BOARD MEETING MINUTES

TIME AND PLACE: July 8, 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, JD
Mary Trentham, Attorney Specialist, JD, MNSc, MBA, APRN
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumsey, 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
Matt Gilmore, Boards and Commissions Coordinator, ADH, attended as
a guest
Mary Kennebrew, Attorney General's Office, attended as a guest

Vice President Lance Lindow called the meeting to order at 8:40 a.m. A flexible agenda was approved.

Melanie Garner presented a motion on behalf of the Scholarship Committee:

MOTION: I MOVE that the Arkansas State Board of Nursing distribute funds from the Faith
A. Fields Nursing Loan Program for the 2020 Fall Semester, as follows:

Practice Applicants:
$600.00 payable to East Arkansas Community College on behalf of Tamika Akins;
$600.00 payable to University of Arkansas at Little Rock on behalf of Janay Brown;
$1,200.00 payable to University of Arkansas at Fort Smith on behalf of Raymond Cabarcas;
$1,200.00 payable to Baptist Health College Little Rock on behalf of Mica Hollingshead;
$1,200.00 payable to University of Arkansas at Fayetteville on behalf of Crystal Johnson;
$1,200.00 payable to University of Arkansas at Rich Mountain on behalf of Tiffanie Owens;
$1,200.00 payable to University of Arkansas at Rich Mountain on behalf of Emily Wilhite;
$1,200.00 payable to University of Arkansas at Fayetteville on behalf of Megan Zyl;
Practice Renewal Applicants:
$1,200.00 payable to University of Arkansas for Medical Sciences on behalf of Cody Jones
$1,200.00 payable to North Arkansas College on behalf of Chasity Morse;

Educator Applicants:
$3,000.00 payable to University of Central Arkansas on behalf of Karem Goodner;

Educator Renewal Applicants:
$1,500.00 payable to University of Arkansas at Little Rock on behalf of Christa Jones;
$1,500.00 payable to University of Arkansas for Medical Sciences on behalf of Brook Scalzo;
$1,500.00 payable to Aspen University on behalf of Kristina Shelton;
$1,500.00 payable to Aspen University on behalf of Ashley Simmons;
$1,500.00 payable to the University of Arkansas for Medical Sciences of behalf of Sara Underwood;

Jill Hasley Memorial Scholarship:
   Educator – Susan Ferguson in the amount of $1,500.00 payable to University of Arkansas in Fayetteville (renewal); and
   Practice – Jennifer Rose in the amount of $1,200.00 payable to ARNEC – Ozarka.
Brought by Melanie Gardner seconded by The Scholarship Committee
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.

JULIE ANNETTE KIDD, APRN LICENSE NO. A004334, PAC 004124, AND RN LICENSE NO. R050405
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 9, 2019 The Arkansas State Board of Nursing ratified a Consent Agreement placing Respondent’s RN licensure on probation for five (5) years based on the following Findings of Fact: Respondent is the holder of Arkansas APRN License No. A004334, RN License No. R050405, and PAC No. 004124. Respondent self-reported about May 31, 2019, that she had been terminated from Springwoods Behavioral Health Hospital, Fayetteville, Arkansas, after a for-cause drug screen was positive for Methamphetamine and Adderall. Respondent obtained inpatient treatment for substance use disorder. Respondent admitted to using Methamphetamine and stated that the Adderall was from a prescription for a family member. Respondent did not have a current prescription for Adderall in her name. Respondent has prior discipline with this Board. In 1998, Respondent self-reported to the Board that she was addicted to Methamphetamine. Her nursing license was placed on probation for one (1) year. Respondent’s probationary status was cleared September 16, 1999. Respondent surrendered her license about February 12, 2001. She worked as the Director of Nursing at Siloam Springs Nursing and Rehab from September 6, 2000, until April 10, 2001, which represents two (2) month period post surrender. About February 15, 2000, Respondent’s employment was terminated after she wrote (2) unauthorized prescriptions for controlled substances. About June 5, 2001, in the Circuit Court of Washington County, Arkansas, Respondent pleaded guilty to second degree forgery, a Class C Felony. About September 22, 2000, in the Fayetteville District Court, Fayetteville, Arkansas, Respondent was found guilty of the misdemeanor of Aiding an Unauthorized Departure and sentenced to one (1) year suspended sentence, forty (40) hours public service, and a fine, fee, restitution, and court costs. Respondent voluntarily surrendered her license on February 12, 2001. Respondent’s license was reinstated June 18, 2004, through a three (3) year probation Consent Agreement. Respondent’s probationary status was cleared October 28, 2008. Respondent was issued her APRN license on February 13, 2015, and her prescriptive authority (PAC) was issued under Board Order in 2015. The probation on her PAC was cleared April 18, 2016. Respondent was issued a Settlement Order by the Oklahoma Board of Nursing July 19, 2016, for failing to disclose on her RN and APRN endorsement application, and her Prescriptive Authority application that about September 22,
2000, in the Fayetteville District Court, Fayetteville, Arkansas was found guilty of Aiding an Unauthorized Departure, a Misdemeanor. This action was cleared September 14, 2016. On April 16, 2020, Respondent voluntarily surrendered her Oklahoma issued RN License No. R0122851 to the Oklahoma Board of Nursing for the purpose of avoiding further administrative action with respect to Respondent entering into a Consent Agreement with the ASBN on October 9, 2019. On October 17, 2019 ASBN sent Respondent a compliance packet by certified mail to her last known address on file with ASBN notifying her the first set of documents were due on February 10, 2020. The certified mail was signed for on October 19, 2019. Respondent failed to contact the Board approved monitoring company daily as agreed in the Consent Agreement. Respondent missed 1 check-in. Respondent submitted specimens positive for alcohol, ETG, and ETS on nine occasions between November 18, 2019 and May 20, 2020. On March 24, 2020, Board staff sent a Monitoring Notice to Respondent via the ASBN Nurse Portal Message Center outlining Respondent’s noncompliance. Respondent denied alcohol consumption. Respondent requested a Medical Review Officer (MRO) review of her drug screens. She questioned whether the over use of alcohol based hand sanitizer is causing her screens to be positive. On April 18, 2020, Dr. Barry Lubin, MRO for Affinity reviewed Respondent’s testing. Respondent reported to Dr. Lubin she uses “supplements” that are extracts that are alcohol based products in addition to hand sanitizer. Dr. Lubin indicated the hand sanitizer can cause a positive ETG/ETS through inhalation, however; he can NOT rule out other ingestion of alcohol. Dr. Lubin suggested immediate PEth test as it will only detect ingested alcohol. A PEth test was scheduled for May 06, 2020. On May 15, 2020, Respondent was notified by Board staff via the ASBN Nurse Portal Message Center and by certified mail to the last address on file with the Board the results of the PEth test was 203.1 ng/mL, indicating repeated heavy consumption of alcohol. Respondent was given the option to voluntarily surrender her licenses by May 26, 2020 in lieu of further disciplinary action for noncompliance. Respondent viewed the message on May 25, 2020. The Certified Mail was signed for on May 20, 2020. Respondent has not submitted a voluntary surrender form or contacted ASBN staff.

MOTION: I MOVE that the Arkansas State Board of Nursing summarily suspend the license of Julie Kidd, Arkansas Licensed Advanced Practice Registered Nurse License # A004334, Registered Nurse License # R050405 and Prescriptive Authority PAC #004124. The Board declares an emergency and states Respondent is a threat to the health, safety and welfare of the citizens of Arkansas.

Brought by Ramonda Housh and seconded by Lance Lindow.
PASSED

LORI DE’ANE McLELLAND TUCKER TEMPLES, LPN LICENSE NO. L042457
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 requested a hearing to appeal a Letter of Reprimand issues by Sue Tedford, MNSc, APRN, Director, on January 30, 2020 and pleads not guilty to the charges. Respondent is licensed as a Licensed Practical Nurse and holds license number L042457. On February 11, 2019, a complaint was submitted by Carol Matthews, Director of Human Resources, Saline Memorial Hospital, Benton, AR. The complaint indicates Respondent sent a prescription to the pharmacy without the provider’s knowledge or approval. The investigation revealed the following: Patient had been seen in the clinic earlier in the week by the APRN for Complaint of cough and congestion. Respondent called the patient later the same week to check on her. The patient stated she was not better and requested steroids. The APRN was not in the clinic yet so Respondent called in a prescription for steroids. The APRN noted the prescription upon arrival and cancelled the order with the pharmacy before it was picked up by the patient. An investigation was initiated by the employer and Respondent admitted to calling in the prescription without a provider’s order. The Respondent was terminated from her position. On February 12, 2019, Respondent submitted a self-report stating in part, she called the patient “and asked what was going on or needed. Patient asked about dose pack so I sent in electronically and before I could discuss that I had so with APRN Cindy Stone she had seen in her box.” On January 30, 2020, The Arkansas State Board of Nursing (ASBN) issued Respondent a Letter of Reprimand based on the following Finding of Fact: Respondent is the
holder of Arkansas LPN license number L042457 issued by examination on February 26, 2004. Saline Memorial Hospital employed Respondent from May 14, 2018 to January 24, 2019. Respondent’s employment was involuntarily terminated for Respondent calling in a prescription to a local pharmacy without the provider’s knowledge or approval. The Letter of Reprimand was sent by regular and certified mail to Respondent’s last known address on file with ASBN. The letter sent by certified mail was delivered and signed by Respondent on February 7, 2020. The letter sent by regular mail was not returned. On March 2, 2020, ASBN staff received Respondent’s request to appeal the Letter of Reprimand.

**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 **LORI DE’ANE McLELLAND TUCKER TEMPLES, LPN LICENSE NO. L042457**, the Arkansas State Board of Nursing finds that the Board uphold the Letter of Reprimand issued on January 30, 2020.

Brought by Ramonda Housh and seconded by Lance Lindow.

**PASSED**

**SHERYL MALISSA PIESCIUK RICHMOND SHIELDS, LPN LICENSE NO. L019531(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. Respondent holds Arkansas LPN License L019531. On January 14, 2019, ASBN received a complaint from Susan Kristina, Interim Chief Nursing Officer with Northwest Medical Center, Springdale, Arkansas indicating Respondent’s contract through Nursing Options Healthcare Staffing (Nursing Options) was terminated on December 18, 2018 due to possible impairment. On December 18, 2018, Respondent was asked to submit to a reasonable suspicion urine drug screen, due to the following: Behavior, Alternate periods of high and low productivity, Difficulty performing ordinary tasks, Increased errors, Confusion, Difficulty in recalling instructions, details, etc., Difficulty in recalling mistakes, Patient Complaint, Patient’s stated in part they did not get my pain med. A urine sample was collected twice. Both specimens did not meet the temperature requirement of 90°F to 100°F Fahrenheit. On January 31, 2019, a certified letter was sent to Respondent to her last known address on file with the Board requesting a response to the complaint. The letter was returned by the United States Post Office (USPS) on February 22, 2020 marked “Return to Sender/Vacant/Unable to Forward. Respondent’s employment record from Nursing Options was reviewed and indicates on April 1, 2019, Siloam Springs Regional Hospital emailed Nursing Options requesting replacement for Respondent. The hospital felt Respondent was unsafe and not competent as an RN, as she could not perform basic RN duties after extra days of orientation. Nursing Options terminated Respondent’s contract and she is not eligible for future employment. ASBN staff sent a Request for Evaluation to nine (9) different addresses by certified and regular mail to all known addresses on file with ASBN and Nursys. All were returned by the USPS marked undeliverable except for the letter sent to 609 West Maple, Springdale, Arkansas 72764. USPS tracking history indicates the USPS delivered the letter on 9/25/2019. As of the date of this report ASBN has not had any communication 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 **SHERYL MALISSA PIESCIUK RICHMOND SHIELDS, LPN LICENSE NO. L019531(EXPIRED)**, 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 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 $750.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall provide evidence of a comprehensive assessment for substance use disorder and a neuropsychological evaluation 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 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.
ASBN MINUTES

July 8, 2020
Page 6

- 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 a hearing and appear for license reinstatement once compliance with the Board's suspension order is met.

Brought by Yolanda Green and seconded by Lance Lindow.

PASSED

Mary Trentham, the Board's attorney, presented consent agreements that had been entered into since the last meeting. Following discussion of each individual agreement, the following motion was passed:

MOTION: I MOVE that the Arkansas State Board of Nursing ratify the following Consent Agreements:

Aynes, Farrah Rea, L054080 (Fayetteville, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(8)
Probation – 3 years
Courses – Substance Abuse Bundle, PN Scope of Practice and Behaviors, and Documentation for Nurses
Civil Penalty - $3,000.00

Brewer, Martha Kathryn, R078023 (DeQueen, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(1), (a)(6) and (a)(8)
Probation – 2 years
Courses – Documentation for Nurses, Substance Abuse Bundle, and Sharpening Critical Thinking Skills
Civil Penalty - $950.00

Echols, Laura Leigh Garrett, L045505 (Plumerville, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(8)
Probation – 1 year
Courses – Sharpening Critical Skills

Frazier, Leslie Marie Wallace, R071559 (Blytheville, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(8)
Probation – 3 years
Courses – Substance Abuse Bundle, Sharpening Critical Thinking Skills

Myers, Rebecca Ann Whaley, R064255 (Sardis, MS)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4), (a)(6) and (a)(8)
Probation – 3 years
Courses – Substance Abuse Bundle, Documentation for Nurses

Swanson, Robert Paul, L057865 (Gentry, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(8)
Probation – 2 years
Courses – The Nurse and Professional Behaviors
Civil Penalty - $562.00

Tatum, Theresa Lee, R088152, L048401 (Jonesboro, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(9)
Probation – 1 year
Courses – Substance Abuse Bundle, Documentation for Nurses

Brought by Lance Lindow and seconded by Yolanda Green.

PASSED

Mary Trentham, the Board's attorney, presented consent agreements that had been entered into since the last meeting. Following discussion of each individual agreement, the following motion was passed:
MOTION: I MOVE that the Arkansas State Board of Nursing ratify the following Consent Agreements:

Crouse, Charles Alexander, RN Applicant (Alexander, AR)
Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2) and (a)(8)*
Probation – 1 year

Sims, Amy Deanne, L044683 (Little Rock, AR)
Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4) and (a)(6)*
Probation – 3 years
Courses – Documentation for Nurses, Substance Abuse Bundle, and Sharpening Critical Thinking Skills
Civil Penalty – $1,060.00
Brought by Lance Lindow and seconded by Yolanda Green.
PASSED

Tonya Gierke, Assistant Director, ArNAP, presented the Board with information regarding the ArNAP Program policies relating to employment. After discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the following: If participant/respondent HH0022 request to enter ArNAP, they will be required to follow ArNAP policies regarding employment, which includes but is not limited to:
• ArNAP participants shall not work concurrently for multiple employers; and
• Shall not be employed in the following settings; substance abuse treatment.
Brought by Ramonda Housh and seconded by Yolanda Green.
PASSED

Tonya Gierke, Assistant Director, ArNAP, presented the Board with information regarding two (2) participants taking long-term, abuse potential medication(s). After 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 medications(s):
• LC1873 – Lunesta
• CT3390 – Xanax
Brought by Ramonda Housh and seconded by Jasper Fultz.
PASSED

