



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 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: June 14, 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; Lynne Ritchie, BS, RDH; Haley Strunk, LPN; Leslie Harmon Branman, BSN, RN, CPSN, CANS

MEMBERS ABSENT: NONE

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
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

Guests: Mary Kennebrew- Office of Attorney General
Dana Cox- ASU Nursing Master's Student Observing
Eli Jackson, Law Student observing Darren O'Quinn

President Lance Lindow called the meeting to order at 8:35 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.

NATASHA DEJEAN FRANKLIN CLEVELAND, LICENSE NO. CNP 223497

Respondent was present for the proceedings before the Board and was not represented by counsel. Karen McCumpsey, MNsc, RN, CNE, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(1), and the *Arkansas State Board of Nursing Rules*, Chapter 7, Section IV (A)(1)(a), and pleads guilty to the charges. On March 8, 2023, the Board issued a Letter of Reprimand to Respondent for violations of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(1),

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and the *Arkansas State Board of Nursing Rules*, Chapter 7, Section IV (A)(1)(a). On or about September 27, 2022, Respondent submitted an APRN endorsement application to the Arkansas State Board of Nursing with "no" marked as the answer to the question "Have you ever been convicted of a misdemeanor or felony, pleaded guilty, or nolo contendere to any charge in any state, jurisdiction, country or province? It IS required to report DWI(s), DUI(s), or substantially similar offense(s). However, it is NOT required to report other traffic violations as they do not constitute a crime." On or about April 21, 2008, Respondent entered a plea of guilty to the charge of securing execution of a document by deception - \$500-\$1,500, in the Tarrant County, Texas Court. The Letter of Reprimand was sent via the nurse portal message center and USPS certified mail to Respondent's last known address on file with the Board. The certified mail was returned to sender marked unclaimed, unable able to forward. The nurse portal message was viewed on March 10, 2023, at 7:27 pm. Board staff received a message from Respondent through the nurse portal on April 4, 2023, requesting a hearing to appeal the Letter of Reprimand issued on March 8, 2023.

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 **NATASHA DEJEAN FRANKLIN CLEVELAND, LICENSE NO. CNP 223497**, has been charged with a violation of Ark. Code Ann. § 17-87-309(a)(1) and Arkansas State Board of Nursing *Rules* and that the Letter of Reprimand be rescinded and a Letter of Warning be issued.

Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

AUTUMN RENEE COLE EDINGTON CARTER, LICENSE NO. L053436

Respondent was not present for the proceedings before the Board and was not represented by counsel. Lisa Wooten, MPH, BSN, RN, and Shannon Loyd, RN, provided testimony on behalf of the Board. The Board received a complaint alleging that Respondent "cannot seem to focus, very jumpy and cannot form clear sentences to staff about duties and tasks needing to be carried out. Refuses to drug screen, if medications come up missing, even when requested by staff. Other staff meds have come up missing out of offices and she gets very protective of her purse at times." Respondent has a prior Probation Consent Agreement on her license history after two (2) DWI convictions and treatment. On October 28, 2021, two (2) Board investigators traveled to Pocahontas Healthcare and Rehabilitation to perform a Urine Drug Screen (UDS) and obtain documents to conduct an audit of Respondent's controlled substance activity. The UDS showed positive results for amphetamine at 16,300 ng/ml; clonazepam metabolite at 238 ng/ml; tramadol at 29,400 ng/ml; fluoxetine metabolite at 994 ng/ml; dextromethorphan at 127 ng/ml; fluoxetine at 1,000 ng/ml; ETG at 119,000 ng/ml; and ETS at 33,700 ng/ml. Six (6) Resident's charts were reviewed, including the Medication Administration Records (MAR), the Narcotic Medication Logs, and the Drug Surrendered Logs, for discrepancies. There were no discrepancies noted. Controlled substances prescribed for Respondent from four (4) providers and one (1) pharmacy during the time from October 29, 2019, through October 29, 2021, include, fifteen (15) prescriptions for alprazolam, one (1) prescription for amphetamine, three (3) prescriptions for modafinil, and fifteen (15) prescriptions for tramadol. On February 23, 2022, Board staff sent a letter via the nurse portal and certified mail to Respondent's last known mailing address on file with the Board requesting Respondent to obtain a psychological/addiction evaluation by March 30, 2022. The certified letter was returned on March 25, 2022, marked Returned to Sender / Unclaimed / Unable to Forward. Respondent viewed the message in the portal on 5/24/2022 at 10:47 PM. On May 24, 2022, Board staff sent a second letter via the nurse portal and certified mail to Respondent's last known mailing address on file with the Board requesting Respondent to obtain a psychological/addiction evaluation by June 28, 2022. The certified letter was returned on August 2, 2022, marked Returned to Sender / Not Deliverable as Addressed / Unable to Forward. Respondent viewed the message in the portal on 5/24/2022 at 10:46 and 10:53 PM. On August 1, 2022, Board staff attempted to reach Respondent by telephone. There was not answer and the phone went to voicemail and her mailbox was full. On January 12, 2023, Board staff sent a message through the nurse portal and certified mail notifying her that her case was forwarded for hearing. The

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certified letter is being returned unclaimed and Respondent has not viewed the message in the portal. Respondent has failed to provide the requested evaluation and has failed to communicate with Board staff.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **AUTUMN RENEE COLE EDINGTON CARTER, LICENSE NO. L053436**, 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 \$4,878.00, 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 courses: *Substance Abuse Bundle*, and *The Nurse and Professional Behaviors*. 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 three (3) meetings per week until the Board receives the evaluation report with the evaluator's recommendations regarding meeting attendance.
- 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.
- 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.

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- 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.

Ramonda Housh has recused herself from this case.
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:

Cantrell, Tracy Lynn Smallen Pratt R074200, L038155 (Sheridan, 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)(o) and (p)*
Probation – 1 year
Courses – *Substance Abuse Bundle*
Civil Penalty - \$750.00

Pool, Andrea Jo Estes Rush L038132 (North Richland Hills, TX)

Violation – *The Nurse Practice Act of Arkansas ACA §17-87-309(a)(2), (a)(4), Arkansas State Board of Nursing Rules, Chapter Seven, Section IV (A)(2) and (A)(4)*
Probation – 2 years, Reinstatement
Courses – *Substance Abuse Bundle*
Brought by Janice Ivers and seconded by Haley Strunk.

PASSED

After discussion of the use of Gentox's DNA authenticated urine drug screen, the following motion was presented:

MOTION: I MOVE the Arkansas State Board of Nursing amend the Board motions and consent agreement language to reflect the Board's requirement to mandate the use of Genotox's DNA authenticated urine drug screen when the Affinity approved collection site does not have the same sex observer or does not allow opposite sex observers. The drug screen will be considered a no-show if a specimen is not submitted.

Brought by Janice Ivers and seconded by Lance Lindow.

PASSED

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Sue Tedford spoke to the Board about the retreat scheduled for June 15, 2023.

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.

AMARA MICHAELA AUSTIN, LOUISIANA RN LICENSE NO. 213265 (EXPIRED)

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, provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309 (a)(6), and the *Arkansas State Board of Nursing Rules*, Chapter 7, Section IV (A)(6)(c) and (d) and pleads not guilty to the charges. On November 18, 2022, the Board issued an Order to Cease and Desist practice in Arkansas to Respondent for violations of the *Arkansas Nurse Practice Act*, A.C.A. §17-87-309(a)(6), and the *Arkansas State Board of Nursing Rules*, Chapter 7, Section IV (A)(6)(c) and (d). The Order was issued under the Board's authority as outlined in A.C.A. §17-87-601 and §17-87-602. Respondent was employed at Baptist Health in Little Rock, Arkansas, beginning on, or about, February 22, 2021. On December 29, 2021, Neuro ICU Manager, Monica Dixon reported, a nurse on the unit was borrowing a pencil from Respondent's pencil bag and noticed an unopened vial of Dilaudid (hydromorphone). Respondent stated she got it out on another patient (not a patient she was assigned to) because he was hurting. Pharmacy ran a Pyxis Report and Respondent had not taken out Dilaudid since December 7, 2021. Respondent stated she did not take the vial from the Pyxis but found it in a drawer in an empty room. Respondent was sent for a for cause drug screen. Respondent was suspended pending drug screen results. On January 10, 2022, Respondent's drug screen was reported as negative. According to the facility's Diversion Assessment of Respondent's activity from November 27, 2021, to December 29, 2021, indicated, in part: Unreconciled Drug Totals: fentanyl vial 100mcg/2mL - total of 25mcg; morphine vial 4mg/mL - total of 4mg; and hydromorphone 1mg/mL - total of 1mg; Fifteen (15) delayed administrations of controlled substances; Two (2) administrations prior to dispensing; Ten (10) back charting administrations; One (1) waste delayed from administration time; One (1) delayed return of controlled substances; One (1) waste delayed from dispensing time; and One (1) change in custody event for controlled drugs. Respondent's employment was involuntarily terminated on January 10, 2022, and she is ineligible for re-hire. The Board's investigator reviewed five (5) medical records from patients under Respondent's care, between the dates of December 6, 2021, and December 24, 2021. A total of 1mg of hydromorphone is unaccounted for; a total of 25mcg of fentanyl is unaccounted for; and a total of 4mg of morphine is unaccounted for. Additionally, Respondent removed a prn medication (oxycodone) for severe pain. However, documentation does not indicate Respondent administered the medication for 4.25 hours after it was removed from the dispensing machine (Pyxis). Respondent removed a prn medication (lorazepam) for anxiety. However, documentation does not indicate Respondent administered the medication for three (3) hours after it was removed from the dispensing machine (Pyxis). The Order to Cease and Desist practice in Arkansas was delivered to Respondent via certified mail on November 21, 2022. On December 12, 2022, Board staff received notification that Respondent was represented by legal counsel, who requested a hearing to appeal the Order to Cease and Desist practice in Arkansas.

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 **AMARA MICHAELA AUSTIN, LOUISIANA RN LICENSE NO. 213265 (EXPIRED)**, has been charged with a violation of Ark. Code Ann. §17-87-312 309(a)(6) and the Arkansas State Board of Nursing *Rules*, Chapter 7, Section IV (A)(6)(c) and (d) and that Respondent's license and privilege to practice 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 \$1,475.00, 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

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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*, *Documentation for Nurses*, *Substance Use Bundle*, and *Medication Administration*. Respondent shall submit the certificates of completion via the Board approved monitoring program.
- Respondent shall submit the *Enforcement Personal Report* to the Board via the Board approved monitoring program quarterly.
- Respondent shall 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 within ten (10) days of the change.
- Respondent shall submit and have approved by the Board staff a plan to obtain additional education and enter into a preceptor program with a registered nurse within the Respondent's practice setting or area of expertise. The plan shall be submitted within 30 days of the first day of employment as a nurse, after the Board's Order. The preceptor program shall start within 30 days of the first day of employment as a nurse, after the Board's Order.
- 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 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 not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.
- 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 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

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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

DESTINY PROMISE DAVIDSON, LICENSE NO. L060266

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, Penny Summer, RN, Pharmacy Services, and Melissa Russenberger, RN, Pharmacy Services, provided testimony on behalf of the Board. Thomas Harris, and Cassidy New, 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. On May 11, 2022, an investigator for the Board travelled to Respondent's employer to obtain a urine drug screen from Respondent, after a complaint was received alleging that Respondent was working as a nurse in an impaired condition, and that Respondent would intentionally miscount medication for the purpose of taking some medications to her home. The Board investigator met with Respondent at Elite Home Health in Marion, Arkansas, to obtain the urine sample for screening. Respondent asked to go to the conference room to get her drink, however, she retrieved her personal belongings and left the facility without submitting to the drug screen. Respondent's employment was terminated by Elite Home Health on May 11, 2022, for refusing the urine drug screen. On September 27, 2022, Board staff attempted to reach Respondent by telephone to discuss her refusal to submit to the drug screen. A message requesting Respondent to contact Board staff was left on her voicemail. Staff also sent a message through the portal notifying Respondent she was being referred to the legal department and failure to cooperate would result in a hearing before the Board. Respondent initially viewed the message on September 27, 2022, at 12:49 PM, and again on November 12, 2022, at 10:02 PM. On September 27, 2022, Board staff received notice that Respondent was represented by legal counsel. On November 16, 2022, Board staff offered Respondent a one-year probation consent agreement. Respondent's attorney informed staff that Respondent declined the offered consent agreement and requested a hearing before the Board.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **DESTINY PROMISE DAVIDSON, LICENSE NO. L060266**, 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 \$1,402.00, 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 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.

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- 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

KRISTIN MARIE BOWEN HOLMES, LICENSE NO. L038233 (EXPIRED)

Respondent was not present for the proceedings before the Board and was not represented by counsel. Udell Ward, Jr., Regulatory Board Chief Investigator, and Paul Koesy, Pharm D, provided testimony on behalf of the Board. The Board received a copy of an Office of Long Term Care investigation dated May 8, 2020, which indicates that during a routine investigation involving Resident LH, Respondent was required to submit to a drug screen. The drug screen reported positive for multiple substances for which Respondent did not have a current prescription. Respondent's employment was terminated due to the failed drug test. Respondent was hired at The Waters of Fort Smith in August of 2019. On May 1, 2020, the day shift nurse noted the need to order lorazepam 0.25 mg for Resident LH. The pharmacy notified the nurse (and/or facility) that lorazepam had already been delivered for resident LH. An investigation for the missing lorazepam was initiated. On May 8, 2020, Respondent was requested to submit a drug screen. Respondent's drug screen tested positive for multiple controlled substances, including opiates, benzodiazepines, and oxycodone. On May 15, 2020, Respondent's employment was terminated at the conclusion of the investigation, due to a failed drug test. Five (5) medical records were reviewed from residents at the facility under Respondent's care. 80 mg of hydrocodone is unaccounted for, and 170 mg of oxycodone is unaccounted for. Respondent's employment history includes discipline and counseling while working for other facilities. While employed at Ashton Place Health and Rehab, Respondent was written up for medication administration issues and excessive absences. Her employment was terminated in June of 2019. While employed at Mercy Crest, Respondent was issued a warning with six (6) months' probation - number of days one hundred eighty-six (186), due to a positive propoxyphene drug screen report, which was collected August 3, 2010. Respondent was issued discipline on four (4) other occasions for issues involving medication administration and unprofessional and disruptive behavior. While employed at Legacy Health, Respondent was issued a verbal warning regarding blanks left on the MAR/TAR at the end of the shift. On November 4, 2020, Board staff sent a letter to the Respondent by regular and certified mail at her last known mailing address on file with the Board requesting an addictive evaluation. Both letters were returned and labeled "Return to sender – attempted not known – unable to forward." On November 23, 2022, Board staff sent an email to the Respondent at kholmeslpn@yahoo.com which stated, "You have a critical message in the [ASBN] message center. Please review your letter. This letter was also sent via certified and regular mail at your last address on file with the board. Both letters were returned. Please update your address when you log in." On April 28, 2022, Board staff sent another letter to the Respondent via the nurse portal and regular and certified mail. The portal message was viewed on June 29, 2022, at 4:56 p.m. On June 29, 2022, Respondent sent a

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message through the nurse portal, updating her address and contact information. Respondent and Board staff communicated over the next several months about the request for an addictive evaluation and list of approved evaluators. On March 20, 2023, Board staff sent a message to the Respondent via the nurse portal stating, "You have failed to cooperate with obtaining the requested evaluation and work history. You will be scheduled for a Board hearing." The message was viewed by the Respondent on March 20, 2023, at 11:13 a.m. Respondent has failed to provide the requested addictive evaluation and has ceased communicating with Board staff.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **KRISTIN MARIE BOWEN HOLMES, LICENSE NO. L038233 (EXPIRED)**, 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 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 \$4,575.00, 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 courses: *Substance Abuse Bundle, The Nurse and Professional Behaviors* and *Documentation for Nurses*. 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 three (3) meetings per week until the Board receives the evaluation report with the evaluator's recommendations regarding meeting attendance.
- 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.
 - 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.

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- 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

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Minutes from the May 17, 2023, and May 18, 2023, Board Meetings.

Brought by lance Lindow and seconded by Janice Ivers.

PASSED

There being no further business, the meeting adjourned at 5:54 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved