



Arkansas Department of Health

Arkansas State Board of Nursing

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Governor Sarah Huckabee Sanders
Renee Mallory, RN, BSN, Secretary of Health
Jennifer Dillaha, MD, Director
Sue A. Tedford, MNsc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE:	October 10, 2024 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:	None
STAFF ATTENDING AT VARIOUS TIMES:	Sue A. Tedford, Director, MNsc, APRN 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 Janet Simpson, ASBN Program Coordinator, MSN, RNP, RNC-MNN Kim Hooks, ASBN Assistant Director- ArNAP, MPH, BSN, RN Udell Ward Jr., Regulatory Board Chief Investigator Albert Williams, Information Systems Coordinator Susan Moore, Computer Operator Mindy Darner, Legal Support Specialist Corrie Edge, Administrative Analyst Lisa Mendenhall, Legal Support Specialist Kelly Doppelhammer, Legal Support Specialist LouAnn Walker, Public Information Coordinator Carla Davis, Licensing Coordinator Christine Lewis, Legal Support Specialist Cecelia Laman, Fiscal Support Specialist Whitney Kinney, Licensing Coordinator
Guests:	Lauren E. Ator- Attorney, Wright, Lindsey and Jennings Emily West, UAM, MSN Student Karson Henry, Graduate Student Gregory McKay, Attorney General's Office

President Allie Barker called the meeting to order at 8:35 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.

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AMY LOU MCMILLEN STUFF, NCSBN ID. 3963746 and RN LICENSE NO. R052635

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Janet Simpson, MSN, RNP, RNC-MNN, Rhonda Mayo, RN, and Jacqueline McQuinn, MSN, RN, provided testimony on behalf of the Board. Tonya Green, provided testimony on behalf of Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. Respondent was a nurse at Pulaski Heights Elementary School during the 2021-2022 school year during which several violations of the Nurse Practice Act occurred. The first complaint was filed on October 27, 2021, and stated that the Respondent failed to provide proper seizure training to school staff for a student with epilepsy and that she instructed staff to not call an ambulance for repeated and prolonged seizures because the parents did not want one to be called. Evidence revealed that the student had a seizure on Friday, October 1, 2021, continuing for approximately eleven (11) minutes. On a separate day, Respondent was called to the room where the student had twenty-two (22) seizures in a forty-five (45)-minute period. District policy states that if the seizure lasts more than five (5) minutes to call an ambulance. The student had an Individual Healthcare Plan that was required to be evaluated and updated yearly by the school nurse, which Respondent failed to do. Evidence gathered while investigating a second complaint revealed that on Monday, November 29, 2021, Respondent failed to timely respond to an injury on the playground involving a student with a broken leg. Evidence gathered while investigating a third complaint revealed that Respondent failed to abide by district policy regarding the handling of controlled substances. Respondent failed to get a second signature to witness the dispensation of the medication, failed to use the correct form in logging in controlled substances, failed to get signatures for the controlled substance medicine count weekly, and failed to notify parents of missing medications. Four (4) students were missing the following medications: ten (10) doses of Adderall 5 mg for student BW; ten (10) doses of Adderall 2.5 mg for student WG; nine (9) doses of Focalin 5 mg XR for student IB; and twelve (12) doses of Focalin 10 mg for student TW. Additionally, Respondent falsely documented a student's dose of clonazepam 1mg after making a note indicating the medication was discontinued. This led to an excess of one (1) pill on the medication count. Respondent's employment history also contains numerous discipline issues, including a Written Warning on February 6, 2019, while employed at Pulaski Heights Elementary. A bus accident occurred on the campus of Pulaski Heights Elementary. The School Administrator instructed Respondent to go and assess all the students directly involved in the bus accident. Respondent refused, stating that she would not go out there, they could send the students in to her one at a time. The Administrator repeated the directive, yet Respondent refused to go assess the students, claiming that it would be a HIPAA violation. Respondent's conduct was considered insubordination and a violation of the procedures for school nurses when bus accidents occur.

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 LOU MCMILLEN STUFF, NCSBN ID. 3963746 and RN LICENSE NO. R052635**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that a Letter of Reprimand be issued with the following terms and conditions:

- Respondent shall provide evidence within six (6) months of successful completion of the Board approved courses: *Medication Administration* and *Documentation for Nurses 5th Edition*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.

Brought by Cassie Gonzales and seconded by Tabitha Lancaster.

PASSED

The meeting recessed for lunch at 12:38 p.m. Following lunch, the Board resumed hearings.

President Allie Barker called the meeting to order at 1:20 p.m. A flexible agenda was approved.

PATSY ANN GIBBINS BRANDENBURG HAYES CARTER RHYNE, NCSBN ID. 41065390 and RN LICENSE NO. R032924

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Janet Simpson, MSN, RNP, RNC-MNN, provided testimony on behalf of the Board. Brooklynn O'Leary, Laura Loggins, provided testimony via Zoom on behalf of the Board. Marla Stubbs, testified via Zoom on behalf of

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Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. On April 15, 2023, Respondent reported to work at North Arkansas Regional Medical Center (NARMC). Hospital staff reported that Respondent appeared to be impaired. Respondent was notified that the house supervisor was on the way to the facility to follow the policy on reasonable suspicion of impairment. Before the house supervisor arrived, Respondent left the facility before her shift was over, did not notify anyone that she was leaving, and did not provide a report on her patients. On April 17, 2023, Respondent stated to supervisors that she left without handing her patients over and that she drank one beer at lunch prior to reporting to work. Respondent stated she had "problems" and that she was seeking help and voluntarily stated she was going to a facility for treatment. Respondent was subsequently terminated from employment by NARMC for patient abandonment occurring on April 15, 2023. Prior to the incident leading to termination, Respondent was disciplined by NARMC after self-reporting her arrest on January 1, 2023, for DWI drugs. It was noted on the discipline form that there was a previous incident where Respondent showed up for a shift she was not scheduled to work and was altered. Respondent was removed from the charge nurse role in the emergency department and was not allowed to precept employees or students. Respondent was offered the option of entering the Arkansas Nurse Alternative to Discipline (ArNAP) program. Respondent declined the ArNAP offer and requested an investigation and hearing.

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 **PATSY ANN GIBBINS BRANDENBURG HAYES CARTER RHYNE, NCSBN ID. 41065390 and RN LICENSE NO. R032924**, 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 a civil penalty of \$1,025.00, 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 course: *The Nurse and Professional Behaviors*. Respondent shall submit the certificate of completion via the Board approved monitoring program.
- Respondent shall submit via email at ASBN.monitoring@arkansas.gov and have approved by Board staff a plan to obtain additional education and enter a preceptor program with a registered nurse within the Respondent's practice setting or area of expertise. The plan shall be submitted within fifteen (15) days of the first day of employment as a nurse, after the Board's Order. The preceptor program shall start within thirty (30) days of the first day of employment as a nurse, after the Board's Order.
- 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 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 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.

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- 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 ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- 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 secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.
- 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 Tabitha Lancaster and seconded by Veronica Harmon.

PASSED

ASHLEY H. PINEGAR THOMAS, NCSBN ID. 22516916, RN LICENSE NO. R100715 and LPN LICENSE NO. L054292 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, and Nick Shull, Pharm D, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(2) and (a)(6) and pleads not guilty to the charges. Respondent was hired by Sherwood Nursing and Rehabilitation in June 2013. Respondent's employer reported that Respondent and the charge nurse on duty wasted some narcotics earlier in the day on May 14, 2019, and Respondent failed to sign out 0.5mL of Ativan. The employer contacted Respondent and Respondent confirmed that she wasted the medication and would sign the narcotic book when she returned to the facility. Respondent later contacted the employer and stated that she accidentally took the Ativan home. On May 15, 2019, it was reported to the employer that Respondent would not be in, and that Respondent could not be reached and could not make phone calls. Respondent's employer discovered Respondent had been arrested. Respondent's uncle assisted the employer in locating Respondent's keys and connecting with the detective in charge of Respondent's case. The Detective reported that the Ativan was confiscated as evidence and provided the employer a receipt of the medication. On June 3, 2019, Respondent was terminated from employment for failure to perform duties under the scope of practice for the DON position and misappropriation of a resident's narcotics. The Cabot Police Department Incident Report #19-01024, indicates that police appeared at the residence where Respondent had previously lived with her husband. The police were called as a response to a report of a possible gunshot and subjects yelling. The police asked the male on premises (Respondent's husband with whom she was separated) whether they could check the premises for the female who was supposed to be there, as well. While checking the premises for Respondent, police found an active marijuana grow operation. After police found Respondent, she was reported to have tried to roll a marijuana blunt and then tried to flush the marijuana down the toilet. Respondent was restrained and arrested. A Guilty Plea Agreement, dated March 3, 2020, indicates Respondent pled guilty to a violation of Ark. Code Ann. § 5-74-106 *Tampering with Physical Evidence, Class D Felony*, and was placed on probation for a period of three (3) years. Respondent submitted to a psychological and addictive evaluation by John Leach, M.D. on November 19, 2021. Dr. Leach provided a report to Board staff stating that Respondent did not meet criteria for any substance use disorder. He did state however, that he would agree with recommendations for a standard probation upon new employment.

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and continued scheduled drug screens to complete her probation.

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 **ASHLEY H. PINEGAR THOMAS, NCSBN ID. 22516916, RN LICENSE NO. R100715 and LPN LICENSE NO. L054292 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that the Board issue a Letter of Reprimand.

- Respondent shall provide evidence within six (6) months of successful completion of the Board approved course: *Medication Administration*. Respondent shall submit the certificate of completion via the Board approved monitoring program.

Brought by Tabitha Lancaster and seconded by Veronica Harmon.

PASSED

The following items were discussed:

- Approving the minutes from the September hearings.
- The survey sent to Board members
- Deliberations going down a rabbit hole

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the September 11, 2024, and September 12, 2024 Board meetings.

Brought by Allie Barker and seconded by Jamie Sims.

PASSED

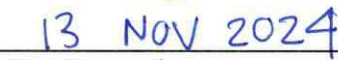
There being no further business, the meeting adjourned at 5:35 pm.



Allie Barker, President



Mindy Darner, Recording Secretary



Date Approved