



BOARD MEETING MINUTES

TIME AND PLACE:

June 11, 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:

STAFF ATTENDING AT VARIOUS TIMES:

Sue A. Tedford, Director, MNSc, APRN
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
Stephanie Johnsen, Administrative Analyst
Corrie Edge, Legal Support Specialist

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

Tonya Gierke, Assistant Director, provided information to the Board regarding long term, abuse potential medication(s). Following discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the following participants to continue in ArNAP while taking the listed long-term, abuse potential medication(s):

- KD3567 – Lunesta
- DG1436 – Naltrexone
- DL1092 – Ambien
- SM5890 – Naltrexone (Contrave)
- AP1838 – Adderall, Klonopin
- ES8505 – Adderall
- CS8295 – Adderall

Brought by Ramonda House and seconded by Neldia Dycus.

PASSED

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Tonya Gierke, Assistant Director, provided a case review to the Board regarding a participant's potential acceptance of a position and work scheduled. Following discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve ArNAP participant JT9045 to accept a nursing position at an Assisted Living Facility working two (2), sixteen (16) hour shifts per week.

Brought by Ramonda House and seconded by Neldia Dycus.

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.

BRANSON CARMICAL THOMPSON-HALL, RN LICENSE NO. R103276(EXPIRED) AND LPN LICENSE NO. L057103 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Shannon Loyd, RN, and Debbie Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent holds License Nos. R103276 (expired) and L057103 (expired). On July 27, 2018, Carol Gore, Chief Nursing Officer, Saint Mary's Hospital, Russellville, Arkansas, sent an email to ASBN reporting that Respondent had mismanaged narcotics and performed actions consistent with drug diversion. Respondent was hired by Saint Mary's Hospital on May 1, 2018. Respondent was noted to have numerous issues during his shift, July 11, 2018, surrounding the administration of medication and other unsafe nursing practices. This included not being able to function properly. Multiple narcotics were pulled from the Pyxis and noted as not given or scanned. Respondent did not give patients their medication, gave patients other patient's medication, and medications were not scanned or documented. Numerous other medicine issues were noted, including discrepancies in the narcotics count. On July 11, 2018, Respondent and Saint Mary's Chief Nursing Officer (CNO), Carol Gore, met to discuss Respondent's issues regarding the administration of narcotic medications and his numerous abnormal behaviors. Respondent was also directed to submit a urine drug screen. Respondent was placed on investigative suspension pending the results of the drug screen. Respondent was instructed, in detail, to answer his phone concerning his drug screen with the Medical Review Officer (MRO). Respondent was told to contact the MRO no later than July 25, 2018. On July 11, 2018, Respondent submitted a urine drug screen and stated that he was currently taking lorazepam. However, Respondent failed to provide a prescription. A Pharmacy Narcotic Investigation indicated one (1) prescription for lorazepam 0.5 mg tablet, #30, filled on October 2, 2018. This is almost four (4) months after the urine drug screen at Saint Mary's Hospital. On July 26, 2018, the MRO and CNO, Carol Gore, made the decision to terminate Respondent's employment after numerous attempts were made to contact Respondent. A Personnel Action Form dated July 27, 2018, states Respondent violated hospital policy, tested positive for Benzodiazepines and did not return calls. A DEA Form 106, Report of Theft or Loss of Controlled Substances, lists the loss of six (6) medications in vial and tablet form, including: zolpidem 5 mg tablet, quantity of two (2); oxycodone-acetaminophen 7.5-325 mg tablet, quantity one (1); alprazolam 1 mg tablet, quantity one (1); lorazepam 1 mg tablet, quantity one (1); lorazepam 2 mg/ml vial, quantity of 1.5 ml; morphine sulfate 4 mg/ml vial, quantity 2 ml; and morphine sulfate 8 mg/ml vial, quantity 1 ml. Four (4) medical records, of patients under the care of Respondent, from Saint Mary's Hospital were reviewed. The date range of the review was May 1, 2018 through July 11, 2018. A total of 1 mg alprazolam was unaccounted for; a total of 20 mg escitalopram was unaccounted for; a total of 7.5 mg hydrocodone was unaccounted for; a total of 2.5 mg lorazepam was unaccounted for; a total of 4 mg morphine sulfate was unaccounted for; a total of 7.5 mg oxycodone was unaccounted for; and, a total of 5 mg zolpidem tartrate was unaccounted for. Pharmacy computer printouts of all controlled substance activity for Respondent, both new and refill prescriptions, from March 1, 2016 through October 15, 2018 were reviewed. Respondent received two (2) narcotic prescriptions, from two (2) different providers during this time period. One (1) prescription for vyvanse 60 mg capsule, #30, was filled on March 9, 2018, and one (1) prescription for lorazepam 0.5 mg tablet, #30, was filled on October 2, 2018. A certified letter was sent by the investigator to Respondent at his address on file with ASBN, on January 2, 2019. The letter

