

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:00 a.m., Wednesday, September 22, 2010, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Malloch, PhD, MBA, RN, FAAN, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Malloch, PhD, MBA, RN, FAAN, President
Denise Link, PhD, WHCNP, FNAP, Vice President
Kathy Scott, RN, MPA, PhD, FACHE, Secretary
Terri Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
E. Gary Gum, MSN, RN, FCN, Member
Lori Gutierrez, BS, RN-C, RAC-CT, CBN
Patricia Johnson, LPN, Member
M. Hunter Perry, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, Assistant Attorney General
Kim Zack, Assistant Attorney General
Nina Zimmerman, Assistant Attorney General

STAFF:

Joey Ridenour, RN, MN, FAAN, Executive Director
Judy Bontrager, RN, MN, Associate Director of Operations
Pamela Randolph, RN, MSN, Associate Director of Education and Evidence Based Regulation
Valerie Smith, RN, MS, Associate Director of Investigations
Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings
Tammi Bymers, RN, MSN, Nurse Practice Consultant
Tim Chafey, RN, Senior Investigator
Janeen Dahn, MSN, FNP, Nurse Practice Consultant/Advanced Practice
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Patricia Midkiff, RN, MN, Nurse Practice Consultant/CANDO
Linda Monas, Senior Investigator
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., MSN, Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Judy Pendergast, RN, JD, Nurse Practice Consultant
Mary Rappoport, RN, MN, Nurse Practice Consultant
Deborah Richards, JD, Senior Investigator
Bonnie Richter, MSW, Senior Investigator
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
V. Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:00 a.m., Wednesday, September 22, 2010.

The following Board members were present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry and Berrigan.

Malloch presided.

Malloch welcomed members of the audience, explained the procedure for addressing the Board and the mission of the Board.

VI. RN/LPN/CNA Investigative Reports

VI.H.5. Deborah Suzanne Kotek RN114994; LP035260 (S. Nelson)

Nelson addressed the Board with additional information. Kotek and attorney Judith Burman were present and addressed the Board. Link moved, Gum seconded, to issue a Letter of Concern for having an abrupt demeanor with the family of patient T.F. on or about March 3, 2009, while working at St. Joseph’s Hospital in Phoenix, Arizona. After discussion, Kotek’s co-worker, Janice Hensler came forward and addressed the Board. After further discussion, the motion carried unanimously.

Busby arrived at the meeting at 8:16 a.m.

VI.H.1. Sheryl Lynn Braat RN143215 (S. Nelson)

Braat was present and addressed the Board. Attorney Melanie Balestra was present and available for questions. Johnson moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion, the motion carried with seven in favor, one opposed and one abstained.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X		X	X	X	X	X	
NO	1			X						
ABSTAIN	1									X
ABSENT	0									

VI.P.1. Sharon Lynn Rodriguez-Martinelli RN155741 (Torrez)

Torrez addressed the Board with additional information. Rodriguez-Martinelli and attorney Charlie Hover were present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to follow facility policies regarding documentation and wastage of narcotics on or about March 29, 2010, and March 30, 2010, while employed at Banner Del Webb Medical Center in Sun City, Arizona.

VI.P.2. Lydia Mendiola RN126354 (Torrez)

Debbie Hendrix was present telephonically and addressed the Board. Attorney Teresa Sanzio was present and addressed the Board. Mendiola was present and available for questions. Gum moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for failing to follow facility policies regarding documentation and wastage of narcotics from on or about January 1, 2010 to February 10, 2010, while employed at Casa Grande Medical Center in Casa Grande, Arizona, and also at Cornerstone Hospital in Tucson, Arizona in or about July 2010.

VI.P.3. Kim Clevenger Walter RN057657 (Torrez)

Johnson knows Walter but shows no bias. Walter, Barbara Cabrera, and attorney Sig Krolls were present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

VI.P.4. Sharon Penny Lynne Ishirhara RN057683; AP3597 (Torrez)

Ishirhara was present and addressed the Board. Attorney Sig Krolls and Barbara Cabrera were present and addressed the Board. Scott moved, Busby seconded, and it was unanimously carried to dismiss the complaint.

VI.P.5. Janet Sisson Marshall RN032494 (Torrez)

Attorney Ken Baker was present and addressed the Board. Marshall was present and available for questions. Johnson moved, Busby seconded, to dismiss the complaint. After discussion, Johnson withdrew the motion. Scott moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for failing to complete neurological assessments on resident C.J. who had an un-witnessed fall on or about February 8, 2010, while employed at Peoria Good Shepherd Care Center in Peoria, Arizona.

**VI.L.5. Yolanda Santos Oliver RN092223 (Rappoport)
(aka: Yolanda Alberto Santo)**

Oliver and attorney Sig Krolls were present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.L.9. Carol Rose Durkalec RN123518; CNA999992276 (Rappoport)

Attorney Teresa Sanzio was present and available for questions. Busby moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

VI.L.10. Chelsea Lynn Hollis RN116328 (Rappoport)

Attorney Teresa Sanzio was present and available for questions. Busby moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

VI.L.11. Heather Anne Hyde RN098731; CNA90799504 (Rappoport)

Attorney Teresa Sanzio was present and available for questions. Busby moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

VI.A.3. Sarah Sangee Christian RN118909; LP0367719 (Bymers)

Complainant Clay Smith was present and addressed the Board. Christian was present telephonically and addressed the Board. Attorney Jody Skeel was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to table Agenda Item VI.A.3.

VI.O.2. Eileen Burgos LP025864 (Schettler)

Schettler addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Burgos was present and available for questions. Johnson moved, Gum seconded, and after discussion it was unanimously carried to issue a Letter of Concern for missing Klonipin medication tablets x 10 that could not be accounted for on the Medication Administration Record or found in the medication cart, on or about May 27, 2008, which led to termination of employment from Maricopa County Correctional Services.

VI.K.1. Angelo Keth Alexander RN149704 (Pendergast)

Attorney Jay Ryan was present and addressed the Board. Alexander was present and available for questions. Johnson moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for a Decree of Censure. If not signed

within 30 days, issue Notice of Charges. After discussion, Johnson amended the motion to include rule #4: R4-19-403(4). Scott concurred. The motion failed with seven opposed and two in favor.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	2	X			X					
NO	7		X	X		X	X	X	X	X
ABSTAIN	0									
ABSENT	0									

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for inappropriate conversations and showing photographs of a sexual nature while employed at Flagstaff Medical Center from January 2010 to March 2010.

VI.K.3. Karen Jean Lynn RN128327; LP038607 (Pendergast)
(Maldonado)

Attorney Teressa Sanzio was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure to include a \$250 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.K.4. Lydia C. Phelan LP031931; CNA250555803 (Pendergast)

Attorney Teressa Sanzio was present and available for questions. Johnson moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for failure to administer pain medication as ordered to residents F.A. and patient C.V. on or about January 15, 2009 and patient C.J. and patient A.O. on or about October 3, 2008, while employed at Archie Hendrix skilled Nursing Facility in Sells, Arizona.

VI.K.5. Angela Dawn Vircks RN Compact IA 095564 (Pendergast)

Perry moved, Link seconded, and it was unanimously carried to table Agenda Item VI.K.5. to allow time for Vircks attorney to arrive at the meeting.

VI.Q.1. Kathleen Diane Tiessen RN135006 (Midkiff)

Midkiff addressed the Board with additional information. Tiessen and attorney Lori Curtis were present and addressed the Board. Scott moved, Johnson seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

The meeting recessed at 9:46 a.m. and reconvened at 10:01 a.m.

VI.Q.2. Naomi Ann Miller RN155512 (Midkiff)

Midkiff addressed the Board with additional information. Attorney Charlie Hover was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for injecting bleach instead of normal saline into a dialysis patient E.C.’s arterial line at the end of the dialysis procedure on or about April 15, 2009.

VI.N.6. Wanda Denise Keener LP036302 (Sage)

B. Nelson addressed the Board with additional information. Keener was present and available for questions. Attorney David Williams was present and addressed the Board. Scott moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to amend the previous Board stipulations to allow Keener to work night shift with direct supervision.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.C.1. Stephanie Thorn Herrick RN063990; LP021200; AP328 (Dahn)

Dahn addressed the Board and confirmed receipt of additional information. Attorney Ken Baker, Herrick’s employer John Strnad, and Herrick were present and addressed the Board. Busby moved, Berrigan seconded, and it was unanimously carried, for complaint #1, to dismiss the complaint.

Busby moved, Perry seconded, for complaint #2, and it was unanimously carried to dismiss the complaint.

Busby moved, Perry seconded, for complaint #3, to dismiss the complaint. After discussion the motion failed with seven opposed and two in favor. Johnson moved, Link seconded, for complaint #3, to issue a Letter of Concern for failing to obtain specific informed consent to obtain a urine drug screen on a minor, on or about March 12, 2010, while employed at FastTrax Urgent Care in Bullhead City, Arizona. The motion carried with eight in favor and one opposed.

VI.F.15. Lisa Scarbeary RN Endorsement (Monas)

Monas addressed the Board with additional information. Attorney Melanie Balestra and Scarbeary were present and addressed the Board. Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to continue the investigation to allow applicant to obtain an evaluation with a Board approved licensed psychologist with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.D.2. Jean Crilly RN124252 (Hill)

Hill addressed the Board with additional information. Dr. Mohtaseb was present telephonically and addressed the Board. Attorney Craig Morton and Crilly were present and addressed the Board. Scott moved, Gum seconded, and after discussion it was unanimously carried, based upon the modified findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.D.3. Carolyn Woods-Pierce RN136476 (Hill)

Hill addressed the Board with additional information. Woods-Pierce was present and addressed the Board. Attorney Craig Morton was present and available for questions. Busby moved, Link seconded, based upon the modified findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion the motion carried with seven in favor and two opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7		X		X	X	X	X	X	X
NO	2	X		X						
ABSTAIN	0									
ABSENT	0									

VI.I.12. Michael Anthony Lange LP026632 (Olson)

Attorney Thomas Baker was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the August 14, 2005, charge of Assault in Pima County Consolidated Justice Court, which was dismissed on November 07, 2005, and the February 29, 2009, charges of Contributing to the Delinquency of a Minor, and 2 counts of Assault, in the Tucson Municipal Court, Arizona, which was dismissed on April 1, 2010, after completion of a diversion program, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.A.3. Sarah Sangee Christian RN118909; LP0367719 (Bymers)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.A.3. Christian was present telephonically and available for questions. Attorney Jodi Skeel, Carmen Krebs, Joann Sipes, and complainant Clay Smith were present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.A.4. Carmen Leatha Krebs LP035948 (Bymers)

Complainant Clay Smith, attorney Jodi Skeel, and Krebs were present and addressed the Board. Busby moved, Scott seconded, and after discussion it was unanimously carried to dismiss the complaint.

VI.A.6. Joanna Susanne Sipes RN124769; LP036911; CNA999988593 (Bymers)

Complainant Clay Smith and attorney Jodi Skeel were present and addressed the Board. Sipes was present telephonically and available for questions. Shelly Seifert was present and available for questions. Scott moved, Sipes seconded, and it was unanimously carried to dismiss the complaint.

VI.A.5. Jon David Lambert RN643683 (TX Compact) (Bymers)

Bymers addressed the Board with additional information. Link moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

The meeting recessed at 12:00 p.m. and reconvened at 12:47 p.m.

VI.K.5. Angela Dawn Vircks RN Compact IA 095564 (Pendergast)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.K.5. Attorney Kelly McDonald was present and addressed the Board. Vircks was present and available for questions. Scott moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for removing multiple confidential medical records from the facility while employed at Arrowhead Hospital in Glendale, Arizona.

VI.K.9. Michelle Lynn Foulke LP038066 (Pendergast)

Attorney Kelly McDonald was present and addressed the Board. Foulke was present and available for questions.

Busby returned to the meeting at 12:51 p.m.

Scott moved, Gum seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations amended to include: random drug screens 2 times per month for the first 6 months and 1 time per month for the remainder of probation, monthly performance reports, on site supervision, and night shift allowed. If not signed within 30 days, issue Notice of Charges. After discussion, the motion carried with eight in favor and one abstained.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	1									X
ABSENT	0									

**VI.I.14. Christy Lynn Ellisor CNA1000018682 (Olson)
(aka: Brown)**

Olson addressed the Board and confirmed receipt of additional information. Gum moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.R.1. Renee C. Levesque RN156227 (Smith)

Attorney Teresa Sanzio was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for using a controlled substance not lawfully prescribed in or about February 2009, which resulted in a positive pre-employment drug test at Tucson Medical Center in Tucson, Arizona.

VI.P.14. Esmeralda Bernal LP041440; CNA751958233 (Torrez)

Torrez addressed the Board and confirmed receipt of additional information. Attorney Victoria Ames and Bernal were present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, based upon the modified findings of fact as discussed in this meeting and statute/rule violations identified in the investigative report, offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

II.H. APRN/RN/LPN Investigative Report/Potential Summary Suspension pursuant to A.R.S. §§ 41-1092.11(B) and/or Acceptance of a Consent Agreement and or Adoption of Complaint & Notice of Hearing

II.H.2. Deborah Caroline Haines RN114470 Hill

The proceeding began at 1:32 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry, Berrigan and Busby.

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

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

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

Busby moved, Berrigan seconded, and it was unanimously carried to go into Executive Session on Agenda Item II.H.2. for the purpose of receiving confidential information. Executive Session convened at 1:40 p.m., and adjourned at 1:44 p.m.

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 supporting the need for a Summary Suspension.

Scott moved, Johnson seconded, and it was unanimously carried, based upon the information presented at this meeting and the information contained in the investigative report, to accept and adopt the proposed preliminary Findings of Fact and Conclusions of Law of the Findings set forth in the draft Order attached to the investigative report.

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, Johnson seconded, and it was unanimously carried, based upon the allegations contained in the State’s notice, the information contained in the investigative report, and the preliminary Findings of Fact and Conclusions of Law, the Board make a finding that public health safety and welfare imperatively requires emergency action and issue an Order summarily suspending RN License No. RN114470 pending further hearing, which shall be promptly instituted and determined.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

It was therefore ordered that the license of Deborah Caroline Haines be suspended effective with the service of the written Order, and that Haines 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.D. Motion to Deem Allegations Admitted for Failure to Respond to Notice of Charges & Recommended Discipline

AGENA	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.D.1.	Susan Page Cavanary	RN128269	Revocation	Campbell
II.D.2.	Elizabeth A. Dixon	CNA1000010077	Revocation	Campbell
II.D.3.	Jon A. Engel	CNA552005863	Revocation	Campbell
II.D.4.	Gina Inclan Martinez	RN063113	Revocation	Campbell
II.D.5.	Margarita Mata	CNA999993116	Revocation	Campbell
II.D.8.	Cathy Colleen Robbins	RN065672	Revocation	Campbell
II.D.9.	Veronica Solis	CNA1000018754	Revocation	Campbell
II.D.10.	Patricia Belle Sweigart	LP040985	Revocation	Campbell
II.D.11.	Lisa Katherine Doyle	RN089295	Revocation	Zack
II.D.12.	Amir Husamid-Deen Bilal	CNA1000007747	Revocation	Zack
II.D.13.	Bridget Therese Magwood	RN151468	Revocation	Zack
II.D.14.	Ron L. Manoogian	CNA716273759	Revocation	Zack
II.D.16.	Debra M. Porras	LP032125	Revocation	Zack
II.D.17.	Brian Micel Steffe	RN127702	Revocation	Zack
II.D.18.	Rhonda Lynn Taffer	RN156985	Revocation	Zack
II.D.19.	Laura Anne Wood	RN151818	Revocation	Zack

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General.

The above listed license/certificate holders were not present and were not represented by legal counsel.

Johnson moved, Busby seconded, and it was unanimously carried to grant the State’s Motion to Deem Allegations Admitted.

Johnson moved, Gum seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact and Alleged Violations as Conclusions of Law from the Notice of Charges.

Johnson moved, Gum seconded, and it was unanimously carried to accept the State’s recommended discipline for Agenda Items II.D.1-5, 8-14, and 16-19.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

II.D.6. Amy C. Parker CNA999989677 Campbell

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

Parker was present telephonically and addressed the Board.

Campbell addressed the Board.

Busby moved, Scott seconded, and it was unanimously carried to continue the investigation to allow time for staff to prepare a Consent Agreement for a Voluntary Surrender.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

II.D.7. Bozena Anna Prawdzic-Witoslawski RN065672 Campbell

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

Prawdzic-Witoslawski was present and addressed the Board.

Campbell addressed the Board.

Busby moved, Link seconded, and it was unanimously carried to table Agenda Item II.D.7.

II.D.15. Tina Monique Peek RN144913 Zack

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

Peek was present and addressed the Board.

Zimmerman addressed the Board.

Perry moved, Berrigan seconded, and it was unanimously carried to grant the State’s Motion to Deem Allegations Admitted.

Perry moved, Gum seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact and Alleged Violations as Conclusions of Law from the Notice of Charges.

Scott moved, Berrigan seconded, and it was unanimously carried to accept the State’s recommended discipline for revocation.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

Link left the meeting at 2:26 p.m.

II.E. Rehearing Requests or Review of Board Decision

II.E.1. Annette L. Acosta RN085264 Zimmerman

Gutierrez recused herself to avoid the appearance of impropriety and left the meeting at 2:27 p.m.

The proceeding began at 2:27 with the following Board members present: Malloch, Scott, Johnson, Gum, Perry, Berrigan and Busby.

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

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

Zimmerman addressed the Board.

Busby moved, Berrigan seconded, and it was unanimously carried to deny request for rehearing/reconsideration.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X		X	X	X		X	X	X
NO	0									
ABSTAIN	0									
ABSENT	2		X				X			

Gutierrez returned to the meeting at 2:28 p.m.

II.E.2. Christina Herrera CNA860264441 Zimmerman

The proceeding began at 2:28 p.m. with the following Board members present: Malloch, Scott, Johnson, Gutierrez, Gum, Perry, Berrigan and Busby.

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

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

Zimmerman addressed the Board.

Busby moved, Berrigan seconded, and it was unanimously carried to deny request for rehearing/reconsideration.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X		X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1						X			

II.E.3. Shannon Marie Ott 6799878-3102 RN-UT Zack

The proceeding began at 2:28 p.m. with the following Board members present: Malloch, Scott, Johnson, Gutierrez, Gum, Perry, Berrigan and Busby.

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

Busby moved, Berrigan seconded, and it was unanimously carried to table Agenda Item II.E.3.

Link returned to the meeting at 2:30 p.m.

II.F. Request to Rescind Prior Board Decision to Consider Alternative Action

II.F.1. Daniel Gerardo Olivares CNA999999428 Richards/Zack

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

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

Perry moved, Gum seconded, and it was unanimously carried to accept the proposed Consent Agreement for 12 months stayed revocation with the attached stipulations in settlement of case No. 0612115.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

II.F.2. Patricia Pena Inchauspe LP025862 Richards/Mamaluy

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

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

Scott moved, Busby seconded, and it was unanimously carried to issue respondent a Letter of Concern in settlement of case No. 0506155.

II.F.3. Ana Hilda Conlon CNA100005198 Campbell

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

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

Busby moved, Link seconded, and it was unanimously carried to grant motion to remove the allegations in the Notice of Charges related to respondent’s noncompliance with the Interim Order, and vote the case to hearing based upon the allegations contained in the attached draft Complaint and Notice of Hearing.

II.F.6. Joyce Ann Delgado LP025990 Richards/Zack

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

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

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative reports dated March 2009 and August 2009, and upon the information presented herein, to rescind the August 2009 decision to offer a Consent Agreement for 36 months probation, and issue an Interim Order for a psychiatric evaluation (*at the Board’s expense*), to be completed by a Board approved psychiatrist, to be completed within 45 days and return to the Board. If the Interim Order is not completed, issue a Complaint and Notice of Hearing.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

II.E. Rehearing Requests or Review of Board Decision

II.E.3. Shannon Marie Ott 6799878-3102 RN-UT Zack

Busby moved, Perry seconded, and it was unanimously carried to reopen Agenda Item II.E.3.

The proceeding began at 2:39 with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry, Berrigan and Busby.

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

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

Zimmerman addressed the Board.

Busby moved, Link seconded, and it was unanimously carried to deny request for rehearing/reconsideration.

Munns provided legal advice to the Board in open meeting.

Busby moved, Scott seconded, and it was unanimously carried to amend the previously issued Order for a Decree of Censure of July 2010, to correct the reference to the Order being against the license and instead, reference the privilege.

II.D. Motion to Deem Allegations Admitted for Failure to Respond to Notice of Charges & Recommended Discipline

II.D.7. Bozena Anna Prawdzic-Witoslawski RN065672 Campbell

Gum moved, Busby seconded, and it was unanimously carried to reopen Agenda Item II.D.7.

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

Prawdzic-Witoslawski was present and available for questions.

Smith addressed the Board.

Busby moved, Johnson seconded, and it was unanimously carried to deny the State's Motion to Deem Allegations Admitted.

II.F. Request to Rescind Prior Board Decision to Consider Alternative Action

II.F.4. Aifang Shi CNA1000005894 Campbell

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

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

Campbell addressed the Board.

Busby moved, Berrigan seconded, and it was unanimously carried to remove the allegations in the Notice of Charges related to respondent’s noncompliance with the Interim Order and vote the case to hearing based upon the allegations contained in the attached draft Complaint and Notice of Hearing.

II.F.5. Susan Kay Edge RN138829 Campbell

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

Campbell addressed the Board.

Edge was present and available for questions.

Busby moved, Scott seconded, and it was unanimously carried to rescind Notice of Charges.

Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

II.G. Hearing Department Investigative Reports and Potential Settlement/Alternative Action

II.G.1. Shonna L. Luck RN120022 Barber/Zack

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

Barber addressed the Board.

Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint received on August 7, 2010, and reaffirm the Board’s decision of May 20, 2010, to offer a Consent Agreement for 12 months probation with identical stipulations to be signed within 30 days.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

II.G.2. Arturo Ramiro Pena CNA1000002644 Richards/Mamaluy

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

Busby moved, Berrigan seconded, and it was unanimously carried to accept the signed Consent Agreement for stayed revocation with stipulations in settlement of case No. 0909012.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.B. Applicants for Reissuance & Investigative Reports

V.B.3. Annie Rodman RN094835; AP1618 Dahn

Rodman and her employer Dr. Gerald West were present and addressed the Board. Busby moved, Scott seconded, and after discussion, it was unanimously carried, upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation/probation followed by 24 months probation including the attached stipulations, to grant licensure for Temporary RN Refresher Course only. Upon successful completion of RN Refresher Course, grant RN license under applicable terms, and request to reinstate the advanced practice certificate under the terms identified in the stipulations. If not signed within 30 days, deny licensure based upon the findings of fact and statute/rule violations identified in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

The meeting recessed at 3:13 p.m. and reconvened at 3:29 p.m.

V.D. Non-Compliance/Compliance with Board Orders

V.D.8. Angela L. Pietraszewski RN146638 (Hurtado)

Pietraszewski was present and addressed the Board. Busby moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation including the attached stipulations amended to include: limited to 2 facilities only and night shift allowed. If not signed, continue current Consent Agreement and Order for indefinite suspension.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES										
NO										
ABSTAIN										
ABSENT										

V.D.11. Ashley Marie Livingston CNA100007754 (Hurtado)

Hurtado addressed the Board and confirmed receipt of additional information. Livingston was present and addressed the Board. Busby moved to offer a Consent Agreement for 12 months stayed revocation/suspension to include the attached stipulations amended to delete psychological counseling. If not signed within 30 days, issue Notice of Charges. After discussion, Busby withdrew the motion.

Busby moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 6 months stayed revocation/suspension followed by 12 months stayed revocation including the attached stipulations amended to delete psychological counseling. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.1. Nicolette Elizabeth Dragony RN Exam (Midkiff)

Midkiff addressed the Board with additional information. Dragony and Eileen Decker were present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all licensure requirements, to grant licensure and accept signed CANDO Stipulated Agreement.

V.F.3. Margo Jean DeJaynes RN140955; CNA1000000574 (Midkiff)

DeJaynes was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon the information contained in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI. RN/LPN/CNA Investigative Reports

VI.F.16. Lajuane Edward Rutherford RN Endorsement (Monas)

Attorney Michael Reeves was present and addressed the Board. Rutherford was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to continue the investigation to allow applicant and Board staff to obtain outstanding employment records, probation records and police records and to allow Board staff additional time to interview applicant; and extend temporary license until November 18, 2010.

VI.A.1. Barbara Suzanne Byron LP038813; CNA371486903 (Bymers)

Byron was present and available for questions. Link moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

**VI.H.10. Kimberly Victorine Smith RN142336 (S. Nelson)
(aka: Hundley; Baryla; Coito)**

Smith was present and addressed the Board. Scott moved, Berrigan seconded, and it was unanimously carried issue an Interim Order for a substance abuse evaluation (*at the Board's expense*) with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.I.8. Vincent Paul Pradia LP Exam; CNA999994339 (Olson)

Pradia was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, to grant licensure. If not signed within 30 days, or payment not received within 60 days, deny LPN licensure and issue a Notice of Charges for CNA999994339 based upon the findings of fact and statute/rule violations identified in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.2. Luis David Araiza, Jr. RN Exam; LP038759 (Richter)

Araiza was present and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, to grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.3. Marchalle Ann Barksdale CNA Endorsement (Richter)

Barksdale was present and addressed the Board. Gum moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$100 Civil Penalty and payment of the Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.12. Aaron James Hayes RN Exam (Richter)

Hayes was present and addressed the Board. Busby moved, Link seconded, and after discussion it was unanimously carried, upon meeting all requirements, to grant licensure and issue a Letter of Concern for the April 24, 2002 conviction in the Maricopa County Superior Court for Unlawful Discharge of a Firearm, a misdemeanor, the conviction in or around 2003 for DUI, and the August 13, 2008 conviction in the Tempe Municipal Court of Assault/Domestic Violence, a misdemeanor.

VI.M.15. Leonardo Flores Martinez CNA Exam (Richter)

Martinez was present and available for questions. Link moved, Scott seconded, and it was unanimously carried to continue the investigation to allow applicant the opportunity to obtain a substance abuse evaluation with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.23. Amanda Kay Sorenson RN Endorsement (Richter)
(aka: Haugen; Schmidt)

Sorenson was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried, upon meeting all requirements, to grant licensure and issue a Letter of Concern for two underage alcohol consumption misdemeanor convictions in Minnesota between 2002 and 2003, and for the May 2002 conviction for Aiding and Abetting Controlled Substance Crime, a designated misdemeanor in Minnesota.

VI.B.1. Lynissa Lashaer Coard CNA1000022854 (Chafey)

Scott moved, Busby seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation (*at the Board's expense*), to include a substance abuse evaluation with a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.B.2. Jeff James Lambert RN155863; CNA1000008547 (Chafey)

Scott moved, Gutierrez seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for probation including the attached stipulations. If the findings of the evaluation required by the Consent Agreement identify that Lambert has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance use disorders. If the findings from the evaluation required by this Consent Agreement do not find Lambert to have a substance abuse disorder or in need of treatment, the length of the probation will be at minimum 12 months. If not signed within 30 days, issue Notice of Charges.

After discussion Scott withdrew the motion.

Busby moved, Link seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

After further discussion Busby withdrew the motion.

Busby moved, Perry seconded, to continue the investigation to allow Lambert to undergo a substance abuse evaluation with a Board approved PhD prepared evaluator, to be completed within 45 days and return to the Board. The motion carried with seven in favor and two opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7		X		X	X	X	X	X	X
NO	2	X		X						
ABSTAIN	0									
ABSENT	0									

VI.B.3. Thomas Vernon Kimble RN124011 (Chafey)

Link moved, Perry seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation (*at the Board's expense*), completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

**VI.B.4. Karen Luper Aunquoé RN083176; LP026104 (Chafey)
(aka: Linn)**

Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.B.5. Lynmarie Lee Huckaby RN150936 (Chafey)

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.2. Starr N. Lindberg RN Applicant (Midkiff)

Midkiff addressed the Board with additional information. Malloch moved, Gum seconded, and it was unanimously carried, to table Agenda Item V.F.2. to allow for receipt of additional information.

V.F.4. Cheryl Elizabeth Lassiter RN069175; LP022396 (Midkiff)

Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon the information contained in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.F.5. Kimberly Susan Bowers RN062562 (Midkiff)

Link moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended during the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI. RN/LPN/CNA Investigative Reports

VI.Q.3. Patricia Ann Scoggin RN063442 (Midkiff)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.Q.4. Nancy J. Wilson RN025532 (Midkiff)

Link moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for injecting a patient with a contaminated needle in a flu immunization clinic on October 16, 2009, and falsifying the original incident information to her employer, Maxim Healthcare.

VI.Q.5. Betty Pratt Laing RN016612 (Midkiff)

Midkiff addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for reporting to work on or about October 22, 2009, with the odor of alcohol on her breath and for acknowledging using alcohol to treat a cough for approximately two weeks.

VI.M.1. Kristian Erin Aragon CNA Exam (Richter)
(aka: Aragon-Crues)

An attempt was made to contact Aragon telephonically and a message was left indicating the Board would move ahead with the case. Busby moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for the May 23, 2000, conviction in the Springerville Municipal Court, Arizona, for Criminal Nuisance, and misdemeanor, and for the September 1, 2009, conviction in the Springerville City Court for misdemeanor Assault with Domestic Violence, a misdemeanor.

VI.M.4. Phillip Darwin Carter CNA Exam (Richter)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.5. Leah Lynn Christenson CNA999995848 (Richter)

Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the April 1999 Issue Bad Check misdemeanor conviction in Payson, Arizona, the July 2008 driving under the influence (DUI) misdemeanor conviction in Payson, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.M.6. Gary Joseph Corrao CNA Endorsement (Richter)

Perry moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for the multiple convictions between February 1969 and June 1993 in Wisconsin and for failing to disclose the December 8, 1978, conviction in the Milwaukee County Circuit Court for Delivery of a Controlled Substance.

VI.M.7. Michael Diaz CNA Exam (Richter)
(aka: Miguel Diaz)

Gum moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.8. Crystal Arlene Dowling CNA Endorsement (Richter)

Link moved, Busby seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the April 2007 conviction in Sonoma, California for Wet Reckless, a misdemeanor; the August 2007 conviction in Sonoma, California for Public Intoxication, a misdemeanor, and for the April 2008 conviction in Kingman, Arizona for Furnishing Tobacco to Minor, a misdemeanor.

VI.M.9. NeKocher Lenora Finley CNA Exam (Richter)

Gum moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.10. Cody Dawn Fuller CNA Exam (Richter)

Busby moved, Link seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a substance abuse evaluation with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.11. Beatrice Martiza Gibbons CNA1000008113 (Richter)

Richter addressed the Board and confirmed receipt of additional information. Gum moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, deny renewal of certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.13. Jangie Sue Hidey CNA Endorsement (Richter)

Scott moved, Busby seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for the September 2005 conviction in Michigan Judicial District Court for Operating While Impaired, a misdemeanor and for the April 2008 conviction in Michigan Judicial District Court for Disorderly Conduct, a misdemeanor.

VI.M.14. Kimberly Lynn Liska CNA999999576 (Richter)

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.16. Thaddeus Ford Meyer CNA Exam (Richter)

Johnson moved, Gum seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for the May 1997 conviction for Violation of Controlled

Substance Act in Georgia, the July 2002 conviction for DUI in Georgia and the February 2004 DUI conviction in Georgia.

VI.M.17. Rodriques Dale Morgan CNA Exam (Richter)
(aka: Roger Dale Morgan)

Busby moved, Scott seconded, and it was unanimously carried continue the investigation to allow applicant the opportunity to obtain a substance abuse evaluation with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.18. Ona Deshaw Nathan CNA Endorsement (Richter)

Johnson moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.19. Samuel Nelson Lewis, Jr. CNA Endorsement (Richter)

Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.20. Ashley Jo Oppold CNA1000013779 (Richter)

Link moved, Gum seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges. After discussion the motion failed with five opposed and four in favor.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	4		X	X		X	X			
NO	5	X			X			X	X	X
ABSTAIN	0									
ABSENT	0									

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for the June 12, 2009, misdemeanor DUI conviction in Phoenix, Arizona and for failure to report being charged within 10 days of the charges being filed.

VI.M.21. Leroy Peralta CNA Exam (Richter)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

**VI.M.22. Diego Armando Rosales CNA Exam (Richter)
(aka: Rosales Medina)**

Busby moved, Perry seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the September 19, 2006, conviction in Yavapai County Superior Court Prescott, Arizona for Theft and theft of Means of Transportation, charges which were designated misdemeanors in March 2008.

VI.M.24. Effie Dell Tewawina CNA Exam (Richter)

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

**VI.M.25. Terri Lynn Weaver CNA Exam (Richter)
(aka: Wermes)**

Gum moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.26. Ariana Monique Yaw CNA Exam (Richter)

Richter addressed the Board and confirmed receipt of additional information. Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.M.27. Emma Jean Nelson CNA Exam (Richter)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a

Consent Agreement for 18 months stayed revocation including the attached stipulations, to grant certification. If not signed within 30 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

Busby left the meeting at 5:01 pm.

VI.E.1. Cassidy K. Adair CNA Exam (Lester)

Perry moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the misdemeanor conviction for Under Age Liquor in Body on January 12, 2009, in Show Low Justice Court, Arizona.

VI.E.2. Adriana Angulo CNA999987779 (Lester)

Gum moved, Scott seconded, to issue a Letter of Concern for the misdemeanor driving under the influence (DUI) conviction on November 21, 2007, in Tucson Municipal Court and for failing to report the charges to the Board within ten days as required by Statutes and Rules. After discussion the motion carried with seven in favor and one opposed.

VI.E.3. Richard L. Dutcher LP029467 (Lester)

Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for stayed revocation, including the attached stipulations. If the findings of the evaluation required by the Consent Agreement identify that respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance abuse use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length of probation will be at minimum 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.E.7. Dawn M. Miller CNA Exam (Lester)

Lester addressed the Board with technical corrections to the investigative report. Gutierrez moved, Link seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.E.8. Nina M. Nyman CNA10000077267 (Lester)

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report to offer a Consent Agreement for stayed

revocation, including the attached stipulations. If the findings of the evaluation required by the Consent Agreement identify that respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance abuse use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length of probation will be at minimum 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.E.9. Rebecca A. Perkins CNA100002514 (Lester)
(aka: Tarango)

Scott moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for the misdemeanor conviction of Disorderly Conduct on June 3, 2009, in Globe Regional Justice Court in Globe, Arizona and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.E.10. Donna L. Rud CNA Endorsement (Lester)

Lester addressed the Board with additional information. Scott moved, Berrigan seconded, and after discussion it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with a Board approved PhD prepared psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.E.12. Jeffery M. Warner CNA Exam (Lester)

Link moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.E.13. Amanda J. Rojo CNA000013836 (Lester)

Johnson moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months indefinite suspension/stayed revocation, followed by 24 months stayed revocation including the attached terms. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.E.14. Harmony H. O’Neill CNA999997613 (Lester)

Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.E.15. Katie L. Tejada CNA1000013791 (Lester)

Scott moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.F.2. Tonya Lo Allen RN136991 (Monas)

Scott moved, Berrigan seconded, and it was unanimously carried continue the investigation to allow respondent to obtain a psychological evaluation to include a substance abuse evaluation with a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.F.3. David Clark Beiser CNA Applicant (Monas)

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.F.5. Brittney McKenzie Gearhart CNA Applicant (Monas)

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.F.6. Matthew Lee Wilcut RN Endorsement (Monas)

Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a

Consent Agreement for a \$250 Civil Penalty, to grant licensure. If not signed within 30 days, or payment not received within 60 days, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.F.10. Nahsoon Nissy Ibrahim Koko CNA Applicant (Monas)

Monas addressed the Board with additional information. Perry moved, Berry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.F.12. Mario Arturo Lopez CNA1000000094 (Monas)

Perry moved, Berrigan seconded, and it was unanimously carried continue the investigation to allow respondent to obtain a psychological evaluation to include a substance abuse evaluation with a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.F.13. Renata Nelson CNA999949901 (Monas)

Johnson moved, Berrigan seconded, and it was unanimously carried based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed suspension including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

III. Board Reports Regarding Executive Director/Designee Delegated Duties: Cases Dismissed, Letters of Concern, Cases Closed Through Settlement, Imposters and Court Ordered Revocations

III.A. Board Information Regarding Cases Dismissed Pursuant to ARS 32-1605.01 (C) 1

Information was provided to the Board regarding cases dismissed pursuant to ARS 32-1605.01 (C) 1

III.B. Board Information Regarding Letters of Concern Issued Pursuant to ARS 32-1605.01 (C) 4

Information was provided to the Board regarding Letters of Concern issued pursuant to ARS 32-1605.01 (C) 4.

III.D. Imposters, Cease & Desist Orders & Court Ordered Revocations

Agenda #	Name	License/Certificate #	Staff
III.D.1.	Melody Dixon-Lafferty	None	Grady
III.D.2.	Shawn Elaine Bond	LP037862	Grady
III.D.3.	Kathleen Brand-Olsen	WI compact LPN302520-31	Grady

Information was provided to the Board regarding Cease and Desist letters sent to the names listed above.

IV. Lapsed Licenses & Certificates, Felony Bar Cases, Notice of Charges, Applicants for Licensure

IV.A. Lapsed Licenses & Certificate Administrative Penalty

IV.A.1. Amanda Patricia Magana RN Endorsement Rappoport

Perry moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements and accepting the signed Consent Agreement for a \$500 Administrative Penalty, to grant licensure.

**IV.A.2. Therese B. Shipp RN Endorsement (TRN159826) Rappoport
(aka: Therese Boisvert Shipp; Therese M. Shipp; Therese M. Herbert)**

Perry moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements and accepting a signed Consent Agreement for a \$100 Administrative Penalty, to grant licensure.

**IV.A.3. Belinda Louise Armando RN Endorsement (TRN164989) Rappoport
(aka: Spiess)**

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations and upon meeting all requirements and accepting the signed Consent Agreement for a \$100 Administrative Penalty, to grant licensure.

IV.A.4. Jacqueline N. Mbeng RN Endorsement (TRN165092) Rappoport

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report and upon accepting the signed Consent Agreement for a \$100 Administrative Penalty, to grant licensure.

IV.A.5. Angel Sharika Doyle LP Endorsement (TLP046172) Rappoport

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, and accepting the signed Consent Agreement for a \$100 Administrative Penalty, to grant licensure.

**IV.A.6. Delphine Arnold RN Endorsement (Compact NM R48030) Rappoport
(aka: Martin)**

Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, and accepting the signed Consent Agreement for a \$500 Administrative Penalty, to grant licensure. If not signed within 30 days, issue Order of Denial.

Agenda #	Name	License/Certificate #	Administrative Penalty
IV.A.7.	Jennifer Parker	CNA999996264	\$25
IV.A.8.	Tara Smoldon	CNA673264641	\$25
IV.A.9.	Maria Gonzalez	LP041804	\$100
IV.A.10.	Maryann Neuendorff	LP015103	\$300

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an Administrative Penalty in the amount stated for working on an expired license/certificate, if not signed, issue Notice of Charges. Once signed, if the Administrative Penalty is not paid within 6 months of the effective date of the Order, issue Notice of Charges. Referral of the employers will be made to Department of Health Services for licensees/certificate holders working on a lapsed license/certificate for three months or greater.

IV.B. Felony Bar Cases

IV.B.1. Recommended Adopt Order of Denial for Applicants

Agenda #	Name	License/Certificate #	Staff
IV.B.1.a.	Robin Bartell (aka: Hoctor; Brower)	CNA Exam	Monas

Johnson moved, Link seconded, and it was unanimously carried to adopt the attached Order of Denial for Agenda Items III.D.1.a.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

IV.B.2. Felony Bar Cases

IV.B.2. Recommended Notice of Charges for RN/LPN/CNA

Agenda #	Name	License/Certificate #	Staff
IV.B.2.a.	Madeline Alicia Caldwell	RN076272	Olson
IV.B.2.b.	Carrie Ann Krickovich	LP043263	Olson
IV.B.2.c.	Shujuan T. Jenkins	CNA1000011754	Olson
IV.B.2.d.	Lisa Ann Yazzie	CNA1000002459	Olson
IV.B.2.e.	Laura May Anderson	CNA1000022128	Parlin
IV.B.2.f.	Michelle D. Sayer	CNA716098713	Parlin

Perry moved, Johnson seconded, and unanimously carried to adopt the attached Notice of Charges for Agenda Items IV.B.2.a-f.

IV.D. Recommended Applicants for Licensure

IV.D.1. Mignonne Reggie Davis RN Endorsement Bontrager

Perry moved, Link seconded, and it was unanimously carried to grant RN license that is “Valid in AZ only”, upon meeting all requirement except Credential Evaluation Report.

V.A. RN/LPN/CNA Termination of Previously Issued Board Orders after Full Compliance – (Hurtado)

Name	RN/LP/CNA Number	Termination Date
1. Martha A. Bejar	CNA1000009963	September 22, 2010
2. Gladys Nell Fennell	RN151514	September 22, 2010
3. Ann V. Hoy	RN079222	September 22, 2010
4. Jessie P. MacMillan	RN148498	September 22, 2010
5. Jude I. Nwankwo	LP040048	September 22, 2010
6. Virginia Stump	RN109792	September 22, 2010
7. Erica Gash	RN127937; LP038803	September 25, 2010
8. Connie Thompson	RN080799	October 9, 2010
9. James M. Kuk	RN154979	October 17, 2010
10. Karen L. Janis	RN112545	October 31, 2010
11. James Davies	LP039894	November 5, 2010
12. Donna Pettet-Bishop	RN112437	November 8, 2010

Link moved, Scott seconded, and it was unanimously carried to approve the full compliance list to terminate Board Order on the individual(s) listed above on dates given, if no evidence of non-compliance with Board Order/Consent Agreement exist.

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Janet McGuffy ElSirgany RN Re-issuance (RN079671; LP026003) (Rappoport) (aka: McGuffy; Alcorn)

Scott moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 24 months standard probation including the attached stipulations, to grant temporary licensure for RN Refresher Course only. Upon successful completion of RN Refresher Course, grant RN license under the applicable terms. If not signed within 30 days, based upon the findings of fact and statute/rule violations identified in the investigative report, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

V.B.2. Jeffrey Robert Maloney RN Reissuance (RN095109) (S. Nelson)

Perry moved, Gum seconded, and it was unanimously carried to table Agenda Item V.B.2.

VI. RN/LPN/CNA Investigative Reports

VI.O.1. Victoria Bernardo LP041506 (Schettler)

Perry moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.O.7. Judith Ann Wargo RN081404 (Schettler)

Schettler addressed the Board and confirmed receipt of additional information. Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.O.8. Tracy Lynn Watson LP040344; CNA1000001895 (Schettler)

Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.C.2. Rebecca Lynn James RN108443; AP2011 (Dahn)

Perry moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

VI.C.5. Carolyn Virginia Villanueva RN135426 (Dahn)

Scott moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for inappropriately referring a patient to the emergency room on or about August 28, 2009, at Orange Grove Family Practice in Tucson, Arizona.

VI.L.3. Joy Therese Jones RN Endorsement (Rappoport)

Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint and grant licensure upon meeting all requirements.

VI.L.6. Cassell Dewayne Williams LP Endorsement (Rappoport)

Rappoport addressed the Board with additional information. Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and providing the Board with a written letter from the California VN Board of successful completion of 2007 probationary agreement, to issue a Letter of Concern for the May 13, 2004, Administrative Penalty/Citation by the California VN Board for unprofessional conduct and the April 10, 2007, three year probation for the September 2004, misdemeanor charge of “head butting”, and grant licensure.

VI.L.7. John S. Kerr RN115780 (Rappoport)

Scott moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.L.8. Bruce Jesse Gibson RN Endorsement (Rappoport)

Rappoport addressed the Board and confirmed receipt of additional information. Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, and upon signing a Consent Agreement for 18 months probation including the attached stipulations amended to include relapse prevention treatment therapy, and night shift allowed, to grant licensure. If not signed within 30 days, issue an Order of Denial.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.L.12. Matthew Brian Wingate RN131351 (Rappoport)

Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for a December 31, 2009, one time positive urine drug screen for the wife's medication, specifically Butalbitol, which resulted in termination of employment from the University of Alabama at Birmingham and 12 month probation from the Alabama Board of Nursing on or about may 21, 2010.

VI.R.2. Gina M. Smith LP040356 (Smith)

Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

The meeting recessed at 5:42 p.m., Wednesday, September 22, 2010.

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:00 a.m., Thursday, September 23, 2010, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Malloch, PhD, MBA, RN, FAAN, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Malloch, PhD, MBA, RN, FAAN, President
Denise Link, PhD, WHCNP, FNAP, Vice President
Kathy Scott, RN, MPA, PhD, FACHE, Secretary
Terri Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
Lori Gutierrez, BS, RN-C, RAC-CT, CBN
Patricia Johnson, LPN, Member
M. Hunter Perry, Member

BOARD MEMBERS ABSENT:

E. Gary Gum, MSN, RN, FCN, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, Assistant Attorney General
Kim Zack, Assistant Attorney General
Nina Zimmerman, Assistant Attorney General

STAFF:

Joey Ridenour, RN, MN, FAAN, Executive Director
Judy Bontrager, RN, MN, Associate Director of Operations
Pamela Randolph, RN, MSN, Associate Director of Education and Evidence Based Regulation
Valerie Smith, RN, MS, Associate Director of Investigations
Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings
Tammi Bymers, RN, MSN, Nurse Practice Consultant
Tim Chafey, RN, Senior Investigator
Janeen Dahn, MSN, FNP, Nurse Practice Consultant/Advanced Practice
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Patricia Midkiff, RN, MN, Nurse Practice Consultant/CANDO
Linda Monas, Senior Investigator
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., MSN, Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Judy Pendergast, RN, JD, Nurse Practice Consultant
Mary Rappoport, RN, MN, Nurse Practice Consultant
Deborah Richards, JD, Senior Investigator
Bonnie Richter, MSW, Senior Investigator
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
V. Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:00 a.m., Thursday, September 23, 2010.

The following Board members were present: Malloch, Link, Scott, Johnson, Gutierrez, Perry and Berrigan.

Malloch presided.

Malloch welcomed members of the audience and explained the procedure for addressing the Board and the mission of the Board.

V.D.1. Brenda R. Bertsch RN088670 (Hurtado)

An attempt was made to contact Bertsch telephonically and a message was left indicating the Board would move ahead with the case. Hurtado addressed the Board with additional information. Busby moved, Perry seconded, and it was unanimously carried to deny termination of probation and approve request to amend Consent Agreement and Order No. 0901042 to allow Bertsch to work up to 92 hours per 14 day period, the ability to work any shift, and practice under on-site supervision, and if no evidence of noncompliance, terminate probation after completion of 5 months documented nursing employment.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

V.D.2. Colleen Booth LP036438 (Hurtado)

Perry moved, Berrigan seconded, and it was unanimously carried to amend stipulation drug testing in Board Order No. 09A-0805001-NUR to include EtG/EtS drug testing once monthly, all other requirements of the Order, dated April 9, 2010 remain in effect.

V.D.3. Joann Calhoun RN133530 (Hurtado)

Link moved, Scott seconded, and it was unanimously carried to approve request to amend Consent Agreement and Order No. 0901018 to allow Calhoun to work up to 92 hours per 14 day pay period.

V.D.4. April L. Cobia RN117544; LP036533 (Hurtado)

Johnson moved, Scott seconded, and it was unanimously carried to approve request for Cobia to complete the terms of her Consent Agreement and Order No. 0802149-NUR in Massachusetts with written approval from the Massachusetts Board of Nursing.

V.D.5. Hope S. Hood RN073429 (Hurtado)

An attempt was made to contact Hood telephonically and a message was left indicating the Board would move ahead with the case. Link moved, Gutierrez seconded, and it was unanimously carried to deny request for termination of Consent Agreement and Order No. 0703050 entered into on May 21, 2007, as Hood has not worked as an RN. Upon 12 months employment as a registered nurse and if no evidence of non-compliance, terminate probation.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

V.D.6. Amber J. Kegley RN151207; LP042906 (Hurtado)

Hurtado addressed the Board with additional information. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

V.D.7. Lori A. Mitchell LP036552 (Hurtado)

Hurtado addressed the Board with additional information. Johnson moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon the information contained in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

V.D.9. Sherill A. Schmidt RN098931 (Hurtado)

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation/probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

V.D.10. Candice J. Wikoff LP035643 (Hurtado)

Link moved, Scott seconded, and it was unanimously carried to approve request to amend Consent Agreement and Order No. 0905075 to allow Wikoff to work under on-site supervision and the ability to work any shift.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

V.E. Notice of Charges for RN/LP/CNA Noncompliance

- V.E.1. Karen L. Kulp RN3135128 (Rappoport/Bymers/Hurtado)**
V.E.2. Vicki K. Lee RN131699 (Rappoport/Bymers/Hurtado)
V.E.3. Jill K. Rojas LP041227 (Rappoport/Bymers/Hurtado)
V.E.4. Tracy Graves RN126459; CNA999993210 Rappoport (aka: Kelty; Timm)

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

- V.F.2. Starr N. Lindberg RN Applicant (Midkiff)**

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item V.F.2. Midkiff addressed the Board with additional information. Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, to grant licensure and accept CANDO stipulated agreement.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

- VI.D.1. Troy Allen RN129097; LP033835; CNA513778857 (Hill)**

Busby moved, Perry seconded, and it was unanimously carried to continue the investigation to allow respondent the opportunity to voluntarily obtain a substance abuse evaluation with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

- VI.D.5. Lorraine Kathleen Harker RN153660; LP043908; CNA1000007735 (Hill)**

Hill addressed the Board with additional information. Complainant Steve Uscio was present telephonically and addressed the Board. Attorney David Black was present and addressed the Board. Harker was present and available for questions. Scott moved, Busby seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation (*at the Board's expense*), with a Board approved PhD prepared evaluator to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.D.6. Carol Lanzotti Pittaway RN046335 (Hill)

Johnson moved, Gutierrez seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion the motion failed with four in favor and four opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	4	X	X		X		X			
NO	4					X		X	X	X
ABSTAIN	0									
ABSENT	1			X						

After further discussion, Johnson moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. The motion carried with six in favor and two opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X	X		X		X	X	X	
NO	2					X				X
ABSTAIN	0									
ABSENT	1			X						

VI.D.7. Kathleen Judith Spencer RN159533 (Hill)

Johnson moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.K.2. Jennifer Kay Gilbert RN153436 (Pendergast)

Gilbert and attorney Tamara Primera were present and addressed the Board. Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation including the attached stipulations amended to include: monthly reports including 10 random chart reviews for the first 6 months and quarterly thereafter, night shift allowed at present place of employment only. If all terms of probation and stipulations are completed successfully, probation may terminate in 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.K.6. Amy J. Collins RN071683 (Pendergast)

Collins was present and available for questions. Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.K.7. Marcia Dampf RN Endorsement (Pendergast)

Scott moved, Gutierrez seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to grant temporary license for refresher course only. Upon meeting all requirements and signing a Consent Agreement for 12 months probation including the attached stipulations, grant licensure. If not signed within 30 days, deny licensure and revoke multi-state privileges. Dampf's refresher course instructor, Karen Brown was present and addressed the Board. The motion failed with seven opposed and one in favor.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	1				X					
NO	7	X	X			X	X	X	X	X
ABSTAIN	0									
ABSENT	1			X						

Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to grant temporary license for refresher course only. Upon meeting all requirements and signing a Consent Agreement for a Decree of Censure, grant licensure. If not signed within 30 days, deny licensure and revoke multi-state privileges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.K.8. Steven Scot Dunn RN107235 (Pendergast)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for probation, including the attached stipulations. If the findings of the evaluation required by the Consent Agreement identify that respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length of the probation will be at minimum 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.K.10. Olivia Lorraine Koffler RN155733 (Pendergast)

Pendergast addressed the Board with additional information. Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.K.11. Colby Danielle Martin LP042452 (Pendergast)

Martin was present telephonically and addressed the Board. Scott moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

Perry left the meeting at 8:54 a.m.

VI.K.12. Gwen Renee Reese LP031894 (Pendergast)

Pendergast addressed the Board with additional information. Reese was present telephonically and addressed the Board. Scott moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for probation including the attached stipulations. If the findings of the evaluation required by the Consent Agreement identify that respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length of the probation will be at minimum 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

Perry returned to the meeting at 9:01 a.m.

VI.K.13. Kristy Kay Simmons RN133727 (Pendergast)

Pendergast addressed the Board with additional information. Simmons was present and available for questions. Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.K.14. Ila Ann Sowins-Dunmire RN117614 (Pendergast)

Sowins-Dunmire was present and addressed the Board. Scott moved, Link seconded, to issue a Letter of Concern for inappropriate touching of staff members on or about April 30, 2010 and May 5, 2010, while employed at Healthcare for the Homeless in Phoenix, Arizona. After discussion the motion carried with seven in favor and one opposed.

VI.K.15. Kayode Jumoke Wemimo LP045219 (Pendergast)

Wemimo was present and addressed the Board. Scott moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. After discussion Scott amended the motion to change the length of probation to 18 months. Johnson concurred. The motion carried with five in favor and three opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	5	X	X		X			X	X	
NO	3					X	X			X
ABSTAIN	0									
ABSENT	1			X						

The meeting recessed at 9:14 p.m. and reconvened at 9:30 a.m.

VI.C.3. Terry Mae Barns RN139197; AP2563 (Dahn)

Complainant Doug Horn was present and addressed the Board. Complainant Jane Meyers was present and available for questions. Busby moved, Berrigan seconded, and after discussion it was unanimously carried to offer a Consent Agreement for 6 months probation with stipulations to include educational courses in geriatric long term care, geriatric pharmacology, documentation, quarterly performance reports, and monthly chart review of 10 geriatric long term care patients.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.C.4. Fred Richard McFarland RN083507 (Dahn)

Complainants Doug Horn and Jane Meyers were present and available for questions. McFarland was present and addressed the Board. Scott moved, Gutierrez seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion Scott withdrew the motion. Busby moved, Berrigan seconded, to offer a Consent Agreement for 6 months probation with stipulations to include: 20 hours of Board approved senior long term care management continuing education classes. If not signed within 30 days, issue Notice of Charges. After discussion the motion failed with four in favor and four opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	4	X	X					X		X
NO	4				X	X	X		X	
ABSTAIN	0									
ABSENT	1			X						

Scott moved, Gutierrez seconded, and it was unanimously carried to offer a Consent Agreement for 6 months probation with stipulations to include 80 hours of Board approved senior long term care management continuing education classes. If not signed within 30 days, issue Notice of Charges. The motion carried with seven in favor and one opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X		X	X	X	X	X	
NO	1									X
ABSTAIN	0									
ABSENT	1			X						

VI.C.3. Terry Mae Barns RN139197; AP2563 (Dahn)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.C.3. Busby moved, Berrigan seconded, and it was unanimously carried to amend prior Board decision to include, “If not signed within 30 days, issue Notice of Charges.”

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VII. Board Reports for Discussion, Information, Staff Direction and/or Decision

VII.A. Executive Directors Report – Ridenour

VII.A.1. Discuss/Amend and/or Approve Board Minutes

VII.A.1.a. July 21-22, 2010 Regular Board Meeting Minutes

Perry moved, Berrigan seconded, and it was unanimously carried to approve minutes of July 21-22, 2010 regular Board meeting.

VII.A.1.b. July 22, 2010 Executive Session Minutes

Johnson moved, Scott seconded, and it was unanimously carried to approve minutes of July 22, 2010 Executive Session.

VII.A.2. Recommendations Regarding Policy Change: Recording of Executive Sessions – Ridenour/Mamaluy

Perry moved, Berrigan seconded, and it was unanimously carried to approve policy change recommendations regarding the Recording of Executive Sessions.

VII.A.4. Recommended Budget Approval for Fiscal Years 2012/2013 & Agency Strategic Plan/Performance Metrics; Certified Nursing Assistant Program Revenues/Expenses 2010-2012; Cash Flow Projections; Organizational Chart – Orchard/Bontrager/Ridenour

Orchard reported that the budget for 2011 and into 2012 will remain static. The budget of \$4,153,900, includes the decrease in funds for the 6 furlough days and a small net increase for health benefits, leaving an operating budget of \$4,074,400. Ridenour noted the Board continues to subsidize the CNA program at a cost of approximately \$500,000 per year.

Orchard reported that Department of Health Services had additional funds at the end of their fiscal year and transferred \$67,000 to the Board. Orchard stated this was a substantial benefit to the Board after losing the general fund appropriation for fingerprinting last year. Orchard stated that the CNA program is costing over \$1,000,000, with the federal government grant funds of \$416,000, with the Board picking up the remaining cost.

Orchard further reported the Board had saved approximately \$201,000 from FY2010, with the intent of using the funds in FY2011. However, she was recently informed that FY2008-09 were the last years the regulatory Boards had the authority to utilize any remaining funds in an appropriated year and carry them forward for use in the next year. The funds have been swept and are no longer available to the Board. Agencies involved were not informed of the sweeps until now. Board members expressed much concern.

Malloch stated that as a Board, we need to say that it is inappropriate for the Board of Nursing to be funding the government with the nurses in the state paying for it. It also is putting the agency at risk.

Ridenour stated that by moving the RN/LPN renewal date to April 1, there wouldn't be a cash flow problem for now. Orchard agreed that the cash flow at this point is fine, as long as nothing else happens. However \$104,000, was taken from the appropriation and be repeated next year. Funds that were counted on are no longer available.

Malloch asked Ridenour what direction the Board could give in an attempt to get those funds back. Ridenour said this door is closing, but what could potentially be done, is try to get language in the next budget cycle to prohibit the sweeping of those funds. Busby suggested, since other Boards are being similarly impacted, it might be helpful to check with Greg Harris and meet with the other Boards to present a united front.

Ridenour stated that the other silent contribution to the general tax fund is that 10% of all the revenues collected by the Boards goes into the general fund, which totals almost \$500,000 a year.

Orchard explained that title 35 section 143.01 of the Arizona statutes, allows certain regulatory agencies that are self sufficient to carry over remaining funds for the two year period. This is a different issue than with fund sweeps that were done. The Board does not operate on general fund money but on its licensing fees, and was allowed (in a two year period) to utilize funds left over from one year to be used in the second year. Considering the 2-year biennium 2011 and 2012, in 2012 the Board would have been able to utilize funds left over in 2011. It would not be until 2013, if there were any savings, that the savings could be utilized in 2014. Orchard clarified that the license fees go into our fund and 10% of that goes to the general fund.

Perry said he wanted to go on record saying that he thinks it is an absolute travesty for this to occur after the Executive Director / staff managed the money so well. Perry added that it is unacceptable for the Board to be punished for being good managers of the budget. He stated if we don't fight for it the Board will continue to get rolled over in the future.

Malloch asked Ridenour what is needed from the Board. Ridenour stated she didn't think anyone had begun to understand the deficit that is already hitting and is going to be hitting the Board. She suggested that staff explore the options and bring a report to the Board.

Ridenour indicated she also wanted to clarify to the Board about the metrics of the cycle time for getting cases to the Board, up from 6.8 months to 7.8 months. She believes the AAG's are being very effective

in moving and bringing faster closure, which will assist in reducing that time. Malloch expressed concerned about the upward trend.

Scott questioned if the increase in timeframe was due to the hearing process. Ridenour said it was not, but there could be some delay tactics for different reasons in not getting an investigative report to the Board.

Johnson asked how the budget was being impacted with the Board paying for evaluations. Orchard replied that the loss of the general fund for fingerprinting brought an extra burden to the agency and that adding the expense of Interim Order evaluations has made the operating budget very tight.

Busby moved, Scott seconded, and it was unanimously carried to approve the budget for fiscal years 2012-2013.

VII.A.6. Hearing Department Cycle Times – Smith/Mamaluy

Information was provided to the Board regarding Hearing Department cycle times. Ridenour reported that the Hearing Department was working hard and had come up with several new strategies to bring down the cycle times.

VII.A.8. FY2010 Licensing Time Frame Report - Bontrager

Information was provided to the Board regarding the FY2010 licensing time frame report.

VII.A.9. Recommended Policy Changes to Fingerprinting – Bontrager/Smith

Bontrager offered a brief summary of the recommended changes for fingerprinting. Busby moved, Perry seconded, and it was unanimously carried to approve.

V.C. Non-Compliance/Compliance with Board Orders

V.C.1. Caitlyn Jean Tomkiewicz RN137885; LP040473; CNA999994269 (aka: Tomkeiwica) (Rappoport/Bymers)

Rappoport addressed the Board and reviewed additional information. Tomkiewicz was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months stayed revocation/probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI. RN/LPN/CNA Investigative Reports

VII.L.1. Olivia Williams LP Endorsement; Texas Compact (Rappoport)

Busby moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to grant applicant permission to work under the Privilege to Practice (PTP) as a practical nurse under her current Texas nursing license and continue with her Texas Agreed Order. Upon the Board receiving written confirmation from the Texas Board of Nursing that applicant has successfully completed her Texas Agreed Order, grant licensure. If applicant is not-compliant with her Texas Agreed Order, withdraw

permission allowing applicant to work under the Privilege to Practice her Texas nursing license, issue a cease and desist letter, and an Order of Denial.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.L.2. Debbie Lynn Nelson RN083697 (IA Compact) (Rappoport)

Perry moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to consistently follow the clinical medication documentation policy and procedures in the Emergency Room at Western Arizona Regional Medical Center in Bullhead City, Arizona, from on or about October 18, 2009, to November 13, 2009, while employed by Advantage RN travel registry; and refer case to Home State of Iowa.

VI.L.4. Kelly Lynn Williams RN Endorsement (TRN160187) (Rappoport)

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 12 months probation including the attached stipulations, to grant licensure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.A.2. Jo Anne Waldron Campbell RN110917; LP031069; CNA141548387 (Bymers)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.A.8. Charisse Yvonne Croom RN146350; LP02967; CNA1000003618 (Bymers)

Bymers addressed the Board with additional information. Busby moved, Berrigan seconded, and it was unanimously carried based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.A.9. Kelly Jo Juvera RN129272 (Bymers)

Juvera was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to accept the signed CANDO Stipulated Agreement.

VI.A.10. Karen Merle King RN106795; AP2526 (Bymers)

Busby moved, Johnson seconded, and it was unanimously carried to table Agenda Item VI.A.10.

VII. Board Reports for Discussion, Information, Staff Direction and/or Decision

VII.A. Executive Directors Report – Ridenour

VII.A.3. Discussion & Decision on the following litigation matters (Upon a majority vote of a quorum of members the Board may hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4), to obtain legal advice, and to consult with and instruct the Board’s attorneys regarding the Board’s position in pending litigation or in settlement discussions)

a. Graham-Payne, Harrison, et al v. AZBN CV2100-053962

Busby moved, Perry seconded, and it was unanimously carried to go into Executive Session on Agenda Item VII.A.3.a. Executive Session convened at 10:45 a.m. and adjourned at 11:01 a.m.

Perry left the meeting at 11:01 a.m.

VI. RN/LPN/CNA Investigative Reports

VI.A.10. Karen Merle King RN106795; AP2526 (Bymers)

Link moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.A.10.

Busby moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

Perry returned to the meeting at 11:08 a.m.

After discussion Busby amended the motion to include: Direct staff to follow up investigation as to whether respondent is working within her Scope of Practice. Johnson concurred. The motion carried with seven in favor and one abstained.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	1							X		
ABSENT	1			X						

VI.A.11. Michelle Ann Zack LP043948 (Bymers)

Johnson moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation to include a substance abuse evaluation by a Board approved minimum PhD prepared evaluator, to be completed within 30 days, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.E.4. Joseph Gibbs CNA Exam (Lester)

Lester addressed the Board with additional information. Gibbs was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with emphasis on substance abuse and anger management by a Board approved PhD prepared evaluator with expertise in substance abuse and anger management, to include any additional testing deemed necessary by the evaluator, to be completed within to be

completed within 45 days and return to the Board. If not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.E.5. Paula M. Gross CNA1000016091 (Lester)
(aka: Griffey)

Gross was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the misdemeanor Theft conviction in Maricopa County Superior Court on October 8, 2009, in Phoenix, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.E.6. Erin Jadlocki RN120586 (Lester)

An attempt was made to contact Jadlocki telephonically and a message was left indicating the Board would move ahead with the case. Lester addressed the Board with additional information. Scott moved, Busby seconded, to issue a Letter of Concern for the misdemeanor conviction for extreme driving under the influence (DUI) on June 4, 2007, in Gilbert Municipal Court and for failing to report the charges to the Board within ten days as required by Statutes and Rules. After discussion the motion carried with six in favor and two opposed.

VI.E.11. Tiffany J. Simmons-Toto CNA1000005950 (Lester)

Simmons-Toto was present and available for questions. Busby moved, Berrigan seconded, and after discussion it was unanimously carried to continue the investigation to allow respondent to obtain a psychological evaluation with emphasis on substance abuse with a Board approved PhD prepared evaluator with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.F.1. Michael Alan Adams CNA Applicant (Monas)

Adams was present and addressed the Board. Scott moved, Busby seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation to include an anger management and substance abuse evaluation with a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.F.4. Phoebe Felix CNA999999726 (Monas)
(aka: Francisco)

Felix was present and addressed the Board. Gutierrez moved, Scott seconded, issue an Interim Order for a substance abuse evaluation (*at the Board's expense*) with a Board approved PhD prepared evaluator with expertise in substance abuse and anger management, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.F.7. Brian Hernandez CNA Applicant (Monas)

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty and payment of the Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.F.8. Charles Byron James Jr CNA Applicant (Monas)

James was present and available for questions. Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months stayed revocation including the attached stipulations. If not signed within 30 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.F.9. Carlette Aramenta Jones CNA Applicant (Monas)
(aka: Weber; Harrell; Chaette Armenta)

Monas addressed the Board with additional information. Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.F.11. Scott Kyle CNA Applicant (Monas)

Busby moved, Scott seconded, and it was unanimously carried, continue the investigation to allow applicant to obtain a psychological evaluation to include a substance abuse evaluation with a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.F.14. Brooke Nichole Parker CNA Endorsement (Monas)

Parker was present telephonically and addressed the Board. Berrigan moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification. After discussion the motion carried with seven in favor and one opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X		X	X	X	X	X	
NO	1									X
ABSTAIN	0									
ABSENT	1			X						

V.B. Applicants for Reissuance & Investigative Reports

V.B.2. Jeffrey Robert Maloney RN Reissuance (RN095109) (S. Nelson)

Berrigan moved, Busby seconded, and it was unanimously carried to reopen Agenda Item V.B.2. Nelson addressed the Board with additional information. Maloney was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried to table Agenda Item V.B.2.

VI. RN/LPN/CNA Investigative Reports

VI.H.2. Kelly Kimball Ely RN063864 (S. Nelson)

Nelson addressed the Board with additional information. Ely was present and available for questions. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months stayed suspension/probation followed by 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.H.3. James Lawrence Hyatt RN109959 (S. Nelson)

Link moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation (*at the Board's expense*), with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 30 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.H.4. Debra Johnson Swanson RN059424 (S. Nelson)

Swanson was present and addressed the Board. Busby moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow respondent the opportunity to obtain an evaluation by a Board approved PhD prepared evaluator with expertise in substance abuse, to be completed within 45 days and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X		X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	1			X						

VI.P.10. Hilario Ceron RN069045; LP015898 (Torrez)

Ceron was present and addressed the Board. Attorney Michael Denea was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

The meeting recessed at 12:15 p.m. and reconvened at 1:01 p.m.

Malloch and Gutierrez left the meeting at 1:01 p.m.

Link presided.

VII.A. Executive Directors Report – Ridenour

VII.A.7. Research Data Analysis: Predictors of Registered Nurses Having License Revoked in Arizona April 2009-2010 and LPN Data Analysis – Ridenour/Lalley/Wyble

Arizona State University students Kathy Lalley and Carrie Wyble were present and offered a presentation of their Research Data Analysis: Predictors of Registered Nurses Having License Revoked in Arizona April 2009-2010 and LPN Data Analysis.

VI. RN/LPN/CNA Investigative Reports

**VI.G.1. Nicole Marie Allen CNA999991606 (B. Nelson)
(aka: Campbell; Tonilyn Marie Hagstrom)**

Nelson addressed the Board with additional information. Allen was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for violating policy and procedure by documenting a response to an inmate’s request for healthcare and writing a nurse’s provider number on the response in or about November 2008, while employed at Maricopa County Correctional Health in Phoenix, Arizona.

VI.G.2. Katherine Ann Briggs CNA1000007390 (B. Nelson)

Perry moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for failing to administer a medication and then falsifying the medication administration record to indicate it had been given in or about April 2009, while working as a certified caregiver at Enza’s Adult Care Home in Tucson, Arizona.

VI.G.3. Debra Jo Glamuzina CNA999996110 (B. Nelson)

Glamuzina was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.G.4. Tammy Sue Yost CNA1000013772 (B. Nelson)

Perry moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for transferring a resident by herself, without assistance or the use of a gait belt, on or about March 16, 2009, causing the resident unnecessary pain and anxiety, resulting in termination from Avalon Health and Rehabilitation in Tucson, Arizona.

VI.G.5. Betty Burton CNA739753309 (B. Nelson)

Perry moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for failing to report an event she witnessed in or about March 2009, that resulted in a resident feeling frightened and complaining of rough treatment, resulting in her termination from Avalon Health and Rehabilitation in Tucson, Arizona.

VI.G.6. Cynthia Ann Catani LP Exam; CNA999990830 (B. Nelson)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 36 months probation including the attached stipulations, to grant licensure. If not signed within 30 days, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.G.7. Phuong Kim Le RN151628 (B. Nelson)

Link recused herself to avoid the appearance of impropriety and left the meeting at 1:16 p.m. Scott presided. Busby moved, Perry seconded, and it was unanimously carried to table Agenda Item VI.G.7. due to lack of a quorum.

Link returned to the meeting at 1:18.

VI.O.3. Lucy C. Garrity RN118443 (Schettler)

Garrity was present and available for questions. Scott moved, Busby seconded, and it was unanimously carried to dismiss the complaint.

VI.O.4. Lori Michelle Miller RN152832 (Schettler)

Schettler addressed the Board with additional information. Miller was present and addressed the Board. Busby moved, Scott seconded, to continue the investigation to allow respondent the opportunity to obtain a psychological evaluation with a Board approved evaluator to be completed within 45 days and

return to the Board. After discussion Busby amended the motion to allow respondent 60 days to complete the evaluation. Scott concurred.

After further discussion Busby withdrew the motion.

Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation to include a psychological evaluation by a Board approved evaluator to be completed within 45 days and return to the Board, with the attached stipulations to include: continue to work for the current employer and the same assignment, monthly employer reports, monthly reports on conduct and performance from the client’s family, weekly contact between employer and client’s family to assure safe practice and conduct. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.O.5. Jami Nicole Tucker LP041379 (Schettler)

Schettler addressed the Board with additional information. Tucker was present and addressed the Board. Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for the attempted use of an unauthorized meal ticket to buy a cafeteria meal and failing to cooperate during an internal investigation in or about February 2010, while employed at Kindred Hospital in Scottsdale, Arizona.

V.B. Applicants for Reissuance & Investigative Reports

V.B.2. Jeffrey Robert Maloney RN Reissuance (RN095109) (S. Nelson)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item V.B.2. Nelson addressed the Board with additional information. Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for stayed revocation/suspension, followed by 36 months probation including the attached stipulations, to grant reinstatement of RN licensure; the license will immediately be suspended pending compliance with applicable terms of the stayed revocation/suspension; upon completion of the terms of the stayed revocation/suspension, issue a temporary license for “refresher course only”; upon successful completion of refresher course, reinstate license under the terms of probation; if not signed within 30 days deny reinstatement.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

**VI.H.6. Heather Marie Larue-Foor RN123582 (S. Nelson)
(aka: Walker)**

Nelson addressed the Board with additional information. Perry moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.H.7. Theresa Jena Loyde RN155936 (S. Nelson)
(aka: Smith)

Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation to include a substance abuse evaluation by a Board approved evaluator, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.H.8. Lynn A. McCollum RN059153 (S. Nelson)

McCollum was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for a misdemeanor driving under the influence (DUI) conviction in 2006.

VI.H.9. Laura Dorothy Michael RN113397 (S. Nelson)
(aka: Laura Jordan Michael)

Nelson addressed the Board with additional information. Michael was present and addressed the Board. Scott moved, Busby seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation (*at the Board's expense*), with a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.G.7. Phuong Kim Le RN151628 (B. Nelson)

Busby moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.G.7. Gutierrez was present telephonically for this case only.

Link recused herself to avoid the appearance of impropriety and left the meeting at 1:48 p.m.

Scott presided.

Le was present and addressed the Board. Johnson moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to re-affirm prior Board decision (based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for an indefinite suspension pending the completion of a psychiatric evaluation by a Board approved psychiatrist, and to include the attached stipulations and return to the Board. If not signed within 10 days, issue a Complaint and Notice of Hearing.) Nelson addressed the Board with additional information.

After discussion Johnson withdrew the motion.

Busby moved, Berrigan seconded, and it was unanimously carried to rescind prior Board decision and issue an Interim Order for a psychiatric evaluation, completed by a Board approved psychiatrist (*at the Board's expense*), to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Complaint and

Notice of Hearing and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X	X		X			X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3			X		X	X			

Gutierrez ended the telephonic connection at 2:00 p.m.

Link returned to the meeting at 2:00 p.m. Link presided.

VI.H.11. Stephanie Lacyne Warder RN112134 (S. Nelson)
(aka: Carelli)

Nelson addressed the Board with additional information. Warder was present and addressed the Board. Busby moved, Perry seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed suspension/probation followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.H.12. Vanessa Rae Strader RN105957 (S. Nelson)

Strader was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, issue an Interim Order for a neuropsychological evaluation (*at the Board's expense*), completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be completed within 15 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.H.13. Sharon L. Carter RN048880 (S. Nelson)

Johnson moved, Busby seconded, and after discussion it was unanimously carried to issue a Letter of Concern for failing to disclose misdemeanor DUI conviction on June 19, 2008, in Phoenix Municipal Court in Phoenix, Arizona.

VII. Board Reports for Discussion, Information, Staff Direction and/or Decision

VII.B. Educational Reports and Rules – Randolph

VII.B.1. Nurse Assistant Programs Approved by the Executive Director

The Board was provided with Nurse Assistant Programs approved by the Executive Director.

VII.B.2. Glendale Community College RN Program Investigation and Site Visit Reports

Dr. Susan Mayer, Randy Kimmens and Dr. Ron Natalli were present and available for questions. Busby moved, Scott seconded, and it was unanimously carried:

1. Based on the information contained in the investigative report:
 - Issue a Letter of Concern to Glendale Community College for failing to timely investigate allegations and implement existing policies when informed of potentially inadequate clinical supervision on the part of a faculty member; and
 - Conduct a focused follow-up site visit in one year to verify compliance with R4-19-201 (D) and R4-19-203 (D) (1) and (4).
2. Based on information contained in the site visit report and the reports of resolution of potential violations:
 - Dismiss complaint of failure to follow district grading policies
 - Issue Letter of Concern to Glendale Community College for using two unqualified clinical faculty members in 2009 with one continuing into January 2010.
 - Grant full approval to MaricopaNursing at Glendale Community College.

VII.B.3. Coconino Community College Application for Final Approval

Busby moved, Scott seconded, and it was unanimously carried to grant full approval for a period of five years with a report in 6 months on progress in filling any vacant faculty positions.

VII.B.4. The University of Arizona Site Visit Report

Busby moved, Scott seconded, and it was unanimously carried to continue approval of the BSN and advanced practice FNP and ACNP programs.

VII.B.5. Mohave Community College RN and PN Refresher Programs

Busby moved, Scott seconded, and it was unanimously carried to renew the approval of the RN and LPN refresher courses at Mohave Community College.

VII.B.6. Follow-up Report SEVEN Health Care Academy RN and PN Refresher Programs

Busby moved, Scott seconded, and it was unanimously carried to remove “DEFICIENCY” status from SEVEN Health Care Academy and restore Full Approval.

VII.B.7. Statewide Educators Conference Progress Report

The statewide Educators Conference Progress Report was provided to the Board.

VII.B.8. NCLEX Second Quarter Reports

NCLEX second quarter reports were provided to the Board.

VII.B.9. Pima Medical Institute Tucson RN Program Case Dismiss

Busby moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

VII.B.10. Change in Nursing Program Administrator Brown Mackie College Phoenix

Information was provided to the Board regarding the appointment of M. Kitty Rogers as nursing program administrator at Brown Mackie College

VII.B.11. Central AZ College Case Dismiss

Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VII.B.12. Grand Canyon University Application for Program Change – 2 additional sites

Dr. Anne McNamara was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to approve the application for additional sites of the Grand Canyon University BSN Program at Scottsdale Health Care and AT Still University.

VII.B.13. Report from the Continued Competence Subcommittee – Randolph/Scott

Randolph stated the written report from the Continued Competence Subcommittee had not been completed for submission to the Board but offered a verbal report.

The meeting recessed at 2:24 p.m. and reconvened at 2:38 p.m.

VI. RN/LPN/CNA Investigative Reports

**VI.I.1. Nicole M. Bennett RN153813; LP043553; CNA999950317 (Olson)
(aka: Chase)**

Perry moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges for RN153813, LP043553 and CNA999950317.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

**VI.I.2. Brandy Lynn Brummett CNA1000013598 (Olson)
(aka: Borkowski)**

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.I.3. Gina Lynn Carter RN092529; CNA529058869 (Olson)

Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.I.4. Kurt Hartung CNA Exam (Olson)

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.I.5. Delores Michelle Lavender LP Endorsement (Olson)

Lavender was present and available for questions. Perry moved, Busby seconded, and it was unanimously carried, upon meeting all requirements and signing a Consent Agreement for 36 months stayed revocation including the attached stipulations, to issue temporary license for a refresher course only. Upon successful completion of the refresher course, grant licensure under the terms of the signed Consent Agreement. If not signed within 30 days, based upon the findings of fact and statute/rule violations identified in the investigative report, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

**VI.I.6. Kathlene Elizabeth Meshirer RN132135 (Olson)
(aka: Thomas; Davis)**

Olson addressed the Board and confirmed receipt of additional information. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

**VI.I.7. Tiffany Danyel Patton CNA999995229 (Olson)
(aka: Elsner)**

Scott moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

**VI.I.9. Catherine Grace Rawlinson CNA062784641 (Olson)
(aka: Soto; Krieg; Rude)**

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.I.10. Lexzorbrian U. Smith CNA Renewal by Exam (Olson)

Olson addressed the Board with additional information. Busby moved, Perry seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty and payment of the Civil Penalty, to grant renewal of certification. If not signed within 30 days or payment not received within 60 days, deny renewal of certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.I.11. Marcy Kathleen Thompson CNA Exam (Olson)

Thompson was present telephonically and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty and payment of the Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.I.13. Joanne Marie Chapman CNA Exam (Olson)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months stayed revocation including the attached stipulations. If not signed within 30 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.1. Cassidy Ellen Hilleary CNA Exam (Parlin)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.2. Chasity Nichole Escalante CNA999987568 Renewal by Exam (Parlin)

Busby moved, Perry seconded, and it was unanimously carried, upon meeting all requirements to grant certification and issue a Letter of Concern for the April 18, 2005, conviction for Possession of Drug Paraphernalia in Tucson, Arizona and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.J.3. Gordon Allen Bates LP042008; CNA250030803 (Parlin)

Parlin addressed the Board with additional information. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.4. James Arthur Fulton CNA Exam (Parlin)

Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.5. Paula Sanfilippo CNA1000011992 (Parlin)

Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.J.6. Peggy Ann Legg LP036663 (Parlin)

Legg was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.7. Rhonda Marie Myers CNA Endorsement (Parlin)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.8. Therese Ivey Long RN Endorsement (Parlin)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.9. Veratte Nichols Harris RN072027 (Parlin)

Scott moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.J.10. Lauren K. Noblin RN Endorsement (Parlin)

Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.J.11. Heather Karlotta Pemberton RN138871 (Parlin)

Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, and respondent’s lack of response, issue a Notice of Charges.

VII.A. Executive Directors Report – Ridenour

VII.A.5. Auditor General – Sunset Audit

Pursuant to A.R.S. §38-431.03(A)(2), the Board may meet in Executive Session to receive information about the sunset audit of the Board

Board members and staff discussed possible dates for a special Board meeting to receive information about the sunset audit of the Board and possible summary suspensions. A tentative date was set for October 6, 2010, 9-11:00 a.m.

VI.K.8. Steven Scot Dunn RN107235 (Pendergast)

Busby moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.K.8. for the purpose of allowing Dunn to address the Board. Busby moved, Scott seconded, and it was unanimously carried to rescind prior Board decision and to continue the investigation to allow respondent to obtain an evaluation with a Board approved PhD prepared evaluator with expertise in substance abuse, to be completed within 60 days and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

**VI.N.1. Patience Ime Adaramola CNA1000012018 (Sage)
(aka: Ekanem)**

B. Nelson addressed the Board with additional information. Busby moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for allegedly being insubordinate to a charge nurse on February 11, 2009, over having a resident added to her “get up” list, being verbally and physically abusive to a resident on May 17, 2010, and of previously being reported by residents for roughness and rudeness attributed to rushing care and the tone of her voice while employed as a CNA at Desert Cover Nursing Center in Chandler, Arizona.

VI.N.2. Tabitha Ruth Curtis-Tyler CNA1000023376 (Sage)

Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to report alleged abuse in a timely manner and for violating facility policy by discussing the abuse with other nurses in or about April 2010, while employed as a CNA at Rim Country Health and Rehab in Payson, Arizona.

VI.N.3. William D. Grabner CNA727526103 (Sage)

Nelson addressed the Board with additional information. Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue a Notice of Charges.

VI.N.4. Ben U. Iloh CNA999991655 (Sage)

Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure to include a \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.N.5. Katherine Irving CNA999950173 (Sage)

Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation with terms to include a substance abuse evaluation. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.N.7. Baribuma Jude Lekol CNA1000021205 (Sage)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.N.8. Kevin Joseph Milles LP043941 (Sage)

Nelson addressed the Board with additional information. Perry moved, Busby seconded, and it was unanimously carried to amend prior Board decision and allow Milles to work night shift.

VI.N.9. Megan Elizabeth Schmuecker CNA1000022579 (Sage)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.N.10. Laura J. Wells CNA410147824 (Sage)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure to include a \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

**VI.N.11. Paige Marie Bumey CNA1000013473 (Sage)
(aka: Wilkinson)**

Busby moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation with stipulations to include a substance abuse evaluation. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.N.12. Rose Marie Burney CNA1000019756 (Sage)

Nelson addressed the Board with additional information. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure and a \$50 Civil Penalty. If not signed within 30 days, issue a Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.N.13. Cheryl Ann Neylon LP030470 (Sage)

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for violating some basic infection control policies and for allegedly abusing the rights and dignity of clients while employed by Loving Care Agency and assigned to the ATP Campbell group home for developmentally disable clients in March 2010.

VI.N.14. Deborah Mae East LP037837 (Sage)

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for allegedly violating the rights and dignity of residents while employed at Loving Care Agency and assigned shifts at ATP Campbell Group Home in Phoenix, Arizona in March 2010.

**VI.N.15. Channon Alberta Hayzlett CNA1000019323 (Sage)
(aka: Mann; Jones)**

Perry moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for accessing a patient’s record for personal reasons while employed as a CNA at St. Mary’s Hospital on April 28, 2010, in Tucson, Arizona.

VI.P.6. Nancy Eleazar Deguzman RN132720 (Torrez)

Busby moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for failing to complete neurological assessments on resident C.J. who had an un-witnessed fall on or about February 8, 2010, while employed at Peoria Good Shepherded Care Center in Peoria, Arizona.

VI.P.7. Nancy Evelyn Elliot RN090948 (Torrez)

Torrez addressed the Board with additional information. Elliot was present and addressed the Board. Johnson moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for failing to complete and document patient assessments, carry out physicians orders and failing to report patients change in condition from on or about August 10, 2009 to January 6, 2010, while employed at Banner Gateway Medical Center in Phoenix, Arizona, and also for failing to report being charged with a DUI on or about August 9, 2009.

**VI.P.8. Diana Marie Lichaczewski RN110172; LP026462 (Torrez)
(aka: Brooks)**

Busby moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for failing to obtain a physician order to perform a finger stick on patient J.G. on or about April 1, 2010, while employed at Cigna Healthcare in Tempe, Arizona.

VI.P.9. Denise Carol Fleck RN151954 (Torrez)

Torrez addressed the Board and confirmed receipt of additional information. Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.P.11. Michele Moor Pitzer RN021057 (Torrez)

Johnson moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for administering medications to all residents earlier than the times scheduled on or about March 31, 2010, while on duty at Hacienda Healthcare in Phoenix, Arizona.

VI.P.12. Betty Marie Stone RN154103 (Torrez)

Johnson moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, with the addition of finding of fact #4: that

Stone admitted in her written statement that she did admit to the error, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.P.13. Lacretria Renee Alexander LP028449 (Torrez)

Alexander was present telephonically and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

VI.P.15. Marianito Besenio Ricafort RN140045 (Torrez)

Busby moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.P.16. Stephen Michael Kelly RN083407 (Torrez)

Busby moved, Perry seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.P.17. Ann Marie Kelly RN086705 (Torrez)

Busby moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.C.3. Terry Mae Barns RN139197; AP2563 (Dahn)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.C.3. Dahn addressed the Board with additional information. Busby moved, Berrigan seconded, and after discussion it was unanimously carried to amend the prior Board decision for 6 months probation, to clarify stipulations for course work to read: continuing education (CE) course work must be approved by Board staff and include 120 hours total with a minimum of 40 hours gerontological pharmacology and the remainder in the care of the geriatric patient and/or long term care.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X			X		X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X		X				

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Scottsdale Community College Nursing Students regarding Board functions, policies and procedures. Questions were asked on the meaning of Notice of Charges, where and who charges/complaints come from, the types of discipline imposed by the Board, Assistant Attorney's General roles at the Board, if Board members hold other positions either in nursing

or other fields other fields beside their roles with the Board of Nursing, and if cases that go to hearing are open to the public.

VII. Board Reports for Discussion, Information, Staff Direction and/or Decision

VII.D. A.A.G. Report – Zack

VII.D.1. Recommendations Regarding Policy Changes: a.) Settlement Conferences; b.) Release of Public Records and Information; c.) Substantive Policy Statement Guidelines for Requesting Respondent’s Medical Records and Medical Information via Subpoena – Mamaluy/Zack/Zimmerman/Campbell

Busby moved, Scott seconded, and it was unanimously carried to approve Settlement Conferences policy change.

Busby moved, Berrigan seconded, and it was unanimously carried to approve Release of Public Records and Information policy change.

Busby moved, Scott seconded, and it was unanimously carried to approve Substantive Policy Statement Guidelines for Requesting Respondent’s Medical Records and Medical Information via Subpoena policy change.

VII.E. Committee Reports

VII.E.1. Scope of Practice: Discuss/Amend & Approve Advisory Opinions – Bontrager/Johnson/Scott

VII.E.1.a. Draft Minutes of Scope of Practice Committee Meeting

The minutes of the August 31, 2010 Scope of Practice Committee meeting were provided for the Board’s review.

VII.E.1.b. Draft Advisory Opinion OB/GYN Therapeutic Diagnostic Ultrasounds

Busby moved, Scott seconded, and it was unanimously carried to approve the advisory opinion on OB/GYN Therapeutic and/or Diagnostic Ultrasounds

VII.E.2. Education – Randolph/Malloch

VII.E.2.a. Draft Minutes of Education Advisory Committee Meeting

Education Advisory Committee meeting draft minutes of August 6, 2010 were provided to the Board.

VII.E.3. Advanced Practice – Dahn/Link

VII.E.3.a. Draft Minutes of Advanced Practice Committee Meeting

Advanced Practice meeting draft minutes of July 30, 2010 were provided to the Board.

VII.E.3.b. Summary Advanced Practice Committee Open Forum July 30, 2010

Summary of the Advanced Practice Committee Open Forum held July 30, 2010, was provided to the Board.

VIII. 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).

VII. Board Reports for Discussion, Information, Staff Direction and/or Decision

VII.C. President's Report – Malloch

VII.C.3. Debriefing on Board Processes & Suggested Changes - All

Board members and staff discussed processes and flow of the meeting.

X. Adjournment

Johnson moved, Scott seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 4:13 p.m., Thursday, September 23, 2010.

Kathy Malloch, PhD, MBA, RN, FAAN, President