



Arkansas Department of Health

Arkansas State Board of Nursing
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Governor Asa Hutchinson
Jennifer A. Dillaha, MD, Director
Renee Mallory, RN, Interim Secretary of Health
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: October 12, 2022
Board Conference Room

MEMBERS PRESENT: Lance Lindow, RN; 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

MEMBERS ABSENT: None

STAFF ATTENDING AT VARIOUS TIMES: Sue A. Tedford, Director, MNSc, APRN
David Dawson, General Counsel
Ashley Fisher, Attorney Specialist
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director, MNSc, RN, CNE
Udell Ward, Regulatory Board Chief Investigator
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
LouAnn Walker, Public Information Coordinator
Andrea McCuien, Administrative Specialist II
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Susan Moore, Computer Operator
Cecelia Simpkins, Fiscal Support Specialist
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist

Guests: Mary Kennebrew, Office of Attorney General

President Lance Lindow called the meeting to order at 8:32 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.

JAMIE LEANN BUTLER DARLING, LICENSE NO. L047922 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, Bendi Bowers, RN, ASBN Investigator, and Joanna Catherine Thomas, RN, Charge Nurse Baptist Health, provided testimony on behalf of the Board. Elizabeth Condit, MSN, APRN, FNP-C, provided testimony on behalf of the Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. An investigation was initiated after the Board received a complaint submitted to the Board on April 9, 2021, by Baptist Health Medical Center. The complaint states the Respondent's travel contract was terminated on March 22, 2021, due to patient abandonment. The complaint further states the Respondent failed to perform and/or document assessment or vital signs of assigned patients in a reasonable time. Respondent is employed by TRS

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Healthcare and accepted a contract with Baptist Health Medical Center, Little Rock, Arkansas, in the emergency room on or about January 18, 2021, under the multistate privilege of her Texas RN license, 797676. Respondent's contract was involuntarily terminated on or about March 22, 2021, for unprofessional conduct and violation of rules. On March 21, 2021, patient records, witness statements and documentation of video indicate Respondent failed to assess and document during her shift on Patient RL, who had a change in condition requiring intubation and emergent care. Baptist Health Medical Center Policy 400.001 and Emergency Room Standard of Care indicate nurses will assess on admission and reassess based on acuity and/or patient needs, a minimum of every two (2) hours. A Letter of Reprimand dated January 28, 2022, was sent by certified mail to Respondent's last known address on file with the Board, and by United States Postal Service (USPS) First Class Mail to Respondent's Attorney. The USPS Tracking indicates the certified mail was delivered on February 8, 2022. The Letter of Reprimand outlined a violation of Ark. Code Ann. § 17-87-309(a)(6) and ordered Respondent to complete the *Documentation for Nurses* and *Nurse and Professional Behaviors* classes within six (6) months. On February 24, 2022, Board staff received notification from Respondent's attorney, requesting a hearing to appeal the Letter of Reprimand issued on January 28, 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 **JAMIE LEANN BUTLER DARLING, LICENSE NO. L047922 (EXPIRED)**, rescind the Letter of Reprimand issued on January 28, 2022 and issue a Letter of Warning.

Brought by Melanie Garner and seconded by Ramonda Housh.

PASSED

The meeting recessed for lunch at 1:10 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:50 p.m. A flexible agenda was approved.

SHERIL LYNN HOLTON SPENCE NORVELL, LICENSE NO. L053129 (EXPIRED)

Respondent was not 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. An investigation was initiated after the Board received two (2) complaints regarding Respondent. The first complaint from the Administrator at Highland Court Rehabilitation and Resident Care, Marshall, Arkansas, alleges that Respondent told the Administrator that she could not pass a urine drug screen due to the consumption of methamphetamine. The second complaint reported that Respondent's employment had been terminated for screaming at a resident after a fall. Respondent was hired by Highland Court Rehabilitation and Resident Care on March 19, 2018. On October 25, 2019, the Administrator and the Director of Nursing questioned Respondent about concerns of alleged drug use. Respondent was asked to submit a urine drug screen. Respondent refused and indicated that she would not be able to pass the drug screen because she had consumed methamphetamine. Respondent was terminated. Respondent was rehired by Highland Court Rehabilitation and Resident Care on February 18, 2020. On May 16, 2021, witnesses and Respondent reported that Respondent raised her voice to a resident when the resident fell. Respondent's employment was terminated on May 17, 2021, for acting in an unprofessional manner and not treating the resident with dignity and respect. Respondent admitted to the Board investigator that she had refused a urine drug screen that was requested by her employer because she had taken a pill form of methamphetamine prior to the request. Board staff unsuccessfully attempted to contact Respondent via mail and the Arkansas State Board of Nursing portal, requesting that Respondent obtain a psychological/addiction evaluation. Board staff conducted a skip-trace to obtain contact information not on file with the Board. An address was identified and a certified letter requesting the evaluation was sent. The letter was also sent through the portal. The letter sent by certified mail was

