



Arkansas Department of Health

Arkansas State Board of Nursing
1123 S. University Ave., #800 • Little Rock, Arkansas 72204 • (501) 686-2700 • Fax (501) 686-2714
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:** May 15, 2024
Board Conference Room
- MEMBERS PRESENT:** Allie Barker, MSN, RN; Tabitha Lancaster, RN; Jamie Sims; Phillip Petty, RN; Veronica Harmon, RN; Barbara Hillman, BSN, RN; Robin Lambert, LNHA, LPN; Lakisha Young, LPN
- MEMBERS ABSENT:** Cassie Gonzales, MNSc, APRN, FNP-BC (attended the Educational Session then left for the day)
- 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
Karen McCumpsey, Assistant Director, MNSc, RN, CNE
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Janet Simpson, ASBN Program Coordinator, MSN, RNP, RNC-MNN
Udell Ward Jr., Regulatory Board Chief Investigator
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Leslie Suggs, Executive Assistant to the Director
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist
Kelly Doppelhammer, Legal Support Specialist
Christine Lewis, Legal Support Specialist
Carla Davis, Licensing Coordinator
- Guests:** Melissa Russenberger, RN, Pharmacy Services
Hannah Swisher, RN, Pharmacy Services

President Allie Barker called the meeting to order at 8:34 a.m. Guests were welcomed and a flexible agenda was approved.

Karen McCumpsey, Assistant Director, MNSc, RN, CNE, presented training on the Nursing Licensure Compact.

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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SHONA R. JONES, NCSBN ID: 24717077 and LPN LICENSE NO. 226017

Respondent was not present for the proceedings before the Board and was not represented by counsel. Karen McCumpsey, MNSc, RN, CNE, provided testimony on behalf of the Board. On November 1, 2023, the Board issued a Letter of Reprimand to Respondent for violations of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(1), and the Arkansas State Board of Nursing *Rules*, Chapter 7, Section IV (A)(1)(a), for providing false representation of facts on an application. On or about January 18, 2023, Respondent submitted an initial exam application to the Arkansas State Board of Nursing with “no” marked as the answer to the question, “Have you ever been convicted of a misdemeanor or felony, pleaded guilty, or nolo contendere to any charge in any state, jurisdiction, country or province?” On or about June 4, 2015, Respondent was found guilty of Battery – 3rd degree, a Class A misdemeanor, in Osceola District Court, Arkansas. On November 29, 2023, Board staff received a message from Respondent requesting a hearing to appeal the Letter of Reprimand issued on November 1, 2023.

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 **SHONA R. JONES, NCSBN ID: 24717077 and LPN LICENSE NO. 226017**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(1) and dismiss the Letter of Reprimand appeal for failure to appear and prosecute.

Brought by Tabitha Lancaster and seconded by Veronica Harmon.

PASSED

After discussion of individual, the following Summary Suspension motion was presented by **David Dawson, General Counsel, JD**:

LORI NICOLE BUIE STACEY, NCSBN ID: 2219471 and LPN LICENSE NO. L053508

MOTION: I MOVE that the Arkansas State Board of Nursing summarily suspend the license of Lori Nicole Buie Stacey, NCSBN ID: 22179471 and Arkansas License Practical Nurse #L053508. The Board declares an emergency and states Respondent is a threat to the health, safety, and welfare of the citizens of Arkansas. A hearing will be promptly schedule for the Board’s next regular hearing date, to consider and determine revocation or other action.

Brought by Jamie Sims and seconded by Phillip Petty.

PASSED

Jennifer Ivory, the Board’s attorney, presented a waiver for Christiane Elaine Loftin, LPN License 216944 (Expired) to enter into probation (see consent agreement motion):

MOTION: I MOVE that based on the evidence presented the Arkansas State Board of Nursing finds that Christiane Elanie Loftin, License # LPN 216944 (expired) grant a waiver of Ark. Code Ann. § 17-3-102 and order probation in accordance with the proposed consent agreement.

Brought by Tabitha Lancaster and seconded by Veronica Harmon.

