



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 A. Dillaha, MD, Director

Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE:	September 6, 2023 Board Conference Room
MEMBERS PRESENT:	Neldia Dycus, BS, MHSM, MHRD, RN; Janice Ivers, MSN, RN, CNE; Stacie Hipp, APRN, MSN; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Ramonda Housh, MNSc, APRN, CNP, C-PNP (via Zoom); Lynne Ritchie, BS, RDH; Leslie Harmon Branman, BSN, RN, CPSN, CANS
MEMBERS ABSENT:	Lance Lindow, RN Haley Strunk, LPN
STAFF ATTENDING AT VARIOUS TIMES:	Sue A. Tedford, Director, MNSc, APRN David Dawson, General Counsel Jennifer Ivory, 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 Kim Hooks, MPH, BSN, RN, ASBN Assistant Director- ArNAP Udell Ward Jr., Regulatory Board Chief Investigator Tammy Vaughn, Program Coordinator, MSN, RN, CNE Leslie Suggs, Executive Assistant to the Director LouAnn Walker, Public Information Coordinator Albert Williams, Information Systems Coordinator Susan Moore, Computer Operator Mindy Darner, Legal Support Specialist Corrie Edge, Administrative Analyst Lisa Mendenhall, Legal Support Specialist Whitney Kinney, Licensing Coordinator Kelly Doppelhammer, Legal Support Specialist Ceceilia Simpkins, Fiscal Support Specialist Carla Davis, Licensing Coordinator
Guests:	University of Phoenix, DNP student observer

Vice President Nedia Dycus called the meeting to order at 9:00 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

General Counsel, David Dawson, and Attorney Specialist, Jennifer Ivory, represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

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EMILY CATHERINE BEST, LICENSE NO. L058856

Respondent was present for the proceedings before the Board and was represented by counsel, Stewart Whaley. Udell Ward, Jr., ASBN Chief Investigator, provided testimony on behalf of the Board. Barbara Kelly, LCSW, attended via telephone, and Charlotte Best, provided testimony on behalf of the Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(2) and pleads not guilty to the charges. On June 8, 2023, the Board issued a Letter of Reprimand (LOR) to Respondent for violations of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(2). The LOR was based upon the following: On December 13, 2022, Respondent entered a negotiated plea of guilty to, and was convicted of A.C.A. § 5-28-203, Criminal Mischief in the First Degree - Class A Misdemeanor, in the Circuit Court of Boone County, Arkansas, and sentenced to twelve (12) months of probation and payment of \$940.00 in fines and costs; and the additional charges of A.C.A. § 5-26-306, Aggravated Assault on a Family or Household Member - Class D Felony, and A.C.A. § 5-26-305, Domestic Battering in the Third Degree - Class A Misdemeanor were dismissed. The Letter of Reprimand was served on Respondent and a copy was delivered to her attorney. On June 14, 2023, Board staff received notification by email from Respondent's attorney, requesting a hearing before the Board to appeal the June 8, 2023, 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 **EMILY CATHERINE BEST, LICENSE NO. L058856**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(2) and that the Letter of Reprimand issued on June 8, 2023 be upheld.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

JENNIFER FOREMAN MILLS, LICENSE NO. L046901 (EXPIRED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Paul Koesy, Pharmacy Services, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. Investigations were conducted after the Board received two (2) separate complaints regarding Respondent's nursing practice. The first complaint alleged that Respondent, while working as a nurse, would go to the emergency department (ED) at different hospitals, seeking narcotics multiple times each month. Subpoenaed records indicate that Respondent presented to the Ouachita County Medical Center eleven (11) times in 2019 and twenty-two (22) times from January to April of 2020 with complaints of nausea, vomiting, headaches, toothaches, abdominal and chest pains. Records reveal positive drug screens for opiates on several occasions. On August 2, 2019, and August 5, 2019, Dr. William A Daniel III recorded that Respondent displayed "drug seeking behavior" when she presented at the ED requesting pain medication. On March 25, 2020, the Respondent presented at the ED three (3) separate times complaining of abdominal pain, nausea, and vomiting. She refused the prescribed medication and requested Phenergan. On April 28, 2020, Dr. Nicholas Slade Smith documented Respondent's 83rd visit to the ED and the ninth visit to the ED in a month. Respondent's Prescription Monitoring Program (PMP) record indicates that she had multiple prescriptions filled daily or within two (2) or three (3) days. The second complaint regarded an Office of Long-Term Care (OLTC) report submitted by Memory Care of Little Rock, indicating that Respondent was terminated after a loss of controlled substances. On July 14, 2021, a facility investigation indicated two (2) tramadol tablets were unaccounted for. Respondent was suspended pending an investigation. Respondent submitted a drug screen that tested positive for opiates, which includes tramadol. Respondent produced a prescription for tramadol. All narcotics were accounted for during an audit of medication carts containing Respondent's narcotics. However, the Director of Nursing noted that two (2) hydrocodone were wasted by Respondent, which she signed for, but no documentation was given to support reasons for wasting this medication. Respondent's medication management was questionable due to failure to document supportive reasons why prn medications were given and with follow up results as well. Respondent failed to notify when the count was not correct on July 10, 2021. Respondent was the last person to sign that the count was correct in

