



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:** February 10, 2022
Board Conference Room via Zoom
- 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; Yolanda Green, LPN; Ramonda Housh, MNSc, APRN, CNP, C-PNP
- MEMBERS ABSENT:** Rachel Sims, BSN, RN
- STAFF ATTENDING AT VARIOUS TIMES:** Sue A. Tedford, Director, MNSc, APRN
David Dawson, General Counsel, JD
Ashley Fisher, Attorney Specialist, JD
Tonya Gierke, Assistant JD, BSN, RN
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director, MNSc, RN, CNE
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Janet Simpson, MSN, RNP, RNC-MNN
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Aaron Singleton, Regulatory Board Chief Investigator
Leslie Suggs, Executive Assistant to the Director
Albert Williams, Information Systems Coordinator
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist
Kaylen Gordon, License Coordinator
Kelly Doppelhammer, Administrative Specialist III
- GUESTS ATTENDING:** Mary Kennebrew, Office of Attorney General
Students from National Park College
Kieya Mann, MSN, RN, Instructor-Black River Technical College along with students from Black River Technical College

President Lance Lindow called the meeting to order at 8:43 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.

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Ashley Fisher, Attorney Specialist, JD, 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:

Chronister, Danielle Nicole Meyer L045516 (Alma, AR)

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

Probation – 2 years

Courses – Board-approved refresher course

Cursh, Quana Lacol Ellis L047915 (Ashdown, AR)

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

Probation – 5 years

Courses – Substance Abuse Bundle

Gramm, Debra Sue R043971 (Little Rock, AR)

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

Probation – 1 year

Courses – The Nurse and Professional Behaviors, and Anger Management

Civil Penalty - \$750.00

Hiatt, Debra Anne Gouin Mueller Gouin Vaughn R081109, L044018 (Beebe, AR)

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

Probation – 1 year

Courses – Substance Abuse Bundle and Board-approved refresher course

Civil Penalty - \$750.00

Miner, Christine Marie Caughern Loveday Brownfield R071510, L035363 (Greenwood, AR)

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

Probation – 1 year

Courses – Substance Abuse Bundle

Civil Penalty - \$2,662.50

Morin, Erin Rae Jameson R067700 (Huntsville, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2),(a)(4) and (a)(6)*

Probation – 5 years

Courses – Substance Abuse Bundle

Civil Penalty - \$3,750.00

Walker, Steve Robert R066487, L022808 (Little Rock, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(8)*

Probation – 2 years

Courses – The Nurse and Professional Behaviors, Anger Management, Basic Psychiatric Concepts in Nursing, and From 'Distress' to 'Destress' with Stress Management

Civil Penalty - \$1,500.00

Brought by Ramonda Housh and seconded by Neldia Dycus

PASSED

MARY BETH HOBBS HUBBARD NICKELS, LICENSE NO. R067747 (EXPIRED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, provided testimony on behalf of the Board. Respondent's Board Order dated 10/22/2010 indicates Respondent must appear for license reinstatement once compliance with the Board's Order is met. Respondent has fulfilled the stipulations of the suspension and probation order and appears before the Board to request her license to be reinstated to active status. Respondent signed a twenty (20) day waiver.

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MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing reinstate RN License No. R067747 (Expired) issued to **MARY BETH HOBBS HUBBARD NICKELS** to active status.

Brought by Stacie Hipp and seconded by Janice Ivers.

PASSED

DAHLIA D DISTIN, LICENSE NO. A004973, R051593

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Shannon McKinney, DNP, APRN, WHNP-BC, RNC-OB, and Terry Kuykendall, Investigator, provided testimony on behalf of the Board. Respondent has been charged with A.C.A. §17-87-309(a)(6) and pleads guilty to the charges. On September 1, 2021, the Board issued a Letter of Reprimand to Respondent for violations of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(6) and the Board's *Rules*, Chapter 4, Section VIII (K)(2)(b). A complaint was received by the Board from patient T.W.'s daughter, alleging that Respondent overprescribed Alprazolam despite the patient's history of substance abuse. Medical records indicate that Respondent first saw patient T.W. on February 1, 2019. The patient was prescribed Alprazolam (a benzodiazepine medication) by the Respondent on February 1, 2019; April 17, 2019; June 18, 2019; September 5, 2019; and February 4, 2020. Medical Records indicate a dosage change for Alprazolam occurred on April 23, 2020, and that the patient was prescribed Alprazolam again on August 28, 2020, and October 28, 2020. Patient T.W. died of acute combined diphenhydramine and sertraline intoxication on January 25, 2021. The Board's *Rules*, Chapter 7, Section IV (A)(6)(e) states, "The term 'unprofessional conduct' shall include but not be limited to: (e) Failing to administer medications and/or treatments in a responsible manner." The Board's *Rules*, Chapter 4, Section VIII (K)(2)(b) states, "APRN's with prescriptive authority shall review PDMP report from the Prescription Drug Monitoring Program prior to prescribing: (b) A benzodiazepine medication for the first time and every six (6) months thereafter prescribing for a patient." Board *Rules*, Chapter 4, Section VIII (K)(3) states, "Review of the PDMP report shall be documented in the patient's medical record." According to the PDMP access report, the Respondent never checked the PDMP report for patient T.W. There is also no documentation in patient T.W.'s medical records indicating that Respondent checked the PDMP report. Pursuant to the Board's *Rules*, Respondent should have initially reviewed the PDMP report and documented it in the patient's medical record on February 1, 2019, and again on or about August 1, 2019; February 1, 2020; and August 1, 2020. The Letter of Reprimand was sent by certified mail to Respondent's last known address on file with the Board. On September 15, 2021, Board staff received notification that Respondent was represented by an attorney and a hearing was requested to appeal the Letter of Reprimand issued on September 1, 2021.

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 **DAHLIA D DISTIN, LICENSE NO. A004973, R051593**, UPHOLD the Letter of Reprimand issued on 9-1-2021.

Brought by Janice Ivers and seconded by Yolanda Green.

PASSED

Sue Tedford presented to the Board revisions to the Board policies.

MOTION: I MOVE that the Arkansas State Board of Nursing approve the following revised polices:

II-51 Criminal Background Report Authorization

IV-2 Information Technology Security

IV-3 Internet Usage

Brought by Janice Ivers and seconded by Ramonda Housh.

PASSED

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Sue Tedford presented to the Board revisions to the Division of Elementary & Secondary Education.

MOTION: I MOVE that the Arkansas State Board of Nursing accept the revisions made by the Division of Elementary & Secondary Education related to the Administration of Medication for adrenal insufficiency or adrenal crisis.

Brought by Ramonda Housh and seconded by Janice Ivers.

PASSED

Sue Tedford discussed with the Board which members would attend the APRN Roundtable. Ramonda Housh will attend and Janice Ivers will be the alternate

Sue Tedford discussed with the Board which members would attend the NOAP meeting. Melanie Garner, Yolanda Green will be attendees and Ramonda Housh will be an alternate.

Sue Tedford discussed with the Board attending the Midyear meeting. Ramonda Housh will no longer be able to attend the Midyear meeting.

The meeting recessed for lunch at 12:00 p.m. Following lunch, the Board resumed hearings.

President Lance Lindow called the meeting to order at 1:00 p.m. A flexible agenda was approved.

LESLEY ANNE VOLTZ TURNER MCGOWAN, LICENSE NO. R104699

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, and Penny Summers, RN, Investigator for Arkansas Department of Health Pharmacy Services, provided testimony on behalf of the Board. Alexis Lampkins and Mia Kemp provided testimony on behalf of the Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(4) and (a)(6) and pleads not guilty to the charges. Respondent holds Arkansas License No. R104699. An investigation was initiated after the Board received an anonymous letter written on April 18, 2018. This letter alleged that Respondent is a meth user and included documents from Circuit Court of Miller County, Arkansas, regarding Respondent's children being placed in foster care. Records from Respondent's employer, Christus St. Michael Health System in Texarkana, Texas, indicate Respondent was hired on May 31, 2016, and has received written warnings on four (4) occasions for attendance/tardiness. Five (5) medical records were reviewed from June 1, 2018, to June 10, 2018. A total of 60mg of codeine and 1.5mg of hydromorphone are unaccounted for. On August 28, 2018, the Board investigator contacted Respondent by telephone and the allegations and findings of this investigation were discussed. Respondent indicated the information in the complaint regarding her methamphetamine usage and testing by Department of Human Services was true. Records of a fingernail test collected from Respondent on February 14, 2018, indicated positive for methamphetamine. Records provided by Respondent's attorney indicate that Respondent participated in Court supervised drug screening and has regained custody of her children. On April 2, 2019, ASBN staff offered a consent agreement placing Respondent's licensure on probation for one (1) year. Respondent obtained legal counsel and has not returned a signed 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 **LESLEY ANNE VOLTZ TURNER MCGOWAN, LICENSE NO. R104699**, 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 placed on probation for one (1) year under the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$563.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable

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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 months of successful completion of the Board approved course(s): *Documentation for Nurses*. Respondent shall submit the certificate(s) of completion via the Board approved monitoring program.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three (3) weeks) with a controlled medication may be allowed for an acute illness or acute condition with appropriate documentation (i.e. short-term waiver, medical record documentation, etc.). Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program.
- Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified.
- Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires 30 days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall 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 be employed in "in"-home hospice, or home health settings.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.

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- 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 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.
- Board approves employment in critical care.
- Respondent may request judicial review of the decision rendered by the Board by filing a petition in the circuit court of any county in which Respondent resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service upon Respondent of the Board's final decision.

Brought by Ramonda Housh and seconded by Jasper Fultz.

PASSED

There being no further business, the meeting adjourned at 3:30 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved