



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: March 27, 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
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, ASBN Assistant Director- ArNAP, MPH, BSN, RN
Udell Ward Jr., Regulatory Board Chief Investigator
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist
Christine Lewis, Legal Support Specialist
Kelly Doppelhammer, Legal Support Specialist
Whitney Kinney, Licensing Coordinator
LouAnn Walker, Public Information Coordinator

Guests: Barbara Allbritten, RN, DNP student from UCM
Precious Ndloni, Arkansas State Board of Pharmacy, Pharmacy Intern
Melissa Russenberger, RN, Pharmacy Services, Investigator
Penny Summers, RN, Pharmacy Services Investigator
Brenda Turner, Investigator
Kim Shenoke, MD
J. Carlson, RN, BSN
RowAnn Wilson
Mariah Smith
Kaylee Butler, RN, Investigator
Brenda McCrady, Arkansas State Pharmacy Board
J. Lindsey Tankersley, Arkansas State Pharmacy Board
Brandon K. Velland, Arkansas State Pharmacy Board

ASBN MINUTES

March 27, 2024

Page 2

President Allie Barker called the meeting to order at 8:35 a.m. Guests were welcomed and a flexible agenda was approved.

Lisa Wooten, Assistant Director, MPH, BSN, RN, presented training on professional boundaries in the nursing profession.

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.

LASHELLE TEREZE STUBBLEFIELD HARRIS, LICENSE NO. A004329 (EXPIRED), R098000 (EXPIRED) and PAC 004093 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Robert Bridewell. Shannon McKinney, DNP, APRN, WHNP-BC, RNC-OB, 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 November 3, 2020, the Board issued a Letter of Reprimand with stipulations on Respondent's Licenses. Respondent was ordered to submit evidence of course completion within six (6) months, January 29, 2021, of the following courses: *Nurse and Professional Behaviors, Documentation and Ethics*. On May 25, 2021, Board staff informed Respondent via the nurse portal that her deadline to provide the course completion certificates was extended to June 11, 2021. On June 26, 2021, Respondent sent a message through the nurse portal reporting that she was experiencing issues with completing the required courses. Respondent was given a six (6) month extension to complete the courses. On February 2, 2022, Respondent was sent a letter via the nurse portal informing Respondent the course completion certificates were not received by the deadline. A final deadline of February 15, 2022, was given and Respondent was notified if noncompliant she would be scheduled for a hearing. On June 24, 2022, an Order and Notice was sent to Respondent notifying her that she was scheduled for a hearing before the Board on July 13, 2022. Respondent hired an attorney, who provided evidence of Respondent's enrollment in the required courses. The hearing was postponed. On July 11, 2022, Respondent uploaded documentation indicating completion of the required *Documentation and Ethics* courses. As of September 1, 2023, Respondent had only completed three (3) of the eight (8) modules of the *Nurse and Professional Behaviors Course*. Board Staff contacted Respondent's legal counsel, who indicated that Respondent did not renew her Arkansas license and did not plan to renew it at this time. Respondent has failed to fully comply with the requirements of the Letter of Reprimand issued on November 3, 2020, by failing to fully complete the *Nurse and Professional Behaviors Course*.

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 **LASHELLE TEREZE STUBBLEFIELD HARRIS, LICENSE NO. A004329 (EXPIRED), R098000 (EXPIRED) and PAC 004093 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's licenses and privilege to practice as a nurse be suspended until the terms of their Letter of Reprimand are met.

Brought by Phillip Petty and seconded by Lakisha Young.

PASSED

ASBN MINUTES

March 27, 2024
Page 3

David Dawson presented a waiver motion for RN NCLEX applicant Amanda Brinkley.

MOTION: I MOVE that based on the evidence presented Arkansas State Board of Nursing finds that Amanda Brinkley pleaded guilty or nolo contendere to, or has been found guilty of, a crime making them ineligible to hold a nursing license as cited in Arkansas Code Annotated § 17-3-102, and § 17-87-309(a)(2) and that the Board grant a waiver of A.C.A. § 17-3-102.

Brought by Veronica Harmon and seconded by Cassie Gonzales.

PASSED

David Dawson presented a waiver motion for RN NCLEX applicant Essynce Lenora.

MOTION: I MOVE that based on the evidence presented Arkansas State Board of Nursing finds that Amanda Brinkley pleaded guilty or nolo contendere to, or has been found guilty of, a crime making them ineligible to hold a nursing license as cited in Arkansas Code Annotated § 17-3-102, and § 17-87-309(a)(2) and that the Board grant a waiver of A.C.A. § 17-3-102.

Brought by Veronica Harmon and seconded by Tabitha Lancaster.