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the narcotic book on July 10, 2021. When it was determined at the end of her shift that it was not correct Respondent made no attempt to correct the matter. After the facility investigation, Respondent's employment with Memory Care of Little Rock was terminated effective July 20, 2021. Ten (10) patient records were reviewed by the investigator, which indicated excessive dosing of prn medication relative to other staff members, and one (1) hydrocodone/APAP 5-325 mg tablet was wasted without a witness signature. During the time of the profile audit, Respondent was prescribed: Oxycodone 5 mg IR, #472 tablets; Oxycodone 10mg IR, #380 tablets; Lorazepam 0.5mg, #5 tablets; hydrocodone/APAP 5-325 mg, #12 tablets; clonazepam 0.5 mg, #1,791 tablets; and tramadol 50 mg, #12 tablets. After the investigation report was received regarding the second complaint, Board staff sent a letter to Respondent on May 12, 2023, via the ASBN Nurse Portal and certified mail, to Respondent's last known mailing address on file with the Board requesting Respondent to obtain a psychological/addiction evaluation by June 13, 2023. The certified letter was returned by the USPS marked Return to Sender / Unclaimed. Respondent failed to view the message sent through the portal. On August 8, 2023, Board staff sent a letter via certified mail to the last known mailing address on a skip trace report requesting Respondent to obtain a psychological/addiction evaluation. Board staff also sent a message to the last known email address on a skip trace report, requesting Respondent to contact Board staff and to update her contact information in the nurse portal. Attempts to contact Respondent by last known phone number on the skip trace report were unsuccessful.

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 **JENNIFER FOREMAN MILLS, LICENSE NO. L046901 (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 suspended pending addictive evaluation and Board staff draft a consent agreement to be approved by the Board once addictive evaluation is completed.

Brought by Melanie Garner and seconded by Lynne Ritchie.

PASSED

The meeting recessed for lunch at 12:10 p.m. Following lunch, the Board resumed hearings.

Vice President Nedia Dycus called the meeting to order at 1:09 p.m. A flexible agenda was approved.

TALISHA LEANNE SHARP, LICENSE NO. R092450 (INACTIVE) and L048684 (EXPIRED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Kim Hooks, MPH, BSN, RN, and Rebecca Yauilla, MSN, APRN, from ARcare, provided testimony on behalf of the Board. Respondent has requested reinstatement of her license while under Medication Assisted Treatment (MAT) and be monitored via the Arkansas Nurse Alternative Program (ArNAP) contract and pleads guilty to the charges. On April 10, 2023, Board staff received a report from White River Medical Center reporting that Respondent had self-reported diversion of hydromorphone and fentanyl while working in the Endoscopy and Outpatient Surgery Center. Respondent requested help and assistance. Pharmacy audits confirmed missing fentanyl and hydromorphone. Respondent signed an ArNAP agreement with the Board on April 20, 2023, and her license was inactivated. Respondent was evaluated by Roger Morgan, M.D., Ph.D. on May 3, 2023. Dr. Morgan's recommendations are included in the ArNAP contract. Dr. Morgan included the following statement in his evaluation, "I wanted to point out to the Board that many individuals taking buprenorphine (Suboxone) are able to function appropriately in their work environment. I am personally aware of physicians as well as nurses, and others in the medical field who are currently being treated by buprenorphine (Suboxone) and are able to perform their work duties satisfactorily". On June 8, 2023, Board staff received a letter from Rebecca Yauilla, MSN, APRN. Respondent entered the (MAT program on April 10, 2023, at ARcare in Batesville. Respondent was prescribed buprenorphine 8 mg tablets. On June 8, 2023, Board staff received an email from

