



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 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 13, 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
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Janet Simpson, ASBN Program Coordinator, MSN, RNP, RNC-MNN
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

Guests: Mary Kennebrew, Office of Attorney General

President Lance Lindow called the meeting to order at 8:25 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

Attorney Specialist, Ashley Fisher, represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

Ashley Fisher, the Board's attorney specialist, presented consent agreements that had been entered into since the last meeting. Following discussion of each individual agreement, the following motion was passed:

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

Ayers, Pamela Liane Daniel Davis R069474 (Russelleville, 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)(a), (e) and (p)

Probation – 1 year

Courses – The Nurse and Professional Behaviors, Documentation for Nurses

Civil Penalty - \$750.00

Barnes, Lauren Kay Baxter R088771 (Mabelvale, AR)

Violation – The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(2), (a)(4), (a)(6), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(2), (A)(4), (A)(6)

Probation – 3 years, reinstatement

Courses – The Nurse and Professional Behaviors, Documentation for Nurses, and Substance Abuse Bundle

Civil Penalty - \$2,250.00

Clark, Amber Michelle Hawthorne Ferguson McCorkhill R077394 (Hope, AR)

Violation – The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(4), (a)(6) and (a)(8), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4), (A)(6)(c), (d), (e), (m),(o), (q) and (u) and (A)(8)

Probation – 4 years, reinstatement

Courses – The Nurse and Professional Behaviors, Substance Abuse Bundle, Documentation for Nurses, and Critical Thinking: An Overview

Cornwell, Lana Kathleen Carruth (Adkins) R104827, L049915 (Russellville, AR)

Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(c), (d) and (p)

Probation – 3 years, reinstatement

Courses – The Nurse and Professional Behaviors, Documentation for Nurses, and Substance Abuse Bundle

Civil Penalty - \$2,250

Eisele, Andrew Martin APRN 124188, R087677 (Fayetteville, AR)

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

Probation – 2 years

Courses – Substance Abuse Bundle

Formon, Bethany Nicole Formon Freeman R078277, L044166 (Jonesboro, AR)

Violation – The Nurse Practice Act of Arkansas ACA §17-87-309(a)(6), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(p)

Probation – 2 years

Courses – The Nurse and Professional Behaviors, Critical Thinking: An Overview, and Substance Abuse Bundle

Civil Penalty - \$1,500

Lane, Crystal Michele Campbell L054715 (Lead Hill, 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)(b), (c) and (p)

Probation – 1 year

Courses – Documentation for Nurses

Civil Penalty - \$750

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Martinez, Jamie Lee L057259

(Bentonville, 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)(6)(c) and (t)

Suspension – 6 months

Probation – 2 years

Courses – Documentation for Nurses and Substance Abuse Bundle

Civil Penalty - \$1,500

Mutchek, Brittany Kallyn R109120

(Clinton, 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)(6)(d) and (p).

Probation – 4 years

Courses – Substance Abuse Bundle

Brought by Janice Ivers and seconded by Lance Lindow

PASSED

MICHAEL RYAN MCKINNEY, APPLICANT

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Nick Shull, Pharmacy Services, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. §17-87-309(a)(2), (a)(6) and (a)(7) and pleads not guilty to the charges. Respondent submitted his Arkansas LPN initial exam application on December 6, 2021. Respondent answered "Yes" to the question "Have you had any licensing or regulatory authority in any state, jurisdiction, country, or province ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew or otherwise discipline on any other professional or occupational license, certificate, nurse aide registration or multistate privilege to practice that you have held?" Respondent reported that his teaching license had been revoked. The Arkansas Professional Licensure Standards Board Ethics Subcommittee found that a reasonable belief existed that Respondent violated Standard I of the Code of Ethics for Educators and failed to maintain a professional relationship with each student, both in and outside the classroom, by the following actions: Had/attempted sexual intercourse, sexual contact, or similar with a student; Engaged in Standard I sexual abuse of a student as defined by ACA § 6-17-428; and Inappropriately communicated with a student via text messaging. The Subcommittee recommended that the State Board of Education permanently revoke or deny renewal of Respondent's license. On March 9, 2017, the Arkansas State Board of Education issued a Findings of Fact, Conclusions of Law, and Order in the matter of Michael Ryan McKinney. The Board of Education accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee and permanently revoked Respondent's teaching license. Respondent's employment with National Park Community College was not renewed after it was determined that Respondent violated the College's sexual harassment policy. Board staff requested that Respondent submit to an in-depth psychological evaluation by Bradley Diner, M.D. After evaluation, Dr. Diner reported, in part, "I think that Mr. McKinney can practice nursing safely. However, he should be closely monitored. That monitoring should include a professional mentor with whom he would meet on a regular basis to discuss relationship dynamics between nurses and patient. In addition, there should be 360-degree reports from those working directly with Mr. McKinney to include other staff nurses and hospital personnel who have direct observation of his behavior. Those reports could be confidentially mailed to the nursing board. I would suggest monthly reports for a year at least until the board felt comfortable that his behavior was appropriate." After thorough review, ASBN Assistant Director, Karen McCumpsey, sent a letter to Respondent on April 13, 2022, informing Respondent that his Arkansas LPN initial exam application was denied. On May 3, 2022, Respondent requested an appeal of the denial of his Arkansas LPN initial exam application.

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MOTION: I MOVE that based on the evidence presented at the hearing and the allegations contained in the Order and Notice of Hearing have been substantiated, and the Arkansas State Board of Nursing finds that the applicant for licensure and privilege to practice submitted by **MICHAEL RYAN MCKINNEY, APPLICANT**, NCLEX Applicant, be denied, and the applicant may not resubmit an application.

Brought by Stacie Hipp and seconded by Jasper Fultz.

PASSED

MEGAN ELIZABETH MCARTHUR SHIPMAN, LPN LICENSE NO. 126179

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Shannon Loyd, RN, Pharmacy Services, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. A complaint was submitted to the Board on November 21, 2021, with L. Harbourt listed as Complainant. The complaint alleged that prior to employment at Walnut Ridge, Respondent asked Complainant to purchase fake urine so Respondent could pass a pre-employment drug test. Complainant also claimed knowledge of Respondent using marijuana and other opioids. Respondent also used Complainant's Vyvanse and Ambien. March 9, 2022, the investigator for the Board asked Complainant if she has ever provided Ambien or Vyvanse to Respondent. Complainant indicated, "No, I've never done that." Respondent and Complainant claim that the false complaint was filed by Complainant's ex-husband using Complainant's name. On April 14, 2022, the investigator emailed Respondent to request she come to the Department of Health in Little Rock, on April 15, 2022, to provide a urine drug screen. On April 14, 2022, Respondent emailed the investigator, "I am not even in the state, we are spending time with family, for Easter." On May 3, 2022, the Investigator emailed Respondent to request she come to the Department of Health in Little Rock, on May 4, 5, or 6, 2022, to provide a urine drug screen. On May 5, 2022, Respondent emailed a reply to the Investigator, "If the board takes full responsibility and liability for my trip there and back because I'm being asked to work a 13-hour shift 45 minutes from my home then immediately driving 2 1/2 hours to get to Little Rock, sit and wait, then drive 2 hours home." Respondent did not appear at the Department of Health on any of these three (3) days. On May 3, 2022, Respondent emailed the investigator with her place of employment. On May 13, 2022, Melissa Russenberger, RN with Pharmacy Services, drove to St. Bernards Medical Center, Jonesboro, Arkansas. Respondent was called into the office, and she agreed to an observed urine drug screen. Ms. Russenberger and Respondent entered the restroom and after a moment Respondent indicated to Ms. Russenberger, "I'm not doing this. I'm going home." At this point, Ms. Russenberger, indicated Respondent collected her things and left the Human Resources building. Respondent was hired at St. Bernards Medical Center, Jonesboro, Arkansas, on January 2, 2022. Respondent's pre-employment drug screen was reported as negative. On May 13, 2022, while at work, Respondent refused an observed urine drug screen requested by the Board investigator. On May 16, 2022, the facility noted via email, St. Bernards Medical Center policy states that refusal of a drug screen will result in termination, therefore the facility had moved forward with separation of employment. On October 18, 2021, through November 8, 2021, Respondent worked as a Travel Nurse for AMN Healthcare. Respondent's assignment was at Avera St. Luke's Hospital, Aberdeen, South Dakota. Respondent's pre-employment drug screen was negative. AMH Healthcare informed the Board investigator that they do not ask for an observed drug screen. Pursuant to Respondent's pharmacy records, she had three (3) controlled substances that were refilled regularly during this time. The facility informed the investigator that Respondent left Avera St. Luke's Hospital without warning in the middle of an assignment, and they were unable to contact Respondent. On March 1, 2021, Respondent began employment with Lawrence Hall Health and Rehabilitation and Lawrence Memorial Hospital. At some point before October 3, 2021, Respondent was written up for absenteeism, and Respondent quit without giving a two-week notice. Respondent is not eligible for rehire. Respondent was hired at St. Michael's Healthcare in Newport, Arkansas on November 27, 2020. On February 9, 2021, Respondent called ten (10) minutes before her shift began and quit without giving a two-week notice. Pharmacy records indicate that forty-three (43) controlled substance prescriptions were filled for Respondent from three (3) providers and two (2)

