



Arkansas Department of Health

Arkansas State Board of Nursing
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Governor Sarah Huckabee Sanders
Renee Mallory, RN, BSN, Secretary of Health
Jennifer A. Dillaha, MD, Director
Sue A. Tedford, MNsc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: July 19, 2023
Board Conference Room

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

MEMBERS ABSENT: Ramonda Housh, MNsc, APRN, CNP, C-PNP

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

Guests: Kaylee Butler, RN, Investigator

President Lance Lindow called the meeting to order at 8:34 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.

CHRISTOPHER CODY BAKER, LICENSE NO. R081756 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Stewart Whaley. Janet Simpson, MSN, RNP, RNC-MNN, provided testimony on behalf of the Board. Dr. Richard Doncer provided testimony via phone call for the Respondent. On December 27, 2022, Respondent emailed Lance Lindow, Board President, stating he is currently on medication assisted treatment (MAT), taking buprenorphine. Respondent indicated he is interested in reinstating his RN license from Voluntary Surrender, referencing decisions made during the Board Strategic Planning Meeting on June 9, 2022. This email was forwarded to the Board Director. On September 4, 2012, Respondent signed a Consent Agreement following a self-report to the Board admitting he was diverting opioids to include hydromorphone and hydrocodone. This occurred while working as an RN at Arkansas Heart Hospital, Little Rock, Arkansas. The diversion was found following reports Respondent was neglecting patient care. On October 19, 2015, Respondent's license was restored upon successfully completing a Board ordered consent agreement with a three-year probationary period, including an addictive psychological evaluation by Dr. George DeRoek. On November 21, 2017, Respondent signed a Voluntary Surrender form, due to taking prescription buprenorphine and Narcan therapy which began following a period of opioid use. Respondent initiated a Reinstatement Request, from Voluntary Surrender status on March 17, 2023. Respondent was notified via the nurse portal that his hearing is currently scheduled for July

19, 2023. Respondent has provided all documents and information requested by Board Staff, including an in-depth neuropsychological evaluation, a report from his current MAT treatment provider, and a list of currently prescribed medications.

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 **CHRISTOPHER CODY BAKER, LICENSE NO. R081756 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(4) and that Respondent's license and privilege to practice as a nurse be placed on probation one (1) year with the following terms and conditions:

- Respondent shall provide evidence within six (6) months of successful completion of the Board approved courses: *Substance Abuse Bundle*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the *Treatment Provider Report* quarterly via the Board approved monitoring program until discharged by the practitioner. Treatment shall begin within thirty (30) days of receipt of this Order.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three [3] weeks) with a controlled medication may be allowed for an acute illness or acute condition with a short-term waiver and appropriate documentation (medical record documentation, etc.). Respondent shall provide a completed short-term waiver within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program.
- Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to random drug screens observed or DNA authenticated remote urine drug screen. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites 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 submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- 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 ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- 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 not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.
- 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*

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after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.

- 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.
- Respondent shall request to the Board verification of termination of the probationary period and license reinstatement by submitting the *Reinstatement Request* form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

REBECCA IRENE EDWARDS NIXON HOLLIDAY BOUDRA, LICENSE NO. R095594 and LPN L031989 (Expired)

