



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: September 7, 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
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Janet Simpson, 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

President Lance Lindow called the meeting to order at 8:38 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

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

MYIA MORRIS, LICENSE NO. R090639

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, Paul Koesy, Pharmacy Services, and via telephone LaJuan Scales, Chicot Memorial Hospital, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(1), (a)(2) and (a)(6) and pleads not guilty to the charges. On November 8, 2018, Respondent entered a Plea Agreement with the State of Arkansas. Respondent as Defendant in the case entered a plea of guilty to the charge of *criminal mischief first degree (d) felony*. On Respondent's application to renew license R090639, dated March 18, 2020, Respondent answered "no" to the question, "Since your last renewal, have you been convicted of a misdemeanor or felony, pled guilty or nolo contendere to any charge in any state, jurisdiction, country or province?" On February 12, 2021, Chicot Memorial informed the Board that Respondent had reported to work impaired and altered while on duty. Respondent was hired by Chicot Memorial Medical Center on March 30, 2020. On August

ASBN MINUTES

September 7, 2022

Page 2

31, 2020, Respondent was reported and observed to be impaired at work. Respondent indicated that it "was her medications," then clocked out from duty. On January 19, 2021, another RN observed Respondent as sleeping a lot and being nonresponsive to others. On January 21, 2021, hospital staff observed Respondent to have slow and slurred speech, and an unsteady gait. Respondent would hold the wall as she ambulated. Her eyes were glazed and she was unable to respond clearly. On January 21, 2021, Respondent's employment was terminated due to her inability to judge her own impairment and safely care for her patients. An audit by the investigator of medical records dated January 9, 2021, indicate there was 1 mg of lorazepam and 33 mg of morphine sulfate unaccounted for. On July 8, 2021, ASBN staff sent a letter via 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. The certified letter was returned on July 15, 2021, marked by the United States Postal Service "Return to Sender / No Such Number / Unable to Forward." Respondent viewed the message in the portal on July 8, 2021, at 6:54 p.m. Respondent updated her address on July 9, 2021, and a second letter requesting an evaluation was sent by certified mail to the updated address. Respondent signed for the certified mail on July 21, 2021. Respondent requested an extension for the evaluation due on August 16, 2022. Respondent was advised to provide evidence of a scheduled appointment and an extension would be granted. On August 16, 2021, Respondent provided a partial document of a scheduled appointment, and an extension was granted to October 27, 2021. Respondent emailed Board staff on October 27, 2021, and stated she was unable to pay for the evaluation but was able to reschedule for January. On February 5, 2022, Board staff received a letter from Respondent that included an evaluation report dated January 24, 2022, conducted by Dahlia Distin, APRN, PMHNP, BC. Ms. Distin is not a Board approved evaluator. Board staff sent a letter informing Respondent that Dahlia Distin was not an approved evaluator and directed that Respondent obtain an evaluation from an approved evaluator by March 31, 2021. Email communication between Respondent and ASBN staff from March 1, 2022, to March 29, 2022, indicates Respondent wanted a hearing in lieu of an evaluation. On May 4, 2022, Board staff requested that Pharmacy Services obtain a drug screen on Respondent. The drug screen was positive for hydrocodone at 3770ng/mL and hydromorphone 3140ng/mL. On June 14, 2022, the Board received a second complaint from Drew Memorial Hospital. The compliant indicates Respondent was observed by the charge nurse who initiated a conversation with Respondent and determined that a drug screen needed to be done because Respondent appeared to be impaired. Respondent was asked on June 11, 2022, to submit a urine drug screen. Respondent stated, "They can just terminate me. I'm not taking a drug test." Respondent proceeded to pack her belongings and left the facility. Respondent's employment was terminated.

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 **MYIA MORRIS, LICENSE NO. R090639**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(1), (a)(2) and (a)(6), 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 \$3,563.00, 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: *The Nurse and Professional Behaviors*, and *Documentation for Nurses*. 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

ASBN MINUTES

September 7, 2022

Page 3

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 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 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.

ASBN MINUTES

September 7, 2022

Page 4

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 completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.
- Respondent shall submit within no more than thirty (30) days prior to reinstatement to probation, a safe to practice statement from his or her mental health provider.

Brought by Janice Ivers and seconded by Jasper Fultz.

PASSED

ASBN MINUTES

September 7, 2022

Page 5

BRITTANY MARIE WILLIAMS, LICENSE NO. L055079 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Paul Koesy, Pharmacy Services, provided testimony on behalf of the Board. Respondent entered a consent agreement with the Board on November 18, 2020. Respondent became noncompliant with that consent agreement. Respondent failed to contact the Board approved monitoring company daily, failed to show and submit specimens for drug testing when selected, submitted a dilute specimen for drug testing, tested positive for hydrocodone, dihydrocodone, hydromorphone and alcohol, failed to submit required reports, and failed to submit AA/NA/support group reports. Respondent entered a two (2) year probation noncompliance consent agreement with the Board on July 15, 2021. Respondent was scheduled to begin monitoring on September 1, 2021. Respondent has failed to comply with the July 15, 2021, probation noncompliance consent agreement. Respondent has not submitted any specimens for drug testing when selected by the Board approved monitoring company. There has been absolutely no drug screen completed since monitoring began on September 1, 2021. Respondent has failed to check in with the Board approved monitoring company daily, and has not provided the required reports, including attendance reports for AA/NA/support group meetings. The Board received two (2) new complaints regarding Respondent one (1) month after Respondent entered the probation noncompliance consent agreement. Those complaints were forwarded to an investigator with Pharmacy Services for investigation. The first complaint indicates that in February of 2021, Respondent altered the count of a controlled substance in the narcotic book at Siloam Springs Nursing and Rehab, which caused the count to be one (1) hydrocodone/APAP short. The second complaint alleged that Respondent was diverting drugs. Respondent was terminated at Siloam Springs Health and Rehab, due to a loss of narcotics. The Director of Nursing (DON) at Siloam Springs Health and Rehab indicated that it was obvious to her that Respondent was stealing narcotics. Four (4) alert and oriented patients reported to the DON that they did not request any additional pain pill, although it was signed off by Respondent that they did receive the medication. Two (2) patients did not receive any medication for the 3:00 – 11:00 shift, although Respondent documented on the MAR that she administered the medication. Respondent changed the numbers on a patient's Norco card to take an additional pill from the count. Another patient reported that Respondent gave her Tylenol, yet Respondent had a Norco signed out and taken from the card for that patient. According to a Report of Loss of Controlled Substances Form, two (2) clonazepam 0.5 mg tablets were removed from the E-kit per Respondent for a resident who did not have an order for clonazepam. On February 23, 2021, Respondent signed out one (1) Norco 7.5/325mg at 1600. The original balance was forty-five (45) tablets. Respondent also signed out a Norco 7.5/325 mg at 2000 for the same resident. The balance number was altered from a balance of forty-four (44) to show forty-three (43) tablets. The balance of forty-three (43) tablets was then altered to show forty-two (42) tablets. One (1) Norco 7.5/325 mg tablet is unaccounted for. Three (3) medical records at Siloam Springs Health and Rehab were reviewed by the investigator with dates between February 9, 2021, to February 24, 2021. A total of 15 mg of oxycodone, 7.5 mg of hydrocodone, and 1 mg of clonazepam is unaccounted for. After Respondent was terminated from Siloam Springs Health and Rehab, she was subsequently employed by Concordia Nursing and Rehab on March 24, 2021. Respondent was terminated in July of 2021 after an Office of Long-Term Care investigation had been turned in on Respondent. Three (3) medical records at Concordia Nursing and Rehab were reviewed by the investigator with dates between April 8, 2021, to May 31, 2021. A total of 90 mg hydrocodone, 56 mg hydromorphone, and 210 mg oxycodone is unaccounted for. On July 13, 2022, Respondent's nursing license was summarily suspended by the Arkansas State Board of Nursing, after the Board determined that the continued practice by the Respondent will create an immediate hazard to the public. A hearing is being set, as outlined below, for the Respondent and Board staff to make a full evidentiary presentation, and for the Board to consider whether continued suspension, revocation, or other action is warranted in order to protect the public.