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returned unclaimed and Respondent has not viewed the message in the portal. Respondent has failed to communicate with Board staff and has not provided an addictive evaluation report.

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 **SHERIL LYNN HOLTON SPENCE NORVELL, LICENSE NO. L053129 (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 courses: *Substance Abuse Bundle 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 three (3) meetings per week until the Board receives the evaluation report with the evaluator's recommendations regarding meeting attendance.
- 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 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

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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.
- 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

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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 Melanie Garner.

PASSED

LETICIA CANTU ATKINS, LICENSE NO. L026771

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On October 1, 2019, the Board issued a Letter of Reprimand with stipulations on Respondent's LPN license. Respondent was ordered to submit evidence of course completion within six (6) months of the following courses: *The Nurse and Professional Behaviors* and *Documentation for Nurses*. The Letter of Reprimand was delivered to Respondent by United States Postal Service, Certified Mail. Respondent signed the green card, indicating delivery, on October 7, 2019. On June 12, 2020, Board Staff sent a letter informing Respondent that the course completion certificates for the two (2) ordered courses had not been received. On December 17, 2020, Board Staff granted Respondent an extension until June 30, 2021 to complete the two (2) ordered courses. On September 28, 2021, Board Staff sent a letter informing Respondent that the course completion certificates for the two (2) ordered courses had not been received. October 7, 2021, Respondent requested another extension due to having "the Covid" and not working for several months. Board staff advised Respondent she had four (4) months to complete the required courses and the course certificates were due February 7, 2022, and no further extensions will be granted. On December 14, 2021, Board staff contacted Megan Foshee, the preceptor for the Nurse and Professional Behaviors Course. Ms. Foshee reports Respondent enrolled on February 4, 2020, and her course expired on February 4, 2021. Respondent did not complete any coursework and will have to re-enroll in the course. On January 20, 2022, Board staff sent Respondent an Order and Notice of Hearing via USPS certified and regular mail, setting a hearing for February 9, 2022. On February 4, 2022, Respondent provided proof of enrollment in the *Nurse and Professional Behaviors* course and the Board hearing was cancelled. Respondent has not provided course completion certificates for the *Nurse and Professional Behaviors* and *Documentation for Nurses* courses and has not communicated with Board staff after February 2022. 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 October 1, 2019.

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 **LETICIA CANTU ATKINS, LICENSE NO. L026771**, 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 the Board suspend the license and privilege to practice nursing until the terms of their Letter of Reprimand are met.

Brought by Ramonda Housh and seconded by Neldia Dycus.

PASSED

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MARY BETH FREDERICK COOK LEE, LICENSE NO. L054487 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. On October 11, 2021, the Board issued a Letter of Reprimand with stipulations on Respondent's LPN license. Respondent was ordered to submit evidence of course completion within six (6) months of the following courses: *The Nurse and Professional Behaviors* and *Sharpening Critical Thinking Skills*. The Letter of Reprimand was sent by certified mail to Respondent's last known address on file with the Board. The certified letter was signed for by Respondent on October 14, 2021. On August 23, 2022, a notice was sent to Respondent through the ASBN Nurse Portal notifying her to submit the course completion certificates by August 31, 2022, or a hearing would be scheduled. Respondent has not viewed the message in the portal. Respondent has not contacted Board staff and has not submitted the course completion certificates for the *Nurse and Professional Behaviors* and *Sharpening Critical Thinking Skills* courses. 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 October 11, 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 **MARY BETH FREDERICK COOK LEE, LICENSE NO. L054487 (EXPIRED)**, has been charged with a violation Ark. Code Ann. § 17-87-309(a)(6) and the Board's Rules, Chapter Seven, Section IV (A)(6)(t) and that the Board suspend the license and privilege to practice nursing until the terms of their Letter of Reprimand are met.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

MORGAN LEIGH SEIBERT, LICENSE NO. R091982

Respondent was not present for the proceedings before the Board and was not represented by counsel. David Dawson, General Counsel, presented evidence to the Board for summary suspension. Written notice of the suspension is hereby provided pursuant to ASBN Rules, Chapter Seven, Section II, B. 3. a. (3) 3. The evidence indicates that Licensee, Morgan Leigh Seibert, is in violation of the *Nurse Practice Act*, A.C.A. § 17-87-309(a)(4) and (a)(6). The Board has sufficient evidence which, if not rebutted or explained, will justify revocation or continued suspension or probation of the license of Morgan Leigh Seibert. The general nature of the evidence against Licensee is as follows. Respondent is a licensed RN nurse and holds license number R091982. Respondent was arrested on October 23, 2020 by the Sherwood Police Department. A Sherwood Police Report indicates that respondent was involved in a traffic accident and subsequently arrested for Driving Under the Influence and Possession of an Open Container of Alcohol in a Motor Vehicle. Respondent pled guilty on December 8, 2020. As a result of the above allegations, among other evidence reviewed, Respondent was sent for an addictive evaluation. The evaluation report stated that she was found to "comprise a significant risk to her ability to practice nursing safely". On September 29, 2022, Respondent was sent a notice through the Nurse Portal that she had been found to be unsafe to practice. A voluntary surrender form was included with the communication. Respondent has not viewed the message in the ASBN Nurse Portal. A phone call was placed to the phone number on record for Respondent on October 10, 2022. The number was "no longer in service". A skip-trace was run on October 11, 2022 with the most recent phone number being the one on record with the Board. Based upon the evidence indicated, the Board has determined that the continuation of the practice of Nursing by Licensee Morgan Leigh Seibert will create an immediate hazard to the public. The Board has therefore suspended the licenses of Morgan Leigh Seibert effective as of the date this Notice and Order of Suspension is served. The Board will set an immediate hearing for a full evidentiary presentation by the Licensee and the Board.

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MOTION: I MOVE that the Arkansas State Board of Nursing summarily suspend the license of Morgan Leigh Seibert, Arkansas Licensed Practical Nurse License #R091982 pending a hearing for revocation or other action. The Board declares an emergency and states Respondent is a threat to the health, safety, ad welfare of the citizens of Arkansas.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

After discussion, the following motions were presented to the Board:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the September 7, 2022, and September 8, 2022, Board Meetings.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

Sue Tedford discussed the following items with the Board:

- The stakeholders survey
- The active shooter at St. Vincent's North

A motion was brought before the Board to make changes to the Faith A. Fields Nursing Loan for the 2022 Fall Semester.

MOTION: I MOVE that the Arkansas State Board of Nursing make the following changes regarding the Faith A. Fields Nursing Loan for the 2022 Fall Semester, as Follows:

Practice Applicants:

- Reduce the scholarship in the amount from \$2,00.00 to \$1,00.00 payable to Arkansas State University- Jonesboro on behalf of Brittany Bell.
- Rescind the Scholarship in the amount of \$2,00.00 payable to Missouri State on behalf of Asley Cordisehi.

Educator Applicants:

Rescind the scholarship in the amount of \$4,000.00 payable to Arkansas State University on behalf of Tanya Alexander.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

Sue Tedford discussed the following items with the Board:


- NCSBN staff, Phil Dickerson reported:
 - They have seen a 4-5% decrease in NCLEX ability over the last few years and nothing has changed with the examination.
 - Historically, with a new examination, there is a 3-4% decrease in pass rates and it recovers in 3 quarters
 - He anticipates with the implementation of Next-Gen NCLEX, it will take 6 to 8 quarters to recover
- David Benton, CEO of NCSBN is resigning in 2023.

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There being no further business, the meeting adjourned at 4:45 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved