



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, Interim Secretary of Health
Jennifer A. Dillaha, MD, Director
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

- TIME AND PLACE:** February 15, 2023
Board Conference Room
- MEMBERS PRESENT:** Lance Lindow, RN; Neldia Dycus, BS, MHSM, MHRD, RN; Janice Ivers, MSN, RN, CNE; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Ramonda Housh, MNSc, APRN, CNP, C-PNP; Lynne Ritchie, BS, RDH; Haley Strunk, LPN; Leslie Harmon Branman, BSN, RN, CPSN, CANS
- MEMBERS ABSENT:** Stacie Hipp, APRN, MSN
- STAFF ATTENDING AT VARIOUS TIMES:** Sue A. Tedford, Director, MNSc, APRN
David Dawson, General Counsel
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
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
- Guests:** Mary Kennebrew- Office of Attorney General

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

DISCIPLINARY HEARINGS

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

Sue Tedford and David Dawson spoke with the Board in a short orientation for the new members of the Board.

CHANTAL LEA BENSON SALAZAR DIXON, LICENSE NO. L049085 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Shannon Loyd, RN, Investigator, Pharmacy Services, provided testimony on behalf of the Board. An investigation was conducted after the Board received two (2) complaints regarding Respondent. The first complaint reported observing Respondent taking Xanax and Adderall on multiple occasions that were not prescribed to her and smoking marijuana. The second

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complaint reported that Respondent cannot pass a drug test because she takes medications not prescribed to her. Respondent began employment with Dermatology Group of Arkansas on October 31, 2017. Employment records indicate employer concerns regarding Respondent's attendance and inability to separate personal life from work. On December 21, 2021, Respondent received an Employee Warning Notice for "Late without notice, missed first half of clinic." On January 4, 2022, the investigator traveled to Dermatology Group of Arkansas, Benton, Arkansas. Respondent reviewed the two (2) complaints and the Investigator conducted an observed Urine Drug Screen. Respondent became upset and indicated to the Investigator, "This drug screen is going to be positive because I (Respondent) took one of my roommate's Adderall over the New Year's weekend." The drug screen results were positive for amphetamine 7160ng/ml; methamphetamine 19000ng/ml; alprazolam metabolite 130ng/ml; and dextromethorphan 339ng/ml. Board staff sent letters to Respondent on April 20, 2022, and May 10, 2022, requesting that Respondent obtain a psychological/addiction evaluation. Respondent was evaluated by Dr. Bradley Diner on May 18, 2022. Dr. Diner's impressions and recommendation include: Impressions: Substance use disorder, unspecified, Adjustment disorder with mixed emotional features. Recommendations: Ms. Dixon apparently has the confidence of her employer and has demonstrated competent nursing practice. However, it is my opinion that she should not be practicing without ongoing treatment and monitoring. She should not be prescribed addicting medications including, but not limited to benzodiazepines or stimulants. She should be required to see a psychiatrist to manage her mental health rather than her primary care doctor. Her current antidepressant and anxiolytic medications are not sufficient as she continues to have mood instability. More importantly, she needs to have an individual therapist to help her address her interpersonal conflicts, particularly as she separates in her marriage and to address her longstanding tendency to place herself in self-sabotaging and self-defeating situations; not the least of which is possibility of losing her nursing license and custody of her children. She should be monitored by the nursing board and have regular drug screens. She should also be required to attend 12-Step meetings, if for no other reason to understand the addiction process and her own susceptibility while receiving social support. Her monitoring should at least be for a year if not longer. The board should ask for regular reports from her therapist and psychiatrist regarding her compliance with mental health treatment. Board staff sent a letter to Respondent's legal counsel offering a proposed Consent Agreement or Voluntary Surrender. Staff were later notified that Respondent was no longer represented by counsel. On November 18, 2022, Board staff sent a letter via the nurse portal, USPS First Class mail and USPS Certified mail notifying Respondent her case was being referred to hearing. Respondent has failed to view the letter in the nurse portal. The letter sent by certified mail was returned and marked Return to Sender / Unclaimed / Unable to Forward and the letter sent by First Class mail has not been returned. Respondent has failed to communicate with Board staff.

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 **CHANTAL LEA BENSON SALAZAR DIXON, LICENSE NO. L049085 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6) and that Respondent's license and privilege to practice as a nurse be suspended 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 \$4,375.00, 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 Use Disorder* and *The Nurse and Professional Behaviors*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program.

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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 three (3) AA/NA or other Board approved support group meetings a week during the period of suspension and / or probation.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report quarterly until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this Order.
- 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 appropriate documentation (i.e. short-term waiver, medical record documentation, etc.). Respondent shall notify Board staff 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 shall submit to observed, random drug screens. The observed 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 Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires 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.

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- 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.
- Respondent shall request to the Board verification of termination of the suspension period and license reinstatement to probation via the ASBN Nurse Portal or via the Board approved monitoring program once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, 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 education 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, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Ramonda Housh and seconded by Lynne Ritchie.

PASSED

JENNIFER CHARLENE WEAVER JETTON BOMAN, LICENSE NO. L044834 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Shannon Loyd, RN, Investigator, Pharmacy Services, provided testimony on behalf of the Board. An investigation was conducted after the Board received a complaint from Respondent's employer, Baptist Health, Fort Smith, reporting that while being taken for a drug screen, Respondent told her manager that her drug screen would be positive for methamphetamine and the drug screen was indeed positive for methamphetamine. Facility records indicate that on November 14, 2020, Respondent removed a vial of morphine for Patient EZ, but did not record administering, wasting or return of the narcotic. Respondent returned the unopened vial on her next shift, November 18, 2020. The incident required all nurse staff to undergo a urine drug screen. On November 18, 2020,

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Respondent submitted a urine drug screen and reported to her manager that the screen would be positive for methamphetamine. The drug screen returned positive for Amphetamines and Methamphetamine. The Medical Review Officer verified the results of Respondent's drug screen on December 4, 2020, and Respondent's employment was terminated on December 7, 2020, for failing a drug screen and misconduct due to a no-call/no-show on two occasions. Board staff requested that Respondent obtain a psychological/addiction evaluation. Respondent was evaluated by Dr. John Leach on November 29, 2021. Dr. Leach's impressions and recommendation include: Impressions: Major Depressive Disorder, Recurrent Episode, in full remission, Adjustment Disorder with Anxiety Stimulant Use Disorder, Moderate, Amphetamine-Type Substance, in early or sustained remission, Cannabis Use Disorder, Mild, in early or sustained remission, Tobacco Use Disorder, Moderate, Hypertension, Neck pain, Spouse or Partner Violence, Physical Spouse or Partner Abuse, Psychological. Recommendations: It is my professional medical opinion based upon all collectible information gathered that the patient is clear to practice in her specialty without any restrictive parameters or restrictions at the time of this evaluation. I would agree with recommendations for continuing with group therapies and to follow up with narcotics anonymous weekly, to continue with weekly counseling, to be placed on a standard probation period of employment, and to have both scheduled and random urine drugs screens during her employment. At this time, I do not see a reason why the patient would be unable to perform the duties requested of her as a nurse with the supports and measures mentioned above. Board staff sent a letter on January 11, 2022, via the nurse portal and USPS certified mail offering Respondent a consent agreement. The consent agreement was to be signed and returned to the Board by February 1, 2022. The certified mail was delivered on January 14, 2022. Respondent failed to send a signed consent agreement to the Board, and staff emailed Respondent notifying her that her case was forwarded for hearing. Respondent has not communicated with Board staff.

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 CHARLENE WEAVER JETTON BOMAN, LICENSE NO. L044834 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6) and that Respondent's license and privilege to practice as a nurse be suspended 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 \$4,575.00, 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 Abuse Bundle*. Respondent shall submit the certificate of completion via the Board approved monitoring program.
- Respondent shall attend 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 three (3) AA/NA or other Board approved support group meetings a week during the period of suspension and / or 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 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

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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 shall submit to observed, random drug screens. The observed 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 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.
- 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.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.

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- While on probation, if working as a nurse, 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 of 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 education 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, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

PAULA LEANN STONER JAMES, LICENSE NO. R079490

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, RN, investigator Pharmacy Services, provided testimony on behalf of the Board. An investigation was conducted after the Board received a letter dated October 22, 2021, from the Chief Nursing Officer at Johnson Regional Medical Center in Clarksville, Arkansas. It reported that Respondent's employment was terminated due to mismanagement of medications, which included controlled substances, and for Respondent's refusal to submit a reasonable suspicion urine drug screen. Records from Johnson Regional Medical Center indicate that Respondent was hired on October 27, 2020. On October 8, 2021, Respondent received a written warning due to attendance issues. She was also counselled regarding her scan rates. Respondent's bedside medication scan rates steadily decreased since March of 2021, and she had only one (1) month during that year with acceptable scan rates. Respondent's non-controlled medication scanning rate from October 15, 2021, to October 20, 2021, was seventy-two (72) out of seventy-four (74) (both unscanned medications were succinylcholine). Respondent's controlled medication scanning rate during that time-period was eleven (11) out of seventeen (17). Thirteen (13) of seventeen (17) pulled medications were morphine and morphine was the only controlled medication not scanned. Slightly more than 50% of the morphine medications pulled were scanned compared to a 97% scan rate for non-controlled medications. On October 22, 2021, Respondent had two (2) narcotic medication errors in the ICU. Respondent did not document medication as given for several hours and then documented medications as administered prior to the medications being removed from the Omnicell medication system. The ICU unit had only one (1) patient and the workload was very low. Respondent was asked to submit to a urine drug screen due to the increase in narcotic drug errors. Respondent refused to comply with this request. Respondent's

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employment was terminated, and she is ineligible for re-hire. Ten (10) medical records were reviewed between the dates of August 15, 2021, to November 15, 2021. A total of 7.5mg of hydrocodone is unaccounted for; Respondent administered more morphine than her peers; Respondent documented the administration of morphine prior to the morphine being removed from the Omnicell dispensing machine; and Respondent documented administration of multiple controlled substances to patients at or around the same time. On July 5, 2022, after receiving the investigation report, Board staff sent a letter through the Nurse Portal and by certified mail to Respondent's last known mailing address on file with the Board, requesting Respondent to obtain a psychological/ addiction evaluation by August 6, 2022. The certified letter was delivered on July 12, 2022. The letter sent through the portal was viewed by Respondent on July 11, 2022, at 11:21 a.m. Respondent notified Board staff she was traveling out of state with her husband for the summer. Board staff granted an extension to September 6, 2022. Respondent failed to provide an evaluation by September 6, 2022 and failed to contact Board staff. Multiple attempts were made to communicate with Respondent, including a letter delivered by certified mail. Respondent signed for the certified letter and viewed the corresponding portal message on November 4, 2022, at 12:25 p.m. Respondent has not provided an evaluation and has not contacted Board staff.

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 **PAULA LEANN STONER JAMES, LICENSE NO. R079490**, 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 with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$4,650.00, 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 courses: *Substance Abuse Bundle*, *Documentation for Nurses*, and *The Nurse and Professional Behaviors*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall provide evidence of a comprehensive assessment for substance use disorder within thirty (30) days of receipt of this Order. Acceptable evidence shall consist of an evaluation with appropriate testing by a Board approved evaluator. Respondent shall supply a copy of the Board's Order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall ensure the evaluator sends the report directly to the Board at ASBN.monitoring@arkansas.gov.
- Respondent shall attend 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 three (3) AA/NA or other Board approved support group meetings a week during the period of suspension and / or 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 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

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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 shall submit to observed, random drug screens. The observed 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 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.
- 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.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.

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- While on probation, if working as a nurse, 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 of 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 education 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, but not limited to, additional probation.

Brought by Neldia Dycus and seconded by Leslie Harmon Branman.

PASSED

The meeting recessed for lunch at 12:15 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:15 p.m. A flexible agenda was approved.

CHRISTINE ELIZABETH BOOTH, LICENSE NO. R100291 and L040429 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Stewart Whaley. Janet Simpson, MSN, RNP, RNC-MNN, Shannon Loyd, RN, Investigator, Pharmacy Services, and Donna Boehm, Director of Nursing, North Arkansas Regional Medical Center, provided testimony on behalf of the Board. Heather Coffman-Lewis provided testimony on behalf of Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. An investigation was initiated after the Board received a complaint on October 14, 2020. A Letter of Reprimand was issued to Respondent on August 31, 2022, based upon the findings of the investigation. On October 28, 2019, Respondent began a Qualivis/OR Nurses Nationwide/American Mobile Healthcare travel assignment with North Arkansas Regional Medical Center (NARMC), Harrison, Arkansas. At the time of the incident, Respondent was working her fourth consecutive thirteen-week assignment with the facility. On the September 23, 2020, night shift, Respondent was assigned two (2) patients with Covid, in the Intensive Critical Care Unit. According to a physician statement, he ordered "Comfort Care" for both patients. NARMC does not have a comfort care protocol or policy/procedure; therefore, nurses must clarify with the physician on the individual care and parameters for each patient. On September 23, 2020, Respondent, without an order, discontinued the Neptune Hi-Flo oxygen cannula on both patients and replaced them with regular nasal cannulas at 2 L/min. Respondent did not document these actions.

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Furthermore, there was no evidence of collaboration with respiratory therapy to further support this plan of action. As to initiation of Comfort Care order for the two (2) patients, Respondent stated it was understood the two (2) patients would eventually need Comfort Care. She stated, in part, the "likely" scenario was she wrote the order and the physician agreed. The physician electronically signed the order six (6) days later, on September 29, 2020. Respondent failed to document in the medical record why she notified the physician for a Comfort Care order and could not explain why the respiratory and vital sign assessments for the patients were not documented. Respondent's travel contract was rescinded, and she was asked to complete her shift documentation but declined to do so. Respondent's response includes the statement, "In my practice, once a patient is placed on a morphine drip, no doctor's order is needed to decrease or discontinue oxygen if the patient is not on the ventilator". According to the Federal Drug Administration, oxygen is a member of the drug class, medical gas. The Letter of Reprimand ordered Respondent to complete *The Nurse and Professional Behaviors, Medication Errors Causes and Prevention, and Documentation for Nurses, 4th Edition* courses within six (6) months. On September 27, 2022, Board staff received a letter from Respondent requesting a hearing to appeal the Letter of Reprimand issued on August 31, 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 finds that **CHRISTINE ELIZABETH BOOTH, LICENSE NO. R100291 and L040429 (EXPIRED)**, rescind the Letter of Reprimand issued August 31, 2022, and issue a Letter of Warning.

Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

CHARITY ROSEANNE TARR, LICENSE NO. A005328 (EXPIRED) and R063488 (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 not guilty to the charges. On June 30, 2021, the Board issued a Letter of Reprimand with stipulations on Respondent's Nurse License for violating the *Nurse Practice Act* and the Board's *Rules* by failing to establish and maintain a professional boundary. The Letter of Reprimand directed Respondent to complete *The Nurse and Professional Behaviors* course within six (6) months. The Letter of Reprimand was sent by certified mail to Respondent's last known mailing address on file with the Board and through the Nurse Portal. The certified letter was signed for by Respondent on July 1, 2021. On March 7, 2022, a notice was sent to Respondent through First Class Mail and the Nurse Portal, notifying Respondent to submit the course completion certificate by March 18, 2022, or a hearing would be scheduled. The letter sent by First Class Mail has not been returned. Respondent has failed to view the message in the Nurse Portal. Board staff reviewed *The Nurse and Professional Behaviors* course roster provided by the administrator of the course. Respondent has not enrolled in *The Nurse and Professional Behaviors* course. Respondent has failed to contact Board staff or provide the course completion certificate for *The Nurse and Professional Behaviors* course. 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 fully comply with the terms and conditions of the Letter of Reprimand dated June 30, 2021.

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 **CHARITY ROSEANNE TARR, LICENSE NO. A005328 (EXPIRED) and R063488 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) 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 Ramonda Housh and seconded by Lynn Ritchie.

PASSED

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There being no further business, the meeting adjourned at 4:35 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved