



Arkansas Department of Health

Arkansas State Board of Nursing
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Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health
Sue A. Tedford, MNSc, APRN, Director

BOARD MEETING MINUTES

TIME AND PLACE: April 7, 2022
Board Conference Room

MEMBERS PRESENT: Lance Lindow, RN; Neldia Dycus, BS, MHSM, MHRD, RN; Janice Ivers, MSN, RN, CNE; Stacie Hipp, APRN; Jasper Fultz, LPN; Melanie Garner, LPN, CLC; Yolanda Green, LPN; Ramonda Housh, MNSc, APRN, CNP, C-PNP

MEMBERS ABSENT:

STAFF ATTENDING AT VARIOUS TIMES: Sue A. Tedford, Director, MNSc, APRN
David Dawson, JD, General Counsel
Ashley Fisher, Attorney Specialist
Lisa Wooten, Assistant Director, MPH, BSN, RN
Karen McCumpsey, Assistant Director, MNSc, RN, CNE
Shannon McKinney, Assistant Director, DNP, APRN, WHNP-BC
Tammy Vaughn, Program Coordinator, MSN, RN, CNE
Aaron Singleton, Regulatory Board Chief Investigator
Leslie Suggs, Executive Assistant to the Director
Susan Moore, Computer Operator
Mindy Darner, Legal Support Specialist
Lisa Mendenhall, Legal Support Specialist

GUESTS ATTENDING: Mary Kennebrew, Office of Attorney General

President Lance Lindow called the meeting to order at 8:37 a.m. Guests were welcomed and a flexible agenda was approved.

DISCIPLINARY HEARINGS

General Counsel, David Dawson, and Ashley Fisher, Attorney Specialist, JD, represented the Board. Motions reflect the decisions of the Board reached in deliberation following the hearing of each case.

CORE ALAN HICKSON, RN LICENSE NO. 213009

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 pleads not guilty to the charges. Respondent's past history includes: On September 16, 2016, the Board issued a Cease and Desist Order on Respondent's Mississippi RN license multistate privilege to practice in the State of Arkansas; On November 4, 2016, the Mississippi Board of Nursing issued an Emergency Suspension Order based on the Cease and Desist Order issued by ASBN; On March 10, 2017, the California Board of Registered Nursing revoked Respondent's California RN License No. 787659 due to failure to appear for a hearing and respond to disciplinary action taken by another State Board of Nursing; on April 25, 2017, in lieu of compliance with

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an Agreed Settlement proposed by the Mississippi Board of Nursing, Respondent voluntarily surrendered his Mississippi RN License R-879042; and, on July 12, 2017, the Board ratified a Consent Agreement placing Respondent's privilege to practice on probation for four (4) years. On September 9, 2020, Respondent applied for licensure in Arkansas by endorsement and entered into a Consent Agreement ratified by the Board, placing Respondent's license on probation for one (1) year with the same terms and conditions as the Consent Agreement ratified on February 12, 2017. Respondent has failed to comply with all of the terms of the September 9, 2020, Probation Consent Agreement. Respondent failed to contact the Board approved monitoring program daily. Respondent missed 6 check-ins. Respondent called but failed to show to submit specimens for drug testing, seven (7) times between the dates of December 29, 2020, and December 8, 2021. Respondent submitted Specimens Positive for alcohol or metabolites of alcohol as follows: 2/07/2022 ETG 7878 ng/mL, 100 ng/mL, ETS 5007 ng/mL 50 ng/mL; 11/24/2021 Alcohol Ethyl 0.079g%, 1g% (GC-FID Confirmed), ETG 8491 ng/mL 100 ng/mL, ETS 4562 ng/mL 50 ng/mL; 02/07/2022 ETG 7878 ng/mL 100 ng/mL, ETS 5007 ng/mL 50 ng/mL; 08/11/2021 ETG 1037 ng/mL, 100 ng/mL, ETS 557 ng/mL 50 ng/mL; 06/10/2021 ETG 16508 ng/mL 100 ng/mL, ETS 6336 ng/mL 50 ng/mL; 05/28/2021 ETG 3091 ng/mL 100 ng/mL ETS 1379 ng/mL, 50 ng/mL; 04/08/2021 ETG 1062 ng/mL, 100 ng/mL, ETS 651 ng/mL, 50 ng/mL, 03/02/2021 ETG 15579 ng/mL, 100 ng/mL, ETS 7270 ng/mL, 50 ng/mL; 02/27/2021 ETG 883 ng/mL, 100 ng/mL, ETS 488 ng/mL, 50 ng/mL; 01/29/2021 ETG 446 ng/mL, 100 ng/mL, ETS 277 ng/mL, 50 ng/mL; 11/20/2020 ETG 4569 ng/mL, 100 ng/mL, ETS 2434 ng/mL, 50 ng/mL. Respondent submitted PEth Test (Blood Alcohol Level) Specimens Positive for alcohol: 10/14/2021 PhosphatidylEthanol 262.2ng/mL; 06/22/2021 Phosphatidyl Ethanol 665.8ng/mL. Respondent failed to submit quarterly Personal Reports (1 of 4) and Support Group Meeting Attendance Logs (0 of 3). Respondent has failed to submit all quarterly Civil Penalty payments of \$62.50 as agreed in the Consent Agreement. (Balance \$375.00). Board staff discussed with Respondent his noncompliance and his options. Respondent notified staff he would like to enter into a Noncompliance Consent Agreement. An agreement was mailed to Respondent and delivered on August 19, 2021. Respondent had not returned a signed Noncompliance Consent Agreement and has not responded to subsequent communication from Board staff. 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 Consent Agreement, signed by Respondent, and ratified by the Board on September 9, 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 **CORE ALAN HICKSON, RN LICENSE NO. 213009**, 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 six (6) months with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$1,125.00, plus any outstanding balance associated with previous disciplinary action. Such fine shall be payable within fifteen (15) days of receipt of this Order. If unable to pay the civil penalty within fifteen (15) days, a payment schedule shall be submitted within fifteen (15) days to the Board via email at ASBN.monitoring@arkansas.gov.
- Respondent shall provide evidence within six (6) months of successful completion of the Board approved course: *Substance Abuse Bundle*. Respondent shall submit the 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 meeting(s) a week during the period of suspension and / or probation.

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- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three (3) weeks) with a controlled medication may be allowed for an acute illness or acute condition with appropriate documentation (i.e. short-term waiver, medical record documentation, etc.). Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens and quarterly Peth testing. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires 30 days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall 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 within ten (10) days of the change.
- If you fail to comply with the terms of suspension during the monitoring period, you may not restart the monitoring period until six (6) months after the date you were determined to be noncompliant
- Respondent shall request to the Board verification of termination of the suspension period and license reinstatement to probation via the ASBN Nurse Portal or via the Board approved monitoring program once compliance with the Board's Suspension Order is met.
- A probation period of one (1) year shall follow the suspension period. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence shall

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continue through the probation period. Respondent must be employed as a Registered Nurse for a minimum of sixty-four (64) hours per month for three (3) consecutive months with the same employer for a total of four (4) quarterly periods.

- 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 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 be employed in critical care, in-home hospice, or home health settings.
- 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 Yolanda Green.

PASSED

Ashley Fisher, 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:

Andrews, Abby Kay Dillard L052326 (Conway, AR)

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

Probation – 3 years

Courses – Substance Abuse Bundle

Atherton, Graham David R104307 Fayetteville, AR)

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

Probation – 3 years

Courses – Substance Abuse Bundle

Baxter, Kacey Danielle Oetjen LPN 212793 (Pocahontas, AR)

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

Probation – 1 year

Courses – The Nurse and Professional Behaviors, and Substance Abuse Bundle

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Bell, Leigh Ann Higgins R071561 (Wilson, AR)

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

Probation – 3 years

Courses – Substance Abuse Bundle and The Nurse and Professional Behaviors

Carter, Amy Suzanne West Day R042354 (White Hall, AR)

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

Probation – 3 years

Courses – Substance Abuse Bundle

Civil Penalty - \$2,250.00

Rouse, Jonathan Allan R087098 (Fort Smith, AR)

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

Probation – 1 year

Courses – Substance Abuse Bundle and Board-approved refresher course

Civil Penalty - \$260.00

Rouse, Tiffany Renea R094972, L048815 (Pine Bluff, AR)

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

Probation – 3 years

Courses – Substance Abuse Bundle, Documentation for Nurses, and Ethics of Nurses

Civil Penalty - \$1,762.50

Brought by Stacie Hipp and seconded by Janice Ivers

PASSED

Sue Tedford spoke to the Board about the following items:

- NOAP meeting in May. She inquired whether any of the Board members not slated to attend would like to attend
- Retreat in June
- Whether there needs to be a business meeting on Thursday in the month of May

The following motions were brought before the Board:

MOTION: I MOVE that the Arkansas State Board of Nursing accept the revisions made by the Arkansas Division of Elementary and Secondary Education and Arkansas State Board of Nursing *Rules* governing the administration of insulin, glucagon, and medication for adrenal insufficiency

Brought by Lance Lindow and seconded by Stacie Hipp.

PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the January 5, 2022, Board Meetings.

Brought by Stacie Hipp and seconded by Lance Lindow.

PASSED

MOTION: I MOVE that the Arkansas State Board of Nursing approve the Board Meeting Minutes from the February 9, 2022, and February 10, 2022, Board Meetings.

Brought by Stacie Hipp and seconded by Lance Lindow.

PASSED

The meeting recessed for lunch at 12:23 p.m. Following lunch, the Board resumed hearings.

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

JENNIFER NICOLE ROBERSON LINDSEY, LICENSE NO. L048074

Respondent was present for the proceedings before the Board and was represented by counsel, Darren O'Quinn. Lisa Wooten, MPH, BSN, RN, Penny Summers, RN, and Karen Reed, Director of Nursing, Woodland Hills Nursing and Rehab (via phone), provided testimony on behalf of the Board. Respondent has been charged with Ark. Code Ann. § 17-87-309(a)(6) and pleads not guilty to the charges. Respondent holds Arkansas License No. L048074. An investigation was initiated after the Board received a report from the Office of Long-Term Care regarding an incident at Woodland Hills of Jacksonville, Arkansas. According to the report, on August 10, 2020, Respondent signed out a card of oxycodone from one hall to be signed into another hall when the patient was transferred. Respondent failed to sign the card of oxycodone to the second hall and the card was never found. On August 18, 2020, Respondent submitted a resignation letter. Respondent's employment was terminated at Woodland Hills due to, "quit without notice during suspension, pending an investigation." A total of ten (10) medical records were reviewed at Woodland Hills with a date range from June 6, 2020, to July 26, 2020. A total of 245mg of oxycodone is unaccounted for, and a total of 720mg of hydrocodone is unaccounted for. Pharmacy printouts indicate the respondent was dispensed the following prescriptions as issued by seven (7) different providers: two (2) prescriptions for Belbuca 300mcg films, which totaled one hundred-twenty (120) films, last filled on March 5, 2020, twenty-three (23) prescriptions for clonazepam, which totaled one thousand three hundred-eighty (1,380) tablets, last filled on January 21, 2021, twelve (12) prescriptions for oxycodone 15mg, which totaled one thousand four hundred-ten (1,410) tablets, last filled on December 21, 2019, thirteen (13) prescriptions for oxycodone/APAP 10/325mg, which totaled one thousand five hundred-sixty (1,560) tablets, last filled on January 21, 2021, and twenty-Seven (27) prescriptions for phentermine, which totaled three hundred- sixty (360) tablets, last filled on January 5, 2021. On January 8, 2021, the Board received another facility investigative report from the Office of Long-Term Care. It reported that Respondent's employment with Lonoke Health and Rehab was terminated due to a narcotic discrepancy regarding a missing Percocet (oxycodone/APAP) 10/325mg tablet. Five (5) medical records from Lonoke Health and Rehab were reviewed and a total of 10mg of oxycodone is unaccounted for. At the request of Board staff, Respondent scheduled an addiction evaluation with George M. DeRoeck, Psy.D., on July 19, 2021. Dr. DeRoeck provided a report with recommendations that include, ongoing ethics training, ongoing individualized counseling, monitoring, a prohibition in administration of narcotics, and a forty (40) hour work week limitation in a lower stress position. On September 10, 2021, Board staff sent Respondent a consent agreement at her request. On September 20, 2021, 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 **JENNIFER NICOLE ROBERSON LINDSEY, LICENSE NO. L048074**, 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 three (3) years with the following terms and conditions:

- Pursuant to A.C.A. §17-87-104(b)(1), Respondent must pay a civil penalty of \$4,025.00 plus any outstanding balance associated with previous disciplinary action.
- Respondent is prohibited administrating controlled substances for one (1) year: if compliant after one (1) year Respondent will be reinstated to allow administration of all medications that are properly prescribed.
- Pursuant to A.C.A. §17-87-104(b)(1), Respondent shall pay a civil penalty of \$4,025, 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,*

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- and Documentation for Nurses.* Respondent shall submit the certificates 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 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 company 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 appropriate documentation (i.e. short-term waiver, medical record documentation, etc.). Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program.
 - Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
 - Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified.
 - Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires 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.

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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 be employed in critical care, in-home hospice, or home health settings.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board of Nursing.
- 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 within ten (10) days of the change.
- Respondent shall request to the Board verification of termination of the probationary period and license reinstatement by submitting the *Reinstatement Request Form*, via the ASBN Nurse Portal once compliance with the Board's Order is met. Respondent is required to continue all monitoring requirements including, but not limited to, checking in daily for random drug screening, testing if selected, attending meetings, and submitting reports until released from the probation period by Board staff.
- Pursuant to Ark. Code Ann. §17-87-309, failure to comply with this Order may result in additional disciplinary action on the Respondent's licensure and/or privilege including, but not limited to, additional probation, suspension, or revocation of licensure and/or privilege to practice nursing in this state.
- Respondent shall submit quarterly pain treatment provider reports.
- Respondent shall maintain a current pain treatment contract with ASBN.

Brought by Janice Ivers and seconded by Yolanda Green

PASSED

MARILYN TERESA MCDANIEL MOORE, LICENSE NO. R076826 (EXPIRED), L043851 (EXPIRED)

Respondent was not 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. On September 8, 2021, the Board ratified a Probation Consent Agreement placing Respondents RN and LPN licensure on probation for three (3) years. Board staff sent Respondent a compliance packet by certified mail to her last known address on file with the Board. The certified mail was returned unclaimed on September 28, 2021. On September 30, 2021, Board staff sent Respondent a message in the ASBN Nurse Portal notifying her the compliance packet sent to her was returned unclaimed. Respondent viewed the message on November 30, 2021 and December 7, 2021. Respondent failed to activate her monitoring account with Affinity, the Board approved monitoring program. Board staff sent Respondent a second notification on November 4, 2021. Respondent viewed the message on November 30, 2021, and December 7, 2021, the same day she viewed the September 30, 2021, message. Respondent failed to activate her monitoring account or contact ASBN and remains 100% noncompliant. 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 Consent Agreement, signed by Respondent, and ratified by the Board on September 8, 2021.

MOTION: I MOVE that based on the evidence presented and the allegations contained in the Order and Notice of Hearing, the Arkansas State Board of Nursing finds that **MARILYN TERESA MCDANIEL MOORE, LICENSE NO. R076826 (EXPIRED), L043851 (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 \$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 months of successful completion of the Board approved course: *Substance Abuse Bundle*. 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 probation.
- Respondent shall abstain at all times from the use of all controlled or abuse potential substances including alcohol, products that contain alcohol, all fermented products (i.e. kefir, kombucha tea, etc.), hemp, poppy seeds, cannabidiol (CBD), or any product or by-product containing the same. Short-term treatment (less than three (3) weeks) with a controlled medication may be allowed for an acute illness or acute condition with appropriate documentation (i.e. short-term waiver, medical record documentation, etc.). Respondent shall notify Board staff within ten (10) days of being prescribed a controlled or abuse potential substance via the Board approved monitoring program. Respondent shall log all medications, including over-the-counter medications via the Board approved monitoring program. Acceptable documentation must include the following information: prescriber, medication name, dose, date prescribed, and amount dispensed. Acceptable format of documentation includes photo(s) of the prescription label, documentation from the provider, or documentation from the pharmacy.
- Respondent shall submit to observed, random drug screens. The observed drug screens shall meet the criteria established by the Board and be conducted through a Board approved monitoring program, laboratory, and collection site. Respondent shall contact the monitoring program to activate their account and begin checking in daily beginning the first of the month following the Board Order. If selected for testing, Respondent shall submit the specimen within two (2) hours from the time of notification. Respondent shall not submit specimens at Respondent's place of employment or practice site. Failed drug screens include the results of a biological specimen, which is determined to be diluted, substituted, abnormal, adulterated, or tests positive for alcohol, controlled substances, abuse potential substances, or their metabolites without a valid prescription or failure to present and provide specimen when notified. Respondent shall notify the Board of any travel two (2) weeks prior to traveling by submitting a monitoring interruption via the Board approved monitoring program. Respondent shall continue to check in during travel period and test when selected. Travel outside the continental U.S. requires 30 days' notice. If approved, a waiver shall be issued during the travel period outside the continental U.S.
- Respondent shall not collect any drug screen specimen from a participant who has been ordered to drug screen by the Board.

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- 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.
- If you fail to comply with the terms of suspension during the monitoring period, you may not restart the monitoring period until six (6) months after the date you were determined to be noncompliant
- Respondent shall request to the Board verification of termination of the suspension period and license reinstatement to probation via the ASBN Nurse Portal or via the Board approved monitoring program 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 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 be employed in critical care, in-home hospice, or home health settings.
- 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.

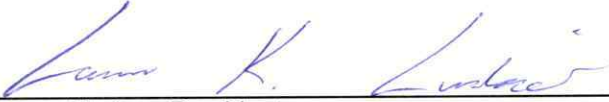
Brought by Ramonda Housh and seconded by Melanie Garner.

PASSED

ASBN MINUTES

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There being no further business, the meeting adjourned at 6:00 pm.



Lance Lindow, President



Mindy Darner, Recording Secretary



Date Approved