



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 Dillaha, MD, Director
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: October 11, 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; Ramonda Housh, MNSc, APRN, CNP, C-PNP; Haley Strunk, LPN; Leslie Harmon Branman, BSN, RN, CPSN, CANS

MEMBERS ABSENT: Stacie Hipp, APRN, MSN, absent for morning session.
Lynne Ritchie, BS, RDH

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
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
Tami Duke, Administrative Specialist III
Whitney Kinney, Licensing Coordinator
Carla Davis, Licensing Coordinator

Guests: Mary Kennebrew, Office of Attorney General

President Neldia Dycus called the meeting to order at 8:41 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.

TENEIKA MONIQUE JACKSON, L055027

Respondent was present for the proceedings before the Board and was not represented by counsel. Udell Ward, ASBN Chief Investigator, and Terry Kuykendall, Investigator, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads guilty to the charges. On June 8, 2023, the Board issued a Letter of Reprimand (LOR) to Respondent for violations of

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the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(6). The LOR was based upon the following: On May 1, 2023, Respondent applied for licensure as an RN. Respondent was employed by AHS Staffing and worked as a contract travel nurse for White River Medical Center in Batesville, Arkansas. The assignment was for the period August 23, 2021, through November 20, 2021. The last official day noted by the client that Respondent logged into Meditech electronic health record and Omnicell Medication Management System was September 9, 2021. AHS Staffing's Internal Investigation documents indicate the Respondent was to work the following schedule: 9/10 - Scheduled, Unit Staffing sheets marked her "Absent", 9/11 - Scheduled, Unit Staffing sheets marked her "No Show", 9/14 - Scheduled, Unit Staffing sheets marked her "No Show", 9/15 - Scheduled, Unit Staffing sheets marked her "Sick", 9/20 - Scheduled, Unit Staffing sheets marked her "Sick", 9/21 - Scheduled, Unit Staffing sheets marked her "Sick". Respondent submitted the following weekly time sheets indicating hours worked, some of which included overtime: September 20, 2021- September 22, 2021, 3 days totaling 36.80 hours worked, September 28, 2021- October 1, 2021, 4 days totaling 49.99 hours worked, October 12, 2021- October 15, 2021, 4 days totaling 51.08 hours worked, October 17, 2021- October 21, 2021, 5 days totaling 63.28 hours worked, October 24, 2021- October 30, 2021, 5 days totaling 64.27 hours worked, and, November 2, 2021- November 6, 2021, 5 days totaling 63.93 hours worked. AHS Staffing's Internal Investigation documents indicate the Respondent logged hours worked while in a separate location, based on information from the Respondents Facebook page: On September 21, 2021, Respondent logged work time at the facility beginning 6:30 am to 7:35 pm, with a break from 12:15 - 12:45 pm, while she was in Palm Springs, California. On September 28, 2021, Respondent logged work time at the facility beginning 6:30 am to 7:15 pm, with a break from 12:15 - 12:45 pm, while she was in Palm Desert, California. On November 14, 2021, the Respondent logged work time at the facility beginning 6:30 am to 7:35 pm, with a break from 12:15 - 12:45 pm, while she was in Shannon Hills, Arkansas. AHS Staffing's Internal Investigation documents indicate the Respondent was paid a total of \$17,063.33 for a total of 449.5 hours not worked for the period of September 13, 2021 through November 13, 2021. The Check Register report confirms payments to the Respondent. AHS Staffing's Internal Investigation documents indicate the Respondent forged the signature of R. Bright, RN, charge nurse for the facility. Ms. Bright confirmed she did not sign the timecards submitted by the Respondent. AHS Staffing's Internal Investigation documents indicate the Respondent provided a written statement acknowledging she submitted falsified timecards. Respondent provided a written response to the investigation by the Board acknowledging her submission of fraudulent timecards. The LOR denied Respondent's application for RN licensure and ordered Respondent to complete *The Nurse and Professional Behaviors* and *Ethics in Nursing* courses within six (6) months. A copy of the LOR was sent to Respondent via USPS Certified Mail and through the nurse portal. On July 6, 2023, Respondent sent a message to Board staff via the nurse portal requesting a hearing to appeal the denial of her RN licensure.

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 **TENEIKA MONIQUE JACKSON, L055027**, be allowed to take the NCLEX-RN exam after restitution is paid in full to AHS Staffing and all other terms of the Letter of Reprimand dated June 8, 2023 be upheld, and the segment of the Letter of Reprimand denying Respondent's RN- licensure application be rescinded.

Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

David Dawson presented a waiver for Demond Hernando Johnson to sit for the NCLEX-RN exam. After discussion, the following Motion was presented:

MOTION: I MOVE that based on the evidence presented the Arkansas State Board of Nursing finds that Demond Hernando Johnson, RN Applicant, grant a waiver of Ark. Code Ann. § 17-3-102. Application to sit for the NCLEX exam is granted.

Brought by Ramonda Housh and seconded by Melanie Garner.

PASSED

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David Dawson 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:

Cook, Jeannie Elizabeth Reames Babineaux R044088 (Romance, AR)

Violation - *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(1)*
Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(1)(g)

Civil Penalty - \$1,410.00

Brought by Janice Ivers and seconded by Haley Strunk

PASSED

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

Blackburn, Caitlin Dena Morgan Davis RN 124797 Springdale, 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)(m) and (w)

Probation - 2 years

Courses - *Substance Abuse Bundle*

Civil Penalty - \$2,500.00

Henderson, Brandi Joy Henderson Flores Hebling R100555, L048921 (Hot Springs, 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 - 3 years

Courses - *Substance Abuse Bundle*

Civil Penalty - \$2,250.00

Jordan, Miranda Yvette Nolan Clegg L031896 (Bryant, 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 - *Substance Abuse Bundle*

Civil Penalty - \$750.00

Parham, Jamie Ann LPN 120942 (Carlisle, 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)(t)

Probation - 3 years

Courses - *Substance Abuse Bundle*

Civil Penalty - \$750.00

Wilkerson, Kayla Deanne Millican Smitherman R101747, L053700 (Stephens, 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)(t)

Probation - 2 years

Courses - *Substance Abuse Bundle*

Civil Penalty - \$1,500.00

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Williams, Tiffany Suzanne Frazier LPN 216630

(Pocahontas, 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)(c) and (w)

Probation – 1 year

Courses – *Substance Abuse Bundle*

Civil Penalty - \$1,500.00

Brought by Janice Ivers and seconded by Haley Strunk

PASSED

Sue Tedford brought the following business to the Board:

- Discussed the scope of practice of LPNs in dialysis centers.
- Work has been started on the Strategic Plan which starts in 2025. The Board discussed the initiatives and objectives of the current Strategic Plan for relevance. A survey will be sent to each Board member prior to the November meeting for them to rank the current initiatives according to relevance. The discussion will continue in November.

The meeting recessed for lunch at 12:03 p.m. Following lunch, the Board resumed hearings.

President Neldia Dycus called the meeting to order at 1:19 p.m. A flexible agenda was approved.

HOPE DESTIN DAVIS, R099165 and L055529 (EXPIRED)

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Janet Simpson, MSN, RNP, RNC-MNN, Lynae Fryar, LMSW, Investigator, and Jessica Rouse, RN, CNO, Rivendell Behavioral Health, provided testimony on behalf of the Board. Katelyn White, APRN, Saline Memorial, Mystic Thompson, RN, Rivendell Behavioral Health, Taylor Poe, RN, Rivendell Behavioral Health, Joy Shuart, RN, Rivendell Behavioral Health and Carrie Ballard, Saline Memorial, provided testimony on behalf of the Respondent. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. An investigation was prompted by a complaint received from a co-worker of Respondent at Rivendell Behavioral Health Services in Benton, Arkansas. A facility investigation revealed concerns regarding Respondent's inappropriate behavior with both patients and staff. Respondent crossed therapeutic boundaries with patients to include spending an inappropriate amount of time with male patients, openly discussing her own mental health issues, and taking Xanax for anxiety in patient care areas and subsequently appearing glassy-eyed and spaced out. Witness statements indicate Respondent was rude and aggressive towards patients, calling one (1) patient "a player" and "a whore" and threatening patients with shots. Respondent also discussed plans to be contacted by another patient after his discharge. Respondent's employment with Rivendell Behavior Health was terminated on June 29, 2022. The following behaviors were noted on the termination form: multiple comments made to employees of a sexual and/or flirtations nature; inappropriate comments made to employees regarding their bodies and physical appearance; making threatening comments to staff regarding their employment status and promotional opportunities; interactions with patients that violate therapeutic boundary requirements; taking personal prescribed medications while on the patient unit that may have altered work performance and/or judgment and decision-making abilities. Respondent's Prescription Drug Monitoring Report for the date range of October 3, 2020, to October 3, 2022, indicates that fifty (50) prescriptions for benzodiazepines by a total of five (5) different providers, were filled. On September 28, 2022, Board staff attempted to contact Respondent using the last phone number on file and sending a message via the nurse portal. A voice message was left to contact the Board office. Respondent has not viewed the portal message and has not contacted Board staff. On October 28, 2022, Board staff sent Respondent a letter, via the nurse portal and certified mail, requesting Respondent to receive a psychological/addictive evaluation by November 28, 2022. The portal message has not been viewed by Respondent and the certified letter was returned "Not Deliverable as

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Addressed/Unable to Forward". On November 7, 2022, a second letter requesting an evaluation was sent via Respondent's nurse portal and by certified mail to an alternate address found through skip tracing. Respondent has not viewed the portal message and the certified letter was returned "Not Deliverable as Addressed/Unable to Forward". Another letter was sent to Respondent on December 30, 2022, after she failed to submit the requested evaluation. The portal message has not been viewed and the certified letter was returned "Attempted – Not Known/Unable to Forward". Respondent has had no contact with Board staff. An Order and Notice of Hearing was mailed to Respondent on April 27, 2023, providing notice of a May 17, 2023, hearing date. On May 4, 2023, Board staff received a Letter of Representation from Respondent's Legal Counsel, and the hearing was rescheduled to allow Respondent's Counsel adequate time to prepare.

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 **HOPE DESTIN DAVIS, R099165 and L055529 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(6) and that a Letter of Reprimand be issued on Respondent's license and Respondent complete the course; *The Nurse and Professional Behaviors*.

Brought by Ramonda Housh and seconded by Lance Lindow.

PASSED

AMY BETH SMITH CRAWFORD, R091834

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. Brenda Caveness, April Smith, and Scottie Cole, provided testimony on behalf of the Respondent. 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 November 16, 2016, the Board accepted the voluntary surrender for Respondent's RN License in lieu of an ongoing investigation and hearing. On September 11, 2019, the Board ratified a Reinstatement Consent Agreement placing Respondent's RN licensure on probation for three (3) years. When Respondent failed to fully comply with the terms of the September 11, 2019, Reinstatement Consent Agreement, an Action Cleared letter was not issued and Respondent was instructed to continue with monitoring. Respondent never fully complied with the terms of the September 11, 2019, Reinstatement Consent agreement and stopped checking in after December 4, 2022. Respondent failed to contact the Board approved monitoring program daily. Respondent missed fifty-nine (59) check-ins. Respondents last check-in was December 4, 2022. Respondent failed to call and show to submit specimens four (4) times for drug testing when selected by the Board approved monitoring program between October 01, 2019, and October 4, 2022. Respondent checked in but failed to show to submit specimens eleven (11) times for drug testing when selected by the Board approved monitoring program between October 01, 2019, and December 4, 2022. Respondent submitted nineteen (19) specimens positive for alprazolam, nine (9) specimens positive for hydrocodone, one (1) specimen positive for meprobamate, and one (1) specimen positive for morphine without providing short-term waivers to the Board. Respondent uploaded pictures of the prescription bottles of alprazolam and hydrocodone; however, the pictures did not include all the required information. No documentation of prescription or waiver for meprobamate or morphine were provided. Respondent uploaded a picture of her prescription of alprazolam 0.5mg #90 on February 9, 2022 and March 6, 2021. The pictures do not indicate the prescriber or date of the prescription. Respondent uploaded a picture of her prescription of alprazolam 0.5mg on December 9, 2020, November 25, 2020, and November 8, 2020. The quantity and date of prescriptions are not visible. Respondent uploaded a picture of her prescription of hydrocodone/APAP on March 6, 2021 and December 21, 2020. The strength, prescriber, and date of prescriptions are not visible. Respondent uploaded a picture of her prescription of hydrocodone/APAP on November 25, 2020, September 4, 2020, August 4, 2020, and March 26, 2020. The quantity and date of prescriptions are not visible. A short-term or long-term waiver has not been provided to the Board from the provider or Respondent for alprazolam or hydrocodone. On May 30, 2023, Respondent was offered a Noncompliance Consent Agreement for three (3) years. The signed consent agreement was due on June

20, 2023. On July 8, 2023, Respondent contacted Board staff and stated she would fax the consent agreement on July 10th. Board staff did not receive the signed consent agreement. The Board's Attorney Specialist contacted Respondent to set up a Zoom meeting to discuss the consent agreement. Respondent was to fax the agreement on Wednesday, August 9th. Respondent failed to provide a signed consent agreement and was referred for a hearing. 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 Consent Agreement, signed by Respondent, and ratified by the Board on September 11, 2019.

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 **AMY BETH SMITH CRAWFORD, R091834**, 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 placed on probation for three (3) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$2250.00, 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 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 one (1) AA/NA or other Board approved support group meeting(s) 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

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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 licensure 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.

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- 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 7:10 pm.



Leslie H. Branman, Vice President



Mindy Darner, Recording Secretary

11-15-2023

Date Approved