PASSED

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

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

Bojorquez, Margaret Ann Lineberry L049322 (Henderson, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(4)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(2), (A)(4)

Probation – 3 years

Courses – *Substance Abuse Bundle*

Doty, Marni McAthey R107716 (Bella Vista, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4), (a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4), (A)(6)(p)

Probation – 2 years

Courses – *Substance Abuse Bundle and Upholding the Standard: Professional Accountability in Nursing*

Civil Penalty - \$1,782.55

Hardesty, Nicole Ryan L058416 (Cherokee Village, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(p)

Probation – 1 year

Courses – *Substance Abuse Bundle*

Civil Penalty - \$1,033.45

Herriman, Erin Elizabeth Buckmaster LPN 226513 (Hot Springs, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(2), (A)(6)(t)

Probation – 1 year

Courses – *Substance Abuse Bundle*

Civil Penalty - \$750.00

Huffman, Melissa Dawn R072438, L040515 (Conway, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4), (a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4), (A)(6)(d), (m), (t)

Probation – 3 years

Courses – *Substance Abuse Bundle, The Nurse and Professional Behaviors*

Civil Penalty - \$2,250.00

Jacobs, Patrick D. LPN 218236 (Van Buren, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(d), (m), and (p)

Probation – 3 years

Courses – *Substance Abuse Bundle*

Civil Penalty - \$1,075.00

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Loftin, Christiane Elaine LPN 216944

(Bono, AR)

- Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(2)
- Probation – 1 year
- Courses – *Righting A Wrong: Ethics and Professionalism in Nursing and Anger Management Workbook*
- Civil Penalty - \$321.96

Lowe, Sierra Nicole Zappa L056432

(Greenbrier, AR)

- Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(t)
- Probation – 1 year
- Courses – *Substance Abuse Bundle*
- Civil Penalty - \$750.00

McMahan, Tonya Danette Lashae Harvey R069936, L037756

(Coldwater, MS)

- Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(b) and (e)
- Probation – 1 year
- Courses – *Substance Abuse Bundle, Documentation for Nurses, and Medication Administration*
- Civil Penalty - \$1,437.00

Oleson, Courtney Lynn RN 216521

(North Little Rock, AR)

- Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(p) and (t)
- Probation – 1 year
- Courses – *Substance Abuse Bundle*

Pace, Laura Elizabeth Hudson A005582, R087985

(Greenwood, AR)

- Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(m)
- Probation – 1 year
- Courses – *Upholding The Standard: Professional Accountability in Nursing*
- Civil Penalty - \$750.00

Walker, Caleb Turner L054621

(Little Rock, AR)

- Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4), (a)(6)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4), (A)(6)(p)
- Probation – 2 years
- Courses – *Substance Abuse Bundle and Upholding The Standard: Professional Accountability in Nursing*
- Civil Penalty - \$2,219.00

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Wyatt, Fallon Elizabeth Johnson A004461, R084130, PAC 004343

(Marion, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(a), (c) and (w); Chapter Four, Section VIII (D)(3)(f), (D)(5) and (D)(6); (K)(2)(a) and (K)(3); and Section X (A)(2) and (3)*

Probation – 1 year

Courses – Case Western Reserve University- *Medical Documentation* and Vanderbilt- *Prescribing Controlled Drugs*

Civil Penalty - \$4,614.44

Brought by Jamie Sims and seconded by Phillip Petty

PASSED

Staff discussed the following items with the Board:

- Tammy Vaughn spoke to the Board about Board staff being approached by the Healthcare association about changes to MACs and what they can and cannot do. The proposed changes by the Healthcare Association were reviewed. The Board agreed to the following changes;
 - Add Inhalation
 - Insulin should be via pens or prefilled syringes only
 - Certification for insulin should be an “add on” to the certification
 - Must provide proof on insulin education
 - PRN meds may be administered after an assessment by a licensed nurse
 - Obtaining blood sugar readings with a glucometer is within their SOP
 - Applicants should have six (6) months of practice within AR
 - Criminal background checks will continue being conducted by OLTC with an attestation on the application
- The sudden closure of the DNA authentication drug screen company Genotox, and how that impacted testing for persons being monitored.
- The twenty million dollars given to nursing programs by the Governor through the ALIGNS Grant.
- New scholarship committee to meet this summer. Veronica Harmon is the Chair of the committee.
- Reminder that the ArNAP committee meets today during lunch

The meeting recessed for lunch at 11:58 p.m. Following lunch, the Board resumed hearings.

President Allie Barker called the meeting to order at 1:05 p.m. A flexible agenda was approved.

