



BOARD MEETING MINUTES

TIME AND PLACE:	September 11, 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 Tammy Vaughn, Program Coordinator, MSN, RN, CNE 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:	Melissa Russenburger, RN, Pharmacy Services, Investigator Hannah Swisher, RN, Pharmacy Services Gregory McKay, Attorney General's Office

President Allie Barker called the meeting to order at 8:36 a.m. Guests were welcomed and a flexible agenda was approved.

David Dawson, General Counsel, and **Jennifer Ivory**, Attorney Specialist, presented an educational session on legal terminology.

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Sue Tedford discussed the results of the post-meeting debriefing survey for the July Meeting.

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.

THIERRY EKWELLE, LICENSE NO. L054612

Respondent was present for the proceedings before the Board and was represented by counsel, David C. Hawkey. Udell Ward, Chief Investigator, and Terry Kuykendall, Investigator, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. §17-87-309(a)(2) and pleads not guilty to the charges. On January 9, 2024, the Board issued a Letter of Reprimand to Respondent for a violation of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(2) and the Arkansas State Board of Nursing *Rules*, Chapter 7, Section IV (A)(2). On May 18, 2023, Respondent plead guilty to 18 U.S.C. §§ 1343 and 2, Aiding and Abetting Wire Fraud, Felony in the United States District Court, Eastern District of Arkansas and was sentenced to one (1) month of imprisonment, three (3) years of supervised release, and payment of \$105,790.50 in fines and restitution. On May 4, 2021, a twenty-three (23) count Indictment filed in the United States District Court, Eastern District of Arkansas states, "From in or about August 2018, through in or about November 2020, in the Eastern District of Arkansas, and elsewhere, the defendants, knowingly and intentionally conspired with each other, and others known and unknown to the Grand Jury, to devise and participate in a scheme and artifice to defraud and obtain money by materially false and fraudulent pretenses, representation and promises in violation of Title 18, U.S.C. Section 1343." The indictment revealed in part Respondent participated in a fraud scheme to use websites to advertise purebred, AKC registered puppies for sale, which did not exist, with the promise to deliver puppies via airplane. Respondent collected monies paid by purchasers using Walmart and Western Union from multiple cities in Arkansas using various aliases. As a result of the scheme, Respondent "sold" puppies to approximately fifty-three (53) victims from multiple states and received approximately \$110,691.50. Respondent plead Guilty to count (10) of the Indictment. The remaining counts of the Indictment were dismissed on the motion of the United States. After Respondent received the January 9, 2024, Letter of Reprimand, his attorney sent a letter to Board Staff requesting a hearing before the Board to appeal the Letter of Reprimand.

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 **THIERRY EKWELLE, LICENSE NO. L054612**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(2) and that the Letter of Reprimand be upheld and to remove the terminology regarding "gross immorality" from the Letter of Reprimand.

Brought by Phillip Petty and seconded by Jamie Sims.

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:

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

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Baureis, Ashley Raedeane Owens APRN Applicant, R085449, L048034 (Inactive)

Heber Springs, 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 – 5 years- continuing probation from ratified Consent Agreement from November 15, 2023
- Courses – Substance Abuse Bundle (completed), The Nurse and Professional Behaviors (completed)
- Civil Penalty - Continue previous payment agreement from November 15, 2023 ratified Consent Agreement

Herren, Ashley Nicole Niles Edwards APRN 121810, PAC 13852, RN 121810, L044656 (Inactive)

(Fort Smith, 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), (u)
- Probation – 1 year
- Courses – Maintaining Proper Boundaries
- Civil Penalty - \$750.00

Rhodes, Jason Lynn L044216

(Boonville, 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 – 2 years
- Courses – Substance Abuse Bundle, The Nurse and Professional Behaviors, Documentation for Nurses, Critical Thinking: An Overview
- Civil Penalty - \$1,500.00

Sturgell, Michael Dean R098158

(Rogers, 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) and (A)(6)(p)
- Probation – 2 years
- Courses – Substance Abuse Bundle
- Civil Penalty - \$1,900.00

Vannatter, Stacy Lynn Faulk Reed R093024, L052653 (Inactive)

(Pineville, 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), (p)
- Probation – 1 year
- Courses – Substance Abuse Bundle, Medication Administration,
- Civil Penalty - \$1,750.00

Ward, Sabrina Lynn Peacock McGlaughlin L042714

(Warren, AR)

- Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6)*

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Arkansas State Board of Nursing *Rules*, Chapter Seven, Section IV (A)(6)(c), (p)

Probation – 1 year

Courses – Substance Abuse Bundle, Ethics and Medical Errors

Civil Penalty - \$1,587.50

Brought by Jamie Sims and seconded by Phillip Petty

PASSED

The following items were discussed:

- Strategic plan 2025-2027: Staff developed tactics for each of the objectives. These were discussed.
- The public comments for the revisions for the *Rules* Chapter 4 and 5 were reviewed. They are scheduled to be heard by the Joint Public Health Committee on September 30, 2024.

The meeting recessed for lunch at 11:54 p.m. Following lunch, the Board resumed hearings.

President Allie Barker called the meeting to order at 1:07 p.m. A flexible agenda was approved.

ZELDA ROSETTA EPPERSON-MAY, NCSBN ID 20481102, APRN-CRNA NO. C002808, APRN-CNP NO. 226467, RN LICENSE NO. R076790, and LPN LICENSE NO. L043884 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel Stewart Whaley. Janet Simpson, MSN, RNP, RNC-MNN and Brenda Turner, MNSc, RN, Benjamin Silber, Ph.D., and Barry Lubin, M.D., FASAM, MRO, provided testimony on behalf of the Board. Jennifer Sherberth, Nurse Executive, Lanne Nail, CRNA, Chris Steel, MD, provided testimony on behalf of the Respondent. Respondent has been charged with Ark. Code Ann. §17-87-309(a)(6) and pleads not guilty to the charges. On January 7, 2024, Respondent self-reported to the Board, through her attorney, that she tested positive for marijuana (THC) on a random drug screen requested by her employer. The screen was collected on June 19, 2023, and was reported as positive for marijuana (THC) at 29 ng/mL. The confirmation threshold for the test was 15 ng/mL. Respondent was employed at White River Health in Batesville, Arkansas, as a Certified Registered Nurse Anesthetist at the time of the positive drug screen. White River required Respondent be referred to the Employee Assistance Program, be subject to random drug screens for the next twelve (12) months, be placed on final warning for the next twelve (12) months, and self-report to the Board. Respondent was offered the opportunity to participate in the Arkansas Nurse Alternative to Discipline Program (ArNAP). Respondent declined ArNAP. After an investigation report was received, Board staff requested that Respondent submit to an in-depth addictive/psychological evaluation. Respondent was evaluated by Sidney A. Theiss, Practicum Extern, and Dr. Benjamin Silber on February 8, 2024. The evaluators indicated that Respondent is safe to practice, however, they stated that "Due to the defensiveness of her test results, caution is warranted when ruling out the possibility of all mental health or substance use dependence concerns." Respondent was offered a probation consent agreement for one (1) year. Respondent's legal counsel declined the offered consent agreement and requested a 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 **ZELDA ROSETTA EPPERSON-MAY, NCSBN ID 20481102, APRN-CRNA NO. C002808, APRN-CNP NO. 226467, RN LICENSE NO. R076790, and LPN LICENSE NO. L043884 (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:

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- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$1,321.00, 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 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 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.

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- 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.
- 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 Cassie Gonzales and seconded by Barbara Hillman.

PASSED

Sue Tedford presented to the Board the proposed changes to the Faith A. Fields Nursing Loan Program for the 2024 Fall Semester for review. Following discussion, the following motion was presented:

I MOVE that the ADH-Arkansas State Board of Nursing make the following changes to the Faith A. Fields Nursing Loan Program for the 2024 Fall Semester, as follows:

Educator Applicants:

- 1) Rescind the scholarship in the amount of \$4,500.00 payable to Arkansas State University on behalf of Robbye Dockett;
- 2) Correct the scholarship amount payable to the University of Central Arkansas on behalf of Gabriella Calderon from \$200 to \$2,000.

Brought by Allie Barker and seconded by Jamie Sims.

PASSED

There being no further business, the meeting recessed at 3:52pm.



Allie Barker, President

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Mindy Darner
Mindy Darner, Recording Secretary

10-10-2024

Date Approved