BOARD MEETING MINUTES

TIME AND PLACE: November 19, 2020
Board Conference Room

MEMBERS PRESENT: Lance Lindow, RN; Yolanda Green, LPN; Janice Ivers, MSN, RN, CNE;
Stacie Hipp, APRN; Michael Burdine, RN; Neldia Dycus, BS, MHSM,
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
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
Mindy Darner, Legal Support Specialist
Corrie Edge, Legal Support Specialist

President Lance Lindow called the meeting to order at 8:34 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.

JULIA MARIE HALLETT, LPN LICENSE NO. L057284
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
charges. 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 L057284
issued by examination on December 31, 2015. The ASBN received a complaint from Amanda Wallace at
Stonegate Villa, Crossett, Arkansas stating that Respondent signed Record of Death, pronouncing
Resident BB deceased, failed to notify the coroner, and sent Resident BB to a funeral home in another
county. Respondent also failed to properly notify the Medical Doctor of the passing of the resident.
Employment history at Stonegate:
- Respondent was hired on, or about June 26, 2018.
- On, or about, December 23, 2018, Resident BB expired. The physician was not properly notified and the Ashley County coroner was not notified.
- Respondent signed the Record of Death pronouncing the residents date and time of death.
- In her response to the allegation, Respondent stated “pertaining to any signature in the inappropriate spot, I was being called for in multiple places and had zero assistance from my unit manager whom wasn’t in facility at that time.”

The Letter of Reprimand requires Respondent to provide evidence of completion of the LPN Scope of Practice and Behaviors course within six (6) months. 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 on June 26, 2020. The letter sent by regular mail was not returned. ASBN staff received Respondent’s request to appeal the Letter of Reprimand on July 23, 2020.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, in the case of JULIA MARIE HALLETT, LPN LICENSE NO. L057284, the Arkansas State Board of Nursing rescind the Letter of Reprimand issued on June 24, 2020, and issue a Letter of Warning.

Brought by Janice Ivers and seconded by Lance Lindow

PASSED

AMBER MICHICEL HOLT HOBBS, LPN LICENSE NO. L058123
Respondent was not 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 holds Arkansas LPN License No. L058123. An investigation was prompted by a complaint letter sent to the Office of Long Term Care (OLTC) on May 24, 2019, by Dave Jarvis, LNHA, DNHA, QCP, Administrator, Cave City Nursing Home in Cave City, Arkansas. This complaint letter was subsequently forwarded to the ASBN. In part, the complaint stated Respondent allegedly wasted fourteen (14) hydrocodone after smashing the card in the stock drawer. The facility was unable to determine whether or not Respondent diverted those fourteen (14) tablets, but it was certainly an error made by Respondent. The complaint also stated there was an incident where Respondent had a family member sign for sixteen (16) hydrocodone and only turned over ten (10) to the family member. Respondent did test positive for opioids on 5/10/2019 stating that she would because of her prescription for Tylenol 3. The complaint also alleged there were twelve (12) cases of substantiated drug diversion of different controlled substances belonging to residents. Respondent was hired by Cave City Nursing Home in July 2016 and resigned in April 2017. In November 2017, Respondent was rehired. On May 9, 2019, Respondent was placed on suspension and an investigation was started after a resident's family member requested resident's discharge from the facility. Respondent had a family member sign for sixteen (16) hydrocodone tablets, but allegedly released to the family member a card with only ten (10) hydrocodone tablets. On May 10, 2019, Respondent's urine drug screen was positive for opioids. Respondent stated she would test positive because of her prescription for Tylenol 3. However, according to the facility, the last time this prescription was filled for Respondent was on December 30, 2018. Respondent's employment was subsequently terminated. The investigator reviewed ten (10) medical records from Cave City Nursing Home between the dates of October 14, 2018 to May 8, 2019. A total of 150 mg of codeine is unaccounted for, a total of 50 mg of hydrocodone is unaccounted for, and a total of 500 mg of tramadol is unaccounted for. Pharmacy computer printouts of all controlled substance activity (both new and refill prescriptions) dispensed by Wal-Mart Pharmacy in Batesville, Arkansas for Respondent from March 1, 2018 to July 9, 2019 indicate Respondent was dispensed two (2) oxycodone/APAP prescriptions, which totaled forty five (45) tablets, last filled July 20, 2018; three (3) tramadol prescriptions, which totaled eighty (80) tablets, last filled August 1, 2018; one (1) APAP/codeine prescription, which totaled twenty
(20) tablets, last filled December 30, 2018; and, three (3) hydrocodone/APAP prescriptions, which totaled forty eight (48) tablets, last filled May 20, 2019. A second investigation regarding Respondent was prompted by a complaint sent to the ASBN on June 2, 2020, by Sarah Scheel, Director of Nursing, Ash Flat Healthcare and Rehabilitation Center in Ash Flat, Arkansas. Ms. Scheel indicates, in part, Respondent is being investigated for possible drug diversion of multiple accounts and multiple residents. In January 2020, Respondent was hired by Ash Flat Healthcare and Rehabilitation. On Respondent’s application, Respondent indicated her reason for leaving Cave City Nursing Home as new job; however, Respondent’s employment at Cave City Nursing Home was terminated due to activity consistent for drug diversion. On May 7, 2020, Respondent was written up for six (6) instances in which she administered as needed pain medications early. On May 31, 2020, Respondent was placed on suspension due to suspicion regarding a card of hydrocodone belonging to a resident that went missing. Respondent was given a urine drug screen and tested negative for all screened substances. On June 1, 2020, Respondent’s employment with Ash Flat Healthcare and Rehabilitation was terminated. The administrator interviewed Respondent regarding the initial reportable of a missing card of hydrocodone. Respondent denied knowing where the card of meds was. An audit found many issues including PRN narcotics signed out by Respondent in the narcotics books but not in PCC MAR. PRN narcotics signed out too soon and too often by Respondent, documentation by Respondent in the narcotics books was marked through and illegible, medication documented as administered by Respondent to a resident despite the medication being discontinued, and narcotic medication cards tampered with (having been taped on the back and it appears medications removed and replaced with pills that are similar in appearance to narcotics). Ten (10) medical records from Ash Flat Healthcare and Rehabilitation were reviewed between the dates of February 7, 2020 to May 31, 2020. A total of 3,822.5 mg of hydrocodone is unaccounted for. Additional pharmacy printouts indicate Respondent was dispensed the following prescriptions as issued by three (3) providers: two (2) prescriptions of APAP/codeine 300/30 mg, which totaled thirty four (34) tablets, last filled on May 14, 2019; one prescription of tramadol 50 mg, which totaled twenty (20) tablets, filled on May 15, 2019; and, five (5) prescriptions of hydrocodone/APAP 7.5/325 mg, which totaled fifty four (54) tablets, last filled on May 12, 2020. On July 15, 2020, ASBN sent a letter by certified and regular mail to Respondent at her last known mailing address requesting an addictive evaluation. The certified mail was returned to the ASBN office marked “Return to sender, attempted – not known, unable to forward.” The regular mail was not returned to the ASBN office. Respondent has not communicated with ASBN Staff.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **AMBER MICHELLE HOLT HOBB, LPN LICENSE NO. L058123**, 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 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 $5,6013.00 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 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 evaluation shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall ensure the evaluator sends the report directly to the Board.
- Respondent shall attend AA/NA, or other Board approved counseling/support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall log attendance of all support group meetings via the Board approved monitoring program. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.

- Respondent shall 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): Nursing and Professional Behavior, Documentation for Nurses, and Substance Abuse Bundle. 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.
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- 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. §17-87-309and the ASBN Rules, Chapter 7, Section IV, (A)(6)(t), 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 Neildia Dycus and seconded by Jasper Fultz.