ANGELA LORRAINE CLINES SLATON, LICENSE NO. R087051

Respondent was present for the proceedings before the Board and was represented by counsel, Ben Catterlin. 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. On May 10, 2018, the Board ratified a Consent Agreement placing Respondent's RN license on probation for one (1) year. Respondent became noncompliant with the May 10, 2018, Consent Agreement and the Arkansas State Board of Nursing ratified a Noncompliance Consent

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Agreement on July 10, 2019, placing Respondent's RN license on probation two (2) years. Respondent failed to comply with the July 10, 2019, Noncompliance Consent agreement and the Board ratified a second Noncompliance Consent Agreement on February 13, 2020, placing Respondent's RN license on probation for two (2) years. On July 7, 2020, Respondent voluntarily surrendered her license in lieu of compliance with the February 13, 2020, Noncompliance Consent Agreement. On May 17, 2023, the Board ratified a Reinstatement Consent Agreement, placing Respondent's RN license on probation for two (2) years. Respondent has failed to fully comply with the May 17, 2023, Reinstatement Consent Agreement. Respondent failed to check in with the Board approved monitoring program twelve (12) times. Respondent failed to show to submit specimens for drug testing, seven (7) times, when selected by the Board approved monitoring company. Respondent submitted one (1) positive specimen for alcohol on October 6, 2023. Respondent failed to provide six (6) required reports and certificates. 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 Reinstatement Consent Agreement, signed by Respondent, and ratified by the Board on May 17, 2023.

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 **ANGELA LORRAINE CLINES SLATON, LICENSE NO. R087051**, 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 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 \$2,250.00, 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: *Ethics of Nursing Practice*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- 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 observed random drug screens. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved

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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. 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.
- 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.
- 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 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.

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- 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 Phillips Petty and seconded by Jamie Sims.

PASSED

JASON WILLIAM PUGH, LICENSE NO. R081793

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. The Texas State Board of Nursing investigated a complaint regarding Respondent's nursing practice in Texas while utilizing his Arkansas Multistate Privilege to Practice. It was reported by Texas Health Hurst-Euleless-Bedford in Bedford, Texas, to the Texas Board of Nursing, that Respondent withdrew two (2) Norco 5mg tablets from the Pyxis for a patient. However, the physician's order was for only one (1) 5mg tablet. Respondent documented in the Pyxis removal of only one (1) 5 mg tablet and documented administration in the patient's Medication Administration Record (MAR) of only one (1) 5mg tablet. When approach by the Nursing Director, Respondent corrected the discrepancy by documenting administration of the second 5mg Norco tablet at 0725, despite the patient being discharged at 0711. The facility conducted an audit of Respondent's controlled substance activity, and the following medications were unaccounted for between the dates of December 24, 2018, through January 18, 2019: 10 mg of morphine; 100 mcg of fentanyl; 2.5 mg of diazepam; and 15 mg of temazepam. The audit also indicated that Respondent was removing morphine without an order, failing to document wastage or return of the unused portion of diazepam, temazepam and fentanyl, documenting administration of morphine before removing from Pyxis, administering an additional dose of morphine without an order, and documenting administration of Norco after a patient was discharged. Respondent cancelled several scheduled meetings with the Nursing Director and eventually resigned his employment. On February 14, 2023, Respondent's Privilege to Practice in Texas was revoked by default by the Texas Board of Nursing, for Respondent's failure to appear. On June 20, 2023, the Texas Board of Nursing ratified an Agreed Order with a warning sanction on Respondent's Privilege to Practice. The order indicates Respondent must complete three (3) remedial education courses. At the request of Board staff, Respondent was evaluated by Charla Watkins, DNP, on April 20, 2023, and the following diagnoses and recommendations were indicated: Diagnosis: Opiate Use D/O, Recurrent Mild (based on investigative report), Anxiolytic Use D/O, Recurrent, Mild (based on investigative report), Grief, secondary to Spousal Separation, possible Divorce. Recommendations: Random drug screens over the next eighteen (18) months or as deemed appropriate by the State Board of Nursing. Start counseling/psychotherapy twice/month for six (6) months to help facilitate improvement and development of effective coping skills, emotional regulation and distress tolerance and deeper insight as to how the stress in Jason's life can be better managed. This will help Jason become more mindful and aware of emotions and manage life more effectively. Take a course offered by the ASBN on professionalism to address issues related to not pulling a medication out to give to a doctor without an order and be able to use assertive communication coupled with safety and professionalism. On August 24, 2023, Board staff offered Respondent a consent agreement for two (2) years' probation for violation of A.C.A. § 17-87-309 (a)(6) and (a)(7) and the Arkansas State

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Board of Nursing *Rules*, Chapter Seven, Section IV (A)(6)(c) and (A)(7). The consent agreement was sent through the nurse portal and by USPS Certified Mail to Respondent's last known address on file. Respondent signed for the certified mail on September 7, 2023. Respondent initially viewed the message sent through the portal on August 25, 2023, at 2:26 PM and again on September 13, 2023, at 3:38 PM. The signed consent agreement was due by September 16, 2023. Respondent communicated with staff through the portal but has failed to return the signed consent agreement or voluntary surrender form.

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 **JASON WILLIAM PUGH, LICENSE NO. R081793**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and (a)(7) and that Respondent's license and privilege to practice as a nurse be Placed on probation for 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 \$1,500.00, 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(s): *Substance Abuse Bundle* and *Documentation for Nurses*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- 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 meetings according to the evaluator's recommendations regarding meeting attendance.
- 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 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.

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- 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 observed random drug screens. 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. 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

BRANDI JOY HEBLING FLORES HENDERSON, LICENSE NO. R100555, and L048921 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On October 11, 2023, the Board ratified a consent agreement placing Respondent's LPN and RN licensure on probation for three (3) years. Board staff sent a compliance packet to Respondent via the nurse portal on October 11, 2023. Respondent viewed the message on October 11, 2023, at 1:09 PM and again on October 12, 2023, at 12:22 PM. A compliance packet was also sent to Respondent's attorney via USPS certified mail, and it was delivered on October 16, 2023. Respondent failed to activate her Affinity monitoring account by November 1, 2023. Board staff sent a message via the nurse portal reminding her to activate her account. Respondent failed to view the message. Staff attempted to reach Respondent by phone. A voicemail was left for Respondent to contact Board staff. A second compliance packet was sent to Respondent via the nurse portal and USPS certified mail at her last known address on file with the Board. The certified mail was returned to the Board on January 19, 2024, marked Return to Sender / Unclaimed / Unable to Forward. Respondent failed to view the message in the nurse portal. On December 23, 2023, Board staff received a message in the nurse portal from Respondent stating she did not want to be a nurse. Staff attempted to reach Respondent by telephone and left a message explaining she must activate her Affinity monitoring account or voluntarily surrender her license, or her case would be referred to hearing. Respondent has failed to activate her Affinity monitoring account or sign the voluntary surrender form. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by failing to comply with the terms and conditions of the Noncompliance Consent Agreement, signed by Respondent, and ratified by the Board on October 11, 2023.

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 **BRANDI JOY HEBLING FLORES HENDERSON, LICENSE NO. R100555, and L048921**, 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, to be followed by probation for three (3) years, and levied a fine of \$3,750.00, 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

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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(s): *The Nurse and Professional Behaviors*, and *Substance Abuse Bundle*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- 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 meeting(s) a week during the period of suspension and probation.
- 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 observed random drug screens. 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. 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

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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.
- 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.
- 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 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,

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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

The ArNAP Advisory Committee meet and presented the following motion:

MOTION: I MOVE that the ADH-Arkansas State Board of Nursing make the following changes to the contract for ArNAP participant, ORBS ID 9275:

1. Participant may return to anesthesia practice after a minimum of six months. He shall receive a favorable return-to-work assessment by a licensed clinician before returning to anesthesia.
2. Participant shall have a minimum of two hair follicle tests per year which includes testing for Dilaudid, fentanyl, propofol, ketamine and additional drugs as indicated.
3. All UDS shall test for Naltrexone to ensure compliance for the duration of ordered treatment (Vivitrol/Naloxone).
4. Participant shall be off benzodiazepines and other controlled substances prior to returning to work in healthcare.
5. Participant shall continue counseling for a minimum of one year and shall comply with all recommendations.

Brought by Phillip Petty, ArNAP Chairman and seconded by ArNAP Advisory Committee.

PASSED

The following items were discussed:

- Proposed rule changes to chapter four and five are going to rules committee.
- Annual meeting delegate and alternates

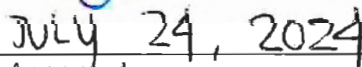
There being no further business, the meeting adjourned at 3:58 pm.



Allie Barker, President



Mindy Darner, Recording Secretary



Date Approved