



Arkansas Department of Health

Arkansas State Board of Nursing
1123 S. University Ave., #800 • Little Rock, Arkansas 72204 • (501) 686-2700 • Fax (501) 686-2714
Governor Sarah Huckabee Sanders
Renee Mallory, RN, BSN, Interim Secretary of Health
Jennifer A. Dillaha, MD, Director
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: April 6, 2023
Board Conference Room

MEMBERS PRESENT: Lance Lindow, RN; Neldia Dycus, BS, MHSM, MHRD, RN; Janice Ivers, MSN, RN, CNE; Stacie Hipp, APRN, MSN; Leslie Harmon Branman, BSN, RN, CPSN, CANS; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Ramonda Housh, MNSc, APRN, CNP, C-PNP; Lynne Ritchie, BS, RDH; Haley Strunk, LPN

MEMBERS ABSENT:

STAFF ATTENDING AT VARIOUS TIMES: Sue A. Tedford, Director, MNSc, APRN
David Dawson, General Counsel
Kim Hooks, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director, MNSc, RN, CNE
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Lisa Wooten, Assistant Director, MPH, BSN, RN
Janet Simpson, Program Coordinator, MSN, RNP, RNC-MNN
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Albert Williams, Information Systems Coordinator
Udell Ward Jr., Regulatory Board Chief Investigator
Leslie Suggs, Executive Assistant to the Director
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist

Guests: Renee Holt, Law Student Observing
Mary Kennebrew, Office of Attorney General

President Lance Lindow called the meeting to order at 8:32 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

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

CARMILO JOVAN VANNUCCI, LICENSE NO. R086652 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Udell Ward, Jr., Regulatory Board Chief Investigator, and Nick Shull, Pharm.D., Pharmacy Services, provided testimony on behalf of the Board. An investigation was initiated after the Board received a complaint from Jamestown Nursing and Rehabilitation in Rogers, Arkansas, alleging that Respondent was suspected of diverting narcotics. Respondent was signing out PRN medications more frequently than other nurses. It was believed that Respondent was signing out medications and not giving them to

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the residents. Respondent was called and asked to come to the facility for an interview and he did not show to be interviewed. Respondent was hired at Jamestown Nursing and Rehabilitation in Rogers in September of 2019. On November 23, 2019, Respondent was given a written warning; documentation indicates Respondent had a urine analysis passed to him in report and did not collect or complete the assignment before leaving the facility. On February 11, 2020, Respondent's employment was terminated due to medication administration errors. On November 26, 2019, the physician ordered oxycodone 5mg every four (4) hours as needed for pain for Patient-NR. According to the Medication Administration Record (MAR), Respondent administered seventy-one (71) oxycodone 5mg tablets to Patient-NR from November 26, 2019, to February 9, 2020. In the same time frame, other nurses administered a total of nine (9) oxycodone 5mg tablets to Patient-NR. Respondent is the only nurse to administer oxycodone 5mg to Patient-NR from December 6, 2019, to February 9, 2020. Respondent administered sixty-six (66) oxycodone 5mg tablets to Patient-NR in that time frame. An Office of Long Term Care report notes that when asked, Patient-NR stated that she had not received any PRN oxycodone from Respondent since early December 2019. The investigator reviewed five (5) medical records for patients under Respondent's care at Jamestown Nursing and Rehabilitation. A total of 0.5mg of clonazepam is unaccounted for, a total of 15mg of hydrocodone is unaccounted for, and a total of 150mg of tramadol is unaccounted for. Respondent is also noted as administering a higher percentage of PRN narcotics than other nurses during the same time period. Respondent's controlled substance prescriptions, as dispensed by seven (7) pharmacies from April 8, 2018, to April 8, 2020, include: twenty-five (25) prescriptions of dextroamphetamine/amphetamine 20mg, which totaled two thousand one hundred sixty (2,160) tablets, last filled on April 6, 2020; One (1) prescription of phentermine 37.5mg, which totaled thirty (30) tablets, filled on August 6, 2019; three (3) prescriptions of temazepam 30mg, which totaled ninety (90) capsules, last filled on November 2, 2019; and twenty-four (24) prescriptions of zolpidem 10mg, which totaled seven hundred twenty (720) tablets, last filled on April 7, 2020. Respondent's employment history includes employment with CHI St. Vincent – Hot Springs beginning September 15, 2016. Respondent's employment was terminated on May 1, 2017, for past behavior, unimproved job performance, and the investigation outcome of a March 2017 patient complaint involving assault and falsified documentation. Respondent was hired by Vantage Point Behavioral Health Hospital in Fayetteville in July of 2017. Respondent's employment was terminated on September 17, 2018, with documentation noting, vital signs not taken on patients who were detoxing, history of not charting, not responding to calls to return to chart or to come in to chart, not following directions to see ADON to follow-up on charting, and repeatedly being late and sometimes missing from work. On January 4, 2021, Board staff sent a letter to Respondent requesting an addictive evaluation. On June 3, 2021, staff received an evaluation report from Dr. George DeRoeck. Dr. DeRoeck's impressions include Specified Bipolar Disorder and Alcohol Use Disorder – moderate to severe. Dr. DeRoeck recommended discontinuation of Adderall and possible replacement with tension/anxiety medication; random drug screens inclusive of alcohol; individualized counseling, and employment supervisory monitoring regarding professionalism and capacity to interact effectively with staff/patients/supervisors. On June 8, 2021, Board staff sent a message via the nurse portal to Respondent advising him that he needed to complete a new criminal background check as part of this investigation. The message contained instructions on how to accomplish this. The message also instructed Respondent to provide an explanation regarding "any and all arrests and/or convictions that have occurred since 2010". Respondent was also instructed to provide his medical records from Dr. Palmer and from the Tele-Doc Provider. Respondent viewed this message on July 31, 2021. On August 24, 2021, Board staff sent a message to Respondent via the nurse portal in which he was advised that his case was going to be referred for a hearing due to his lack of response. Respondent has not read this message nor has the Respondent complied with any of the additional requests outlined in the June 8, 2021, nurse portal message.

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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 **CARMILO JOVAN VANNUCCI, LICENSE NO. R086652 (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 \$4,450.00, 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*, *Documentation For Nurses*, and *Substance Abuse Bundle*. 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 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 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 within the time period and manner designated by the remote urine drug screen 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.

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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 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.

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- 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 Melanie Garner and seconded by Lynne Ritchie.

PASSED

ANTONY NDONYE, LICENSE NO. L047119

Respondent was not present for the proceedings before the Board and was not represented by counsel. Janet Simpson, MSN, RNP, RNC-MNN, and Rhonda Mayo, RN, Investigator, provided testimony on behalf of the Board. An investigation was initiated after the Board received three (3) founded reports of patient exploitation by Respondent, issued on May 20, 2021, by Office of Long Term Care (OLTC), Division of Provider Services and Quality Assurance. The incidents occurred March 25, 2020, at Salem Place Nursing and Rehabilitation (Salem Place) in Conway, Arkansas. Facility reports indicate that on March 25, 2020, when surrendering discontinued medications, the Assistant Director of Nursing (ADON), observed multiple folded pages and blank outer pages in the narcotic book. Additionally, the discontinued medication cards could not be located. Missing narcotics from January 1, 2020, through March 16, 2020, as reported to Pharmacy Services from six (6) different patients, included a total of oxycodone - 655mg; Norco 5/325mg - 715mg; and hydrocodone - 70 mg. A review for a pattern of diversion was conducted by the facility and Respondent's activity was observed on video. Respondent was observed completing medication passes to patient-SD prior to signing out the medication. An initial audit indicated there were twenty-eight (28) Norco tablets missing for patient-SD. During February and March 2020, Respondent's signature was repeatedly shown in the narcotic book for removing Norco for patient-SD, however, he failed to document the Norco in the patient's Medication Administration Record (MAR). Respondent signed out Norco every time he cared for patient-SD during the timeframe of February 5, 2020, to March 5, 2020. Nursing documentation shows shifts where Respondent failed to document nursing notes related to pain, for patient-S.D. on the shifts where he pulled Norco tablets. On March 26, 2020, the ADON informed Respondent he had signed out narcotics and failed to document in the MAR. Respondent was suspended pending further investigation. The employer instructed Respondent to obtain a mandatory rapid drug screen. Respondent stated he did not have a ride to the testing site. The testing site was within five (5) minutes of Respondent's home. Respondent failed to obtain a rapid drug screen. On March 30, 2020, Respondent was terminated from Salem Place for insubordination. Board staff have attempted to contact Respondent using the last phone number on file, the last address on file, the previous address on file, and the nurse portal, to request that Respondent provide a response to the investigation and provide an addictive evaluation. Board staff obtained another address for Respondent by using a skip tracing service, in an additional attempted to contact Respondent. Respondent has not returned phone calls, emails or viewed any nurse portal messages. All six (6) letters have been returned, marked Return to Sender/Unclaimed/Unable to Forward or Not Deliverable as Addressed. The Arkansas State Board of Nursing *Rules*, Chapter Two, Section X, B., states, "A licensee, whose address changes from the address on file with the Board shall immediately notify the Board in writing of the change." Respondent has failed to notify the Board of his address change as required by Board Rule and has failed to respond to the nurse portal messages and telephone calls.

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 **ANTONY NDONYE, LICENSE NO. L047119**, 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 \$4,475.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty

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- 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*, *Substance Abuse Bundle* 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 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 within 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 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 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

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limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Leslie Harmon Branman and seconded by Neldia Dycus.

PASSED

TODD HAMMOND MORROW, LICENSE NO. L034169 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, Penny Summers, RN, Investigator, Pharmacy Services, and Terry Kuykendall, Investigator, provided testimony on behalf of the Board. Respondent has a previous disciplinary history with the Board. He entered into a consent agreement with the Board on January 13, 1999, for probation for one (1) year for violation of A.C.A. 17-87-309(a)(4) and (a)(6) after testing positive for marijuana on an employer's drug screen. Respondent cleared the probation on January 13, 2000. Respondent's license was suspended for one (1) year on October 12, 2016, for violation of A.C.A. 17-87-309(a)(6) and (a)(9). Respondent did not appear for the hearing and was ordered to obtain a psychological evaluation before reinstatement to probation. The evaluation was obtained, and Respondent entered into a reinstatement consent agreement for one (1) year on April 15, 2020. The probation was cleared on April 20, 2021. The Board received two (2) new complaints regarding Respondent. The first complaint indicates on April 30, 2021, Respondent submitted to a for cause drug screen due to his erratic behavior at Alma Nursing and Rehabilitation. The test was positive for amphetamine at >1000ng/mL and methamphetamine at >1000ng/mL. Respondent disputed the results indicating he was taking multiple over the counter medications including Nyquil, Sudafed, loratadine, albuterol, sertraline and amlodipine and the collector, Vicki McFadden, DON, stated she did not know how to read the results. A second screen was obtained on May 4, 2021, and the results were reported as positive for amphetamine at >1000ng/mL and methamphetamine at >1000ng/mL. Respondent was terminated on May 10, 2021. The second complaint dated September 12, 2022, alleged Respondent was witnessed having erratic behavior at work including sweating profusely, talking very fast, interrupting workflow, leaving work for over an hour at times, most recently during a code blue, fixates on a topic and talks repeatedly but mostly incoherently. Two (2) investigators for the Board presented to Respondent's employer, Covington Court Health and Rehabilitation Center in Fort Smith, AR to discuss the allegations and obtain a drug screen. Respondent refused to submit to the urine drug screen and stated he was not going to take the drug test and lose his license because he was taking Klonopin without a prescription. He further stated he obtains the Klonopin from his daughter, he is diagnosed with Bipolar and Borderline Personality Disorder, and he cannot find a doctor to prescribe him Xanax. Monica Matney, Director of Nursing, reported to the investigator she reviewed all medications and counts were correct. DON Matney failed to provide the Investigator with documents of the medication review. Investigator Summers and Pharmacy Services Section Chief, Shane David, presented on September 28, 2022, to Covington Court Health and Rehab to obtain medical records for review and met with Facility Director Gomez. Director Gomez indicated Respondent was placed on leave from September 4, 2022, to September 15, 2022 after he reported he was having some mental health issues and needed to get his medication adjusted. Ten (10) medical records were reviewed by the investigator with dates between September 1, 2022, to September 28, 2022. A total of 30mg of oxycodone and 4mg of lorazepam is unaccounted for. Multiple attempts have been made by Board staff by phone, email and the Nurse Portal to discuss the investigation findings. Respondent has not communicated with the Board. On November 16, 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 copy of the Order and Notice of Summary Suspension was sent via certified mail to his last known address on file with the Board. The USPS tracking report indicated that the Order and Notice of Summary Suspension was delivered to Respondent on November 29, 2022. A hearing was scheduled for Wednesday, January 4, 2023, for 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 on Respondent's nursing license. Respondent contacted Board staff on December 31, 2022 and requested that the hearing be rescheduled because Respondent had been exposed to COVID and was unable to

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attend. 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 on Respondent's nursing license, and whether Respondent should be fined pursuant to Ark. Code Ann. § 17-87-104(b)(1).

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 **TODD HAMMOND MORROW, LICENSE NO. L034169 (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 three (3) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$4,097.00, 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 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 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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- 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 within 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 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 verification of termination of the suspension period and a hearing to appear before Board by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- 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 Lynne Ritchie and seconded by Ramonda Housh.

PASSED

The meeting recessed for lunch at 12:00 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.

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The Board heard a presentation from Gavin Jones, Ph.D., Pharm.D., MHA, BCPS, BCCCP, University of Arkansas for Medical Sciences, about the uses of Ketamine.

Sue Tedford spoke to the Board about the following items:

- Legislation in progress
- NOAP study
- Operation Nightingale

Sue Tedford spoke to the Board about the Nurse Licensure Compact revising the rules to clean up language.

There being no further business, the meeting adjourned at 2:04 pm.

Lance K. Lindow RN

Lance Lindow, President

Mindy Darner

Mindy Darner, Recording Secretary

5/18/2023

Date Approved