Respondent was present for the proceedings before the Board and was represented by counsel, Stewart Whaley. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Lindsey Dunn provided testimony on behalf of the Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and the ASBN *Rules*, Chapter 7, Section IV, (A)(6)(t) and pleads not guilty to the charges. Respondent most recently failed to fully comply with a Reinstatement Consent Agreement placing Respondent's RN and LPN licenses on probation for 5 years. Respondent has an extensive history with the Board. On December 11, 2002, the Board ratified a Consent Agreement placing Respondent's LPN licensure on probation for two (2) years based on the following Findings of Fact: Respondent is the holder of Arkansas LPN License No. L031989. It was reported to the Board that the Respondent has a history of alcohol addiction. The Respondent entered a plea of guilty to DWI charges in Jefferson County, Arkansas, in 1997 and 2002. Respondent complied with the terms and the probation was cleared on December 7, 2004. On May 13, 2009, Respondent's request to take the NCLEX for RN licensure was denied and her LPN license was suspended for one (1) year, followed by probation for three (3) years based on the following Findings of Fact: Respondent submitted her application for examination on or about May 19, 2008. The Respondent failed to acknowledge on her application that she had previous criminal convictions and multiple DWI convictions. Between 1997 and May 2007, the Respondent had multiple convictions in the Pine Bluff, Arkansas, and Jefferson County, Arkansas, courts. Respondent's LPN license was placed on probation for two (2) years due to alcohol addiction on December 11, 2002. Respondent's employment with numerous facilities has been terminated for improper behavior and poor or improper job performance. Dr. Shabbir Dharamsey reported in writing that the Respondent had a long and serious problem with drug abuse and addiction. He stated she abused or was addicted to cocaine and methamphetamine. While attending SEARK nursing school, the Respondent was placed on probation for unprofessional conduct. The Respondent failed to report on her September 4, 2008, LPN license renewal application that she had been found guilty of crimes. Respondent complied with the terms of the suspension and her LPN license was reinstated to probation February 16, 2010. On May 2, 2012, Arizona State Board of Nursing accepted the voluntary surrender of Respondent's Arizona LPN License No. LP033553 in lieu of further discipline based on the action taken in Arkansas. Respondent complied with the terms and the probation was cleared on her LPN license February 18, 2014. On March 11, 2014, Respondent was allowed to sit the NCLEX-RN and was issued AR RN License No. R095594. On August 9, 2016, the Board accepted the voluntary surrender of Respondent's LPN License No. L031989 and RN License No. R095594 after she tested positive for methamphetamine on a for-cause drug screen. On February 14, 2018, the Board ratified a Reinstatement Consent Agreement placing Respondent's RN and LPN licenses on probation for five (5) years based on the following Findings of Fact: Respondent is the holder of Arkansas RN License No. R095594 (expired) and LPN License No. L031989 (expired). Respondent voluntarily surrendered the privilege to practice and licensure on August 9, 2016, and now requests reinstatement of licensure. Respondent has a history of discipline with the Board as outlined above. Respondent failed to fully comply with a February 14, 2018, Reinstatement Consent Agreement. Respondent failed to check in with the Board approved monitoring company thirty-five (35) times. Respondent failed to show to submit specimens for testing seven (7) times when selected. Respondent tested positive five (5) times for alcohol metabolites and drugs with no prescription on file. Respondent submitted low creatinine/dilute specimens for testing five (5) times.

Respondent submitted reports late on sixteen (16) occasions. Board staff notified Respondent of her noncompliance and referred her case to settlement for review. Respondent was offered a Probation Noncompliance Consent Agreement extending her probation for one (1) year. The Board rejected ratification and requested Respondent to appear 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 **REBECCA IRENE EDWARDS NIXON HOLLIDAY BOUDRA**, 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 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 \$3,750.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence within six (6) months of successful completion of the Board approved course: *Substance Abuse Bundle*. Respondent shall submit the 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 with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.

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- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- A probation period of three (3) years shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall continue through the probation period.
- While on probation, if working as a nurse, the Nurse Licensure Compact status of Respondent's Arkansas license shall be single state, allowing practice only in the State of Arkansas. Respondent may submit the *Multistate Conversion Application* after successful completion of probation to determine if license meets the Uniform Licensure Requirements (ULR) for multi-state compact status.
- Respondent shall notify and present to each employer a copy of this Order if working as a nurse on probation. Respondent shall have employer sign the *Employer Acknowledgement* form. Respondent shall submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.
- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

The meeting recessed for lunch at 12:16 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:07 p.m. A flexible agenda was approved.

SHELLY NICHOLE WILLIAMS PALMER HUFFMAN, LICENSE NO. R090600 and L051549 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, and Nick Shull, Pharm D, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. An investigation was conducted after the Board received a complaint that on January 12, 2019, that Respondent fraudulently accessed IV fluid and supplies from a hospital medication dispensing machine for personal use. The fluid was administered intravenously to Respondent by another nurse, during the shift at Arkansas Children's Hospital (ACH) in Little Rock. Facility records indicate on January 12, 2019, Respondent had multiple IV start attempts on her arm when she approached Nurse JJ with a primed bag of normal saline hidden under her jacket. Nurse JJ offered to start the IV and administered the fluid to Respondent. The facility pharmacy and Epic team confirmed that Respondent removed the bag of normal saline on a patient that she was not caring for and then charged and linked the medication to a physician order from the previous

day. On January 16, 2019, Respondent resigned her employment with ACH. Facility documents classify Respondent's resignation as "voluntary - resignation in lieu of termination." Another complaint was received by the Board on July 18, 2021. The complainant indicates that Respondent arrived at Saline Memorial in Benton, Arkansas as a polysubstance overdose and had to be intubated. In an email to the Board's investigator, Respondent admitted that on the night of Saturday, July 17th, 2021, she attempted suicide by medication overdose, taking Cymbalta, Lyrica, Ambien, clonazepam, Benadryl, and flecainide. During hospitalization, on July 18, 2019, a urine drug screen was positive for Ecstasy. On August 17, 2021, Respondent established care at the Rice Clinic, Little Rock, Arkansas, for follow-up and treatment. A review of Respondent's prescription activity at Smith-Caldwell Drug and Walgreens indicates from August 25, 2019, to July 23, 2021, the following prescriptions for abuse potential drugs by four (4) different providers were dispensed: 23 prescriptions for clonazepam (1170 tablets), 17 prescriptions for zolpidem (510 tablets), 3 prescriptions for eszopiclone (90 tablets), 1 prescription for tramadol (30 tablets); and 1 prescription for pregabalin (60 capsules). At the request of Board staff, Respondent was evaluated by Dr. George N DeRoeck on March 3, 2022. His evaluation of Respondent includes the following: Diagnoses – Alcohol Use Disorder -Moderate in stated remission, Specified Anxiety Disorder vs. Specified Depressive Disorder, Other Specified Personality Disorder -Borderline, Self-Defeating and Obsessive/Compulsive, Bicuspid Aortic Valve, History of Heart Surgery and Heart Rhythm Issues, History of Ovarian Cysts and Rule Out Autoimmune issues. Recommendations – Follow closely with psychiatry, Outpatient Counseling. Other aftercare programming inclusive of having a sponsor and/or attendance at AA for support, encourage only working 40-hour work week for next 12 months and refrain from taking "extra" shifts and Close monitoring for the next 18 months via supervisory assessment of her capacity to function with patients, her level of professional and interaction with coworkers/supervisory staff. On January 19, 2023, Board staff sent a letter offering Respondent a two-year consent agreement. Respondent's legal counsel sent a letter providing a response to the two (2) complaints and indicated Respondent was declining the offered consent agreement.

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 **SHELLY NICHOLE WILLIAMS PALMER HUFFMAN**, 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 placed on probation for one (1) year with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$1,162.50, 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*. 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 with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites 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 submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- 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 ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- 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 not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.
- 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 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.
- Respondent shall request to the Board verification of termination of the probationary period and license reinstatement 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 Leslie Branman and seconded by Neldia Dycus.

PASSED

BRITTANY NICOLE COLLIER, LICENSE NO. R103641

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(2) and pleads not guilty to the charges. On October 18, 2022, the Board issued a Letter of Reprimand to Respondent for violations of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(2). On March 27, 2022, Respondent was arrested and charged with Domestic Battery-3rd Degree, a Class A Misdemeanor and Battery-3rd Degree, A Class A Misdemeanor. On May 9, 2022, Respondent entered a negotiated plea of guilty to Battery- 3rd

Degree, a Class A Misdemeanor, and Assault – Family/Household Member– 2nd Degree, a Class B Misdemeanor. The Court accepted both pleas and found Respondent guilty on both charges. The Court took the Assault – Family/Household Member– 2nd Degree under advisement. The Court suspended the imposition of sentence on the Battery-3rd Degree conviction and imposed a fine and court costs. On October 18, 2022, the Arkansas State Board of Nursing (ASBN) issued Respondent a Letter of Reprimand for a violation of A.C.A. §17-87-309(a)(2). Respondent hired legal counsel who requested a hearing to appeal the October 18, 2022, Letter of Reprimand.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **BRITTANY NICOLE COLLIER, LICENSE NO. R103641**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(2) and that Letter of Reprimand issued October 18, 2022 be Upheld.

Brought by Haley Strunk and seconded by Stacie Hipp.

PASSED

TIMOTHY RYAN ROGERS, LICENSE NO. R086800 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Janet Simpson, MSN, RNP, RNC-MNN, provided testimony on behalf of the Board. On October 18, 2022, the Board issued a Letter of Reprimand to Respondent for violations of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(2). On March 27, 2022, Respondent was arrested and charged with Domestic Battery-3rd Degree, a Class A Misdemeanor and Battery-3rd Degree, A Class A Misdemeanor. On May 9, 2022, Respondent entered a negotiated plea of guilty to Battery- 3rd Degree, a Class A Misdemeanor, and Assault – Family/Household Member– 2nd Degree, a Class B Misdemeanor. The Court accepted both pleas and found Respondent guilty on both charges. The Court took the Assault – Family/Household Member– 2nd Degree under advisement. The Court suspended the imposition of sentence on the Battery-3rd Degree conviction and imposed a fine and court costs. On October 18, 2022, the Arkansas State Board of Nursing (ASBN) issued Respondent a Letter of Reprimand for a violation of A.C.A. §17-87-309(a)(2). Respondent hired legal counsel who requested a hearing to appeal the October 18, 2022, Letter of Reprimand.

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 **TIMOTHY RYAN ROGERS, LICENSE NO. R086800 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(4) and (a)(6) and that Respondent's license and privilege to practice as a nurse be suspended 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 \$4,162.50, 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 Behavior*, 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.
- Respondent shall submit to random drug screens observed or DNA authenticated remote urine drug screen. The drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification for observed drug screens, or with the time period and manner designated by the remote urine drug screening laboratory. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires thirty (30) days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall ensure that all reports of Respondent and the employer are submitted quarterly via the Board approved monitoring program.
- Respondent shall execute any release necessary to give the Board access to records including, but not limited to, medical, psychological, employment, and or criminal records. Failure to execute a release shall be grounds for additional disciplinary action against Respondent's license / privilege to practice.
- Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.
- Respondent shall be responsible for all costs involved in complying with the Board's Order.
- Respondent is required to submit any change of information, even a temporary one, in name, address, or employer via the ASBN Nurse Portal and the Board approved monitoring program within ten (10) days of the change.
- If Respondent fails to comply with the terms of suspension during the monitoring period, Respondent may not restart the monitoring period until six (6) months after the date Respondent was determined to be noncompliant.
- Respondent shall request to the Board, verification of termination of the suspension period and license reinstatement to probation by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Suspension Order is met.
- 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.
- 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

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submit the document to the Board via the Board approved monitoring program. Respondent shall have their employer complete the *Performance Evaluation Report* and Respondent shall submit the report to the Board via the Board approved monitoring program quarterly.

- Respondent shall work under supervision in any setting. Supervision requires another nurse at the same or higher education level, to be working in the same setting as Respondent and be readily available to provide assistance and intervention. Respondent shall not secure employment or be employed through a staffing agency. Respondent shall not be employed in the following settings: Emergency Room, Pre- and Post-Op, Labor and Delivery, Home Hospice, Home Health, or any Intensive Care Unit.
- Respondent shall request verification of termination of the probationary period by submitting the Reinstatement Request form, via the ASBN Nurse Portal once compliance with the Board's Probation Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.

Brought by Leslie Branman and seconded by Neldia Dycus.

PASSED

The following items were discussed:

- SEARK is scheduled to visit July 20, 2023, to discuss their nursing program changes;
- Annual meeting information ready to be reviewed; and
- Scholarship motion will be presented to the Board tomorrow.

Jennifer Ivory, the Board's attorney specialist, 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:

Caldwell, Bobbie Dewone Robertson Huffine R045482, P001420 (Jonesboro, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV(A)(4)
Probation – 2 years
Courses – *Substance Abuse Bundle and ICRS Upholding the Standard: Professional Accountability in Nursing*

Fraize, Amanda Kay R091053 (Hot Springs, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(4)*
Probation – 2 years
Courses – *Substance Abuse Bundle*

Miles, Christine Marie Hix A004542, R063320 (Bonnerdale, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(2)
Probation – 1 year
Courses – *Substance Abuse Bundle*
Civil Penalty – \$750.00

Wilbanks, Carmen Shea Lamb R066687 (Arkadelphia, 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)(6)(p)
Probation – 1 year
Courses – *Documentation for Nurses and Medication Administration*
Civil Penalty – \$750.00

Brought by Janice Ivers and seconded by Lance Lindow

PASSED

There being no further business, the meeting adjourned at 5:15 pm.

Lance K. Lindow RN

Lance Lindow, President

Mindy Darner

Mindy Darner, Recording Secretary

9.7.2023

Date Approved