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pharmacies, between the dates of March 10, 2020 to March 10, 2022, including: two (2) prescriptions for clonazepam 0.5 mg tablet, for a total of sixty (60) tablets, last filled on May 20, 2020; fifteen (15) prescriptions for clonazepam 1 mg tablet, for a total of four hundred fifty (450) tablets, last filled on February 16, 2022; four (4) prescriptions for hydrocodone-acetaminophen 7.5/325mg tablet, for a total of sixty-seven (67) tablets, last filled on October 14, 2021; and, twenty-two (22) prescriptions for zolpidem tartrate 10 mg tablet, for a total of six hundred sixty (660) tablets, last filled on February 22, 2022. On June 3, 2022, Board staff sent a letter via the ASBN Nurse Portal and certified mail to Respondent's last known mailing address on file with the Board requesting Respondent to obtain a psychological/addiction evaluation by July 03, 2022. The certified letter was returned on June 27, 2022, by the Postal Service marked "Return to Sender / Unclaimed / Unable to Forward." Respondent viewed the message sent through the portal on June 03, 2022, at 3:08 p.m. 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 **MEGAN ELIZABETH MCARTHUR SHIPMAN, LICENSE NO. 126179**, 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 six (6) months with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$4,413.00, 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, 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

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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.
- 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 Acknowledgment*

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- 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 Stacie Hipp.

PASSED

MATTHEW HARRISON, LICENSE NO. L056660 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Nick Shull, Pharmacy Services, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. §17-87-309(a)(4) and (a)(6). An investigation was initiated after the Board received an anonymous complaint that alleged Respondent resigned from St. John's Place of Arkansas in Fordyce without notice, after a resident accused him of taking her methadone and he refused a drug test; that Respondent also worked at Millcreek in Fordyce and resigned from there due to missing medications; and that Respondent was employed at The Green House Cottages of Southern Hills in Rison, AR. Respondent was hired at Millcreek of Arkansas in Fordyce on August 11, 2015. On February 14, 2017, the Chief Executive Officer at Millcreek stated that Respondent was sent for a drug screen and never returned. Respondent was sent for a drug screen because there was concern about some missing medication. Respondent's employment termination was considered job abandonment. Five (5) patient medical records from Millcreek of Arkansas were reviewed and no discrepancies were noted. Respondent was hired at St. John's Place of Arkansas in Fordyce on November 30, 2017. Respondent's employment was terminated on August 1, 2018, because he refused to take a drug test. Respondent was hired at The Green House Cottages of Southern Hills in Rison, Arkansas in February of 2020. On January 19, 2021, Respondent was given a written warning due to poor performance in treatment position. On April 16, 2021, Respondent was asked to submit to a random urine drug test. The results of the urine drug test indicate Respondent tested positive for amphetamine at 2,459 ng/ml, methamphetamine at 30,007 ng/ml, and THC at 135 ng/ml. On May 3, 2021, Respondent's employment was terminated due to the positive drug test. Five (5) medical records were reviewed from The Green House Cottages of Southern Hills and 5 mg of hydrocodone was unaccounted for. On August 12, 2021, Board staff attempted to reach Respondent by the ASBN Nurse Portal and last known phone number on file with the Board. The phone number was not in service, and Respondent has not viewed the portal message. On March 17, 2022, Respondent contacted Board staff and requested the renewal block be removed from his license. Respondent was advised due to the allegations; the Board must receive the investigative report before the block will be removed. Respondent was advised and given the number to speak with the investigator. On May 13, 2022, Board staff sent a letter via the portal and certified mail to Respondent's last known mailing address on file with the Board requesting Respondent to

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obtain a psychological/addiction evaluation by June 17, 2022. The certified letter was returned on May 31, 2022, by the USPS marked *Return to Sender / Vacant / Unable to Forward*. Respondent has not viewed the message sent through the portal. ASBN staff sent a second letter via the portal and certified mail to a mailing address noted on a Skip/Trace report requesting Respondent to obtain a psychological/addiction evaluation by July 07, 2022. The certified letter was returned by the USPS marked *Return to Sender / Unclaimed / Unable to Forward* on July 14, 2022. Respondent has not viewed the message sent through 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 **MATTHEW HARRISON, LICENSE NO. L056660 (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 \$4,475.00, 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 at least three (3) AA/NA or other Board approved support group meeting(s) a week during the period of suspension and / or probation.
- 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.

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- 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.
- 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.

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- 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 Neldia Dycus and seconded by Melanie Garner.

PASSED

The meeting recessed for lunch at 12:06 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:06 p.m. A flexible agenda was approved.

HUNTER D. EDDINGS, LICENSE NO. L060854

Respondent was present for the proceedings before the Board and was not represented by counsel. Janet Simpson, MSN, RNP, RNC-MNN, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and pleads guilty to the charges. On December 17, 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 *HIPAA Compliance*. The Letter of Reprimand was sent by certified mail to Respondent's last known address on file with the Board and delivered to Respondent on December 22, 2021. The Letter of Reprimand was also sent via ASBN Nurse Portal and viewed by Respondent on April 18, 2022, and again on June 22, 2022. On June 28, 2022, Board staff sent a letter via regular mail and Nurse Portal notifying Respondent that the course completion certificates were due on June 17, 2022. The letter extended the deadline to submit the certificates to July 11, 2022. The Nurse Portal message was viewed by Respondent on June 28, 2022. Respondent has had no further contact with Board staff and has not submitted the course completion certificates for the *HIPAA Compliance* and *Nurse and Professional Behaviors* 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 December 17, 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 **HUNTER D. EDDINGS, LICENSE NO. L060854**, 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 extend time to completion of terms of Letter of Reprimand to March 1, 2023. Failure to complete terms will result in suspension of license until terms of reprimand are met.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

