



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

BOARD MEETING MINUTES

- TIME AND PLACE:** October 12, 2023
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; Haley Strunk, LPN
- MEMBERS ABSENT:** Leslie Harmon Branman, BSN, RN, CPSN, CANS
Lynne Ritchie, BS, RDH
- 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, MPH, BSN, RN, ASBN Assistant Director- ArNAP
Udell Ward Jr., Regulatory Board Chief Investigator
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist
- Guests:** None

President Neldia Dycus called the meeting to order at 8:40 a.m. 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.

KELLY ERIN DUNCAN WALTERS, LICENSE NO. R096491 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, Investigator, Pharm D, provided testimony on behalf of the Board. An investigation was initiated after the Board received a letter written on March 10, 2022, by the Director of Nursing at Christus Dubuis in Hot Springs (CDHS), Arkansas, reporting that Respondent's employment was terminated due to a positive drug screen and behavior. Also, on March 10, 2022, Respondent submitted a self-report to the Board. On February 16, 2022, at 07:47, according to a facility investigation, Respondent indicated she did not need report, she would get it off of the EMR. Respondent was "off" throughout the day. She tried multiple times to type and cross her patient, resulting

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in three (3) rejected specimens. Night shift drew the specimen correctly and transfused the patient, who had a HGB of 6.2. Night shift also found several meds not given and several sliding scale blood sugars were not addressed. Medications omitted included but not limited to Zyvox, daptomycin, Lopressor, Sinemet, Diflucan and TPN. Respondent also did not document on her patients. On February 16, 2022, when Mandy Ryals, RN, Nightshift Nurse arrived for work, she reported Respondent's patient in room 312 was in distress and needed pain meds for pain and respiratory distress. Respondent was talking to a co-worker instead of taking care of her patient. Also, Nurse Ryals reported she found a capped bottle of Retacrit in room 313. Nurse Ryals alleged when she went to administer morphine to the patient in 312, Respondent had already documented giving 4mg, but there was no waste. Nurse Ryals indicated Respondent helped her straighten the patient up and gave his daughter a package of cupcakes and said the patient could have one also. After Respondent left the room, the daughter asked if her dad could really eat something. Nurse Ryals said no he can't. The daughter asked why did Respondent say that? At 17:00, Respondent called the nurses station to ask for someone to come pick her up at Starbucks because she had gone there for lunch and had a flat. The Director of Nursing (DON) indicated she picked up Respondent. She got back to the unit about 17:30. Timekeeping records indicate that Respondent had not clocked out. On February 17, 2022, Respondent was late again. Respondent was asked about all the missed medications, the transfusion, etc. Respondent had reasons for each issue- too busy, I must have overlooked it, and the blood bank tech was a b####. She started crying and saying it was her arthritis and she was still not good with her newly diagnosed Rheumatoid arthritis. A reasonable cause drug screen was requested. The DON indicated that Respondent began laughing hysterically because she thought the "for cause" was hilarious. She talked non-stop. At 09:00, Respondent submitted a specimen for the drug screen. Respondent was suspended pending the results. According to the DON, Respondent indicated "oh thank you so much, I need a day off, this is wonderful I am so happy!" On February 28, 2022, the Medical Review Officer reported the urine drug screen was positive for cannabinoids. The quantitative results indicate a positive screen for marijuana (THC metabolite) at 37ng/ml and hydrocodone at 957ng/ml. On March 3, 2022, Respondent was notified of the positive urine drug screen results. Respondent indicated she has been taking over the counter CBD oils. On March 7, 2022, Respondent's employment was involuntarily terminated due to Respondent's performance which led to the reasonable suspicion urine drug screen. Five (5) medical records from Respondent's patients were reviewed by the Board investigator. A total of 0.5mg of clonazepam is unaccounted for; a total of 7mg of morphine is unaccounted for; several scheduled medications, glucose sliding scales, and blood transfusions were not documented as performed or given. The medications included antibiotics, blood pressure medications, insulin, and TPN; and documentation of patient shift assessments were not located in the medical record. According to personnel records from CDHS, Respondent indicated on her employment application, she was previously employed at Digestive Disease Clinic in Hot Springs (DDCHS) from January 1, 2009, to November 1, 2019, and reason for leaving was due to bullying. According to personnel records from DDCHS, Respondent was hired on November 4, 2019, and involuntarily terminated on September 4, 2020, due to insubordination, attitude, and not a team leader. Documents from the Circuit Court of Garland County, Arkansas Probate Division, include an Order for Immediate Detention, dated, May 12, 2022, that indicates the judge found that Respondent is of danger to herself, or others: and immediate confinement appeared to be necessary to avoid harm to such person or others. Probable cause hearing was set for May 16, 2022. According to an Order for Evaluation, dated May 17, 2022, Respondent should have been and was currently admitted to St. Bernards' Behavioral Health Center in Jonesboro, Arkansas, or other appropriate receiving facility, for a period of up to seven (7) days from this date for evaluation to determine whether treatment for mental illness was appropriate. An Order Dismissing Petition, dated May 26, 2022, states that Respondent was admitted to St. Bernards' Behavioral Health Center for evaluation and care and was discharged on May 20, 2022. The order stated due to a change in Respondent's status, the petition to involuntarily admit the defendant to treatment should be dismissed. Pharmacy printouts indicate Respondent was dispensed the following prescriptions between February 1, 2020 and October 5, 2022, as issued by two (2) providers: Two (2) prescriptions for diazepam, which totaled one hundred eighty (180) tablets, last filled on September 27, 2022; twenty eight (28) prescriptions for hydrocodone/APAP 10/325mg, which totaled