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Respondent which contained a letter dated June 5, 2023, from Sarah Schlesinger, LCSW, stating Respondent is receiving services through the Employee Assistance Program at White River Behavioral Health. The letter stated Respondent has attended all scheduled meetings and is making good progress in therapy. On June 22, 2023, Board staff received a letter from the MAT treatment provider outlining the program requirements and indicating that Respondent has been compliant with the program since beginning on April 10, 2023. On June 27, 2023, Board staff received a letter from Respondent's employer indicating they are aware of Respondent's situation. The employer placed Respondent on probation from her nursing duties, allowing her to work as a tech until the Board allows Respondent to resume nursing duties. At that time the employer would limit Respondent's nursing role to zero access to any controlled substances for no less than one (1) year. Drug test results provided by the employer were negative for drugs of abuse on May 11, 2023, and June 20, 2023. Respondent provided drug screen results positive for fentanyl on the date she entered MAT treatment and positive for buprenorphine on three (3) tests after entering MAT treatment.

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 approve the request of **TALISHA LEANNE SHARP, LICENSE NO. R092450 (INACTIVE) and L048684 (EXPIRED)**, to participate in the Arkansas Nurse Alternative Program (ArNAP) while under Medication Assisted Treatment (MAT) for opioid use disorder with her current medical provider, so long as Talisha Leanne Sharp, RN, LPN, fully complies with the ArNAP contract requirements and with the MAT treatment provider's recommendations and requirements.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

MICHAEL WAYNE WYMAN, LICENSE NO. R066218 (EXPIRED) and L035349 (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 the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and pleads guilty to the charges. On September 8, 2022, the Board ratified a Reinstatement Consent Agreement, reinstating Respondent's RN and LPN licenses from voluntary surrender, and placing Respondent's licenses on probation for three (3) years. The facts supporting probation included: while working as a travel nurse at two (2) facilities in Texas in 2016, Respondent removed morphine and hydromorphone from the Acudose medication dispensing system without a valid physician's order, failed to follow facility procedures for wasting the unused portions of the medications, and was found to have misappropriated the medications; Respondent entered a guilty plea of Fraudulent Obtaining or Possession of a Controlled Substance; Respondent admitted that he lacked fitness to practice as he had a drug dependency; Respondent voluntarily surrendered his Arkansas licenses on April 10, 2017; and the Board granted a waiver of Respondent's criminal bar conviction after his criminal probationary period ended. Respondent received a compliance packet from Board staff and registered with the Board approved monitoring company. Respondent has failed to fully comply with all the terms of the September 8, 2022, Reinstatement Consent Agreement. Respondent has failed to check in with the Board approved monitoring company eight (8) times. Respondent failed to show to submit specimens six (6) times for drug testing when selected by the Board approved monitoring company, between January 24, 2023, and May 30, 2023. Respondent submitted a specimen on January 31, 2023, that tested positive for cyclobenzaprine, without providing a short-term waiver to Board staff. Respondent has failed to submit any personal, employment, treatment provider, or support group attendance reports. Respondent submitted one (1) of three (3) Civil Penalty payments and has a remaining balance owed of \$2,062.50. Board staff notified Respondent of his noncompliance and referred his case to settlement for review. Respondent was offered a Probation Noncompliance Consent Agreement extending his probation for three (3) years. The Board rejected ratification of the proposed Probation Noncompliance Consent Agreement on May 17, 2023, and directed Respondent to appear before the Board. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by

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failing to comply with the terms and conditions of the Reinstatement Consent Agreement, signed by Respondent, and ratified by the Board on September 8, 2022.

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 ratify the consent agreement presented September 6, 2023, for Michael Wayne Wyman RN license R066218 (expired) and LPN license L035349 (expired).

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 – 3 years, Noncompliance

Courses – *Substance Abuse Bundle* and a Board-approved refresher course

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

Jennifer Ivory, the Board's Attorney Specialist, 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:

Carolán, Courtney E. Carolán Coffman R062878

(Boonville, 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)(m)

Probation – 3 years

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

Civil Penalty - \$3,414.65

Martin, Shyecia Shanae RN 218825

(Lake 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)(t)

Probation – 2 years

Courses – *Substance Abuse Bundle and Documentation for Nurses*

Civil Penalty - \$750.00

Rogers, Sarah Elizabeth Ahrens R101440

(Paris, 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)(c)

Probation – 1 year

Courses – *Documentation for Nurses*

Civil Penalty - \$520.00

Vester, Deirdra Jean L056973

(Cabot, 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)(c), (e) and (p)

Probation – 2 years

Courses – *Documentation for Nurses and The Nurse and Professional Behaviors*

Civil Penalty - \$1,500.00

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Wilson, Nikki Suzanne Waldorf Dickinson R044512

(Cabot, 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)(c), (d) and (p).

