

Arizona State Board of Nursing

Janet Napolitano
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The special meeting of the Arizona State Board of Nursing convened at 3:01 p.m., Wednesday, October 22, 2008, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Karen Hardy, RN, MSN, President, presiding.

BOARD MEMBERS PRESENT:

Karen Hardy, RN, MSN, President (telephonic)
Kathryn L. Busby, JD, Member
Denise Link, DNS, WHCNP, FNAP, Member (telephonic)
M. Hunter Perry, Member (telephonic)
Steve Robertson, LPN, Member
Kathy Scott, RN, MPA, PhD, RN, FACHE, Member

BOARD MEMBERS ABSENT:

Patricia Johnson, LPN, Secretary
Kathy Malloch, PhD, MBA, RN, FAAN, Member
Constance G. Woulard, RN, MSN, Member

LEGAL COUNSEL:

Amy Foster, Assistant Attorney General
Kim Zack, Assistant Attorney General

STAFF:

Pamela Randolph, RN, MSN, Associate Director of Education and Evidence Based Regulation
Valerie Smith, RN, MS, Associate Director of Investigations
Tammi Bymers, RN, MSN, Nurse Practice Consultant
Patricia Midkiff, RN, MN, Nurse Practice Consultant
Sydney Munger, RN, MS, Nurse Practice Consultant
Stephanie Nelson, R.N., MSN, Nurse Practice Consultant
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 3:01 p.m., Wednesday, October 22, 2008.

The following Board members were present: Hardy (telephonic), Busby, Link (telephonic), Perry (telephonic), Scott, and Robertson.

Hardy presided.

II. Board Discussion and Decision Regarding RN Investigative Report, Summary Suspension pursuant to A.R.S. §§ 41-1064(C), 41-1092.11(B) and/or Acceptance of a Consent Agreement A.R.S. § 41-1092.07(F)(5) and Violations 32-160(D)(E)(J), A.A.C. R4-19-403(12)(25)

II.A. Patricia S. Higgins RN000099140; CNA405542113 Munger

The proceeding began at 3:02 p.m., with the following Board members present: Hardy, Busby, Link, Perry, Scott, and Robertson.

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Higgins was not present and was not represented by legal counsel.

Foster addressed the Board and confirmed receipt of additional information.

Munger addressed the Board with a brief summary of the case.

Foster further addressed the Board and noted that due to new information obtained from Sonora Quest laboratories, an amendment be made to the State's motion for summary suspension, to delete paragraph 9, and delete the phrase: 'due to the results of her prior specimen' from paragraph 10.

Based upon the information presented at this meeting, all Board members verbally agreed that a showing of extraordinary circumstances or the possibility of irreparable harm has been made and offered a brief explanation of their reasons supporting the need for a Summary Suspension.

Busby moved, Perry seconded, and it was unanimously carried to accept proposed preliminary Findings of Fact of Public Emergency and Order of Summary Suspension.

All Board members verbally agreed that the foregoing conduct poses an immediate threat to the public health, safety, or welfare and requires emergency action pursuant to A.R.S. § 41-1092.11(B).

Perry knows Katy Reichmeth but shows no bias.

Busby moved, Link seconded, and it was unanimously carried to summarily suspend professional license #RN000099140 to include the amended stipulations as outlined by the assistant attorney general.

	VOTE	Malloch, Kathy Member	Link, Denise Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Robertson, Steve Member	Woulard, Constance Member	Busby, Kathryn Member	Scott, Kathy Member
YES	6		X	X		X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X			X			X		

It was therefore ordered that the license/certificate of Patricia Higgins be suspended effective with the service of the written Order, and that Higgins will immediately cease practice as a nurse. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32-1664.

II.B. Deanna Lynn Holland RN137983 S. Nelson

The proceeding began at 3:07 p.m., with the following Board members present: Hardy, Busby, Link, Perry, Scott, and Robertson.

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Holland was not present and was not represented by legal counsel.

Nelson addressed the Board with a brief summary of the case.

Based upon the information presented at this meeting, all Board members verbally agreed that a showing of extraordinary circumstances or the possibility of irreparable harm has been made and offered a brief explanation of their reasons supporting the need for a Summary Suspension.

Busby moved, Perry seconded, and it was unanimously carried to accept proposed preliminary Findings of Fact of Public Emergency and Order of Summary Suspension.

Busby moved, Perry seconded, and it was unanimously carried to amend the previous motion to include: ‘and Conclusions of Law’ as required by A.R.S. § 41-1092.11(B).

All Board members verbally agreed that the foregoing conduct poses an immediate threat to the public health, safety, or welfare and requires emergency action pursuant to A.R.S. § 41-1092.11(B).

Busby moved, Link seconded, and it was unanimously carried to summarily suspend professional license #RN137983.

	VOTE	Malloch, Kathy Member	Link, Denise Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Robertson, Steve Member	Woulard, Constance Member	Busby, Kathryn Member	Scott, Kathy Member
YES	6		X	X		X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X			X			X		

It was therefore ordered that the license/certificate of Deanna Holland be suspended effective with the service of the written Order, and that Holland will immediately cease practice as a nurse. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32-1664.

II.A. Patricia S. Higgins RN000099140; CNA405542113 Munger

Busby moved, Perry seconded, and it was unanimously carried to reopen Agenda Item II.A. Busby moved, Scott seconded, and it was unanimously carried to include, as Conclusion of Law, that the forgoing conduct proposes an immediate threat to public health and safety as required by A.R.S. § 41-1092.11(B).

III. Board Discussion and Decision Regarding RN/LPN Investigative Reports

III.A.1. Randy Abad Pomay-O RN126186 (Midkiff)

Midkiff addressed the Board and confirmed receipt of additional information. Busby moved, Robertson seconded, to offer a Consent Agreement for a stayed suspension/24 month probation with a limited license, to include a psychological evaluation for potential sexual misconduct with polygraph testing and any other testing deemed necessary by a Board approved psychologist Steven Gray, PhD, to be scheduled within 3 days and completed within 60 days, and also to include the attached stipulations, to be signed within 5 days or issue a Complaint and Notice of Hearing. After discussion the motion carried with five in favor and one opposed.

	VOTE	Malloch, Kathy Member	Link, Denise Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Robertson, Steve Member	Woulard, Constance Member	Busby, Kathryn Member	Scott, Kathy Member
YES	5		X	X			X		X	X
NO	0					X				
ABSTAIN	0									
ABSENT	3	X			X			X		

IV. Board Discussion and Decision Regarding Case Disposition List Approved, Letter of Concern Summary List Approved, Lapsed Licenses, Licensure Decisions and Compact Licensure Decisions

IV.A. Board Discussion and Decision Regarding Case Disposition List Approved -

- 1. RN/LPN Endorsement Applicants**
- 3. RN/LPN Renewal Applicants**
- 4. CNA Endorsement/Examination Applicants**
- 6. AP/RN/LPN CNA Respondents**

Busby moved, Scott seconded, and after discussion it was unanimously carried to approve the applicants on the list to be dismissed by case disposition criteria and to grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state licensure, receipt of negative state and federal criminal history, and including all licensure/certification requirements.

IV.B. Board Discussion and Decision Regarding Letter of Concern Summary List Approved -

- 3. RN/LPN Renewal Applicants**
- 4. CNA Endorsement/Examination Applicants**
- 6. AP/RN/LPN/CNA Respondents**

Busby moved, Robertson seconded, to issue the Letters of Concern submitted and grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state of licensure receipt of negative state and federal criminal history, and including all licensure/certification requirements for Agenda Items IV.B.3., 4., and 6., with the exception of IV.B.6., Sarah Jane Chavez.

IV.B.6. AP/RN/LPN/CNA Respondents – Sarah Jane Chavez RN Applicant (Midkiff)

Midkiff addressed the Board with additional information. Busby moved, Robertson seconded, to issue a Letter of Concern for failing to check Baby B.’s ID band with its mother’s ID band, resulting in the baby being given to the wrong mother for a feeding, on or about June 15, 2007 while employed by Maricopa Medical Center

in Phoenix, Arizona. After discussion the motion failed with three opposed and three in favor. Link moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for failing to properly supervise a patient care technician resulting in a baby being breast fed by someone other than its own mother. The motion failed with three opposed and three in favor. After further discussion Perry moved, Robertson seconded, and it was unanimously carried to continue the case to the November 2008 Board meeting.

V. Call to the Public

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. Members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(G).

VI. Adjournment

Perry moved, Busby seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 3:34 p.m., Wednesday, October 22, 2008.

Karen Hardy, RN, MSN, President