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 **BRITTANY MARIE WILLIAMS, LICENSE NO. L055079 (EXPIRED)**, has been charged with a violation of Ark. Code

ASBN MINUTES

September 7, 2022

Page 6

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 \$5,688.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence within six (6) months of successful completion of the Board approved courses: *Substance Abuse Bundle* and *The Nurse and Professional Behaviors*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall provide evidence of a comprehensive assessment for substance use disorder within thirty (30) days of receipt of this Order. Acceptable evidence shall consist of an evaluation with appropriate testing by a Board approved evaluator. Respondent shall supply a copy of the Board's Order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall ensure the evaluator sends the report directly to the Board at ASBN.monitoring@arkansas.gov.
- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend three (3) meetings per week until the Board receives the evaluation report with the evaluator's recommendations regarding meeting attendance.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment [less than three (3) weeks] with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month 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.

ASBN MINUTES

September 7, 2022

Page 7

Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.

- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure 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.

ASBN MINUTES

September 7, 2022

Page 8

- 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

KEELEY TEDDER, LICENSE NO. L059294 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, Nick Shull, Pharmacy Services, and Yolanda Tipton, Dierks Health and Rehab, provided testimony on behalf of the Board. Respondent held License #L059294 from August 25, 2017 to December 31, 2021 since which time it was expired. ASBN opened an investigation after receiving a complaint from the Office of Long Term Care on September 14, 2020, reporting in part Respondent was documenting administration of hydrocodone daily to Resident JM at Dierks Health and Rehabilitation, Dierks, Arkansas. The resident denied taking any pain medication. After a review of documentation between July 20, 2020 and August 23, 2020, a total of 20 mg of oxycodone was unaccounted for and 135mg of hydrocodone was unaccounted for. Dierks Nursing and Rehab ordered a for-cause drug screen on the Respondent which was subsequently provided to ASBN. An image of the test was provided. The facility did not obtain a professional drug screen with quantitative results; however, the test did have positive results for opioids and benzodiazepines. Respondent was terminated on August 23, 2020. ASBN 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 December 12, 2021. The certified letter was signed for by Respondent on November 17, 2021. The message sent through the portal was not viewed until March 31, 2022. ASBN staff notified Respondent via the ASBN Nurse Portal her case was forwarded for hearing as she failed to provide the required evaluation. Respondent was also given the opportunity to voluntary surrender and a voluntary surrender form was sent. Respondent viewed the message on March 31, 2022, at 08:42am and responded she would send the voluntary surrender form to Board staff. The Board has not received a signed voluntary surrender form or an evaluation to date.

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 **KEELEY TEDDER, LICENSE NO. L059294 (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 \$4,238.00, 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: *The Nurse and Professional Behaviors* and *Substance Abuse Bundle*. 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

ASBN MINUTES

September 7, 2022

Page 9

ensure the evaluator sends the report directly to the Board at ASBN.monitoring@arkansas.gov.

- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend three (3) meetings per week until the Board receives the evaluation report with the evaluator's recommendations regarding meeting attendance.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment [less than three (3) weeks] with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month 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.

ASBN MINUTES

September 7, 2022

Page 10

- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure 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 Jasper Fultz.

PASSED

Sue Tedford discussed the research study NCSBN is conducting on the effectiveness of ATD programs. She would like Arkansas to participate in the study. Arkansas' program meets all of the standard structure criteria except for the frequency of drug testing. We currently test all individuals being monitored, ATD and discipline, 20 times each year. NCSBN would like all participating states to test 24 times each year.

MOTION: I MOVE all drug testing be increased to 24 times a year (12 large and 12 small panels)

Brought by Jasper Fultz and seconded by Janice Ivers.

PASSED

ASBN MINUTES

September 7, 2022

Page 11

Sue Tedford discussed the grant funding between the Arkansas Department of Health-Board of Nursing and the Arkansas Center for Nursing, INC is up for renewal.

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Grant Agreement (Grant Contract Number: ASBN2023-001) between the Arkansas Department of Health-Board of Nursing and the Arkansas Center for Nursing, INC.

Brought by Lance Lindow and seconded by Stacie Hipp.

PASSED

The meeting recessed for lunch at 12:03 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:05 p.m. A flexible agenda was approved.

JESSE HOWARD JAMES, LICENSE NO. L056368 (EXPIRED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, RN, 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) and pleads guilty to the charges. The Board received a letter written on February 5, 2020, by Melissa Cherry, RN, Director of Nursing at WellPath / Arkansas Department of Corrections at Wrightsville Hawkins Unit in Little Rock, Arkansas. Ms. Cherry reported that Respondent tested positive for THC during an investigation where several employees were drug screened. Respondent's employment history with Wellpath / Arkansas Department of Corrections includes: On February 21, 2015, Respondent was hired; On February 16, 2018, Respondent received a written warning due to giving medication supplied for one (1) inmate to another inmate; On February 16, 2018, Respondent received a final warning due to violating computer use policies; On March 9, 2018, Respondent received a final warning due to failure to follow procedure for maintaining sick call records; On January 25, 2021, after completing pill call, an RN noted twenty (20) missing stock hydrocodone. Discrepancies were found involving hydrocodone and possible diversion was suspected at the unit. Another RN was suspended pending termination due to drug diversion. All staff who had access to the controlled substances were drug screened, including Respondent; On January 26, 2020, Respondent submitted to a urine drug screen, which was reported as positive for THC; and on February 4, 2019, Respondent's employment was terminated due to positive drug test of THC. Upon request of Board staff, Respondent was evaluated by George M. DeRoeck, Psy.D. on May 13, 2022. Dr. DeRoeck's report indicates that Respondent was "not in a position at this point to be involved in nursing." Dr. DeRoeck recommended certain actions prior to Respondent's safe return to the practice of nursing. This includes individualized counseling, substance abuse counseling, a letter from the treating physician/psychiatrist regarding the capacity to safely return to nursing, and monitoring and random drug screens after returning to practice of nursing. Respondent has not responded to the Board staff's attempts to communicate after receiving the report from Dr. DeRoeck. On July 14, 2022, Respondent's nursing license was summarily suspended by the Arkansas State Board of Nursing, after the Board determined that the continued practice by the Respondent will create an immediate hazard to the public. A hearing is being set, as outlined below, for the Respondent and Board staff to make a full evidentiary presentation, and for the Board to consider whether continued suspension, revocation, or other action is warranted in order to protect the public.

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 **JESSE HOWARD JAMES, LICENSE NO. L056368 (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 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 \$1,575.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty

ASBN MINUTES

September 7, 2022

Page 12

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: *From Stress to "De-stress" with Stress Management*, *Substance Abuse Bundle*, and *The Nurse and Professional Behaviors*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend at least three (3) AA/NA or other Board approved support group meetings a week during the period of suspension and / or probation.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the Treatment Provider Report quarterly via the Board approved monitoring program until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this Order.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment [less than three (3) weeks] with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.

ASBN MINUTES

September 7, 2022

Page 13

- 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 one (1) year shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure 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.
- Respondent shall submit within no more than thirty (30) days prior to reinstatement to probation, a safe-to-practice letter from his or her mental health provider.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

DAWN JANAE SCHROEDER GLAZE, LICENSE NO. R097012 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Shannon Loyd, BSN, RN, Pharmacy Services, provided testimony on behalf of the Board. On July 15, 2019, Respondent began her travel assignment for Advanced Travel Nursing at Saline Memorial Hospital. In October 2019, the hospital noted that Respondent was above the standard deviation for the month of September 2019 on the Narcotic Dispensing Practice Report from the Omnicell and there was a count discrepancy. The hospital requested a urine drug screen. Respondent's urine drug screen was positive for amphetamines, cannabinoids and fentanyl. Respondent's employment was terminated from Saline Memorial for "Positive drug screen result" and "No Call/No Show on October 9, 2019". Respondent is not eligible for rehire. On December 20, 2020, Respondent began her employment with Timberlane Health and Rehabilitation, El Dorado, Arkansas. Respondent quit employment with Timberlane Health and Rehabilitation on May 9, 2019, without notice. Respondent is not eligible for rehire. Five (5) medical records were reviewed from Timberlane Health and Rehabilitation from March 1, 2021, through May 8, 2021. A total of 10mg of hydrocodone is unaccounted for. Respondent reported to an investigator for the Board that she had some issues she had not been dealing with and she took narcotics to get through the pain, but she was now in a good place. Respondent also stated because of her Post Traumatic Stress Disorder she had a marijuana card from the state of Arkansas and her drug screen would be positive for marijuana. On June 3, 2021, two (2) investigators traveled to Timberlane Health and Rehabilitation, El Dorado, Arkansas to retrieve patient records and to administer an observed urine drug screen with Respondent. The result of Respondent's urine drug screen was positive for diphenhydramine 199ng/ml and marijuana metabolites >1,500ng/ml. Pharmacy records were obtained of all controlled substance activity for Respondent, from three (3) providers and five (5) pharmacies in three (3) cities, between the dates of April 28, 2019, through April 28, 2021. The records indicate the following prescriptions: Four (4) prescriptions for tramadol 50mg, for a total of one hundred-ten (110) tablets, last filled on 08/20/2019; One (1) prescription for oxycodone/acetaminophen 5/325mg, for a total of fifteen (15) tablets, filled on 02/06/2020; One (1) prescription for acetaminophen-codeine #3, for a total of twenty (20) tablets, filled on 02/10/2020; One (1) prescription for lorazepam 1mg tablet, for a total of twenty (20) tablets, filled on 01/21/2020; and Two (2) prescriptions for oxycodone 10mg, for a total of forty (40) tablets, last filled on 11/12/2019. On November 23, 2019, Respondent sent a message through the ASBN Nurse Portal and denied using fentanyl or methamphetamines. She reported she did try marijuana on her 40th birthday with a friend celebrating her 50th birthday. 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 August 7, 2021. Respondent failed to provide the evaluation. She requested a voluntary surrender form. Respondent has not had any contact with Board staff, nor has she provided the required evaluation or signed voluntary surrender form.

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 **DAWN JANAE SCHROEDER GLAZE, LICENSE NO. R097012 (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 \$4,632.00, 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: *The Nurse and Professional Behaviors*, and *Substance Abuse Bundle*. Respondent shall submit the certificates of completion via the Board approved monitoring program.

ASBN MINUTES

September 7, 2022

Page 15

- 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 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 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.

ASBN MINUTES

September 7, 2022

Page 16

- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure 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

ASBN MINUTES

September 7, 2022

Page 17

KALEB ISACC WILSON FOUNTAIN, LICENSE NO. L057981 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Janet Simpson, MSN, RNP, RNC-MNN, and Shannon Loyd, BSN, RN, Pharmacy Services, provided testimony on behalf of the Board. An investigation was initiated after the Board received a complaint from Respondent's former employer, White River Medical Center in Batesville. The complaint stated medication errors occurred with four (4) of Respondent's patients on August 25, 2019 and that because of reckless practice patterns, Respondent was reported to the Board. Respondent began his employment with White River Medical Center on March 19, 2019. On August 28, 2019, the facility reviewed medication errors that affected four (4) patients during Respondent's shift on August 25, 2019. For patient B.T., medications were charted by Respondent as given. The patient's nicotine patch was dated August 24, 2019, and the patient verified that he had not received his Lovenox shot; for patient C.U., another nurse went to hang the patient's IV antibiotics. The nurse found meropenem on the pole, not spiked, not given; for patient H.M., another nurse went to hang the patient's IV antibiotics. The nurse found Levaquin on the pole, not spiked, not given; for patient D.T., other staff went to remove fentanyl patches during post-mortem care and found old patches from August 22, 2019, on the patient's back, as well as patches placed on August 25, 2019. Respondent charted that the old patches had been removed, but they had not been removed. On August 26, 2019, the Nurse-Manager contacted Respondent to schedule a meeting. Respondent decided to resign instead. On August 26, 2019, Respondent's employment with White River Medical Center was terminated because he resigned during the disciplinary process. Respondent is not eligible for rehire. On January 20, 2020, Respondent was terminated from a previous employer, Walnut Ridge Nursing and Rehabilitation. Respondent was hired on January 14, 2020. During the few days of employment there were complaints of missing narcotics, irregular attendance, and failure to properly administer medications. Respondent was terminated for failing to submit to a drug screen, and not giving an explanation for the missing narcotics. A review of one patient's chart indicated that 7.5mg of hydrocodone was unaccounted for. Respondent worked on two (2) occasions for another previous employer, Cavalier Healthcare. He began his second employment on December 27, 2017. On October 5, 2018, Respondent received counseling regarding work attendance and communication. On October 8, 2018, Respondent resigned without notice and is not eligible for rehire. On February 14, 2022, Board staff sent a letter to Respondent via certified mail to Respondent's last known address on file with the Board, and the ASBN Nurse Portal, requesting an addiction evaluation by March 15, 2022. Respondent has not viewed the portal message and the certified letter was returned to the Board on February 22, 2022, marked by the USPS as Return to Sender/Vacant/Unable to Forward. Board staff also attempted to contact Respondent by phone on February 25, 2022. The call was not answered, the voicemail was full, and a message could not be left. On May 3, 2022, Board staff sent a letter to Respondent via the portal and USPS First Class Mail, notifying him the Board has not received his evaluation and his case was forwarded to hearing. Respondent has not viewed the letter in the portal and the letter sent by USPS was returned on May 18, 2022, marked Return to Sender/Not Deliverable as Addressed/Unable to Forward. 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 **KALEB ISACC WILSON FOUNTAIN, LICENSE NO. L057981 (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 \$4,700.00, 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,*

ASBN MINUTES

September 7, 2022

Page 18

and *Documentation for Nurses*. Respondent shall submit the certificates of completion via the Board approved monitoring program.

- Respondent shall provide evidence of a comprehensive assessment for substance use disorder within thirty (30) days of receipt of this Order. Acceptable evidence shall consist of an evaluation with appropriate testing by a Board approved evaluator. Respondent shall supply a copy of the Board's Order to the evaluator. The evaluation shall contain evidence that the evaluator knows the reason for the referral. The evaluator shall specifically advise the Board that the nurse is or is not presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent shall ensure the evaluator sends the report directly to the Board at ASBN.monitoring@arkansas.gov.
- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend three (3) meetings per week until the Board receives the evaluation report with the evaluator's recommendations regarding meeting attendance.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment [less than three (3) weeks] with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month 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.

ASBN MINUTES

September 7, 2022

Page 19

- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure 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

ASBN MINUTES

September 7, 2022

Page 20

After discussion, the following Motions were presented to the Board.

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

Practice Applicant:

Change the disbursement amount of the scholarship from \$2,000.00 to \$1,000.00 payable to the University of Arkansas at Fayetteville on behalf of Cierra Lenderman.

Brought by Lance Lindow and Seconded by Stacie Hipp.

PASSED

There being no further business, the meeting adjourned at 4:22 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary

10-12-2022

Date Approved