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requested that Respondent contact the investigator to discuss the allegations and findings of the investigation. The certified letter was returned, marked "return to sender, no forwarding address" on January 11, 2019. On February 7, 2019, ASBN staff sent a letter by certified and regular mail to Respondent at his last known mailing address on file, requesting an addictive evaluation. The certified letter was returned to the ASBN office on February 14, 2019 marked as "return to sender, not deliverable as addressed, unable to forward." The regular mail letter was not returned. On December 9, 2019, ASBN staff sent a second letter by certified and regular mail requesting an evaluation. On December 12, 2019, Respondent communicated with ASBN staff via email stating he had not received the packet mailed on December 9, 2019. Staff communicated that he should receive the packet with the next two (2) days. The certified letter mailed on December 9, 2019 was signed for by Respondent (date unknown) and the regular mail was not returned. Respondent has not communicated further with the ASBN staff.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **BRANSON CARMICAL THOMPSON-HALL, RN LICENSE NO. R103276(EXPIRED) AND LPN LICENSE NO. L057103 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended for two (2) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$4,700.00 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 follow the evaluator's recommendations regarding treatment, counseling and support group meetings. Respondent shall attend three (3) meetings per week until the Board receives the evaluation with recommendations regarding meeting attendance.
- Respondent shall 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): *The Nurse and Professional Behaviors, Substance Abuse, and Documentation for Nurses*. 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) year(s) 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 Lance Lindow and seconded by Janice Ivers.

PASSED

STACY LYNN HULSE WAGNER BROACH, LPN LICENSE NO. L032568 (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 March 19, 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)(c),(p) and (u). Respondent was issued a Letter of Reprimand on March 19, 2018, and ordered to provide evidence of completion of the board approved courses, *The Nurse and Professional Behaviors* and *Prescription Drug Abuse: Scope, Prevention, and Management Considerations for Nurses*. These courses were to be completed within six (6) months of receipt of the Letter of Reprimand. On March 19, 2018, the Letter of Reprimand was sent by certified and regular mail to Respondent's last known address. The certified letter Return Receipt Card was returned to ASBN on March 20, 2018 but not signed. The letter sent by regular mail was not returned. On April 13, 2018 ASBN received the original envelope of the Letter of Reprimand. The envelope was marked Return to Sender / Undeliverable as Addressed / Unable to Forward. On November 21, 2019, ASBN staff sent a Tracking Progress Report letter informing Respondent that the *Prescription Drug Abuse: Scope, Prevention, and Management Considerations for Nurses* course had been replaced by the *Substance Use Disorder and Addiction* course. The letter requested the Certificates of Completion for the two courses by January 20, 2019. On January 17, 2020, ASBN staff sent a letter to Respondent at her address on file with the Board, informing Respondent that she had failed to provide the completion certificates for *The Nurse and Professional Behaviors* and *Drug Abuse* courses. Respondent was given a deadline until January 31, 2020 to provide the course completion certificates, or a hearing would be scheduled for noncompliance. The ASBN has not received the course completion certificates or received communication from Respondent. ASBN Rule, Chapter 2, Section XI,B. requires a Licensee, whose address changes from the address on file with the Board, to immediately notify the Board in writing of the change. Respondent has not provided the Board written notice of any address change different from that which is currently on file.

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 **STACY LYNN HULSE WAGNER BROACH, LPN LICENSE NO. L032568 (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 Lance Lindow and seconded by Yolonda Green.

PASSED

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

MOTION: I MOVE that the Arkansas State Board of Nursing approve funding for all board members available to attend the 2020 NCBSN Annual Meeting. On January 9, 2020, the Board approved funding for four (4) Board members to attend the 2020 NCBN Annual Meeting in Chicago, IL, August 11-14, 2020. Due to COVID-19 precautions, this meeting will now be held virtually as a one-day online even on August 12, 2020.

Brought by Ramonda Housh and seconded by Lance Lindow.

PASSED

The meeting recessed for lunch at 10:20 p.m. Following lunch, the Board resumed hearings.

President Michael Burdine called the meeting to order at 1:02 p.m. A flexible agenda was approved.

KARLIE MAE WACHOLTZ, LPN LICENSE NO. L059394 (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 May 6, 2019, 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)(c) and (e). Respondent was issued a Letter of Reprimand on May 6, 2019, and ordered to provide evidence of completion of the Board approved courses, *The Nurse and Professional Behaviors* and *Medication Errors: Causes and Prevention*. These courses were to be completed within six (6) months of receipt of the Letter of Reprimand. The Letter of Reprimand was sent by certified and regular mail to Respondent's last known address. The certified letter was returned marked "Return to Sender/Not Deliverable as Addressed/Unable to Forward" on May 10, 2019. The letter sent by regular mail was not returned. On July 16, 2019, a process server attempted to deliver the Letter of Reprimand at Respondent's last known address. There was no answer and a delivery card was left. On July 17, 2019, the process server received a call from the owner of Lakewood Hills Condos who stated in part that Respondent moved out months ago. Respondent failed to provide a Certificate of Completion of the Board ordered courses, *The Nurse and Professional Behaviors* and *Medication Errors: Causes and Prevention*, within six months as ordered. On January 17, 2020 a Notice of Noncompliance was sent to Respondent by ASBN staff requesting the Certificates of Completion for *The Nurse and Professional Behaviors* and *Medication Errors: Causes and Prevention* courses by January 31, 2020. The letter was returned marked "Return to Sender/Not Deliverable as Addressed/Unable to Forward" on January 31, 2020. ASBN Rule, Chapter 2, Section XI,B. requires a Licensee, whose address changes from the address on file with the Board, to immediately notify the Board in writing of the change. Respondent has not provided the Board written notice of any address change different from that which is currently on file. Respondent has not contacted the ASBN nor submitted the Certificates of Completion.

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 **KARLIE MAE WACHOLTZ, LPN LICENSE NO. L059394 (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 Lance Lindow and seconded by Jasper Fultz.

PASSED

LINDA KAY MCKENNON SMITH, CNP LICENSE NO. A001096 (EXPIRED), RNP LICENSE NO. P001290 (EXPIRED), RN LICENSE NO. R011690 (EXPIRED) and PAC NO. PAC003805 (INACTIVE)

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. The Arkansas State Board of Nursing issued a Letter of Reprimand with stipulations on Respondent's Advanced Practice Registered Nurse License, Registered Nurse Practitioner License and Registered Nurse License for violation of the *Nurse Practice Act*. Respondent was issued a Letter of Reprimand on February 7, 2019, and ordered to provide evidence of completion of the board approved courses, *The Nurse and Professional Behaviors* and *Sharpening Critical Thinking Skills*. The courses were to be completed within six (6) months of receipt of the Letter of Reprimand. On February 7, 2019, the Letter of Reprimand was sent by certified and regular mail to Respondent's last known address. The certified letter was signed for by Respondent's agent on February 13, 2019. The letter sent by regular mail was not returned. On January 17, 2020, ASBN staff sent a monitoring noncompliance notice requesting the Certificates of Completion for *The Nurse and Professional Behavior* and *Sharpening Critical Thinking Skills* courses by January 31, 2020. No Certificate of Completion has been received for either course and Respondent has not communicated with ASBN staff. Respondent has failed to comply with the terms and conditions of the Board's February 7, 2019, 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, the Arkansas State Board of Nursing finds that **LINDA KAY MCKENNON SMITH, CNP LICENSE NO. A001096 (EXPIRED), RNP LICENSE NO. P001290 (EXPIRED), RN LICENSE NO. R011690 (EXPIRED) and PAC NO. PAC003805 (INACTIVE)**, 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 Lance Lindow and seconded by Janice Ivers.

PASSED

There being no further business, the meeting adjourned at 1:46 pm.

Michael Burdine

Michael Burdine, President

Stephanie Johnson

Stephanie Johnson, Recording Secretary

July 8, 2020

Date Approved