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LALAH DENISE HENDRIX, LICENSE NO. R109414, L059504 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Janet Simpson, MSN, RNP, RNC-MN, Lynae Fryer, Investigator, and Mary E. Wyatt, RN, ADON Twin Rivers Rehab, provided testimony on behalf of the Board. Barbara Ellis-Erby, MSN, RN, CHI St. Vincent, and Valerie Perez, BSN, RN, CHI St. Vincent, 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 copy of a complaint submitted to the Office of Long Term Care (OLTC), regarding Respondent while employed at Twin Rivers Health and Rehabilitation. The complaint alleged Respondent hit a resident's head on an assist bar in the bathroom and yelled at the resident. Witness statements, the OLTC investigation, and an Arkadelphia Police Department Incident Report were reviewed. The allegation of physical abuse could not be substantiated. Witnesses did report that Respondent spoke to the resident in a loud tone and called the resident a "cry baby." On or about November 14, 2019, a written warning was issued to Respondent, and she was subsequently suspended, and eventually terminated on or about November 14, 2019, by her employer for violating their policy which states, "any intentional or demeaning act which subjects an endangered adult to ridicule or psychological injury in a manner likely to provoke fear or alarm" falls under the abuse reporting policy and procedure. On August 15, 2022, the Board issued a Letter of Reprimand with stipulations on Respondent's Registered Nurse (RN) and Licensed Practical Nurse Licenses based on the following Findings of Fact: Respondent is the holder of Arkansas Multistate RN License R109414 issued by exam on March 26, 2019, that expires on July 31, 2023 and Licensed Practical Nurse License issued by exam on December 18, 2017, that expired on July 31, 2019. Twin Rivers Health and Rehabilitation in Arkadelphia, Arkansas hired Respondent on December 29, 2017. On November 11, 2019, Respondent verbally abused a resident by speaking in an inappropriate tone and calling the resident a name. Respondent was counseled, suspended, and eventually terminated by Twin Rivers Health and Rehabilitation on November 14, 2019. The Letter of Reprimand outlined a violation of Ark. Code Ann. § 17-87-309(a)(6) and ordered Respondent to complete the *Nurse and Professional Behaviors* and *Older Adult Care – Geriatrics* courses within six (6) months. Respondent contacted the Board on August 17, 2022 and requested a hearing to appeal the issuance of the Letter of Reprimand dated August 15, 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 **LALAH DENISE HENDRIX, LICENSE NO. R109414, L059504 (EXPIRED)**, rescind the Letter of Reprimand issued on August 15, 2022 and issue a Letter of Warning.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

KRISTY LEA MIZE MORRISON, LICENSE NO. R065824 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Terry Kuykendall, Licensed Private Investigator, provided testimony on behalf of the Board. A complaint was submitted to the Board by Respondent's employer, Highland Court Nursing Home, on May 4, 2021. It reported that on April 12, 2021, Respondent was observed staggering in the hallway and having slurred speech while at work. A urine drug screen was collected, which tested positive for benzodiazepine and opiates. Respondent was suspended pending investigation and subsequently terminated for reporting to work unfit for duty while under the influence of prescription medication. The April 12, 2021, urine screen was also submitted to Redwood Toxicology Laboratory for further testing and the results indicate positive for alprazolam, lorazepam, noroxycodone, oxycodone, and oxymorphone. Employment records from Highland Court Nursing Home indicate there was a previous incident on August 12, 2015, where Respondent was observed falling asleep and unable to answer questions in a meeting at work. Respondent was asked to submit to a urine drug screen, which came back positive for benzodiazepines and oxycodone. Pharmacy records from Mitchell's Main Street Pharmacy, from September 14, 2019, to September 14, 2021, indicate that prescriptions for oxycodone were filled for Respondent almost monthly. There were no benzodiazepines obtained from this

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pharmacy. Pharmacy records from Marshall Medicine Pharmacy, from September 14, 2019, to September 14, 2021, indicate that prescriptions for oxycodone were filled for Respondent on five (5) occasions. There were no benzodiazepines obtained from this pharmacy. On June 7, 2022, Board staff sent a letter via the ASBN Nurse Portal and certified mail to Respondent's last known mailing address on file with the Board requesting Respondent to obtain a psychological/addiction evaluation by July 12, 2022. The certified letter was returned on July 07, 2022, by the USPS marked *Return to Sender / Unclaimed / Unable to Forward*. Respondent has not viewed the message sent through the portal. On August 2, 2022, Board staff sent a letter via the ASBN Nurse Portal and certified mail to Respondent's last known mailing address on file with the Board notifying Respondent her case has been forwarded for hearing for failure to provide the requested psychological/addictive evaluation. Respondent was also given the opportunity to voluntarily surrender her license in lieu of a hearing. Notification to pick up the certified letter was left by the USPS for Respondent on August 12, 2022. Respondent has not viewed the message sent through 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 **KRISTY LEA MIZE MORRISON, LICENSE NO. R065824 (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 \$4,433.00, 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

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- 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.
 - 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.

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- 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 Ramonda Housh and seconded by Melanie Garner.

PASSED

There being no further business, the meeting adjourned at 3:42 pm.



Lance Lindow, President



Mindy Darnier, Recording Secretary



Date Approved