Probation – 3 years

Courses – *Substance Abuse Bundle and Documentation for Nurses*

Civil Penalty - \$3,187.50

Brought by Janice Ivers and seconded by Stacie Hipp

PASSED

Jasper Fultz presented to the Board proposed disbursement of funds from the Faith A. Fields Nursing Loan Program for the 2023 fall Semester for review. Following discussion, the following motion was presented:

I MOVE that the Arkansas State Board of Nursing make the following changes to the Faith A. Fields Nursing Loan Program for the 2023 Fall Semester, as follows:

Practice Applicants:

- 1) Reduce the disbursement amount of the scholarship from \$2,000.00 to \$1,250.00 payable to Northwest Arkansas Community College on behalf of Caeylin Ace;
- 2) Rescind the scholarship in the amount of \$2,500.00 payable to Baptist Health College on behalf of Tyeashia Allen;
- 3) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Arkansas State University on behalf of Claire Brown;
- 4) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to North Arkansas College on behalf of Jennifer Cline;
- 5) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Henderson State University on behalf of Clayton Cockerill;
- 6) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Henderson State University on behalf of Lunden Cotton;
- 7) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to University of Central Arkansas on behalf of Terren Cox;
- 8) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Ouachita Baptist University on behalf of Clark Denney;
- 9) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Ouachita Baptist University on behalf of Cassandra Ecker;
- 10) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Henderson State University on behalf of Caitlyn Jones;
- 11) Reduce the disbursement amount of the scholarship from \$2,000.00 to \$1,250.00 payable to Arkansas Tech University on behalf of Christina Picard;
- 12) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Harding University on behalf of Marissa Tidmore;
- 13) Change the disbursement amount of the scholarship from \$2,000.00 to \$2,500.00 payable to Baptist Health College on behalf of Cheryl Tilmon; and
- 14) Rescind the scholarship in the amount of \$2,000.00 payable to Henderson State University on behalf of Kylie Wornick

Jill Hasley Memorial Scholarship:

Practice- Reduce the disbursement amount of the scholarship from \$2,000.00 to \$1,250.00 payable to National Park College on behalf of Emma McJunkins

Brought by Jasper Fultz and seconded by The Scholarship Committee.

PASSED

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Sue Tedford discussed applicants with significant investigative history such as criminal convictions and discipline by other licensing agencies. These applicants are often denied licensure by staff which is not reportable to NPDB and thus they are able to be licensed in another state without that state's knowledge of the history. For any denial to be reported to Nursys and NPDB, it must be a formal Board action. Ms. Tedford requested the Board to delegate the authority to formally deny a licensure application so that it is reportable. Staff will develop a policy and procedure for this process before any actions are taken.

I MOVE that the Arkansas State Board of Nursing delegate to the agency director the authority to deny an applicant for initial licensure "for cause". If the applicant fails to appeal the denial to the Board within 30 days of receiving notification of the denial, the denial will be considered formal Board action and shall be reported to the National Practitioner's Data Bank.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED


The following Board members declared their intent to run for a Board officer position:

President: Lance Lindow
Ramonda Housh
Neldia Dycus
Vice President: Leslie Branman
Secretary: Janice Ivers
Treasurer: Stacie Hipp
Jasper Fultz

Elections will be held on Thursday September 8, 2023, at the close of the Business Meeting.

Shannon McKinney, Assistant Director, discussed the PDMP Prescribing Metric run for July 1, 2022 – December 31, 2022. The metrics utilized were developed by the Arkansas State Medical Board's Pain Committee. Utilizing the metrics, the top APRN prescribers of controlled substances were identified. This report identified six (6) high prescribers. The Board discussed the significance of the data and instructed staff to send a letter to each prescriber on the list. This report is run every six (6) months and the Board will further discuss any actions that are needed based on the report.

There being no further business, the meeting adjourned at 5:45 pm.



Neldia Dycus, Vice President



Mindy Darner, Recording Secretary



Date Approved