



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
José R. Romero, MD, Secretary of Health
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE:	July 14, 2021 Board Conference Room
MEMBERS PRESENT:	Lance Lindow, RN; Yolanda Green, LPN; Janice Ivers, MSN, RN, CNE; Stacie Hipp, APRN; Neldia Dycus, BS, MHSM, MHRD, RN; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Ramonda Housh, MNSc, APRN, CNP, C-PNP
MEMBERS ABSENT:	Rachel Sims, BSN, RN Michael Burdine, RN
STAFF ATTENDING AT VARIOUS TIMES:	Sue A. Tedford, Director, MNSc, APRN David Dawson, JD, General Counsel Lisa Wooten, Assistant Director, MPH, BSN, RN Ashley Fisher, Attorney Specialist Aaron Singleton, Regulatory Board Chief Investigator Karen McCumpsey, Assistant Director, MNSc, RN, CNE Tonya Gierke, Assistant Director, JD, BSN, RN Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC 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 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.

STEPHANIE ANN MASON WARNER CLAYTON LATSHA BRADSHAW BASKIN, LICENSE NO R068163

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, RN, provided testimony on behalf of the Board. Respondent holds Arkansas License No. R068163. A complaint was submitted to the ASBN on November 11, 2020 by Charolette Qualls, RN, Chief Nursing Officer at Arkansas Continued Care Hospital in Jonesboro, Arkansas. Ms. Qualls reported that Respondent removed a hydrocodone tablet from the Omnicell for a patient who was absent from the facility. Respondent refused to submit to a drug screen requested by her employer and was subsequently terminated from employment. An investigator for the Board reviewed ten (10) medical records from Arkansas Continued Care Hospital, with dates ranging from October 7, 2020 to November 5, 2020. A total of 72.5mg of hydrocodone is unaccounted for, a total of 1.5mg of lorazepam is unaccounted for, a total of 3mg of morphine is unaccounted for, and a total of 25mg of oxycodone is unaccounted for. A certified letter dated February 2, 2021 was sent to Respondent

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at her last known address requesting Respondent to contact the investigator, to discuss the allegations and findings of this investigation. Respondent did not contact the investigator. On May 13, 2021, a second complaint was submitted to ASBN from the Arkansas Attorney General's Office regarding a "Founded" OLTC complaint, regarding an incident at St. Elizabeth's Place in Jonesboro, Arkansas. An investigation of this complaint is in process.

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 **STEPHANIE ANN MASON WARNER CLAYTON LATSHA BRADSHAW BASKIN, LICENSE NO R068163**, has been charged with a violation of A.C.A. §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 must pay a civil penalty of \$4388.00 plus any outstanding balance associated with previous disciplinary action.
- 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 an evaluator, who meets the Board approved criteria and specializes in addiction disorders. 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.
- Respondent shall attend AA/NA, or other Board approved counseling / 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 3 AA/NA or other Board approved support group meetings a week during the period of supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
- 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 drug screen 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 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

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substances, or their metabolites without a valid prescription. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.

- Respondent shall provide evidence within six months of successful completion of the Board approved courses: The Nurse and Professional Behaviors, Medication Documentation, and Substance Use Disorder Bundle. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall submit the Enforcement Personal Report to the Board via the Board approved monitoring program quarterly.
- 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 ensure that all reports, of Respondent and the employer, are submitted quarterly.
- 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 shall request license reinstatement to the Board via the Arkansas 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 Nursing License Application after successful completion of probation to determine if license qualifies for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Board order. Respondent shall have employer sign and submit directly to the Board the document, Employer Acknowledgement.
- Respondent shall have their employer submit directly to the Board a Performance Evaluation Report quarterly.
- Respondent shall not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
- 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.
- Respondent shall notify the Board within ten (10) days, via the Arkansas Nurse Portal, of any change, even a temporary one, in name, address, or employer.
- Respondent shall request verification of termination of the probationary period via the Arkansas Nurse Portal.
- 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