Tammy Vaughn, Program Coordinator, discussed the following items with board members:
• Programs – Curriculum Revisions
  o Northwest Technical Institute is proposing to reorganize their curriculum from 82 total graduate hours to 62 total graduate hours.
• Programs – New Proposals
  o Arkansas State University Beebe, is requesting approval to offer the proposed Licensed Practical Nurse/Paramedic to Associate of Applied Science Degree in Registered Nursing on the Arkansas State University Beebe Searcy Campus.
• Programs – Approval Surveys
  o Phillips Community College University of Arkansas Practical Nursing program is requesting full approval of the PN program until the year 2025.
  o Baptist Health College, Little Rock, Practical Nursing program is requesting full approval of the PN program until the year 2025.
ASBN MINUTES

July 8, 2020
Page 8

After discussion, the following Motions were presented to the Board:

MOTION: I MOVE Approve the Northwest Technical Institute Practical Nursing Programs curriculum revisions effective in spring 2021.
Brought by Lance Lindow and seconded by Neldia Dycus.
PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing grants Initial Approval to the Arkansas State University Licensed Practical Nurse/Paramedic to Associate of Science in Registered Nursing program, to begin in January 2021.
Brought by Lance Lindow and seconded by Janice Ivers.
PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing grants Continued Full Approval to the Phillips Community College of the University of Arkansas Practical Nurse Program until the year 2025.
Brought by Janice Ivers and seconded by Neldia Dycus.
PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing grants Continued Full Approval to the Baptist Health Schools Little Rock Practical Nurse Program until the year 2025.
Brought by Janice Ivers and seconded by Neldia Dycus.
PASSED

The meeting recessed for lunch at 11:45 a.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.

TIMOTHY BROCK RAY, RN LICENSE NO. R107926 AND LPN LICENSE NO. L048116
Respondent was present for the proceedings before the Board and was not represented by counsel. Nick Shull, PharmD and Debbie Rodgers, MSN, RN., provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. Respondent holds Arkansas Registered Nurse License R107926 and Licensed Practical Nurse License L048116. A complaint was sent to the Board on December 14, 2018 by Angela Smith, Vice President of Nursing, St. Bernard’s Medical Center in Jonesboro, Arkansas. In part, the complaint stated in the month of October, Respondent had one hundred forty nine (149) medication pulls and twenty five (25) out of range occurrences, four (4) of which were unaccounted for in documentation. St. Bernard’s suspended Respondent until further investigation and to conduct a reasonable suspicion drug screen. Respondent confessed that he takes Percocet on a regular basis and that although he does have a prescription, he often takes more than the prescribed amount. Respondent was terminated due to failure to submit to a drug screen. Respondent was hired by St. Bernard’s Medical Center in June 2015. Between October 24, 2016, and January 26, 2018, Respondent was issued four (4) written warnings due to unexcused absences. On March 1, 2017, Respondent was given a verbal counseling due to missing documentation in patient records. On September 22, 2017, Respondent was given a verbal counseling for not performing expected duties. In 2018, Respondent pulled more than thousand (1,000) tablets of oxycodone 5 mg, which was over twice as many pulls as the next highest nurse at the facility. Respondent’s total controlled medication pulls rose from one hundred forty five (145) in January of that year to three hundred ninety five (395) in October. On December 12, 2018, following an internal investigation that showed excessive narcotic pulls and unaccounted for narcotics, Respondent was terminated due to refusing a reasonable suspicion drug screen. Seven medical records from St. Bernard’s Medical Center were reviewed from June 4, 2018 to October 24, 2018. A total of 20 mg of
oxycodeine is unaccounted for. Pharmacy printouts indicate Respondent was dispensed the following prescriptions as issued by four (4) different providers: Three (3) clonazepam prescriptions, which totaled thirty (30) tablets, last filled on September 7, 2017; Two (2) hydrocodone/APAP prescriptions, which totaled thirty-six (36) tablets, last filled on December 17, 2018; Two (2) lorazepam prescriptions, which totaled sixty (60) tablets, last filled December 12, 2018; one (1) Lyrica prescription, which totaled thirty (30) capsules, last filled April 19, 2018; and, twenty (20) oxycodeone/APAP prescriptions which totaled one thousand two hundred (1,200) tablets, last filled January 25, 2019. On April 16, 2019, a certified letter was sent to Respondent at his last known address to discuss this investigation. On April 22, 2019, Respondent called the Investigator and agreed to provide a statement. On May 10, 2019, the Investigator received a written statement from Respondent wherein Respondent stated that he never took any medications from patients or residents and that he had never given any medication or taken any action that would put a patient in danger. On November 18, 2019, Board staff sent a letter by certified and regular mail to Respondent at his last known mailing address requesting an addictive evaluation. The certified mail was picked up at the post office on December 4, 2019. The regular mail was not returned to the Board office. On February 5, 2020, Board staff sent a second letter certified and regular mail to Respondent at his last known mailing address requesting an addictive evaluation. The certified letter was returned to the Board office on January 31, 2020 marked “forward time expired, return to sender.” The regular letter was not returned to the Board office. Respondent has not communicated with the Board regarding the request for an addictive evaluation.

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 TIMOTHY BROCK RAY, RN LICENSE NO. R107926 AND LPN LICENSE NO. L048116, 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 followed by three (3) years of probation with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $4,575.00 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 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.

PASS

SCOTT HAMILTON BRITT, RNP LICENSE NO. P001640 AND RN LICENSE NO. R029734

Respondent was not present for the proceedings before the Board and was not represented by counsel. Brandon Grimes, Chief Investigator, provided testimony on behalf of the Board. On November 13, 2013, the Arkansas State Board of Nursing ratified a Reinstatement Consent Agreement placing Respondent’s RNP and RN licensure on probation for five (5) years based on the following Findings of Fact: Respondent voluntarily surrendered the privilege to practice, RN and RNP licenses on April 27, 2010, and now requests reinstatement of licensure through this agreement. Respondent completed an outpatient substance abuse treatment for Crystal Methamphetamine and met all treatment goals about September 2010. Respondent was seen by Roger Morgan, Ph.D., a Clinical Psychologist, and his recommendations are incorporated in this order. After Respondent failed to comply with all of the terms of the Reinstatement Consent Agreement, the Arkansas State Board of Nursing ratified a Probation Noncompliance Consent Agreement placing the Respondent’s RPN and RN licensure on probation for a period of five (5) years based upon the following Finding of Fact: About November 13 and November 18, 2014, Respondent’s drug screens were positive for alcohol. Respondent’s drug screen on November 18, 2014 was a dilute specimen; About January 22, 2014, Respondent was a no-show for a drug screen with the lab monitoring company; About December 19 and 30, 2013, January 19, February 11, March 18, May 21 and December 9, 2014, Respondent’s drug screens were not observed; About March 18, April 21, and May 22, 2015, Respondent’s drug screens were dilute specimens; and, Respondent has failed to complete The Nurse and Professional Behaviors course by February 15, 2015 as required by his agreement. Respondent has failed to comply with all of the terms of the July 8, 2015 Probation Noncompliance Consent Agreement. Respondent has failed to timely submit eight (8) quarterly Personal Reports, as agreed in the Probation Noncompliance Consent Agreement. Respondent has failed to submit two quarterly Employment Performance Reports and has been late on one report, as agreed in the Probation Noncompliance Consent Agreement. Respondent has failed to check in daily for drug monitoring on three occasions, as agreed in the Probation Noncompliance Consent Agreement. Respondent submitted Low Creatine/Dilute Specimens for drug testing on twelve (12) occasions, and has submitted positive specimens for ETG/ETS on sixteen (16) occasions. The Probation Noncompliance Consent Agreement states on page 7, no. 4, "Respondent shall voluntarily surrender his licensure and privilege to practice nursing for a period of not less than two (2) years if he is noncompliant with any terms of this agreement." The investigator spoke with Respondent to address this particular part of the Consent Agreement, and Respondent stated that he did not wish to surrender, that he would "take his chances before the board" and that he was going to keep working. Board staff sent Tracking and Progress Reports to Respondent via Message Center/Nurse Portal in ORBS. There has been no further contact with Respondent. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board’s Rules, Chapter Seven, Section IV (A)(6)(t) by failing to comply with the terms and conditions of the Consent Agreements, signed by Respondent, and ratified by the Board on November 13, 2013, and July 8, 2015.
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 SCOTT HAMILTON BRIT, RNP LICENSE NO. P001640 AND RN LICENSE NO.R029734, has been charged with a violation of the Board's Rules, Chapter Seven, Section IV (A)(6)(t) and the terms of probation that Respondent's license and privilege to practice as a nurse be suspended two (2) years followed by three (3) years' probation with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall 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): Substance Abuse 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) 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
ASBN MINUTES

July 8, 2020
Page 14

CARA RAE ABBOTT PACE LAIN PENNINGTON, RN LICENSE NO. R049375
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 Registered Nurse and holds License No. R049375. On January 4, 2018 ASBN received an application for renewal of RN License #R049375 from Respondent. Respondent answered “YES” to the renewal application question, “Since your last renewal have you been convicted of a misdemeanor or felony, pled guilty or nolo contendere to any charge in any state or jurisdiction? (With the exception of DWI, traffic violations do not constitute a crime.)” Respondent also answered “YES” to the renewal application question, “Since your last renewal have you been addicted to or treated for the use of alcohol or any other abuse potential substance?” Respondent self-reported a 2017 Public Intoxication conviction and 2012 DWI. Respondent provided a course completion certificate for Drug and Alcohol Safety Educational Program dated October 9, 2014. Respondent reported she sought treatment for Substance Use Disorder at both The Bridgeway in April, 2017 and The Treatment Center, Lake Worth, Florida in May 2017. On December 5, 2018, Respondent was offered a probation consent agreement for three (3) years. The consent agreement also required attendance of a treatment program and monitoring. The consent agreement was sent by certified mail. The certified mailed was signed for on December 8, 2018. Respondent has not communicated with ASBN staff and failed to sign and return the Consent Agreement offered.

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 CARA RAE ABBOTT PACE LAIN PENNINGTON, RN LICENSE NO. R049375, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(2), (a)(4) and (a)(6) and that Respondent’s license and privilege to practice as a nurse be suspended two (2) years followed by three (3) years’ probation with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall 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 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) 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 Yolonda Green.

PASSED

TIFFANY LASHAE OLIVER TIDWELL, LPN LICENSE NO. L054211 (EXPIRED)
Respondent was not present for the proceedings before the Board and was not represented by counsel. Debbie Rodgers, MSN, RN., provided testimony on behalf of the Board. On February 13, 2019, the Arkansas State Board of Nursing ratified a Consent Agreement placing Respondent’s LPN licensure on probation two (2) years based on the following Findings of Fact: Respondent was terminated about January 12, 2018 from Pine Hills Health and Rehab, Camden, Arkansas for failing to perform treatments on January 6 and 7, 2018, and multiple scheduled narcotics were not signed out on the controlled substances log; however, were documented as administrated in the medication administration record; and, While employed at Hudson Memorial Nursing Home, El Dorado, Arkansas, Respondent resigned without notice about October 10, 2018. It was discovered that Respondent removed medication for seven (7) residents, documented administration to some residents, but video footage reviewed by nursing home staff does not show Respondent entering any of the resident’s rooms. Respondent did not document ordered blood pressures and pulse oximetry check on resident PH; Respondent failed to administer to resident DC insulin, Zantac, Prilosec, or Super Cercal; and per resident SJ, Respondent did not check her blood sugar or administer Lantus although Respondent documented a blood sugar of 145 and administration of 30u Lantus. On October 9, 2019, the Arkansas State Board of Nursing ratified a Probation Noncompliance Consent Agreement placing Respondent’s LPN licensure on probation two (2) years based on the following Findings of Fact: Respondent entered into a Consent Agreement with the Board on February 13, 2019. Since that time, Respondent has been noncompliant specifically: was a no-call no-show for three (3) drug screens about June 10, June 27, and July 10, 2019; has failed to make payments on her civil penalty; has failed to submit evidence of completion of the courses Documentation for Nurses, Sharpening Critical Thinking Skills, Medication Errors: Detection and Prevention, and Ethics of Nursing Practice; and has failed to submit personal reports or employer reports. Respondent has failed to submit personal reports quarterly as agreed in the Probation Noncompliance Consent Agreement. Respondent has failed to ensure the submission of employer reports as agreed in the Probation Noncompliance Consent Agreement. Respondent has failed to submit Employer-Monitored Nurse Contract as agreed in the Probation Noncompliance Consent Agreement. Respondent has failed to submit Performance Evaluation (PE) reports quarterly as agreed in the Probation Noncompliance Consent Agreement. Respondent has failed to contact Affinity daily as agreed in the Probation Noncompliance Consent Agreement: Respondent has missed 142 Check-ins (as of 6/15/2020). Respondent has failed to submit a specimen for drug testing on twelve (12) occasions (as of 6/15/2020), as agreed in the Probation Noncompliance Consent Agreement: Respondent has failed to submit Civil Penalty payments quarterly as agreed in the Probation Noncompliance Consent Agreement. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board’s Rules, Chapter Seven, Section IV (A)(6)(t) by failing to comply with the terms and conditions of the Consent Agreements, signed by Respondent, and ratified by the Board on February 13, 2019 and October 9, 2019.
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 TIFFANY LASHAE OLIVER TIDWELL, LPN LICENSE NO. L054211 (EXPIRED), has been charged with a violation of the Board's Rules, Chapter Seven, Section IV (A)(6)(t) and that Respondent's license and privilege to practice as a nurse be suspended two (2) years followed by three (3) years' probation with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall 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, Documentation, 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) 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.

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- 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 Melanie Garner.

PASSED
Tonya Gierke, Assistant Director, ArNAP, advised Board Members of Affinity offering oral fluid testing through Lab Corp as an adjunct to traditional standard drug screens when in-person testing, or traveling to a collection site is not feasible due to various reasons. The testing kit is sent directly to the participant/respondent, and the specimen is collected under direct virtual observation by a trained collector at Affinity. After discussion, the following motion was presented:

**MOTION:** I MOVE that the Arkansas State Board of Nursing approve adding oral fluid testing (with the presented panel) as a testing option for participants/respondents who are not able to test in person due to medical, or other Board-approved reasons.

Brought by Janice Ivers and seconded by Lance Lindow.

**PASSED**

**MOTION:** I move that the Arkansas State Board of Nursing approve the Board Meeting Minutes from June 10, 2020 and June 11, 2020.

Brought by Jasper Fultz and seconded by Janice Ivers.

**PASSED**

Sue Tedford, Director, provided information regarding the NCSBN NCLEX conference. After discussion, the following motion was presented:

**MOTION:** the ASBN approve all Board members attend the NCSBN virtual NCLEX conference either on Monday Sept 14th or Tuesday Sept 15, 2020.

Brought by Jasper Fultz and seconded by Ramonda Housh.

**PASSED**

The following Board members presented their speeches for office:

Lance Lindow – Board President
Yolanda Green – Vice President
Stacy Hipp - Secretary
Janice Ivers – Treasurer

There being no further business, the meeting adjourned at 5:00 pm.

Michael Burdine, President

Stephanie Johnson, Recording Secretary

9/10/2020

Date Approved