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three thousand three hundred thirty (3,330) tablets, last filled on August 8, 2022; two (2) prescriptions for oxycodone 10mg, which totaled fifty-six (56) tablets, last filled on July 25, 2022; and twenty (20) prescriptions for tramadol, which totaled two thousand four hundred (2,400) tablets, last filled on May 26, 2022. On February 3, 2023, Board staff sent a letter via the 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 March 3, 2023. The certified letter was returned by the Postal Service on March 1, 2023, marked "Return to Sender / Unclaimed." However, Respondent viewed the message sent through the portal on February 14, 2023, at 8:15 a.m. and 8:17 a.m. On March 2, 2023, Board staff sent a message through the portal giving Respondent the opportunity to voluntarily surrender in lieu of the evaluation. Respondent failed to view the message or contact Board staff. On March 30, 2023, Board staff sent a letter via the nurse portal and certified mail to the last known mailing address on file with the Board notifying Respondent her case was forwarded for hearing and to contact Board staff immediately. The certified letter was returned by the Postal Service on April 24, 2023, marked "Return to Sender / Unclaimed." Respondent also failed to view the message sent through the portal. Board staff also attempted to contact Respondent by phone and through the portal when the complaint was submitted to discuss the Arkansas Nurse Alternative Program. Respondent failed to respond to two (2) voicemail messages. Respondent did not view the portal until February 14, 2023. Board staff have not received Respondent's evaluation and have had no communication from Respondent.

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 **KELLY ERIN DUNCAN WALTERS, LICENSE NO. R096491 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that Respondent's license and privilege to practice as a nurse be suspended 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 \$5,175.00, 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 Abuse Bundle, The Nurse and Professional Behaviors, Medication Administration, and Documentation for Nurses*. Respondent shall submit the certificate(s) 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 Alcoholics Anonymous/Narcotics Anonymous, (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 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.

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- 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 random drug screens observed or DNA authenticated remote urine drug screen. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites 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.

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- 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 licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- 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.

Janice Ivers has recused herself from this case.

Brought by Ramonda Housh and seconded by Melanie Garner.

PASSED

SALENA MARIE HADDER O'NEAL, LICENSE NO. L054180

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, Investigator, Pharm D, provided testimony on behalf of the Board. An investigation was initiated after an anonymous complaint was received claiming that Respondent was taking pain medications and money from patients while working at Kindred at Home (Kindred), Forrest City, Arkansas. According to facility records: on July 8, 2021, Patient RW reported that Respondent took pain medications from her home. On January 28, 2022, Patient SH reported that Respondent stole eight (8) oxycodone 7.5mg tablets. An internal investigation was unable to substantiate these allegations. On January 18, 2022, Patient BO reported that Respondent took \$30 to get her prescriptions and an at home Covid test from Walgreens. Respondent returned four (4) hours later and called and said she would hang the money on the back of the neighbor's door. When the neighbor got the bag, it had a \$5 bill and five (5) \$1 bills in it. When Patient BO called, Respondent stated the bag had a hole in it. The facility policy on Abuse, Neglect and Exploitation and Drug Delivery by clinician was reviewed with Respondent and Respondent was instructed to never take anything from a patient's home. On February 9, 2022, Respondent signed a Review and Education form regarding the following:

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medication reconciliation being performed in the same room as the patient/caregiver; staff not being allowed to pick up any items/medications for patients; and staff not being allowed to take money or anything from the patient's home, even if the patient agrees for you to take it. On February 14, 2022, Patient JS reported that Respondent asked to review her medicines. Respondent reviewed all bottles out of the direct line of sight of the patient. Respondent stated that the patient's bottle of tramadol was empty and called in a refill to a local pharmacy through their automated system. Patient JS stated there was no way the bottle was empty because she had just gotten it at a recent doctor's visit and claimed that Respondent took approximately 30-40 of the remaining tramadol in that bottle. When Respondent returned for another visit on February 16, 2022, Respondent asked to see the new bottle of tramadol, but Patient JS held it out and did not physically give it to Respondent. A review of Respondent's documentation in the medical records for Patient JS indicates, "*patient had recent left shoulder surgery and surgical incision. Medication oxycodone/APAP 5/325mg. Pain assessed, pain occurs during day and night, current pain- 5, least intensity- 3 and worst intensity- 8*". The medical record does not contain documentation by Respondent regarding medication reconciliation. Also, there is no medical record documentation regarding Patient-JS's tramadol prescription. Pharmacy records indicate there was an electronic request for a refill of tramadol on February 14, 2022. According to a pharmacy printout and a copy of a tramadol prescription, from Dean's Pharmacy, Patient JS was dispensed the following controlled substances: January 4, 2022, a (refill) prescription for tramadol 50mg # 90; February 2, 2022, a prescription for oxycodone/APAP 5/325mg #30; and February 14, 2022, a (refill) prescription for tramadol 50mg #90. Respondent's employment with Kindred was terminated on March 4, 2022, after the February 14, 2022, patient complaint. Respondent was prescribed the following from September 1, 2020 to September 13, 2022, by five (5) providers and dispensed by two (2) pharmacies: five (5) prescriptions for APAP w/codeine, which totaled one hundred-fifty (150) tablets; fifteen (15) prescriptions for eszopiclone (Lunesta), which totaled five hundred-seventy (570) tablets; thirteen (13) prescriptions for hydrocodone/APAP, which totaled five hundred-seventy (570) tablets; three (3) prescriptions for oxycodone/APAP, which totaled sixty-eight (68) tablets; twenty-four (24) prescriptions for pregabalin (Lyrica), which totaled one thousand nine hundred-eighty (1,980) capsules; and eleven (11) prescriptions for tramadol, which totaled nine hundred fifty-eight (958) tablets. On November 18, 2022, Board staff sent a letter via the 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 December 30, 2022. The certified letter was delivered on December 7, 2022, and Respondent viewed the message sent through the portal on November 18, 2022, at 10:52 am and December 28, 2022, at 01:46 pm. Respondent requested an extension to have the evaluation completed. The extension was granted, and the evaluation due date was extended to February 15, 2023. On March 30, 2023, Board staff sent a letter via the nurse portal and certified mail to the last known mailing address on file with the Board notifying Respondent her case was forwarded for hearing and to contact the Board immediately. The certified letter was delivered on April 5, 2023, and Respondent viewed the message sent through the portal on March 31, 2023, at 09:51 am. Board staff have not received the evaluation and have not received any communication from Respondent.

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 **SALENA MARIE HADDER O'NEAL, LICENSE NO. L054180**, 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 \$4,438.00, 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 Abuse Bundle, The Nurse and Professional Behaviors*,

Documentation for Nurses, and Medication Administration. Respondent shall submit the certificate(s) 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 Alcoholics Anonymous/Narcotics Anonymous, (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 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 random drug screens observed or DNA authenticated remote urine drug screen. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites 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.

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- 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 licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- 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

LESLIE SUZANNE WILBANKS, LICENSE NO. R085275

Respondent was present for the proceedings before the Board and was represented by counsel, Stewart Whaley. 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 February 10, 2021, the Board ratified a Consent Agreement placing Respondent's RN license on probation for two (2) years, after Respondent was observed placing a page from the medication administration record and a card of twenty (20) medication pills into her purse. Respondent failed to fully comply with the February 10, 2021, Consent Agreement. Respondent tested positive for the metabolites of alcohol on five (5) occasions. On November 16, 2022, the Board ratified a Noncompliance Consent Agreement placing Respondent's RN license on probation for two (2) years. Respondent has failed to fully comply with all the requirements of the November 16, 2022, Noncompliance Consent Agreement. Respondent tested positive for ETG/ETS, the metabolites of alcohol, on five (5) occasions. Respondent also submitted four (4) dilute specimens for drug testing. According to the terms of the Noncompliance Consent Agreement, a dilute test shall be considered a failed drug screen. Respondent also submitted the required reports late on two (2) occasions. 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 comply with the terms and conditions of the Noncompliance Consent Agreement, signed by Respondent, and ratified by the Board on November 16, 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 **LESLIE SUZANNE WILBANKS, LICENSE NO. R085275**, 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 one (1) year with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$2,250.00, 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(s) of completion via the Board approved monitoring program.
- Respondent shall attend Alcoholics Anonymous/Narcotics Anonymous, (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 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 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 random drug screens observed or DNA authenticated remote urine drug screen. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites 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 two (2) 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

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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 licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- 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

Shannon McKinney, Assistant Director, reviewed the 2nd quarter PDMP prescribing reports and updated the Board on the revised PDMP matrix.

The meeting recessed for lunch at 12:11 p.m. Following lunch, the Board resumed hearings.

President Neldia Dycus called the meeting to order at 1:24 p.m. A flexible agenda was approved.

SUSAN ELISABETH CURTIS, LICENSE NO. R089645 (EXPIRED)

Respondent was present for the proceedings before the Board via Zoom video call and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and pleads guilty to the charges. On July 13, 2018, the Board accepted the voluntary surrender for Respondent's RN License #R089645 in lieu of an ongoing investigation and hearing. On April 1, 2020, the Board ratified a Reinstatement Consent Agreement placing Respondent's RN licensure on probation for one (1) year. Respondent became noncompliant with the April 1, 2020, Reinstatement Consent Agreement and on November 18, 2020, the Board ratified a Noncompliance Consent Agreement placing Respondent's RN licensure on probation for one (1) year. When Respondent failed to fully comply with the terms of the November 18, 2020, Noncompliance Consent Agreement, an Action Cleared letter was not issued and Respondent continued to be monitored. Respondent never fully complied with the terms of the November 18, 2020, Noncompliance Consent agreement and stopped checking in after June 26, 2022. Respondent failed to contact the Board approved monitoring program daily. Respondent missed sixty-four (64) check-ins. Respondent's last check-in was June 26, 2022. Respondent failed to call and show to submit specimens two (2) times for

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drug testing when selected by the Board approved monitoring program. Respondent checked in but failed to show to submit specimens seventeen (17) times for drug testing when selected by the Board approved monitoring program between December 01, 2020 and June 26, 2022. Respondent submitted three (3) specimens positive for alcohol metabolites between December 15, 2020 and November 4, 2021. Respondent submitted two (2) dilute specimens for drug testing. After Respondent quit checking in, she also failed to renew her license when it expired on November 30, 2022. She was notified of her noncompliance on multiple occasions and has failed to communicate with Board staff. 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 comply with the terms and conditions of the Noncompliance Consent Agreement, signed by Respondent, and ratified by the Board on November 18, 2020.

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 **SUSAN ELISABETH CURTIS, LICENSE NO. R089645 (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 one (1) year with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$2,250.00, 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): *The Nurse and Professional Behaviors, Documentation for Nurses, and Medication Administration*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall attend Alcoholics Anonymous/Narcotics Anonymous, (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 one (1) AA/NA or other Board approved support group meeting 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 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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conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites 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.

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- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
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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.

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- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher licensure level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- 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

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

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

Practice Applicants:

- 1) Reduce the disbursement amount of the scholarship from \$2,500.00 to \$1,250.00 payable to North Arkansas College on behalf of Jennifer Cline.

Brought by Jasper Fultz and seconded by The Scholarship Committee.

PASSED

Sue Tedford discussed the amendment of the approved addiction psychological evaluators list with the Board. After discussion, the following motion was presented:

MOTION: I MOVE that the Arkansas State Board of Nursing amend the Board Approved Addiction Psychological Evaluators with the following changes:

- Remove Dr. Donnie Holden- Retired
- Remove Dr. Rafael Otero- Not Practicing

Brought by Neldia Dycus and seconded by Janice Ivers.

PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the September 6, 2023, and September 7, 2023, Board Meetings.

Brought by Neldia Dycus and seconded by Ramonda Housh.

PASSED

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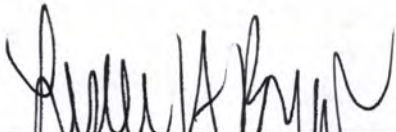
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The Following business items were discussed:

- The attorney from the Medical Board, Julie Chavis, asked if the Board had issues with a physician writing a prescription for a patient that was seen by the APRN and not by the physician.
- Lance Lindow has been appointed to the NCSBN Leadership Success Committee.
- Asked if anyone wanted to attend the Forty Under Forty Ceremony on October 16th from 3:00 – 5:30 at the Benton Event Center. The former Executive Director of ASBN, Faith Fields, and two former Board members, Darlene Byrd and Terri Imus, will all receive the Legacy Award.
- Reminded Board members the Prescription Drug Summit will be November 8th in Little Rock.

There being no further business, the meeting adjourned at 2:23 pm.



Leslie H. Branman, Vice President



Mindy Darner, Recording Secretary

11-15-2023

Date Approved