

COURT OF APPEALS OF ARKANSAS

Emily Best v. Arkansas State Board of Nursing

2026 Ark. App. 9 · No. CV-24-536 · Decided January 14, 2026

SUMMARY

The Arkansas Court of Appeals affirmed the Arkansas State Board of Nursing's letter of reprimand against Emily Best following her conviction for first-degree criminal mischief. The court held that Best failed to preserve several challenges to the Board's authority and consideration of nolle prossed charges, concluded that the Board disciplined her based on the conviction rather than gross immorality, and determined that the reprimand was not unduly harsh.

CASE DETAILS

COURT	Court of Appeals of Arkansas
WRITING FOR THE COURT	Bart F. Virden; Barrett; Thyer
JURISDICTION	Arkansas Court of Appeals
DECIDED	January 14, 2026
DOCKET	CV-24-536
DISPOSITION	affirmed
PROCEDURAL POSTURE	Best appealed the Boone County Circuit Court's denial of her petition for relief from an Arkansas State Board of Nursing letter of reprimand.
STANDARD OF REVIEW	Under the Arkansas Administrative Procedure Act, appellate review is directed to the agency's decision rather than the circuit court's decision. The court determines whether substantial evidence supports the agency decision or whether the decision violates constitutional or statutory provisions, exceeds the agency's authority, results from unlawful procedure, reflects other error of law, or is arbitrary, capricious, or an abuse of discretion. Substantial evidence is valid, legal, and persuasive evidence that a reasonable mind might accept as adequate; the challenging party bears the burden of showing its absence. Witness credibility and the weight of evidence are within the agency's discretion.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	Emily Best v. Arkansas State Board of Nursing

TOPICS

judicial review of agency action

medical licensing

administrative procedure act

preservation of error

standard of review

PRACTICE AREAS

administrative law

health law

medical licensing

appellate procedure

QUESTIONS PRESENTED

1. Whether Best preserved her argument that criminal mischief was not a crime within the Board's disciplinary authority.
2. Whether the Board improperly relied on the vague term "gross immorality" in issuing the letter of reprimand.
3. Whether the Board improperly considered Best's nolle prossed charges.
4. Whether the letter of reprimand was unduly harsh and constituted an abuse of discretion.

HOLDINGS

1. The court would not address the argument because Best failed to raise it before the administrative agency and obtain a ruling.
2. The court held that Best was disciplined for being guilty of a crime, not for gross immorality; the Board's inclusion of the definition of gross immorality in the letter did not establish that the term was an independent basis for the reprimand.
3. The court declined to review the argument because Best failed to object before the Board and obtain a ruling.
4. The letter of reprimand was not unduly harsh, and the Board did not abuse its discretion by issuing it.

KEY QUOTATIONS

"Substantial evidence is defined as valid, legal, and persuasive evidence that a reasonable mind might accept as adequate to support a conclusion and forces the mind to pass beyond conjecture." (5)

"Best pleaded guilty to a crime, and the Board has authority to sanction licensees who are guilty of a crime." (9)

FACTUAL BACKGROUND

Best pleaded guilty to first-degree criminal mischief after allegedly driving her car into her mother's car and causing property damage. The other charges against her, aggravated assault and third-degree domestic battering, were nolle prossed. Best argued that the criminal-mischief conviction resulted from an adverse reaction to prescribed Robaxin and presented evidence concerning her medical conditions and lack of prior disciplinary history. The Board issued a letter of reprimand under Arkansas Code Annotated section 17-87-309(a)(2), and the court upheld that sanction.

PROCEDURAL HISTORY

The Board issued Best a letter of reprimand after she pleaded guilty to first-degree criminal mischief, a Class A misdemeanor. Best requested a Board hearing, and the Board upheld the reprimand. The Boone County Circuit Court affirmed the Board's decision, and Best appealed to the Arkansas Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Tarr v. Ark. State Bd. of Nursing, 2025 Ark. App. 195, 711 S.W.3d 799
- Sex Offender Assessment Comm. v. Sera, 2023 Ark. App. 239, 666 S.W.3d 862
- Mountain Pure, LLC v. Little Rock Wastewater Util., 2011 Ark. 258, 383 S.W.3d 347
- Buhr v. Ark. State Bd. of Chiropractic Exam'rs, 261 Ark. 319, 547 S.W.2d 762 (1977)
- Ford Motor Co. v. Ark. Motor Vehicle Comm'n, 357 Ark. 125, 161 S.W.3d 788 (2004)
- Collie v. Arkansas State Medical Board, 370 Ark. 180, 258 S.W.3d 367 (2007)