BOAND MEETING MINUTES

TIME AND PLACE: November 18, 2020
Board Conference Room

MEMBERS PRESENT: Lance Lindow, RN; Yolanda Green, LPN; Janice Ivers, MSN, RN, CNE;
Stacie Hipp, APRN; Neldia Dycus, BS, MHSIM, MHRD, RN; Jasper Fultz,
LPN; Ramonda Housh, MNSc, APRN, CNP, C-PNP

Melanie Garner, LPN, CLC, and Michael Burdine, RN, attended via Zoom

MEMBERS ABSENT: Rachel Sims, BSN, RN

STAFF ATTENDING AT VARIOUS TIMES:
Sue A. Tedford, Director, MNSc, APRN
David Dawson, JD, General Counsel
Mary Trentham, Attorney Specialist, JD, MNSc, MBA, APRN
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director, MNSc, RN, CNE
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Tonya Gierke, Assistant Director, JD, BSN, RN
Deborah Rodgers, Program Coordinator, MSN, RN
Brandon Grimes, Chief Investigator
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Mindy Darner, Legal Support Specialist
Corrie Edge, Legal Support Specialist
Susan Moore, Computer Operator
Kassidy Rankin, Governor’s office

President Lance Lindow called the meeting to order at 8:39 a.m. Guests were welcomed and a flexible agenda was approved.

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.

TRACY LACINDA HADDOK SHELTON, LPN LICENSE NO. L038667
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 February 13, 2020, the Arkansas State Board of Nursing (ASBN) ratified a Consent Agreement placing Respondent’s LPN licensure on probation for one (1) year. On February 21, 2020, 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 June 10, 2020. The certified mail was signed for by the Respondent on February 26, 2020. Respondent has failed to fully comply with the terms of the February 13, 2020 Consent Agreement. Respondent failed to submit a Personal Report as agreed in the Consent Agreement for the quarter ending August 31, 2020. Respondent failed to contact the Board approved
monitoring company daily as agreed in the Consent Agreement. Respondent missed eighteen (18) check-ins as of August 31, 2020. Respondent failed to call and submit specimens for drug testing when selected by the Board approved monitoring company as agreed in the Consent Agreement on August 10, 2020. Respondent called but failed to show and submit specimens for drug testing, on six (6) occasions between May 8, 2020 and August 20, 2020, when selected by the Board approved monitoring company as agreed in the Consent Agreement. Respondent has failed to submit Civil Penalty Payments of $337.50 each quarter as agreed in the Consent Agreement: (Balance $1,350.00). Respondent was automatically notified of each missed check-in and test. Respondent reports through the Affinity Message Center on May 19 and June 4, 2020 she is unable to afford testing. Respondent was offered to voluntary surrender on June 4, 2020. On August 5, 2020, a noncompliance consent agreement and a voluntary surrender form was offered to Respondent and mailed by certified mail to her last known address on file with ASBN. The certified mail was returned as Unclaimed/Return to Sender on August 24, 2020. Respondent has failed to contact the Board. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and 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 one (1) year, followed by probation 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 $2,250.00 plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of the receipt of this order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Arkansas State Board of Nursing, via the Arkansas Nurse Portal.
- Respondent shall attend AA/NA, or other Board approved counseling/support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall log attendance of all support group meetings via the Board approved monitoring program. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator’s recommendations if the evaluator’s recommendations are greater.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the
first of the month following Board order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent’s place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.

- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *Documentation for Nurses, Substance Abuse Bundle, and Ethics of Nursing Practice*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- Respondent shall submit the Enforcement Personal Report to the Board via the Board approved monitoring program quarterly.
- Respondent shall execute any release necessary to give the Board access to records, including but not limited to medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent’s license / privilege to practice.
- Respondent shall ensure that all reports, of Respondent and the employer, are submitted quarterly.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board’s order.
- Respondent shall request license reinstatement to the Board via the Arkansas Nurse Portal once compliance with the Board’s suspension order is met.
- A probation period of two (2) 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 Ramonda Housh and seconded by Janice Ivers.

**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 motions were passed:

**MOTION:** I MOVE that the Arkansas State Board of Nursing ratify the following Reinstatement-Waiver Consent Agreement:

- **Cannon, Ashley Nicole, L054420** (Foreman, AR)
  - **Violation:** The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(4) and (a)(8)
  - **Probation:** 3 years
  - **Courses:** Substance Abuse Bundle, Sharpening Critical Thinking Skills

Brought by Lance Lindow and seconded by Stacie Hipp.

