



Arkansas Department of Health

Arkansas State Board of Nursing

1123 S. University Ave., #800 • Little Rock, AR 72204
(501) 686-2700 • Fax (501) 686-2714

BOARD MEETING MINUTES

TIME AND PLACE: October 16, 2025
Board Conference Room

MEMBERS PRESENT: Allie Barker, MSN, RN; Tabitha Lancaster, RN; Jamie Sims; Phillip Petty, RN; Cassie Gonzales, MNSc, APRN, FNP-BC; Veronica Harmon, RN; Barbara Hillman, BSN, RN; Robin Lambert, LNHA, LPN; Lakisha Young, LPN

MEMBERS ABSENT: **Allie Barker was absent for the afternoon hearing**

STAFF ATTENDING AT VARIOUS TIMES: Ashley Davis, Director, PhD, RN
David Dawson, JD, General Counsel
Jennifer Ivory, JD, Attorney Specialist
Lisa Wooten, Assistant Director, MPH, BSN, RN
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Kim Hooks, ASBN Assistant Director- ArNAP, MPH, BSN, RN
Udell Ward Jr., Regulatory Board Chief Investigator
Tammy Vaughn, ASBN Assistant Director, MSN, RN, CNE
Brandy Haley, Program Coordinator, PhD, RN, CNE
Charissa McVay, Nurse Practitioner-FPA/Enforcement
Paul Bradshaw, IT Infrastructure Coordinator
Mindy Darner, Legal Support Specialist
Christine Lewis, Executive Assistant to the Director
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist
Kelly Doppelhammer, Legal Support Specialist
Andrea McCuien, Administrative Assistant II
Lexie Hubbard, Administrative Coordinator
Carla David, Licensing Coordinator
Antony Wiggins, Legal Support Specialist

Guests: Melissa Russenberger, RN
Jamie Turpin, Pharm D
Penny Summers, RN
Cheryl Holden, University of Arkansas- Fort Smith
Melissa Hensley, RN
Hannah Swisher, RN
Logan Briggs, University of Arkansas- Monticello grad student
Felicia Blagmon, University of Arkansas- Monticello grad student _____

President Allie Barker called the meeting to order at 8:32 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.

KATHERINE SUE WRIGHT ROSIER HUNTER, NCSBN ID. 22363133, LICENSE NO. L053780 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Udell Ward, Chief Investigator, and Terry Kuykendall, Investigator, provided testimony on behalf of the Board. A Board investigation was initiated after a complaint reported that Respondent smoked marijuana every day before work and during lunch breaks, while she worked at The Blossoms at Conway. A Pharmacy Services investigator obtained a urine drug screen from Respondent on January 11, 2024. The drug screen reported positive for marijuana metabolite at 1,131 ng/ml, alprazolam metabolite at 235 ng/ml, tramadol at >10,000 ng/ml and diphenhydramine at 1,272 ng/ml. A PDMP controlled substances report for the period from July 1, 2022, through August 7, 2024, found no prescriptions reported for Respondent. Board staff sent a letter to Respondent twice, via certified mail and through the nurse portal, requesting that Respondent provide an addictive evaluation. The certified letters were returned, and Respondent did not view the messages in the portal. On December 30, 2024, board staff sent a letter to Respondent via certified mail and through the nurse portal informing Respondent that her case would be forwarded to a hearing. The certified letter was returned as "unclaimed." Respondent did view the message in the nurse portal, but Respondent has not contacted board staff. Respondent received numerous employment discipline warnings while working at The Blossoms at Conway. On Respondent's employment application with The Blossoms at Conway, she stated that she left Cabot Nursing and Rehabilitation due to health reasons, however, employment records from Cabot Nursing and Rehabilitation reveal that Respondent was terminated during her 90-day probation period for multiple call-ins. Respondent has failed a drug screen requested by the Board and has failed to provide board staff with the requested 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 **KATHERINE SUE WRIGHT ROSIER HUNTER, NCSBN ID. 22363133, LICENSE NO. L053780 (EXPIRED)**, license and privilege to practice as a nurse be suspended until Respondent obtains a substance use disorder evaluation and is returned back to the ASBN.

Brought by Cassie Gonzales and seconded by Tabitha Lancaster.

PASSED

The following items were discussed:

- Approval of 2026 hearing and business meetings.
- Approval for funding sponsorship of the 2025 Arkansas Stop Overdose Summit.

MOTION: I MOVE that the ADH-Arkansas State Board of Nursing approve the revision of the 2026 Board meeting schedule as Follows:

January 7	Wednesday	BUSINESS MEETING /HEARINGS
January 8	Thursday	HEARINGS
February 4	Wednesday	HEARINGS
February 5	Thursday	HEARINGS
March		NO MEETINGS SCHEDULED
April 1	Wednesday	HEARINGS
April 2	Thursday	HEARINGS

May 6	Wednesday	HEARINGS
May 7	Thursday	BOARD STRATEGIC PLANNING
June 3	Wednesday	BUSINESS MEETING /HEARINGS
June 4	Thursday	HEARINGS
July 8	Wednesday	HEARINGS
July 9	Thursday	HEARINGS
August		NO MEETINGS SCHEDULED
September 9	Wednesday	BUSINESS MEETING /HEARINGS
September 10	Thursday	HEARINGS
October 14	Wednesday	HEARINGS
October 15	Thursday	HEARINGS
November 18	Wednesday	HEARINGS
November 19	Thursday	HEARINGS
December		NO MEETINGS SCHEDULED

Brought by Allie Barker and seconded by Jamie Sims.
PASSED

MOTION: I MOVE that the ADH-Arkansas State Board of Nursing approve the funding in the amount of \$5,000.00 for sponsorship of the 2025 Arkansas Stop Overdose Summit to be held November 18, 2025 at the Hot Springs Convention Center.

Brought by Allie Barker and seconded by Jamie Sims.
PASSED

The meeting recessed for lunch at 9:30 a.m. Following lunch, the Board resumed hearings.

Vice President Tabitha Lancaster called the meeting to order at 12:45 p.m. A flexible agenda was approved.

Ashley Davis presented a motion to clarify the motion on Christina Marie Vail, L056244 from September 10, 2025.

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 (ASBN) finds that Christina Marie Vail, LPN License L056244 has violated A.C.A. §17-87-309(a)(6) and the ASBN *Rules*, 17 CAR §126-102(8)(T) and that the Respondent’s license and privilege to practice as a nurse be Suspended for six (6) months under the terms and conditions of her consent agreement ratified by the Board on November 15, 2023. If Respondent fails to comply with the terms with the terms of suspension during the monitoring period, Respondent may not restart monitoring period until six (6) months after the date Respondent was determined to be noncompliant.

After Respondent is compliant with the terms of suspension, Respondent will be placed on a three (3) year probation under the original terms of the consent agreement ratified on November 15, 2023.

Brought by Tabitha Lancaster and seconded by Jamie Sims.

PASSED

KAYLA MILLICAN SMITHERMAN WILKERSON, NCSBN ID. 22355125, LICENSE NO. R101747 and L053700 (EXPIRED)

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 pleads guilty to the charges. After a hearing on May 17, 2023, the Board ordered Respondent's RN and LPN licensure to probation for two (2) years for violation of A.C.A. §17-87-309 (a)(6), based upon the fact that Respondent had refused a drug screen requested by her employer and had refused to provide board staff with an addictive evaluation. Respondent failed to comply with the May 2023 Board order and the Board ratified a Probation Noncompliance Consent Agreement for two (2) years for Respondent on October 11, 2023. Respondent has failed to fully comply with the October 11, 2023, Probation Noncompliance Consent agreement. Respondent failed to check in with the Board approved monitoring company two (2) times, on November 13, 2023, and November 17, 2024. Respondent checked in, was selected for drug testing, but failed to show for testing two (2) times, on November 8, 2023, and August 27, 2025. Respondent submitted three (3) positive specimens for a controlled substance without a short-term waiver, including: phentermine 10,882 ng/mL on September 17, 2024; amphetamine 1,214 ng/mL on November 18, 2024; and phentermine 491 ng/mL on February 24, 2025. Respondent submitted one (1) dilute specimen for drug testing on May 19, 2025. Respondent failed to submit any civil penalty quarterly payments and has a remaining balance of \$3,738.00. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, 17 CAR § 126-102(8)(T) by failing to comply with the terms and conditions of the October 11, 2023, Probation Noncompliance Consent Agreement.

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 **KAYLA MILLICAN SMITHERMAN WILKERSON, NCSBN ID. 22355125, LICENSE NO. R101747 and L053700 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be placed on probation for one (1) year with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- 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 a Board approved evaluator. 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 ASBN.monitoring@arkansas.gov.
- Respondent shall attend Alcoholics Anonymous/Narcotics Anonymous, (AA/NA), or other Board approved 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 two (2) AA/NA or other Board approved support group meetings a week during the period of probation.
- Respondent shall request to the Board verification of termination of the probationary period and license reinstatement by submitting the *Reinstatement Request* form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring

- requirements including but not limited to checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three [3] weeks) with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program.
 - Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
 - Respondent agrees to have personal prescriptions monitored through the Prescription Drug Monitoring Program by board staff while under Board order.
 - Respondent shall submit to random drug screens by direct observation or DNA-authentication. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved 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 the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or within the time and manner designated by the DNA-authentication laboratory. 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 or failure to present and provide specimen when notified.
 - Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
 - Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.
 - Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
 - Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
 - Respondent shall notify and present to each employer a copy this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
 - Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not serve as a preceptor during probation. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
 - 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 Conversion Application*

after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.

- 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 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 is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- 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 Phillip Petty and seconded by Jamie Sims.