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:

Babcock, Tifani Leann Lepold R081651

(Springdale, 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 – 2 years
Courses – *Substance Abuse Bundle*
Civil Penalty - \$1,500.00

Bowman, Amanda Gayle Gaston R109341

(Fayetteville, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6) and (a)(8)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(c), (d), (p)
and (A)(8)
Probation – 3 years
Courses – *Substance Abuse Bundle*
Civil Penalty - \$2,250.00

Childs, Terri L059289

(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)(t)
Probation – 3 years
Courses – *The Nurse and Professional Behaviors, Critical Thinking: An Overview and Geriatric Bundle*
Civil Penalty - \$2,250.00

ASBN MINUTES

March 27, 2024

Page 4

Forga, Jill Kathleen Forga Schaap Forga Hutchinson R042571 (Springdale, 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)
and (t)

Probation – 3 years

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

Civil Penalty - \$1,500.00

Huntley, Caleb Daniel R096888 (Ashdown, 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 – 2 years

Courses – *The Nurse and Professional Behaviors*

Civil Penalty - \$2,650.00

Junkersfeld, Kristina Marie Dollins Dulgar RN 123353, L050683 (Pocahontas, 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)(m)
and (p)

Probation – 4 years

Courses – *Substance Abuse Bundle*

Civil Penalty - \$3,544.00

Mayville, Brittany Yvonne Evans LPN 122879 (Jonesboro, AR)

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

Probation – 3 years

Courses – *Substance Abuse Bundle*

Civil Penalty - \$4,383.76

Ruff, Kenneth Eugene R067942, L033744 (Hattiesville, 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)

Probation – 2 years

Courses – *Substance Abuse Bundle*

Civil Penalty - \$1,500.00

Brought by Veronica Harmon and seconded by Tabitha Lancaster.

PASSED

Sue Tedford, Director, brought the following items for discussion:

- The public comments received on the proposed changes to the *Rules, Chapters 1, 2, 6, 7, 8, 9, 10, and 11* were reviewed by the Board. No additional changes were made.

MOTION: I MOVE that the Arkansas State Board of Nursing move forward with legislative approval for the proposed changes to the *Rules, Chapters 1, 2, 6, 7, 8, 9, 10 and 11.*

Brought by Jamie Sims and seconded by Phillip Petty.

PASSED

ASBN MINUTES

March 27, 2024

Page 5

- David Dawson and Sue Tedford met with Senator Missy Irvin to discuss her concerns with the proposed changes to the *Rules*, Chapter 4 and 5, relating to the delegation of medications to an unlicensed individual by an APRN. Senator Irvin's concerns were discussed. No consensus on the next steps was reached and the issue will be discussed on March 28, 2024 (next day).

MOTION: I MOVE that the Arkansas State Board of Nursing delete the proposed addition to the *Rules*, Chapter 4, Section VI, B(8) in regards to delegation by the APRN to unlicensed individuals.

Brought by Phillips Petty and seconded by Tabitha Lancaster.

FAILED

- Reminder to Board members to bring any travel reimbursement forms to Thursday's hearings.
- If the Board would like any legislation proposed to the General Assembly in 2024, it should be submitted to ADH by April 26, 2024.

MOTION: I MOVE that the ADH- Arkansas State Board of Nursing approve the 2024 Control Self-Assessment for (0277) ADH- Arkansas State Board of Nursing.

Brought by Phillip Petty and seconded by Jamie Sims.

PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the February 14, 2024, and February 15, 2024, Board Meetings.

Brought by Cassie Gonzales and seconded by Tabitha Lancaster.

PASSED

The meeting recessed for lunch at 11:41 p.m. Following lunch, the Board resumed hearings.

President Allie Barker called the meeting to order at 1:00 p.m. A flexible agenda was approved.

Presentation by John Kirtley and Kevin Robertson from the Board of Pharmacy on sterilization and compounding medications.

MECHELLE RENEE BOYKIN JACKSON, LICENSE NO. R076868 and L026798 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(4) and (a)(6) and pleads not guilty to the charges. The Board received a complaint from CHG Medical Staffing, d/b/a RNnetwork, a nurse travel staffing company in Midvale, Utah. The report stated that Respondent failed a pre-employment drug screen on August 17, 2022. Respondent tested positive for Marijuana and the company has a zero-tolerance policy making Respondent not eligible for employment. On September 14, 2022, Board staff sent a letter to Respondent via the nurse portal and certified mail, requesting that Respondent obtain a psychological/addiction evaluation by October 19, 2022. The certified letter was returned on January 24, 2022, marked "Return to Sender / Unclaimed / Unable to Forward." Respondent viewed the message in the nurse portal September 15, 2022, at 06:59 PM. Respondent was evaluated by Hugo B. Morais, Ph.D. on October 14, 2022. The Board received the

ASBN MINUTES

March 27, 2024

Page 6

evaluation report from Dr. Morais on January 9, 2023. Dr. Morais' clinical opinions and recommendations indicate that Respondent currently meets the diagnostic criteria for an unspecified substance use disorder. Her repeated failure to comply with past consent agreements raises concerns regarding her ability to practice nursing safely should Respondent not clinically address her pattern of recurrent violations of clearly established professional standards, and her recurrent misuse of substances. Dr. Morais highly recommended that Respondent's practice be closely monitored and access to controlled substances limited. Should Respondent test positive on a future drug screening, he highly recommended that she consider treatment for a substance use disorder. Dr. Morais also stated that it is imperative that Respondent receive adequate, evidence-based psychotherapy to address her recurrent pattern of violations of important professional standards, as well as her recurrent misuse of substances. Interventions such as cognitive behavioral therapy consistently for at least six (6) months is highly recommended. After receiving the evaluation, Board staff sent a letter via the nurse portal and certified mail offering Respondent a consent agreement. The certified mail was delivered, and the Respondent viewed the message in the portal on January 11, 2023, at 04:08 PM. Respondent replied that she did nothing wrong and requested a hearing before the Board. Respondent has previous discipline history with the Board. She entered into a consent agreement for probation for two (2) years for issuing unauthorized prescriptions from physicians at Arkansas Urology, her employer. She became noncompliant and entered into a noncompliance consent agreement for two (2) years. When she became noncompliant with the noncompliance consent agreement, the Board ordered her licenses suspended for one (1) year, followed by two (2) years' probation. Respondent cleared the discipline action on February 28, 2020. Respondent was previously scheduled for a hearing on June 14, 2023. That hearing was rescheduled to allow Respondent's legal counsel adequate time to prepare.

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 **MECHELLE RENEE BOYKIN JACKSON, LICENSE NO. R076868 and L026798 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6) and that Respondent's licenses and privilege to practice as a nurse be placed on probation 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: *Substance Use Disorder Bundle*. Respondent shall submit the certificate of completion via the Board approved monitoring program.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the *Treatment Provider Report* quarterly via the Board approved monitoring program until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this order.
- Respondent shall request to the Board verification of termination of the 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.

ASBN MINUTES

March 27, 2024

Page 7

- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three [3] weeks) with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program.
- Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent agrees to have personal prescriptions monitored through the Prescription Drug Monitoring Program by board staff while under Board order.
- Respondent shall submit to random drug screens observed or DNA authenticated remote urine drug screen. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or with the time and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites or failure to present and provide specimen when notified.
- Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- Respondent shall notify and present to each employer a copy this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent

ASBN MINUTES

March 27, 2024

Page 8

- shall not serve as a preceptor during probation. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall 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: 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 Jamie Sims and seconded by Phillip Petty.

PASSED

DONNA LIN FURGUSON MELOCHE, LICENSE NO. L032410 (INACTIVE)

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 July 18, 2023, the Board issued a Letter of Reprimand with stipulations on Respondent's Nurse License. Respondent was ordered to submit evidence of course completion within six (6) months of *The Nurse and Professional Behaviors, Documentation for Nurses, and Medication Administration* courses. The Letter of Reprimand was sent by certified mail to Respondent's address on file with the Board. Respondent signed for the certified letter on July 20, 2023. Respondent activated her monitoring account in Affinity, however; she failed to submit any of the course completion certificates by January 17, 2024. On January 29, 2024, a notice was sent to Respondent through the nurse portal and USPS First Class mail, notifying Respondent to submit the course completion certificates by February 12, 2024, or a hearing would be scheduled. Respondent was also given the opportunity to voluntarily surrender her license. Respondent did not view the letter in the portal. The letter sent by USPS has not been returned. On February 12, 2024, Respondent submitted an application to change the status of her license to inactive. Respondent has violated Ark. Code Ann. § 17-87-

ASBN MINUTES

March 27, 2024

Page 9

309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by failing to fully comply with the terms and conditions of the Letter of Reprimand dated July 18, 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 **DONNA LIN FURGUSON MELOCHE, LICENSE NO. L032410 (INACTIVE)**, 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 until the terms of their Letter of Reprimand are met.

Brought by Jamie Sims and seconded by Phillip Petty.

PASSED

There being no further business, the meeting recessed at 4:30 pm.

Allie Barker, MSN, RN

Allie Barker, President

Mindy Darner

Mindy Darner, Recording Secretary

5/16/2024

Date Approved