**PASSED**

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

- **Aynes, Farrah Rae, L054080** (Fayetteville, AR)
  - **Violation:** The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(9)
  - **Probation:** 3 years
  - **Courses:** Substance Abuse Bundle, PN Scope of Practice and Behaviors, Documentation for Nurses

- **Boyd, Melissa Lynn Moore, R086409** (Cherokee Village, AR)
  - **Violation:** The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(9)
  - **Probation:** 2 years
  - **Courses:** Documentation for Nurses

- **Childers, Hope Johnnie, L039822** (Jacksonville, AR)
  - **Violation:** The Nurse Practice Act of Arkansas ACA §17-87-309(a)(9)
  - **Probation:** 2 years
  - **Courses:** Substance Abuse Bundle, Sharpening Critical Thinking Skills

- **Curtis, Susan Elisabeth, R089645** (Rogers, AR)
  - **Violation:** The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)
  - **Probation:** 1 year
  - **Courses:** Substance Abuse Bundle, Sharpening Critical Thinking Skills

- **Douglas, Jean Deann Jevne, R077138, L035178** (Springdale, AR)
  - **Violation:** The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)
  - **Probation:** 1 year
  - **Courses:** Substance Abuse Bundle, Sharpening Critical Thinking Skills

- **Gibson, Shellie Leeann Shaffer, R077359** (Ft. Smith, AR)
  - **Violation:** The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(9)
  - **Probation:** 3 years
  - **Courses:** Documentation for Nurses, Sharpening Critical Thinking Skills
Hendrickson, Julie Carol Harris, R064120  (Cabot, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(1) and (a)(2)
Probation – 1 year
Courses – Sharpening Critical Thinking Skills
Civil Penalty - $750.00

Hollis, Justin Wayne, R107990  (Hot Springs, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(9)
Probation – 1 year
Courses – Documentation for Nurses
Civil Penalty - $750.00

Huffman, Jennifer Dee McLeod, R086553  (Blytheville, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(8) and (a)(9)
Probation – 3 years
Courses – The Nurse and Professional Behaviors

Mize, Holly Elizabeth Moore, L126217  (Quitman, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2) and (a)(6)
Probation – 1½ years
Courses – Substance Abuse Bundle

Nelson, Jonathan Michael, R094770, L051622  (Gentry, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(9)
Probation – 1 year

Reeves, Stephanie Jeannine Gladden, R103553  (Batesville, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)
Probation – 1 year
Courses – Substance Abuse Bundle
Civil Penalty - $750.00

Ruble, Mamie Susan Ruble Winchester Ruble-Percuffel, A001440, R030576, P000866  (Sierra Vista, AZ)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(7) and (a)(8)
Probation – 1 year

Teed, Kristopher Michael, R085631  (Higden, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)
Probation – 2 years
Courses – Anger Management, Documentation for Nurses, Sharpening Critical Thinking Skills, Professional Boundaries in Nursing
Civil Penalty - $2,000.00

Terry, Rochelle Nicole, R083174  (Maumelle, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(8)
Probation – 2 years
Courses – Substance Abuse Bundle, Sharpening Critical Thinking Skills

Thompson, Jody Lynn Broadway, L051144  (Little Rock, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(4), (a)(6) and (a)(8)
Probation – 2 years
Courses – Substance Abuse Bundle, Sharpening Critical Thinking Skills

Walker, Decoya Demond, L059189  (Texarkana, AR)
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(9)
Probation – 1 year
Courses – Medication Errors: Causes and Prevention, Documentation for Nurses
Williams, Brittany Marie, L055079  
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(4), (a)(6)  
Probation – 2 years  
Courses – Substance Abuse Bundle, The Nurse and Professional Behaviors  

Young, Daniel Thomas, A001914, R064649, PAC 01769  
Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(9)  
Probation – 5 years  
Suspension – APRN and PAC 2 years  
Courses – Proper Prescribing of Controlled Drugs for Advanced Nurse Practitioners and Physician Assistants, and Maintaining Proper Boundaries; The Nurse and Professional Behaviors  

Brought by Lance Lindow and seconded by Stacie Hipp.  

PASSED  

The meeting recessed for lunch at 11:45 p.m. Following lunch, the Board resumed hearings.  

President Lance Lindow called the meeting to order at 1:06 p.m. A flexible agenda was approved.  

CANDICE NICOLE BRYANT, RN LICENSE NO. R094216  
Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN., provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and the Board’s Rules, Chapter Seven, Section IV (A)(6)(t) and pleads no contest to the charges. On July 13, 2016, The Arkansas State Board of Nursing (ASBN) ratified a Consent Agreement placing Respondent’s RN licensure on probation one year (1) year based on the following Findings of Fact: Respondent failed to comply with the terms and conditions of the Consent Agreement that she signed and entered into with the Board on July 13, 2016. Respondent’s license was ordered suspended for one (1) year, to be followed by probation for two (2) years. Pursuant to a June 19, 2019 Reinstatement Order, Respondent’s license was reinstated from suspension and placed on probation for two (2) years. Respondent has failed to comply with the probation terms of the Consent Agreement and Reinstatement Order. Respondent failed to contact the Board approved monitoring company daily as agreed in the Board Order: Respondent missed twenty five (25) check-ins as of August 31, 2020. Respondent failed to submit specimens for drug testing when selected by the Board approved monitoring company as agreed in the Board Order on October 1, 2019, November 27, 2019, May 12, 2020 and August 19, 2020. Respondent submitted Low Creatinine/Dilute Specimens for drug testing on January 3, 2020. Respondent submitted specimens positive for the metabolites of alcohol on September 12, 2019, February 14, 2020, March 5, 2020 and June 22, 2020. Respondent failed to submit Personal Reports and Employer Reports as agreed in the Board Order for the quarters ending July 2019, October 2019 and April 2020. Respondent has failed to submit Civil Penalty Payments of $200.00 each quarter as agreed in the Board Order: (Balance $1600.00). On October 17, 2019, ASBN notified Respondent via the ASBN Nurse Portal Message Center of testing positive for the metabolites of alcohol, ETG/ETS, on September 12, 2019. Respondent viewed the message on December 8, 2019. On February 6, 2020, ASBN notified Respondent by the ASBN Nurse Portal Message Center informing Respondent of her noncompliance. Respondent viewed the letter in the ASBN Nurse Portal Message Center on February 25, 2020. On May 20, 2020, Respondent was notified via the Affinity/Spectrum Compliance Message Center she failed to present for testing after being selected. On July 7, 2020, Respondent was notified via the Affinity/Spectrum Compliance Message Center she tested positive again for ETG/ETS and if subsequent positive specimens occur she would be referred for noncompliance. Respondent has not contacted ASBN Staff. 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 Noncompliance Consent Agreement, signed by Respondent, and ratified by the Board on July 13, 2016 and failing to comply with the terms and conditions of the Reinstatement Order entered on June 19, 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 **CANDICE NICOLE BRYANT, RN LICENSE NO. R094216**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and 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 probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of the receipt of this order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Arkansas State Board of Nursing, via the Arkansas Nurse Portal.

- Respondent shall provide evidence of a comprehensive assessment for substance use disorder and forensic 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 Use Disorder. 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 Janice Ivers and seconded by Ramonda Housh.

PASSED
LOGAN ROSS, LPN LICENSE NO. L057191
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 was admitted to the Arkansas State Board of Nursing’s (ASBN) Alternative to Discipline program, ArNAP, on October 28, 2019. He was discharged from the program on June 3, 2020 for violation of the AR Nurse Practice Act: A.C.A. 17-87-309(a)(6) which states in part: “is guilty of unprofessional conduct”, and ASBN Rules, Chapter 7, Section IV (A)(6)(p) which states in part, “unprofessional conduct includes, failing a drug screen...” and (A)(6)(t) which states in part, “unprofessional conduct includes, failure to comply with the terms and conditions of the alternative to discipline contract.” Specifically, the following events necessitated progressive action and discharge:

- Missed check-in and test: 1/24/2020
- No shows: 2/28/2020 and 04/22/2020
- Submitted dilute specimen: 3/13/2020

Respondent was sent a document to review and sign regarding his discharge by regular mail and through the ASBN Nurse Portal. However, Respondent failed to sign and return the document. On June 10, 2020, ASBN ratified a Consent Agreement placing Respondent’s LPN licensure on probation one (1) year based on the following Findings of Fact: Respondent self-reported he was dismissed from the University of Arkansas, Fayetteville, Arkansas, LPN to BSN track, after he tested positive for marijuana about September 9, 2019, in an onboarding procedure to prepare for his BSN education. Respondent admitted to consuming edibles on a recent vacation in Colorado. On July 1, 2020, ASBN sent Respondent a compliance packet by certified mail to his last known address on file with ASBN. The certified mail was delivered on July 6, 2020. Respondent has failed to fully comply with the terms of the June 10, 2020 Consent Agreement. Respondent failed to contact the Board approved monitoring company daily as agreed in the Consent Agreement. Respondent missed ninety four (94) of one hundred eight (108) check-ins between the dates of July 1, 2020 and October 16, 2020. Respondent failed to submit specimens for drug testing on six (6) occasions between July 17, 2020 and October 2, 2020, when selected by the Board approved monitoring company as agreed in the Board Order. Respondent failed to submit the Employer Acknowledgment Form, Personal Report and Employer Report as agreed in the Consent Agreement for the quarter ending September 30, 2020. On July 7, 2020, ASBN notified Respondent via the ASBN Nurse Portal Message Center of the missing Employer Acknowledgement form and attached the Employer Acknowledgement form and Employer Report to the message. On July 15, 2020, Respondent contacted ASBN staff and wanted to know how many missed check-ins is he allowed. Staff responded any missed check-in is noncompliance. 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 Agreement, signed by Respondent, and ratified by the Board on June 10, 2020.

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 LOGAN ROSS, LPN LICENSE NO. L057191, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and 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 probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of the receipt of this order. If unable to pay the civil penalty within fifteen(15) days, a payment schedule shall be submitted within fifteen (15) days to the Arkansas State Board of Nursing, via the Arkansas Nurse Portal.
• Respondent shall attend AA/NA, or other Board approved counseling / support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall log attendance of all support group meetings via the Board approved monitoring program. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.

• Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.

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

• Respondent shall provide evidence within six months of successful completion of the Board approved course(s): Substance 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 Yolanda Green and seconded by Janice Ivers.

PASSED

TORI LYNN CINGOLANI LAWSON PLESS, LPN LICENSE NO. L040367 (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 January 8, 2020, The Arkansas State Board of Nursing (ASBN) ratified a Consent Agreement placing Respondent’s LPN licensure on probation for four (4) years. On January 17, 2020, ASBN sent Respondent a compliance packet by certified mail to her last known address on file with ASBN and was returned on August 13, 2020 marked Return to Sender/Forwarding Time Expired. The certified mail was signed for on January 31, 2020. Respondent has failed to activate her monitoring account with the Board approved monitoring company and is 100% noncompliant with all stipulations of her consent agreement. Respondent was offered a Noncompliance Consent Agreement on July 29, 2020. The agreement was sent by certified mail to the last known address on file with ASBN and was returned on August 13, 2020 marked Return to Sender/Forwarding Time Expired. The forwarding address is not readable. ASBN staff attempted to reach Respondent by telephone without success. Respondent has not set up her nurse portal account. Respondent has not contacted ASBN staff or returned a signed Noncompliant Consent Agreement. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board’s Rules, Chapter Seven, Section IV (A)(6)(i), by failing to comply with the terms and conditions of the Consent Agreement, signed by Respondent, and ratified by the Board on January 8, 2020.

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 TORI LYNN CINGOLANI LAWSON PLESS, LPN LICENSE NO. L040367 (EXPIRED), has been charged
with a violation of Ark. Code Ann. § 17-87-309(a)(6) and 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 probation for three (3) years, with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of $3,750.00 plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of the receipt of this order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Arkansas State Board of Nursing, via the Arkansas Nurse Portal.

- Respondent shall attend AA/NA, or other Board approved counseling / support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall log attendance of all support group meetings via the Board approved monitoring program. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator’s recommendations if the evaluator’s recommendations are greater.

- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.

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

- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): 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 Jasper Fultz and seconded by Neldia Dycus.

PASSED

Sue Tedford discussed with the board the following items:
- Clinical training for nursing students: How to mitigate the risk students and how critical it is to the public.
- Aesthetics rules: How The Board might consider preparing a position statement.
There being no further business, the meeting adjourned at 4:52 pm.

Lance Lindow, President

Mindy Darner, Recording Secretary

Date Approved