



Arkansas Department of Health

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

BOARD MEETING MINUTES

TIME AND PLACE:	July 14, 2022 Board Conference Room
MEMBERS PRESENT:	Lance Lindow, RN; Neldia Dycus, BS, MHSM, MHRD, RN; Janice Ivers, MSN, RN, CNE; Stacie Hipp, APRN, MSN; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Ramonda Housh, MNsc, APRN, CNP, C-PNP
MEMBERS ABSENT:	None
STAFF ATTENDING AT VARIOUS TIMES:	Sue A. Tedford, Director, MNsc, APRN David Dawson, General Counsel Ashley Fisher, Attorney Specialist Lisa Wooten, Assistant Director, MPH, BSN, RN Karen McCumpsey, Assistant Director, MNsc, RN, CNE Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC Kim Hooks, Assistant Director, MPH, BSN, RN Janet Simpson, Program Coordinator, MSN, RNP, RNC-MNN Tammy Vaughn, Program Coordinator, MSN, RN, CNE Leslie Suggs, Executive Assistant to the Director Albert Williams, Information Systems Coordinator Mindy Darner, Legal Support Specialist Corrie Edge, Administrative Analyst
GUESTS ATTENDING:	Mary Kennebrew, Office of Attorney General

President Lance Lindow called the meeting to order at 8:36 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.

SHANNON WADE SMITH RODGERS, LICENSE NO. R055371

Respondent was present for the proceedings before the Board and was represented by counsel. Janet Simpson, MSN, RNP, RNC-MNN, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. §17-87-309(a)(6) and pleads guilty to the charges. On May 21, 2020, the Board issued a Letter of Reprimand with stipulations on Respondent's RN License. Respondent was ordered to submit evidence of course completion within six (6) months, November 21, 2020, of the following courses: *The Nurse and Professional Behaviors* and *Sharpening Critical Thinking Skills*. The Letter of Reprimand was sent by regular and certified mail to Respondent's last known address on file with the Board and it was received by Respondent on May 24, 2020. On July 27, 2021, Respondent was sent a letter via regular mail and the ASBN Nurse Portal reminding her to submit the course completion certificates by July 31, 2021. The Portal message was viewed by Respondent on July 30, 2021.

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Respondent replied and attached the *Sharpening Critical Thinking Skills* course completion certificate. Respondent stated the *Nurse and Professional Behaviors* course is incomplete. On February 2, 2022, Respondent was sent a letter via the ASBN Nurse Portal with notification to submit a course completion certificate for the remaining course by February 15, 2022, or she would be scheduled for a hearing before the Board for noncompliance. Respondent has not communicated with Board staff and has not provided a course completion certificate for the *Nurse and Professional Behaviors* course.

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 **SHANNON WADE SMITH RODGERS, LICENSE NO. R055371**, has been charged with a violation of Ark. Code Ann. §17-87-309(a)(6) and the ASBN Rules, Chapter 7, Section IV, (A)(6)(t) and that Respondent's license and privilege to practice as a nurse be suspended if the course, *The Nurse and Professional Behavior* is not completed by October 15, 2022.

Brought by Janice Ivers and seconded by Stacie Hipp.

PASSED

JESSE HOWARD JAMES, LICENSE NO. L056368

Respondent was not present for the proceedings before the Board and was not represented by counsel. Ashley Fisher, Attorney Specialist, presented evidence to the Board for summary suspension. Written notice of the suspension is hereby provided pursuant to ASBN Rules, Chapter Seven, Section II, B. 3. a. (3) 3. The evidence indicates that Licensee, Jesse Howard James, is in violation of the *Nurse Practice Act*, A.C.A. § 17-87-309(a)(6). The Board has sufficient evidence which, if not rebutted or explained, will justify revocation or continued suspension or probation of the license of Jesse Howard James. The general nature of the evidence against Licensee is as follows: The Board received a complaint regarding Respondent who submitted to a urine drug screen which tested positive for marijuana metabolite at 284ng/ml. As a result, Respondent was sent for an addictive evaluation where he was found to be unsafe to practice by the evaluator. Based upon the evidence indicated, the Board has determined that the continuation of the practice of Nursing by Licensee Jesse Howard James will create an immediate hazard to the public. The Board has therefore suspended the license of Jesse Howard James effective as of the date this Notice and Order of Suspension is served. The Board will set an immediate hearing for a full evidentiary presentation by the Licensee and the Board.

MOTION: I MOVE that the Arkansas State Board of Nursing summarily suspend the license of **Jesse Howard James, Arkansas Licensed Practical Nurse License #L056368**. The Board declares an emergency and states Respondent is a threat to the health, safety, and welfare of the citizens of Arkansas. A hearing will be promptly scheduled for the Board's next regular hearing date, to consider and determine revocation or other action.

Brought by Lance Lindow and seconded by Stacie Hipp.

PASSED

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

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

Anderson, Seth M R067789, L035963

(Little Rock, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309 (a)(2), (a)(4), (a)(6)
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4) and (A)(6)(o) and (p)
Probation – 5 years, reinstatement
Courses – *Substance Abuse Bundle*, Board-approved refresher course
Civil Penalty - \$3,750.00

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- Baxter, Aaron Arthur A005848, R092943** (Conway, AR)
Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(4), (a)(6) Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4) and (A)(6)(p)*
Probation – 2 years
Courses – *Substance Abuse Bundle*
- Crews, Katie L Stout R103955** (Cave City, AR)
Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4), (a)(6) Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4) and (A)(6)(b), (c), (d), (e) and (p)*
Probation – 3 years, reinstatement
Courses – *Substance Abuse Bundle, The Nurse And Professional Behaviors*
Civil Penalty - \$2,250.00
- Fennell, Courtney Nicole Oliver R094422** (Vilonia, AR)
Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(4), (a)(6) Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4) and (A)(6)(c), (d), (e), and (p)*
Probation – 3 years, reinstatement
Courses – *Substance Abuse Bundle*
Civil Penalty - \$2,250.00
- Hazelwood, Brittany Nicole Hazelwood McCoy R092239, L047936** (El Dorado, AR)
Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(4) and (a)(6), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4) and (A)(6)(b), (c), (i) and (p)*
Probation – 5 years, probation
Courses – *Substance Abuse Bundle, The Nurse And Professional Behaviors*
Civil Penalty - \$3,500.00
- Jacobs-Plummer, Keashia Dawn R063644** (McCrary, AR)
Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309 (a)(6), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(4) and (A)(6)(c), (d), (p) and (t)*
Probation – 5 years, probation
Courses – *Substance Abuse Bundle, The Nurse and Professional Behaviors*
Civil Penalty - \$3,750.00

Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

MELANIE MICHELLE FRYER, LICENSE NO. L038899

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, Penny Summers, RN, Pharmacy Services, and Doris Woodson, BSN, Unit Supervisor at Sherwood Nursing and Rehab, provided testimony on behalf of the Board. Respondent was hired on December 1, 2015 by Somerset Senior Living at Premier. After reports of potential diversion by Respondent, Somerset requested that Respondent go to the facility for a drug screen on April 23, 2021. Respondent did not show. Six (6) medical records were reviewed at this facility and a total of 70mg of oxycodone was unaccounted for and a total of 140mg of hydrocodone was unaccounted for. Respondent was hired by The Springs of Chenal on April 30, 2021. On August 2, 2021, it was discovered that there were 640mg of oxycodone missing and 100mg of tramadol missing based upon Respondent's controlled substance activity from July 1, 2021 to August 2, 2021. When interviewed, Respondent admitted that Respondent had an addiction to opioids and advised that the addiction would account for all of the missing narcotics. Respondent was suspended pending investigation. Respondent was terminated on October 4, 2021. Three (3) medical records were reviewed at this facility which revealed a total of 3,489mg of oxycodone unaccounted for. 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 April 4, 2022. The certified letter was returned on March 29, 2022, marked by the United States Postal Service (USPS) "Return to Sender / Unclaimed / Unable to Forward." The message sent through the portal has not been viewed. ASBN staff sent a letter via the ASBN Nurse Portal and certified mail to Respondent's last known mailing address on

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file with the Board notifying Respondent her case was forwarded for hearing as she failed to provide the required evaluation or contact ASBN staff. The certified letter was returned on May 4, 2022, marked by the USPS "Return to Sender / Unclaimed / Unable to Forward." The message sent through the portal has not been viewed. As of the date of this report, Respondent has not had any contact with ASBN staff.

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 **MELANIE MICHELLE FRYER, LICENSE NO. L038899**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6), and that Respondent's license and privilege to practice as a nurse be suspended two (2) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$5,065.00, 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 Use 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 appropriate documentation (i.e. short-term waiver, medical record documentation, etc.). Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month

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following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires 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 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 be employed in critical care, in-home hospice, or home health settings.

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- 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

Tammy Vaughn reviewed the NCLEX changes that will be voted on during the NCSBN Annual Meeting in August 2022.

Jasper Fultz, presented to the Board proposed disbursement of funds from the Faith A. Fields Nursing Loan Program for the 2022 Fall Semester for review. Following discussion, the following motion was presented:

I MOVE that the Arkansas State Board of Nursing continue the disbursement of funds from the Faith A. Fields Nursing Loan Program for the 2022 Fall Semester, as Follows.

Practice Applicants:

- 1) \$2,000.00 payable to Baptist Health College on behalf of Sarah Barger;
- 2) \$2,000.00 payable to Arkansas State University on behalf of Brittany Bell;
- 3) \$2,000.00 payable to University of Arkansas at Hope on behalf of Matthew Bruce;
- 4) \$2,000.00 payable to University of Arkansas at Fayetteville on behalf of Jose Cano;
- 5) \$2,000.00 payable to Northwest Arkansas Community College on behalf of Amanda Cecil;
- 6) \$2,000.00 payable to Missouri Southern State on behalf of Ashley Cordisehi;
- 7) \$2,000.00 payable to Arkansas State University – Three Rivers on behalf of Stacy Fitzhugh;
- 8) \$2,000.00 payable to University of Arkansas at Fayetteville on behalf of Cierra Lenderman;
- 9) \$2,000.00 payable to Arkansas State University on behalf of Alyssa Rowland;
- 10) \$1,000.00 payable to University of Arkansas at Monticello on behalf of Holly Wilson;
- 11) \$2,000.00 payable to Arkansas State University – Three Rivers on behalf of Arethia Yates.

Practice Renewal Applicants:

- 1) \$1,000.00 payable to University of Arkansas at Fayetteville on behalf of Faith Boyd;
- 2) \$2,000.00 payable to University of Arkansas at Fayetteville on behalf of Raymond Cabarcas;
- 3) \$1,000.00 payable to University of Arkansas at Little Rock on behalf of Naomi Hill;
- 4) \$2,000.00 payable to Henderson State University on behalf of Keairra Jackson;
- 5) \$2,000.00 payable to University of Arkansas for Medical Sciences on behalf of Carey James, Jr.;
- 6) \$2,000.00 payable to Walden University on behalf of Shannon Morgan;

Educator Applicants:

- 1) \$4,000.00 payable to Arkansas State University on behalf of Tanya Alexander;

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- 2) \$4,000.00 payable to William Carey University on behalf of Lindsey Baertlein;
- 3) \$2,500.00 payable to Henderson State University on behalf of Erica King.

Educator Renewal Applicants:

- 1) \$4,000.00 payable to University of Central Arkansas on behalf of Karmen Goodner;
- 2) \$2,500.00 payable to Aspen University on behalf of Kristina Shelton;
- 3) \$2,500.00 payable to Aspen University on behalf of Ashley Simmons.

Brought by Jasper Fultz and seconded by The Scholarship Committee.

PASSED

Sue Tedford discussed with the Board about running a report from the Prescription Drug Monitoring Program prior to completion of probation and the ArNAP program. It was decided that it does not serve a useful purpose as a routine action.

Sue Tedford discussed with the Board the problem that some male participants in the ArNAP program are having when there is no observer at the facility that is male. It was suggested by Affinity to use a "dry room" and this option was not a satisfactory solution. Affinity will be asked to reach out to the collection facilities about allowing opposite sex observers.

There being no further business, the meeting adjourned at 11:23 pm.

Lance K. Lindow RV

Lance Lindow, President

Mindy Darnier

Mindy Darnier, Recording Secretary

9-8-22

Date Approved