



Arkansas Department of Health

Arkansas State Board of Nursing
1123 S. University Ave. #800 • Little Rock, Arkansas 72204 • (501) 686-2700 • Fax: (501) 686-2714
Governor Asa Hutchinson
Nathaniel Smith, MD, MPH, Secretary of Health
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES VIRTUAL

- TIME AND PLACE:** May 6, 2020
VIRTUAL through ZOOM
Originating from ASBN Conference Room, 8th Floor
- MEMBERS PRESENT:** Michael Burdine, RN; 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
David Dawson, General Counsel
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
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Deborah Rodgers, Program Coordinator, MSN, RN
Brandon Grimes, Chief Investigator
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Corrie Edge, Legal Support Specialist
Matt Gilmore, Boards and Commissions Coordinator, ADH, attended as a guest
Mary Kennebrew, Attorney General's Office, attended as a guest

President Michael Burdine called the meeting to order at 8:40 a.m. Guests were welcomed and a flexible agenda was approved.

AESTHETIC CASES SUMMARY

Deborah Rodgers, Assistant Director, provided information to the Board relating to aesthetic complaints received and recommended action. Following discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing issue a Letter of Warning on each licensed nurse presented for review.
Brought by Jasper Fultz and seconded by Neldia Dycus.
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:

Allen, Lisa Michelle McAvoy, R096571 (Wynne, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(8) and (a)(9)

Probation – 3 years

Courses – Substance Abuse, Documentation for Nurses, Sharpening Critical Thinking Skills

Dodson, Halbert Dale, R066659 (Maumelle, AR)

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

Probation – 3 years

Courses – Substance Abuse, Documentation for Nurses

Forga, Jill Kathleen Hutchinson Forga Schaap, R042571 (Springdale, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(8) and (a)(9)

Probation – 2 years

Courses – Substance Abuse, Documentation for Nurses

Parish, Kelly Rene Myrick, R085270, L042850 (Blytheville, AR)

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

Probation – 2 years

Courses – Documentation for Nurses, Sharpening Critical Thinking Skills

Civil Penalty – \$1,387.00

Pruitt, Casey Morgan Rainey Farris, R082518, L045815 (Magnolia, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(8) and (a)(9)

Probation – 2 years

Courses – Substance Abuse, Documentation for Nurses, Sharpening Critical Thinking Skills

Rector, Carl Lee, L056089 (Mountain View, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(2)

Probation – 1 year

Courses – Substance Abuse

Smith, Heidi Michelle, L045671 (Flippin, AR)

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

Probation – 2 years

Courses – PN Scope of Practice and Behaviors, Sharpening Critical Thinking Skills

Civil Penalty – \$1,500.00

Williams, Steven Michael, PN Endorsement (Allen, TX)

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

Probation – 1 year

Courses – Documentation for Nurses, Sharpening Critical Thinking Skills, and Arkansas Nurse Practice Act

Brought by Ramonda Housh and seconded by Yolanda Green.

PASSED

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MOTION: I MOVE that the Arkansas State Board of Nursing ratify the following Civil Penalties to amend the April 1, 2020 Consent Agreement motion:

Hayes, Patricia Kaye, L028906 (Malvern, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6) and (a)(8)
Civil Penalty – \$600.00

Hendrix, Brittny Gae Thompson, R063594, L033986 (El Dorado, AR)
Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(4), and (a)(8)
Civil Penalty – \$1,100.00

Brought by Ramonda Housh and seconded by Lance Lindow.

PASSED

Mary Trentham presented to the Board the revised wording for Position Statement 20-1. After discussion, the following motion was presented:

MOTION: I MOVE that the Board accept the position statement 20-1 (attached) the ROLE OF THE LICENSED NURSE IN NURSE DRIVEN STANDING ORDERS WORKING IN HOSPITALS THAT HAVE ADOPTED AND ARE SUBJECT TO THE CENTER FOR MEDICARE AND MEDICAID CONDITIONS OF PARTICIPATION.

Brought by Jasper Fultz and seconded by Michael Burdine.

PASSED

DISCIPLINARY HEARINGS

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

REGINALD A. BURTON, LPN LICENSE NO. L048287

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN., Mary Trentham, Attorney Specialist, and Kathy Barnhill, Coordinator, Courtyard Gardens Health and Rehabilitation Center, Arkadelphia, AR, provided testimony on behalf of the Board. Larry Hatchet, LPN, Shantell Mitchell, and Marcia Moore, Director of Nursing, Hickory Heights, testified on behalf of the Respondent. Respondent has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and (a)(7) and pleads not guilty to the charges. Respondent is licensed as a Licensed Practical Nurse and holds License No. L048287. On or about January 10, 2019, Arkansas State Board of Nursing received a letter from Kathy Barnhill, Administrator at North Little Rock Healthcare & Rehab. Ms. Barnhill reported Respondent was terminated on or about December 21, 2018, for a "verbal altercation with a certified nursing assistant that included loud cursing, in a hallway that prevented timely care of residents." It was also reported that Respondent used verbal and emotional abuse towards multiple residents. A resident reported Respondent and aid were arguing loudly in the hall, her call light was not answered timely, and her needs were not taken care of. The resident stated that Respondent "called her Ms. Rockerfella and was rude to her." Resident also stated that Respondent has "cursed at her on several occasions and is very mean." A resident reported Respondent "hollered at him when he came into the room and found [resident] on the floor." The resident stated Respondent laughed at him and left him in urine instead of helping him up. The resident stated he felt "belittled and shamed." The resident also stated that Respondent told him to get off the phone while the resident was talking to his wife. Resident's wife stated that she heard Respondent scold her husband for talking to her and heard Respondent "in a hateful, rude way, tell [resident] to get off the phone." A resident reported Respondent was "very sarcastic when delivering medications. The way [Respondent] addressed her and his mannerism was not nice." The resident stated that Respondent would administer over the counter sleep aides when she was taking prescription medications and [Respondent] stated [to the resident] no one stays awake on [his] shift." A resident assigned to Respondent stated that it took "over two (2) hours [for Respondent] to get pain medication to him." Resident never did get medication from Respondent. Per the resident, Respondent came to the room and stated, "I have been dealing with a dead body." The resident then

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stated Respondent "put his hand in my face and told him the next nurse would give him his medication." A resident reported Respondent accused him of "playing with his colostomy bag." The resident stated that Respondent told him "he would make him pay for playing with his bag and left him in his chair for thirty minutes with BM running down his leg and chair." Respondent has prior discipline with the Board. He received a Letter of Reprimand dated November 25, 2008, issued at the time of initial licensure for a prior criminal conviction. George M. DeRoeck, Psy.D., evaluated Respondent. Respondent was offered a Consent Agreement. Respondent declined the Consent Agreement and requested a hearing.

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 **REGINALD A. BURTON, LPN LICENSE NO. L048287**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and (a)(7) and that Respondent's license and privilege to practice as a nurse be suspended six (6) months, to be followed by probation for two years, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$1,8750.00 plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Arkansas State Board of Nursing, via the Arkansas Nurse Portal.
- Respondent shall provide evidence to the Board of a comprehensive neuropsychological 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.
- Based on the neuropsychological evaluation, 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 provide evidence within six months of successful completion of the Board approved course(s): Nurse and Professional Behaviors, Anger Man, Elder Care, and Stress Management. 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 two years shall follow the suspension period. All conditions of the suspension period 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

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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.
- During the period of probation, Respondent may work in Long Term Care, 7am-9pm, weekdays only; not to exceed 40 hours/week.

Brought by Ramonda Housh and seconded by Janice Ivers.

PASSED

The meeting recessed for lunch at 1:15 p.m. Following lunch, the Board resumed.

President Michael Burdine called the meeting to order at 2:05 p.m. A flexible agenda was approved.

Sue Tedford, Director, has discussion with Board on the following items:

- June 10th and 11th hearings will be conducted via Zoom. There will be four cases scheduled for each session/both days.
- June Business Meeting will be postponed to September.
- She and David Dawson attended the Public Health Committee on Monday. The ASBN Rules went through with no issue.

Sue Tedford updated the Board on May 2020 Proposed Rule Changes and after discussion, the following Motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing accept the changes made relating to the May 2020 Proposed Rules. (*see attachment*)

Brought by Jasper Fultz and seconded by Ramonda Housh.

PASSED

Board had continued discussion from the previous Board Meeting on Aesthetic Public Comments.

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There being no further business, the meeting adjourned at 4:00 pm.

Michael Burdine

Michael Burdine, President

Leslie Suggs

Leslie Suggs, Recording Secretary

6-10-2020

Date Approved