PASSED

AMY BETH SMITH CRAWFORD, NCSBN ID. 22239204, LICENSE NO. R091834

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. Ava Sears, Administrator, Corning Therapy and Living Center, and Amy Rosendaho, Director of Nursing, Corning Therapy and Living Center, testified on behalf of Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, 17 CAR § 126-102(8)(T) and pleads guilty to the charges. On November 16, 2016, the Board accepted the voluntary surrender for Respondent's RN License in lieu of an ongoing investigation and hearing. On September 11, 2019, the Board ratified a Reinstatement Consent Agreement placing Respondent's RN license on probation for three (3) years based on a failed drug screen and termination from employment after medication diversion issues. Respondent failed to comply with the September 2019 Reinstatement Consent Agreement and after a noncompliance hearing on October 11, 2023, the Board ordered Respondent's RN license on probation for three (3) years. Respondent has failed to fully comply with the October 11, 2023, Board Probation Order. Respondent failed to check in with the Board approved monitoring company thirteen (13) times. Respondent failed to check in and show to submit specimens for drug testing one (1) time. Respondent submitted two (2) positive specimens for the metabolites of alcohol, ETG/ETS, on November 21, 2024, and April 24, 2025. Respondent failed to provide the required Employer, Personal, Treatment Provider, and Meeting Attendance reports. Respondent failed to submit any civil penalty quarterly payments and has a remaining balance of \$2,250.00. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, 17 CAR § 126-102(8)(T) by failing to comply with the terms and conditions of the October 11, 2023, Board Probation Order.

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 **AMY BETH SMITH CRAWFORD, NCSBN ID. 22239204, LICENSE NO. R091834**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, 17 CAR § 126-102(8)(T) and that Respondent's license and privilege to practice as a nurse be suspended one (1) year to be followed by three (3) years of probation with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence of a comprehensive assessment for substance use disorder within six (6) months prior to reinstatement to probation. Acceptable evidence shall consist of an evaluation with appropriate testing by a Board approved evaluator. 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 at ASBN.monitoring@arkansas.gov.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the *Treatment Provider Report* quarterly via the Board approved monitoring program until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this Order.
 - Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the *Reinstatement Request* form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
 - Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three [3] weeks) with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
 - Respondent agrees to have personal prescriptions monitored through the Prescription Drug Monitoring Program by board staff while under Board order.
 - Respondent shall submit to random drug screens by direct observation or DNA-authentication. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved 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 the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or within the time and manner designated by the DNA-authentication laboratory. 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 or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
 - Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
 - Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
 - Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
 - 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 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.

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- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- All conditions of the suspension period shall continue through the probation period.
- 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 Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not serve as a preceptor during probation. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- 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 Cassie Gonzales and seconded by Veronica Harmon.

PASSED

KELLIE MARIE APPLING CAPLE DIVINE, NCSBN ID. 20792005, LICENSE NO. R078050

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 appeared before the Arkansas State Board of Nursing (ASBN) on October 9, 2024. The Board ordered Respondent's RN licensure to probation for one (1) year for violation of A.C.A. §17-87-309 (a)(6), based upon the fact that Respondent tested positive on a drug screen requested by her employer. The results were positive for amphetamine and methamphetamine, further identified by D/L isomer testing as 99% D methamphetamine. Respondent has failed to fully comply with the Board's October 9, 2024, probation order. Respondent failed to check in with the Board approved monitoring company two hundred ninety-nine (299) times between November 1, 2024, and August 31, 2025. Respondent failed to check in, was selected for drug testing, but failed to show for testing twenty (20) times. Respondent failed to provide the Employer, Personal, and Treatment Provider reports. Respondent failed to submit course completion certificates due on May 10, 2025, for the *Substance Abuse Bundle* and *Righting A Wrong: Ethics and Professionalism in Nursing* courses. Respondent failed to submit any civil penalty quarterly payments and has a remaining balance of \$1,438.00. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, 17 CAR § 126-102(8)(T) by failing to comply with the terms and conditions of the October 9, 2024, Board probation order.

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 **KELLIE MARIE APPLING CAPLE DIVINE, NCSBN ID. 20792005, LICENSE NO. R078050**, 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 with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall 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 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 Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence within six (6) months of successful completion of the Board approved courses: *Substance Abuse Bundle* and *ICRS: Righting a Wrong- Ethics and Professionalism in Nursing*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the *Treatment Provider Report* quarterly via the Board approved monitoring program until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this Order.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the *Reinstatement Request* form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three [3] weeks) with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent agrees to have personal prescriptions monitored through the Prescription Drug Monitoring Program by board staff while under Board order.
- Respondent shall submit to random drug screens by direct observation or DNA-authentication. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved 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 the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or within the time and manner designated by the DNA-authentication laboratory. 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 or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.

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- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- 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 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 is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- All conditions of the suspension period shall continue through the probation period.
- 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 Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not serve as a preceptor during probation. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- 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 Phillip Petty and seconded by Lakisha Young.

PASSED

There being no further business, the meeting adjourned at 4:32 pm.



Allie Barker, President



Mindy Darner, Recording Secretary



Date Approved