

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The Special meeting of the Arizona State Board of Nursing convened at 3:36 p.m., Thursday, January 27, 2011, 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
Theresa (Terri) Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
E. Gary Gum, MSN, RN, FCN, Member
Patricia Johnson, LPN, Member
M. Hunter Perry, Member
Lori Gutierrez, BS, RN-C

LEGAL COUNSEL:

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

STAFF DIRECTORS:

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

STAFF:

Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings
Tammi Bymers, RN, MSN, Nurse Practice Consultant/Monitoring
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
Debra McGinty RN, PhD, Administrator/Nursing Programs
Patricia Midkiff, RN, MN, Nurse Practice Consultant
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/CANDO
Mary Rappoport, RN, MN, Nurse Practice Consultant
Deborah Richards, JD, Senior Investigator
Bonnie Richter, MSW, Senior Investigator
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
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 3:36 p.m., Thursday, January 27, 2011.

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

Malloch presided.

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

II. A. APRN/RN/LPN/CNA 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.A.1. Joyce Ann Delgado LP025990; CNA083113439 Zack

The proceeding began at 3:38 p.m. with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry, Berrigan and Busby.

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

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

Delgado was present and available for questions. Attorney Nina Targovnik was present and addressed the Board.

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.

Busby moved, Scott 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).

Link moved, Scott seconded, and it was unanimously carried, based upon the information presented at this meeting, 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 practical nurse license No. LP025990 and nursing assistant certificate No. CNA083113439 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 and certificate of Joyce Delgado be suspended effective with the service of the written Order, and that Delgado will immediately cease practice as a nurse/certified nursing assistant. 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.

III. 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).

IV. Adjournment

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

The meeting adjourned at 3:57 p.m., Thursday, January 27, 2010.

Kathy Malloch, PhD, MBA, RN, FAAN, President