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MELODY ANN SHADRICK FULLER, LICENSE NO. L056999 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Penny Summers, RN, provided testimony on behalf of the Board. Respondent holds Arkansas License No. L056999. An investigation was prompted by three (3) Office of Long-Term Care Facility Investigative Reports submitted on March 4, 2019, by Tiffany Cottingham, RN, Director of Nursing at Siloam Springs Nursing and Rehab in Siloam Springs, Arkansas. Ms. Cottingham reported one hundred ninety-five (195) hydrocodone/APAP tablets were unaccounted for. Video surveillance footage shows Respondent removing a card of medications, tearing off the label, placing the label in the shred box and hiding the card in her clothing. A facility investigation noted that patient-CA's expired card of hydrocodone/APAP 5/325mg tablets #37 was missing from the narcotic drawer in the medication cart. Upon further investigation it was noted there was an entire page missing from the narcotic book. On March 6, 2019, Respondent's employment at Siloam Springs Nursing and Rehab was terminated. On March 12, 2020, ASBN sent a letter via the certified and regular mail to Respondent at her last known mailing address on file with the Board requesting an addictive evaluation by April 14, 2020. The certified letter was signed for by Respondent on March 19, 2020. The letter sent by regular mail was not returned. Respondent requested and was granted an extension for the evaluation to July 8, 2020. On July 7, 2020, Respondent informed ASBN staff that she did not have an addictive evaluation scheduled and that she had been placed on the Adult Maltreatment Registry for misappropriation of resident's property. On October 28, 2020, Respondent notified ASBN staff she wanted to voluntarily surrender her license. A letter and voluntary surrender form were sent to Respondent on October 29, 2020. Respondent did not return the voluntary surrender form and has not provided an addictive evaluation report, as requested by 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 **MELODY ANN SHADRICK FULLER, LICENSE NO. L056999 (EXPIRED)**, has been charged with a violation of A.C.A. §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 must pay a civil penalty of \$4,375.00 plus any outstanding balance associated with previous disciplinary action.
- 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 an evaluator, who meets the Board approved criteria and specializes in addiction disorders. 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.
- Respondent shall attend AA/NA, or other Board approved counseling / 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 supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report quarterly until discharged by the practitioner. Respondent shall log all appointments via the Board approved monitoring program. Treatment shall begin within thirty (30) days of receipt of this order.

- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
- 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 drug screen 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 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. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.
- Respondent shall provide evidence within six months of successful completion of the Board approved course(s): *The Nurse and Professional Behaviors, Substance Use Disorder Bundle, and Documentation for Nurses*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- Respondent shall submit the Enforcement Personal Report to the Board via the Board approved monitoring program quarterly.
- 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 ensure that all reports, of Respondent and the employer, are submitted quarterly.
- 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 shall request license reinstatement to the Board via the Arkansas 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 Nursing License Application after successful completion of probation to determine if license qualifies for multi-state compact status.

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- Respondent shall notify and present to each employer a copy of this Board order. Respondent shall have employer sign and submit directly to the Board the document, Employer Acknowledgement.
- Respondent shall have their employer submit directly to the Board a Performance Evaluation Report quarterly.
- Respondent shall not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
- 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.
- Respondent shall notify the Board within ten (10) days, via the Arkansas Nurse Portal, of any change, even a temporary one, in name, address, or employer.
- Respondent shall request verification of termination of the probationary period via the Arkansas Nurse Portal.
- 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 Jasper Fultz.

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:

Johnson, Terriane Marie, R0087674 (Mabelvale, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6) and (a)(9)

Probation – 3 years

Courses – Documentation for Nurses, Ethics of Nursing Practice

Civil Penalty - \$2,250.00

Larkins, Janice Lana, R092063, L046875 (Bearden, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(4) and (a)(6)

Probation – 3 years

Courses – Substance Abuse Bundle

Civil Penalty - \$2,570.00

Phillips, Angela Marie Foster Staggs Fite, R074262 (Benton, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(6)

Probation – 2 years

Courses – the Nurse and Professional Behaviors

Rouse, Tiffany, R094972 (Pine Bluff, AR)

Violation – *The Nurse Practice Act of Arkansas* ACA §17-87-309(a)(1) and (a)(6)

Probation – 2 years

Courses – Documentation for Nurses, Substance Abuse Bundle, Ethics of Nursing Practice

Civil Penalty - \$1,762.50

Brought by Janice Ivers and seconded by Stacie Hipp

PASSED

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Ashley Fisher, the Board's attorney, presented an application for prescriptive authority for **Courtney Leigh Harris**, **CNP license 216133**. The following motion was passed:

MOTION: I MOVE that the Arkansas State Board of Nursing approve the application for prescriptive authority for Courtney Leigh Harris, CNP license 216133.

Brought by Neldia Dycus and seconded by Janice Ivers

PASSED

Tammy Vaughn, ASBN Program Coordinator, presented a grant approval to Arkansas State University at Newport medication Assistant-certified program to begin in fall of 2021. The following motion was passed:

MOTION: I MOVE that the Arkansas State Board of Nursing grant Approval to the Arkansas State University Newport Medication Assistant-Certified program, to begin in fall 2021.

Brought by Ramonda Housh and seconded by Melanie Garner

PASSED

Sue Tedford moved to approve the Board Meeting Minutes from June 9, 2021 and June 10, 2021 Meetings.

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the June 9, 2021, and June 10, 2021 meetings.

Brought by Lance Lindow and seconded by Stacie Hipp

PASSED

Sue Tedford discussed with the Board the following:

- Board staff received a Freedom of Information Act request from Attorney Drake Mann that has brought up possible changes to the Letter of Reprimand process; and
- Two (2) delegates and two (2) alternates need to be chosen for the National Counsel Annual Meeting in August 2021. Discussion was held on how the Board wanted to vote on certain items during the Annual Meeting.

The meeting recessed for lunch at 11:51 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:12 p.m. A flexible agenda was approved.

DORIS JEAN DUNHAM ROGERS, LICENSE NO L027090

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, Penny Summers, RN, and Karen Mundy, Administrator at Fianna Hills Nursing and Rehabilitation, provided testimony on behalf of the Board. Respondent has been charged with A.C.A. §17-87-309 (a)(6) and pleads not guilty to the charges. Respondent holds Arkansas License No. L027090. A complaint was sent to ASBN on March 16, 2020. It states that on February 4, 2020, the Director of Nursing (DON) at Fianna Hills Nursing and Rehab in Fort Smith, Arkansas, initiated an investigation of Respondent's documentation after finding an unidentified pill on the floor. The DON found that Respondent had been administering an excessive amount of hydrocodone to patients that involved seventeen (17) patients. Multiple hydrocodone tablets were not documented as administered or wasted. Respondent was terminated about February 5, 2020, from Fianna Hills Nursing and Rehab, Fort Smith, Arkansas, after she failed to return a call to her nursing supervisor regarding consent for a drug screen. An investigator with Pharmacy Services, Arkansas Department of Health, Little Rock, Arkansas reviewed Respondent's documentation in three (3) medical records for the approximate date range August 13, 2019, to February 4, 2020. The investigator found that 1,625 mg of hydrocodone is not documented as administered or wasted. ASBN sent a letter dated September 30, 2020, by regular and

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certified mail to Respondent at her last known mailing address on file with the Board requesting an addictive evaluation. Respondent was evaluated by Dr. George DeRoeck on October 13, 2020. The report indicates Respondent is safe to practice under stipulations. ASBN sent a letter dated November 19, 2020, by certified mail to Respondent at her last known mailing address on file with the Board offering a consent agreement for probation for two years. The certified letter was delivered December 1, 2020. Respondent rejected the offered consent agreement and requested a hearing before the Board.

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 **DORIS JEAN DUNHAM ROGERS, LICENSE NO L027090**, has been charged with a violation of A.C.A. §17-87-309 (a)(6) and that Respondent's license and privilege to practice as a nurse be suspended six (6) months with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$3,125.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent shall attend AA/NA, or other Board approved counseling / 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 supervision or follow the evaluator's recommendations if the evaluator's recommendations are greater.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report quarterly until discharged by the practitioner. Respondent shall log all appointments via the Board approved monitoring program. Treatment shall begin within thirty (30) days of receipt of this order.
- Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
- 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 drug screen 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 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. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.

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- Respondent shall provide evidence within six months of successful completion of the Board approved courses: *Documentation for Nurses and Substance Use Bundle*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall submit the Enforcement Personal Report to the Board via the Board approved monitoring program quarterly.
- 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 ensure that all reports, of Respondent and the employer, are submitted quarterly.
- 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 shall request license reinstatement to the Board via the Arkansas 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 Nursing License Application after successful completion of probation to determine if license qualifies for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Board order. Respondent shall have employer sign and submit directly to the Board the document, Employer Acknowledgement.
- Respondent shall have their employer submit directly to the Board a Performance Evaluation Report quarterly.
- Respondent shall not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
- 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.
- Respondent shall notify the Board within ten (10) days, via the Arkansas Nurse Portal, of any change, even a temporary one, in name, address, or employer.
- Respondent shall request verification of termination of the probationary period via the Arkansas Nurse Portal.
- 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 limit work hours to forty (40) hours per week.

Brought by Yolanda Green and seconded by Ramonda Housh.

PASSED

REBECCA ANNE MOORE OLCOTT PHILLIPS, LICENSE NO R094284 (EXPIRED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Nick Shull, PharmD, provided testimony on behalf of the Board. Respondent has been charged with A.C.A. §17-87-309 (a)(6) and pleads not guilty to the charges.

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Respondent holds Arkansas License No. R094284. An investigation was prompted by a complaint letter turned into the ASBN by Wendy Lincoln, MBA, MSN, RN, CMSRN, NEA-BC, Assistant Vice President of Patient Care, Baptist Health Little Rock Campus. The complaint indicates, Respondent abandoned the patients in her care on the night shift of May 6, 2019. Around 01:00 the charge nurse notified the shift supervisor that Respondent was acting strangely, had not passed medications on four (4) of her six (6) patients and was off the floor frequently. Respondent was pulled for a drug screen. Respondent was initially cooperative, but when they got off the elevator to go to lab, she threw her badge at the shift supervisor and walked out of the building. A facility investigation indicated that Respondent did not safely handle medications on that shift, according to the statements provided by staff and patients. Respondent's contract was cancelled for cause and her agency was notified. During the investigation, information was obtained by the investigator concerning Respondent's termination from a previous employer, CHI St. Vincent Hot Springs. On August 29, 2018, Chae Brewer, BSN, RN, Nurse Manager, CHI St. Vincent Hot Springs, reported she received a call from an anonymous caller, reporting that Respondent was on drugs. On September 3, 2018, Respondent was requested to submit a for cause drug screen. Respondent agreed. The sample provided by Respondent was verified by the lab tech and Employee Health Supervisor as being below 90 degrees. Respondent was informed that the sample would be considered a failed screen and she was given the opportunity to submit another sample. Respondent decided to forego the secondary screen. Because the sample was not between 90 -100 degrees, and was room temperature to the touch, the specimen failed to meet testable standards and the drug screen was considered failed. Respondent was terminated on September 14, 2018. On August 5, 2020, ASBN staff sent a letter to Respondent requesting an addictive evaluation by September 7, 2020. On August 18, 2020, Respondent sent an email to ASBN requesting an approved evaluator in Yorktown, Virginia area, as she has temporarily moved due to her husband's job. ASBN staff contacted the Virginia Board of Nursing and obtained a list of evaluators. Respondent was directed to notify and obtain approval by ASBN of the chosen evaluator. In October 2020 Respondent requested a list of ASBN approved evaluators in Arkansas, as she was moving back. Respondent scheduled and cancelled several appointments and has failed to submit the requested addictive evaluation. On May 13, 2021, Respondent was notified by ASBN Staff that her case will be heard before the Board if an evaluation was not received by June 13, 2021. ASBN has not received Respondent's evaluation.

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 **REBECCA ANNE MOORE OLCOTT PHILLIPS, LICENSE NO R094284 (EXPIRED)**, has been charged with a violation of A.C.A. §17-87-309 (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 must pay a civil penalty of \$2,688.00 plus any outstanding balance associated with previous disciplinary action.
- 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 an evaluator, who meets the Board approved criteria and specializes in addiction disorders. 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.
- Respondent shall attend AA/NA, or other Board approved counseling / 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 follow the evaluator's recommendations regarding treatment, counseling and support group meetings. Respondent

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- shall attend three (3) meetings per week until the Board receives the evaluation with recommendations regarding meeting attendance.
- Respondent shall obtain a Neuropsychological evaluation and obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report quarterly until discharged by the practitioner. Respondent shall log all appointments via the Board approved monitoring program. Treatment shall begin within thirty (30) days of receipt of this order.
 - Respondent shall abstain at all times from the use of controlled or abuse potential substances, including alcohol and products that contain alcohol. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall not use or consume products that contain Cannabidiol (CBD). Short-term treatment with a controlled medication may be allowed for an acute illness or acute condition. Short-term treatment is a course of treatment that is limited in duration. Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved drug screen monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved drug screen monitoring program. Acceptable documentation includes, but is not limited to photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy indicating the prescriber, medication, dose, date prescribed and amount dispensed.
 - 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 drug screen 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 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. Failed drug screens also include failure of Respondent to check-in daily, failure of Respondent to present and provide specimen when notified, and failure of Respondent to provide specimen within the allotted time.
 - Respondent shall provide evidence within six months of successful completion of the Board approved courses: *The Nurse and Professional Behaviors*, and *Medication Administration*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
 - Respondent shall submit the Enforcement Personal Report to the Board via the Board approved monitoring program quarterly.
 - 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 ensure that all reports, of Respondent and the employer, are submitted quarterly.
 - 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 shall request license reinstatement to the Board via the Arkansas 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.

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- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the state of Arkansas. Respondent may submit the Multistate Nursing License Application after successful completion of probation to determine if license qualifies for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Board order. Respondent shall have employer sign and submit directly to the Board the document, Employer Acknowledgement.
- Respondent shall have their employer submit directly to the Board a Performance Evaluation Report quarterly.
- Respondent shall not collect any drug screen from a participant whom has been ordered to drug screen by the Board of Nursing.
- 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.
- Respondent shall notify the Board within ten (10) days, via the Arkansas Nurse Portal, of any change, even a temporary one, in name, address, or employer.
- Respondent shall request verification of termination of the probationary period via the Arkansas Nurse Portal.
- 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 Yolanda Green and seconded by Melanie Garner.

PASSED

Sue Tedford discussed the following items with the Board

- If Board Members are running for office in September, you will need to declare by end of day tomorrow; and
- Proposed changes to the *Rules* Chapters 1, 2, 3, 4, 5, 6, 7 and 8.

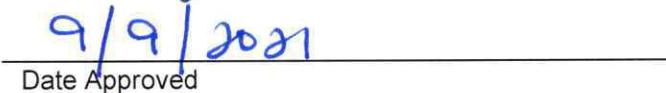
There being no further business, the meeting adjourned at 6:18 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved