



Arkansas Department of Health

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

BOARD MEETING MINUTES

TIME AND PLACE: February 16, 2023
Board Conference Room

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

MEMBERS ABSENT: Stacie Hipp, APRN, MSN

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, 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 Darner, Legal Support Specialist
Corrie Edge, Administrative Analyst
Lisa Mendenhall, Legal Support Specialist

Guests Mary Kennebrew- Office of Attorney General
Gena Fryer- Investigator

President Lance Lindow called the meeting to order at 8:30 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.

DEVAN RENEE AIKMAN, LICENSE NO. 123175 and L058459 (EXPIRED)

Respondent was present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Rhonda Mayo, RN, Investigator, provided testimony on behalf of the Board. Felicia Pierce, Chief Nursing Officer, Green River Medical Center, provided testimony via telephone 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. On August 24, 2022, the Board issued a Letter of Reprimand to Respondent for violations of

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the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(6). Respondent was ordered to complete the *The Nurse and Professional Behaviors* and *From Distress to Destress* courses. An investigation was prompted by a complaint to the Board received on March 22, 2022, from Great River Medical Center in Blytheville, Arkansas, reporting that Respondent's contract with the facility was terminated for misconduct. On or about March 11, 2022, Patient MH presented to the Emergency Room for severe menstrual cramps unrelieved by over-the-counter medications. Patient was recently diagnosed with a cyst on her ovary and was concerned. Patient stated to Respondent the cramps were so bad she wanted to ice herself. Patient stated she was speaking metaphorically, trying to explain how bad the pain was and did not want to kill herself. Respondent insisted the patient was suicidal and told her she had to have a mental health consult. The patient stated multiple times she was not suicidal and contacted a family member and her private therapist who presented to the hospital to evaluate. The therapist had patient sign a "No Harm Agreement" and gave it to Respondent. Respondent contacted Mid-South Health for screening and falsely reported to the screener the Patient had cut herself. When the screener asked the patient about cutting, the patient denied and questioned why the screener would ask that question. The screener reported Respondent had reported it to the screener. Respondent stated she thought the patient told her during triage. Coworker, Melissa Eubanks, RN, reported to Felicia Pierce, Chief Nursing Officer, Respondent stated, when the patient told Respondent, she wanted to kill herself, Respondent then thought to herself, "B****, you want to play stupid games, you win stupid prizes. I'm stuck here all night so she (patient), can stay here all night with me, since she wants to say she wants to kill herself. So, I gave her a green gown (indicating patient was suicidal), had her strip down and give me her phone, since she wants to be suicidal." On March 22, 2022, Respondent was terminated from GRMC for misconduct. The Letter of Reprimand was delivered to Respondent through Certified Mail and the Nurse Portal. On August 31, 2022, Board staff received a letter from Respondent requesting an appeal of the August 24, 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 **DEVAN RENEE AIKMAN, LICENSE NO. 123175 and L058459 (EXPIRED)**, Letter of Reprimand issued on August 24, 2022 be upheld.

Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

David Dawson, 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:

Davidson, Cori Leeann R096265

(Delight, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(6), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(d) and (g)*

Probation – 1 year

Courses – *Documentation for Nurses, Ethics in Nursing*

Civil Penalty - \$750.00

Lowe, Sierra Nicole L056432

(Vilonia, 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)(b) and (c)*

Probation – 1 year

Courses – *Documentation for Nurses*

Civil Penalty - \$750.00

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Patterson, Gregory Lewis R098462, L050756

(Conway, AR)

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

Probation – 1 year

Courses – *Substance Abuse Bundle*

Wakefield, Tabatha Lynn L055973

(Amity, 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)(b), (c) and (p)*

Probation – 1 year

Courses – *Documentation for Nurses, Medication Administration*

Civil Penalty - \$750.00

Wilkerson, Gavaughn Lynn Anderson LPN 213495

(Pine Bluff, 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)(b) and (c)*

Probation – 1 year

Courses – *Documentation for Nurses, Medication Administration*

Civil Penalty - \$750.00

Brought by Janice Ivers and seconded by Haley Strunk

PASSED

David Dawson, 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 not passed:

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

Taylor, Reagan Kay R104605

(Benton, AR)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(4), (a)(6), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(6)(c)*

Probation – 2 years

Courses – *The Nurse and Professional Behaviors, Medication Administration and Substance Abuse Bundle*

Civil Penalty - \$750.00

Brought by Janice Ivers and seconded by Haley Strunk

FAILED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the January 4, 2023 and January 5, 2023, Board Meetings.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

MOTION: I MOVE that the ADH- Arkansas State Board of Nursing (ASBN) approve funding for the following Board members to attend the National Organization of Alternative Programs (NOAP) 2023 annual conference in Orlando, FL., May 15-20 2023: Leslie Harmon Branman.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

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MOTION: I MOVE that the Arkansas State Board of Nursing approve the use of DNA authenticated remote drug testing through Genotox Labs, as an additional testing option for all drug screens required by current and future Board orders, consent agreements, and ArNAP contracts.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the revisions to Policy III-9 and XI-6 as attached.

Brought by Lance Lindow and seconded by Janice Ivers.

PASSED

The following items were brought by Sue Tedford:

- Updates to Operation Nightingale,
- Attending the NCLEX item review being offered to board members. Ramonda Housh, Janice Ivers and Melanie Garner expressed that they wanted to attend,
- Discussion on Position Statement 94-1. President Lance Lindow thinks that this needs to go before the practice committee for language review.

The meeting recessed for lunch at 12:30 p.m. Following lunch, the Board resumed hearings.

Vice President Neldia Dycus called the meeting to order at 1:14 p.m. A flexible agenda was approved.

JENNIFER NICOLE WARD HULL, LICENSE NO. R091830

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. Jessica Rouse, Chief Nursing Officer at Rivendell Behavioral, Benton, AR, testified via phone 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. On March 22, 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)(6). Respondent was ordered to complete the *Nurse and Professional Behaviors* course. An investigation was prompted by a complaint to the ASBN by Rivendell Behavioral Health in Benton, Arkansas, where Respondent had been a nurse since 2014. It was reported that the Respondent provided false information on the quarterly employer reports submitted to the Board regarding Nurse JL who was under her supervision. Nurse JL entered into a five (5) year consent agreement in which his employer was to make quarterly reports on his performance. Nurse JL's employment file contains the following disciplinary actions: On March 15, 2016, a written warning was given to the nurse for failing to obtain a witness signature. Rivendell discipline document was signed by JL's supervisor who reported the discipline action on the employer report she submitted to ASBN. A final written warning was given on July 7, 2016 for Respondent failing to dispense medication to a patient at discharge without an order or direction from the pharmacy. Rivendell discipline was signed by supervisor. This discipline was not reported to the Board by Respondent who completed the quarterly employer report. On April 27, 2017, Nurse JL was given preventative counseling for poor performance and unprofessional conduct including, but not limited to: narcotic count discrepancies, not being present on assigned unit, excessive amount of time on cell phone, physician's orders not being written for home medications, discharge paperwork not being provided and incomplete documentation. Rivendell discipline document was signed by Respondent as supervisor and was not reported to the Board by Respondent who completed the quarterly employment report. On September 8, 2017, Nurse JL was given a written warning for being on another unit more than twenty (20) minutes at a time which jeopardized the safety of his unit by leaving it without a nurse. Rivendell discipline document was signed by the supervisor (not Respondent); however, this

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discipline was not reported to the Board by Respondent, who completed the quarterly report. The quarterly report submitted and signed by Respondent on September 19, 2016 for the months of June, July and August of 2016 and the quarterly report submitted and signed by Respondent on March 20, 2017, for the months of December 2016, January 2017 and February 2017 indicate Respondent marked "Exceptional" related to Nurse JL's quality of work, following policies and procedures, and documentation. Respondent also marked "No" as to: (1) whether there were any medication errors or discrepancies and (2) whether Nurse JL received any counseling or discipline in the last three (3) months. The quarterly report lists Respondent and two (2) other nurses as supervisors. The quarterly report submitted on June 19, 2017, for the months of March, April and May 2017, indicate that Respondent marked "Exceptional" related to Nurse JL's quality of work and "Above Average" for following policies and procedures and documentation. Respondent also marked "No" to: (1) any medication errors or discrepancies, and (2) whether Nurse JL received any counseling or discipline in the last three (3) months. It lists Respondent and one (1) other nurse as supervisors. The quarterly report submitted on September 19, 2018, for the months of July, August and September, indicated that Respondent marked "Exceptional" related to Nurse JL's quality of work and "Above Average" for following policies and procedures and documentation. Respondent also marked "No" to: (1) any medication errors or discrepancies, and (2) whether Nurse JL received any counseling or discipline in the last three months. It lists Respondent and one (1) other nurse as supervisors.

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 **JENNIFER NICOLE WARD HULL, LICENSE NO. R091830**, uphold the Letter of Reprimand issued on March 22, 2022.

Lance Lindow has recused himself from this case.

Brought by Haley Strunk and seconded by Jasper Fultz.

PASSED

President Lance Lindow called the next case to order:

LISA MICHELLE MCAVOY ALLEN, LICENSE NO. R096571

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 has been charged with Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) and pleads not guilty to the charges. On September 7, 2016, Respondent entered into a Consent Agreement placing her RN license on probation for three (3) years, after admitting that she diverted hydrocodone and oxycodone from her employer. Respondent became noncompliant with the September 7, 2016, consent agreement and voluntarily surrendered her license in lieu of probation compliance on August 31, 2017. On May 6, 2020, the Board ratified a Reinstatement Probation Consent Agreement placing Respondent's RN license on probation for three (3) years. Respondent has become noncompliant with the May 6, 2020, Reinstatement Probation Consent Agreement. Respondent has missed one (1) check-in with the Board approved monitoring company. Respondent failed to call and/or failed to show six (6) times to submit urine specimens when selected for testing by the Board approved monitoring company. Respondent submitted a low creatinine/dilute specimen for drug testing on March 28, 2022. Respondent submitted positive specimens for drug testing, with no prescriptions on file with the Board, as follows: hydromorphone 258 ng/mL on December 21, 2021; hydromorphone 781 ng/mL and dihydrocodeine 222 ng/mL on January 31, 2022; hydrocodone 450 ng/mL, hydromorphone 275 ng/mL and dihydrocodeine 219 ng/mL on February 16, 2022; hydrocodone 211 ng/mL, hydromorphone 698 ng/mL and dihydrocodeine 418 ng/mL on July 12, 2022; hydrocodone 4127 ng/mL, hydromorphone 1201 ng/mL, dihydrocodeine 602 ng/mL, ETG 37,302 ng/mL, and ETS 5687 ng/mL on August 1, 2022; hydrocodone 1729 ng/mL, hydromorphone 610 ng/mL and dihydrocodeine 537 ng/mL on August 8, 2022; and,

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hydromorphone 499 ng/mL and dihydrocodeine 384 ng/mL on November 21, 2022. Respondent failed to submit samples for drug testing within the two (2) hour limit on March 28, 2022 (2 hours, 56 minutes) and August 8, 2022 (7 hours, 3 minutes). Respondent has not provided any abstinence waiver forms when requested and has been notified of her noncompliance. Respondent has violated Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, Section IV (A)(6)(t) by failing to comply with the terms and conditions of the Reinstatement Probation Consent Agreement, signed by Respondent, and ratified by the Board on May 6, 2020.

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 **LISA MICHELLE MCAVOY ALLEN, LICENSE NO. R096571**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and the Board's *Rules*, Chapter Seven, 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: *The Nurse and Professional Behaviors*. Respondent shall submit the certificate of completion via the Board approved monitoring program.
- Respondent shall attend AA/NA, or other Board approved support group meetings and shall submit quarterly reports to the Board through the Board approved monitoring program. Acceptable evidence shall consist of completion of the disciplinary form, *Aftercare Meetings Report*. Respondent shall log attendance of all support group meetings via the Board approved monitoring program.
- Respondent shall attend 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 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

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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.
- 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

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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

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


Lance Lindow, President


Mindy Darner, Recording Secretary


Date Approved