on or about February 3, 2019, and charged with Harassment and DWI.

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 **KELLY ANN SWAIM, LPN LICENSE NO. L060522**, 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 one (1) year, to be followed by probation for four (4) 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 to the Board of a comprehensive psychological evaluation within thirty (30) days of receipt of this order. Acceptable evidence shall consist of an in-depth psychological evaluation with appropriate testing from a psychiatrist. 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 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): *Substance Use Disorder* 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 four (4) 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 Ramonda Housh and seconded by Rachel Sims.

PASSED

ANGEL JAMELLE SCARBRO SHARP, LPN LICENSE NO. L051040

Respondent was not 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 is licensed as a Licensed Practical Nurse and holds License No. L051040. On or about October 4, 2018, Southridge Village Nursing and Rehabilitation, Heber Springs, Arkansas, reported that Respondent's employment with them was terminated on September 6, 2018, after her urine drug screen tested positive on September 4, 2018, for marijuana metabolite, amphetamines (D-Methamphetamine), and hydrocodone (opiates). The urine drug screen results were GC/MS confirmed. While employed with Southridge Village Nursing and Rehabilitation, Respondent received at least twenty-five (25) employer memorandums including, but not limited to, the following: 8/27/2018 – Suspended for failure to complete orders and charting related to labs and medications, leaving area for long periods of time and unable to be located by other staff, not completing narcotic log correctly; 7/26/2018 – Warning for failure to document administration of a medication. No order for the medication in the chart; 5/21/2018 – Final Disciplinary Warning for failure to complete assigned work before leaving shift. Not completing inputs, outputs, progress notes or assessments documented on 5/20/2018 and 5/21/2018; 4/24/2018 – Warning for failure to count Emergency Narcotic Box at change of shift; 12/01/2017 – Terminated until nursing license is active. Respondent failed to renew license on time; 11/2/2017 – Placed on a Monitored Nurse Contract for 30 days; and 7/25/2017 – Failure to sign Medication Administration Record (MAR) when administering narcotics, failure to write "error" legibly, ensuring two signatures when wasting medication. Staff have made multiple attempts to contact Respondent to obtain her response to the allegations.

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 **ANGEL JAMELLE SCARBRO SHARP, LPN LICENSE NO. L051040**, 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 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.

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- 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 abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following Board order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.
- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *Substance Use Disorder, The Nurse and Professional Behaviors, and Documentation*. 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.

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- 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 Neldia Dycus and seconded by Jasper Fultz.

PASSED

CARRI MARIE JEFFERS SCHWARTZ McCAIN SCHWARTZ, RN LICENSE NO. R066257

Respondent was not 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. On October 17, 2008, Respondent voluntarily surrendered her Registered Nurse license in lieu of a hearing before the Board. On April 15, 2010, Respondent entered into a Consent Agreement with the Board placing her license on probation for two (2) years and a civil penalty of \$1,000.00. On April 12, 2011, Respondent again voluntarily surrendered her Registered Nurse license. On November 14, 2012, the Respondent again entered into a Consent Agreement with the Board whereby her license was placed on probation for two (2) years and assessed a civil penalty of \$500.00. Respondent was issued an action cleared letter of November 17, 2014. After receiving another complaint against Respondent, she entered into a Consent Agreement on April 13, 2016, placing her Registered Nurse license on probation for two (2) years, and a civil penalty of \$1,500.00. Respondent completed the terms of the Consent Agreement and was issued an action cleared letter on May 3, 2018. The above voluntary surrenders and Consent Agreements were all the result of substance abuse related issued and impairment at work. On February 13, 2019, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309 and *Rules*, Chapter Four, § IV(a)(6)(m), (p), (a)(7), and (a)(9)(e). 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 \$1,500.00, 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 12, 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 was a no-call, no-show, for a urine drug screen with FirstSource on March 28, 2019. Respondent's April 1, 2019, urine drug screen with FirstSource was positive for morphine and diphenhydramine at 3,133 ng/mL. Board staff have requested a prescription for Respondent's morphine and Respondent has failed to provide any prescriptions for morphine. Respondent's April 3, 2019, urine drug screen with FirstSource was positive for diphenhydramine at 5,625 ng/mL. Respondent waited four (4) hours and four (4) minutes

to submit her urine drug screen. Respondent has consistently tested positive for diphenhydramine at relative high numbers. Respondent's August 7, 2019, urine drug screen was positive for diphenhydramine 2,162 ng/mL, and ETG/ETS > 25,000 (alcohol metabolite). Respondent has failed to call her drug testing site daily as agreed, having missed seven (7) call-ins the first six (6) months of her current Consent Agreement. Respondent's June 7, 2019, urine drug screen was dilute and still tested positive for diphenhydramine at 1,263 ng/mL. 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 that **CARRI MARIE JEFFERS SCHWARTZ McCain SCHWARTZ, RN LICENSE NO. R066257**, 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 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 abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following Board order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.
- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *Substance Use Disorder and Addiction* and *The Nurse and Professional Behaviors*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.

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- 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) year shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, The Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the state of Arkansas. Respondent may submit the Multistate Nursing License Application after successful completion of probation to determine if 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 Rachel Sims and seconded by Ramonda Housh.

PASSED

CHRISTY ELIZABETH BULL RANKIN, LPN LICENSE NO. L045468 (EXPIRED)

Respondent was not 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. On August 22, 2018, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(6) and the Board's Rules, Chapter Seven, Section IV(a)(6)(d). Respondent was issued a Letter of Reprimand on August 22, 2018, and ordered to provide evidence of completion of the courses *The Nurse and Professional Behaviors*, *Professional Accountability*, and *Sharpening Critical Thinking Skills* within six (6) months. As of September 12, 2019, Respondent has failed to comply with the terms and conditions of the Board's August 22, 2018, Letter of Reprimand.

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MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of **CHRISTY ELIZABETH BULL RANKIN, LPN LICENSE NO. L045468 (EXPIRED)**, the Arkansas State Board of Nursing finds that Respondent has violated the terms and conditions of their Board order and that the Board Suspend the license and privilege to practice nursing until the terms of their Letter of Reprimand are met.

Brought by Melanie Garner and seconded by Yolanda Green.

PASSED

ERIN ELIZABETH SHANNON PERKINS, RN LICENSE NO. R077312

Respondent was not 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. On October 11, 2017, Respondent was found guilty of violating Ark. Code Ann. § 17-87-309(a)(4) and (a)(6). Her license was placed on probation for three (3) years subject to conditions. In addition to the probation imposed above, Respondent was to pay a fine of \$2,700.00, 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 13, 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 October 11, 2017. Specifically, Respondent has failed to submit almost none of her personal reports, employer reports, support group reports, Ouachita County Medical Center, Dependency Unit, related reports, and civil penalty payments as she agreed to, in writing, in her Consent Agreement. Respondent failed to report for mandatory urine drug screens as agreed on April 12, 2018, and October 31, 2018. Respondent's June 1, 2018, urine drug screen was positive for diphenhydramine at 7,527 ng/mL. Respondent's March 22, 2019, urine drug screen was a dilute specimen and was submitted outside the agreed two (2) hour window. Respondent failed to call FirstSource on two (2) occasions. Staff have attempted to contact Respondent and work with her.

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 **ERIN ELIZABETH SHANNON PERKINS, RN LICENSE NO. R077312**, 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 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.

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Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.

- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following Board order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.
- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *The Nurse and Professional Behaviors* and *Substance Abuse*. 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.

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- 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 Yolanda Green and seconded by Melanie Garner.

PASSED

After Board discussion, the following motion was passed:

MOTION: I MOVE that the violation of Board's *Rules*, Chapter Seven, Section IV(A)(6)(c), be added to Motion #2 regarding Decoya Demond Waker, L059189, as charged.

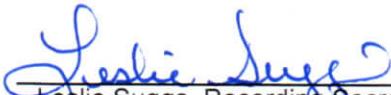
Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

There being no further business, the meeting adjourned at 5:15 pm.



Lance Lindow, Vice President



Leslie Suggs, Recording Secretary

11/13/19

Date Approved