PASSED

MAEGEN LEIGH BOWDEN BRUMLEYWOOD MOONEY, RN LICENSE NO. R069923 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Paul Koesy, PharmD., and Debbie Rodgers, MSN, RN, provided testimony on behalf of the Board. Respondent holds Arkansas RN License No. R069923. An investigation was prompted by two letters to the Arkansas State Board of Nursing. One letter dated August 21, 2018, was a self-report from Respondent, stating she resigned from her position with Baptist Health Care, Little Rock, after being suspended during an investigation for missing or unaccounted for narcotics. The second letter, dated August 21, 2018, from Michele Diedrich, DNP, MA, RN, NEA-BC, Vice President, Patient Care, Baptist Health Care, Little Rock, indicated Respondent resigned her position during an interview to discuss her Pyxis audit/transactions. Respondent was identified four (4) consecutive months as an outlier for Fentanyl above four (4) standard deviations. Respondent was asked to submit to a "for cause" drug screen. The drug screen specimen was removed and disposed of by a lab employee known to Respondent. During an audit of Respondent's Pyxis transactions, it was identified 4400mcg of Fentanyl was unaccounted for or missing. Respondent's application for employment at Baptist Heath Care, Little Rock, was dated January 25, 2011. On July 20, 2018, email documentation indicates Austin Glover, BSN, RN, Nurse Manager, audited a report from Russell Dorsey, CPht concerning Respondent and discovered some large volume fentanyl bags were not wasted. On July 24, 2018, Russell Dorsey, CPht, replied indicating he was sending June and July Activity, and requested a for cause drug screen. He requested fentanyl be added to the panel since this medication is unaccounted for. On July 31, 2018, at 0829, an observed drug screen sample was collected from Respondent, by Chandra Bryant. The drug screen sample was released to courier and sent to Baptist Toxicology Lab. The collector's copy of the chain of custody form indicates Respondent submitted this sample at 0829 and the sample was sealed and released to courier.
On August 10, 2018, documentation indicates that a recollection for another drug screen sample was obtained. Reason for recollection given was the first collection was never received by lab. On August 16, 2018, Russell Dorsey, reported this is Respondent’s 4th month as an outlier for fentanyl above 4 standard deviations (April through July: 4.95->. 5.48->, 5.8->, and 7.19->). Additionally, Mr. Dorsey indicates only 5 vials of propofol 100ml and 2 bags of 100 ml midazolam, were removed the whole month, which seemed odd for the volume of fentanyl Respondent removed. On August 14, 2018, at 1400, Paula Dick, Laboratory Supervisor, interviewed Dana Poindexter concerning video documentation from the lab. Ms. Dick, indicated in this video Ms. Poindexter is shown looking in the refrigerator where urine screens are kept, returning 2.5 hours later, then removing Respondent’s urine screen and placing it in Ms. Poindexter's pocket, and (then) falsifying the log book. Ms. Poindexter indicated Respondent had contacted her and wanted the urine to go away since she had taken some anti-anxiety med that she didn't have a prescription for. Ms. Poindexter's employment was terminated based on video tape documentation of fentanyl Respondent was suspended until Ms. Givens spoke to HR and pharmacy. On August 20, 2018, a meeting took place with Wendy Lincoln, RN, AVP of Nursing, Eric Horace and Russel Dorsey of Pharmacy, Donna Givens, and Respondent. Respondent stated she had poor documentation and she asked to resign. Four medical records were reviewed by the ASBN investigator between July 5, 2018 and August 3, 2018. 5,700.1 mcg fentanyl and 5.1 mg hydromorphone are unaccounted for. On June 10, 2020, ASBN sent a letter by certified and regular mail to Respondent at her last known mailing address requesting an addictive evaluation. The certified letter was delivered to an individual at the address and the regular letter was not returned. On June 27, 2020, Respondent contacted ASBN staff requesting an extension on the due date for the addictive evaluation due to the cost involved. On June 30, 2020, ASBN staff emailed Respondent granting an extension from July 10, 2020 until August 10, 2020 for the addictive evaluation report to be received in the ASBN office. On August 10, 2020, Respondent emailed ASBN staff to notify that her addictive evaluation scheduled for August 7, 2020 was cancelled due the increased cases of Covid-19. Respondent requests that her addictive evaluation be conducted virtually. ASBN staff approved Respondent's request for a virtual addictive evaluation. The requested addictive evaluation report has not been received. There has been no further contact 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 **MAEGEN LEIGH BOWDEN BRUMLEYWOOD MOONEY, RN LICENSE NO. R069923 (EXPIRED),** has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6), and Ark. Code Ann. § 25-15-201 et seq., 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 $5,150.00 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 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 Bundle, and Nurse and Professional Behavior.** 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 Yolanda Green.

PASSED

Sue Tedford updated the board on the proposed Aesthetics rules. After discussion, it was determined a position statement will be written and brought back before the Board for review during the January meetings.

The meeting recessed for lunch at 11:50 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.

KELLI MICHEL SMITH STRACK, RN LICENSE NO. R088945
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 10, 2018, The Arkansas State Board of Nursing (ASBN) ratified a Consent Agreement placing Respondent’s RN licensure on probation one (1) year. Respondent became noncompliant with the January 10, 2018 Consent Agreement and ASBN ratified a Probation Noncompliance Consent Agreement for one (1) year, on May 8, 2019. Respondent became noncompliant with the May 8, 2019 Probation Noncompliance Consent Agreement and ASBN ratified a second Probation Noncompliance Consent Agreement for two (2) years, on February 13, 2020. On February 21, 2020, ASBN sent Respondent a compliance packet by certified mail to her last known address on file with ASBN. The certified mail was signed for by Respondent on February 22, 2020. Respondent has failed to comply with the terms of the second Probation Noncompliance Consent Agreement entered on February 13, 2020. Respondent failed to contact the Board approved monitoring company daily as agreed in the Board Order. Respondent missed fifteen (15) check-ins as of September 30, 2020. Respondent failed to submit specimens for drug
testing when selected by the Board approved monitoring company as agreed in the Board Order, on July 16, 2020; August 14, 2020; September 9, 2020; and, September 25, 2020. Respondent failed to submit Personal Reports, Employer Reports and Treatment Provider Reports as agreed in the Board Order, for the quarters ending May 2020 and August 2020. Respondent has failed to submit all AA/NA/support group reports as agreed in the Consent Agreement. Respondent submitted twenty one (21) of thirty (30) reports between the dates of March 1, 2020 and September 31, 2020. ASBN notified Respondent via the ASBN Nurse Portal Message Center regarding her noncompliance on September 29, 2020. Respondent was automatically notified of each missed check-in through the drug monitoring company. On October 7, 2020, ASBN staff sent a letter by certified mail and the ASBN Nurse Portal Message Center informing Respondent she was scheduled for a hearing for noncompliance. Respondent was given the opportunity to voluntary surrender by October 15, 2020 in lieu of a hearing until she is physically, mentally, and financially ready to comply with a Board Order. 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 second Probation Noncompliance Consent Agreement, signed by Respondent, and ratified by the Board on February 13, 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 KELLI MICHEL SMITH STRACK, LICENSE RN NO. R088945, 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 submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, Aftercare Meetings Report. Respondent shall log attendance of all support group meetings via the Board approved monitoring program. Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator’s recommendations if the evaluator’s recommendations are greater.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner’s progress report quarterly until discharged by the practitioner. Respondent shall log all appointments via the Board approved monitoring program. Treatment shall begin within thirty (30) days of receipt of this order.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same.
- Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved drug screen monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily starting 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 Bundle, Nurse Professional Behavior, Documentation for Nurses, and Sharpening Critical Thinking Skills. 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 Ramonda Housh and seconded by Janice Ivers
PASSED

Mary Trentham, the Board's attorney, presented the following consent agreement. After discussion, the following motion was passed:

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

Cottingham, Jonathan Paul, A004008, R081760, L047061 (Jonesboro, AR)

Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4) and (a)(6)
Probation – 2 years
Courses – Professional Accountability and Legal Liability for Nurses, Prescribing Controlled Drugs
Civil Penalty - $1,500.00

Brought by Stacie Hipp and seconded by Lance Lindow.
PASSED

Sue Tedford, Director, MNSc, APRN, and Scholarship Committee Chair, Melanie Garner, presented disbursement of funds for scholarships. Following discussion the following motion was presented.

MOTION: I MOVE that the Arkansas State Board of Nursing make the following changes regarding the Faith A. Fields Loan Program for the 2020 Fall Semester, as Follows:

EDUCATOR RENEWAL APPLICANT: Increase the scholarship amount from $1,500.00 to $3,000.00 on behalf of Christa Jones; Transfer the scholarship from the University of Arkansas at Little Rock payable to Chamberlin College of Nursing on behalf of Christa Jones.

PRACTICE APPLICANT: $1,200.00 payable to University of Arkansas at Fayetteville on behalf of Megan Hosteter (formerly Van Zyl).

Brought by Lance Lindow and seconded by The Scholarship Committee
PASSED

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

MOTION: I move that the Arkansas State Board of Nursing approve the Board Meeting Minutes from September 9, 2020 and September 10, 2020, Board Meetings.
Brought by Lance Lindow and seconded by Stacie Hipp.
PASSED

MOTION: I move that the Arkansas State Board of Nursing approve the Board Meeting Minutes from April 1, 2020 and April 15, 2020 Virtual Board Meetings.
Brought by Lance Lindow and seconded by Stacie Hipp.
PASSED
There being no further business, the meeting adjourned at 2:40 pm.

Lance Lindow, President

Mindy Danner, Recording Secretary

Date Approved: 1/30/2021