

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, May 25, 2011, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Scott, RN, MPS, PhD, FACHE, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Scott, RN, MPA, PhD, FACHE, President
Kathy Malloch, PhD, MBA, RN, FAAN, Vice President
Patricia Johnson, LPN, Secretary
Theresa (Terri) Berrigan, LPN, Member
Leslie Dalton, MSN, RN, Member
Lori Gutierrez, BS, RN-C, Member
Denise Link, PhD, WHCNP, FNAP, Member
M. Hunter Perry, BSHA, Member
Charleen L. Snider, BSN, RN, Member
Randy C. Quinn, CRNA, Member

BOARD MEMBERS ABSENT:

Kathryn L. Busby, JD, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, Assistant Attorney General
Kim Zack, 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
Janeen Dahn, MSN, FNP, Nurse Practice Consultant/AP
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Lynda Hemann, PhD, MPH, LISAC, Senior Investigator
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Debra McGinty RN, PhD, Administrator/Nursing Programs
Linda Monas, Senior Investigator
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 8:00 a.m., Wednesday, May 25, 2011.

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

Scott presided.

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

Berrigan arrived at the meeting at 8:02 a.m.

VI. RN/LPN/CNA Investigative Reports

**VI.I.2. Megan Michelle Bianco RN157099 (Olson)
(aka: Dean Bianco)**

Attorney Susan McLellan was present, addressed the Board, and recommended a Letter of Concern. Bianco was present and addressed the Board. Malloch 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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.B.1. Kristin Sue Stookey RN058956; AP0413 (Dahn)

Dahn addressed the Board with additional information. Stookey was present, addressed the Board, and requested the Board to dismiss the complaint. Attorney Lauren Rosenfeld was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.B.2. Janice Beth Rodenberg RN075997; AP0189 (Dahn)

Attorney Chris Smith was present and addressed the Board. Rodenberg was present and available for questions. Malloch 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 Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.B.3. Margaret Jackman RN109074; AP1864 (Dahn)

Dahn addressed the Board with additional information. Jackman was present and available for questions. Attorney Sandra Rogers was present and addressed the Board. Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for failing to communicate patient concerns to the provider of record on or about August 20, 2005 at Tucson Medical Center in Tucson, Arizona.

VI.B.4. Patricia Ann Struck RN059474; AP1487 (Dahn)

Struck was present and available for questions. Attorney Susan McLellan was present, addressed the Board, and recommended dismissal of the case. Malloch moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.B.5. Anna Obannon RN060080; AP1083 (Dahn)

Dahn addressed the Board with additional information. Complainant Catrina Shover was present and addressed the Board. Counsel for Obannon, Melanie Balestra, was present and available for questions. Obannon was present and addressed the Board. Johnson moved, Dalton seconded, and it was unanimously carried to issue a Letter of Concern for failure to maintain a therapeutic client relationship on or about January 2010 and for obtaining client contact information from previous place of employment on or about August 2010.

VI.B.6. Karen Sue Megivern RN102304; AP1201 (Dahn)

Attorney Teresa Sanzio was present and addressed the Board and recommended dismissal. Johnson moved, Link seconded, and after discussion it was unanimously carried to dismiss complaint #3.

VI.P.1. Tracy Yvonne Garrett Johnson LP040942 (Torrez)

Torrez addressed the Board with additional information. Attorney Nina Targovnik and Garrett-Johnson were present and addressed the Board. Malloch moved, Johnson seconded, to issue a Letter of Concern for signing the physicians name to a Restoril 15 mg. prescription for resident B.B. on or about September 17, 2010, while employed at Suncrest Healthcare in Phoenix, Arizona. After discussion Malloch withdrew the motion.

Berrigan moved, Malloch seconded, and after further discussion it was unanimously carried to issue a Letter of Concern for not being familiar with the facility policies and procedures for refilling a medication for Restoril 15 mg. on or about September 17, 2010, while employed at Suncrest Health Care in Phoenix, Arizona.

The Board directed staff to refer case to either Department of Health Services or the Pharmacy Board.

The meeting recessed at 9:34 a.m. and reconvened at 9:51 a.m.

VI.D.2. Diane DeRosa RN141697 (Hill/Grady)

Attorney Kathleen Lambert was present and addressed the Board. DeRosa was present and available for questions. Malloch moved, Gutierrez 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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.D.6. Michelle Owens RN139574 (Hill/Nelson)

Attorney Teresa Sanzio was present and addressed the Board and recommended a Letter of Concern. Owens was present and available for questions. Johnson moved, Malloch 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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.D.7. Mark Richardson RN127501 (Hill/Nelson)

Attorney Teresa Sanzio was present and addressed the Board and recommended a Letter of Concern. Richardson was present and available for questions. Johnson moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for administering Zofran to a co-worker, while in flight, without a medical authorization and against PHI Air Evac policies on August 23, 2010, while employed with PHI Air Evac Services in Yuma, Arizona.

VI.D.9. Joyce Jacquelyn Rose RN123753 (Hill/Grady)

Attorney John Drazkowski was present and addressed the Board. Rose was present and available for questions. Malloch moved, Link 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 eight opposed and two in favor.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	2		X					X				
NO	8	X		X	X	X	X		X	X	X	
ABSTAIN	0											
ABSENT	1											X

Gutierrez moved, Perry seconded, to issue a Letter of Concern for entering electronic orders without physician approval on multiple patients for procedures performed in the International Radiology department from August 7, 2009, to in or about August 2010, while employed at Cancer Treatment Facility of America in Goodyear, Arizona. After further discussion the motion carried with eight in favor and two opposed.

The Board directed staff to contact with the facility to see if the policy has changed.

VI.E.4. Erich A. Widemark RN083736; LP027298; AP0909 (Grady)

Link recused herself to avoid the appearance of impropriety and left the meeting at 10:14 a.m. Grady addressed the Board and confirmed receipt of additional information. Widemark and his attorney, Teresa Sanzio, were present and addressed the Board. Berrigan moved, Quinn 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 practice probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

Link returned to the meeting at 10:28 a.m.

VI.J.3. Christopher Scott Resinger RN109727; LP034489 (Parlin)

Resinger was present and available for questions. Attorney Kelly McDonald was present and addressed the Board. Malloch moved, Berrigan seconded, and it was unanimously carried, making a finding of

reasonable cause, based upon the allegations in the investigative report (and material presented at this meeting) and at cost to the Board, to issue an Interim Order for an anger management evaluation with a Board approved PhD prepared evaluator and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and then 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.H.1. Rebecca Sanders Case RN069044 (Nelson)

Nelson addressed the Board and confirmed receipt of additional information. Attorney Teresa Sanzio was present and addressed the Board. Sanzio requested the matter be tabled to allow for review of additional information. Malloch moved, Berrigan seconded, and it was unanimously carried, based upon the information in the investigative report, the Board finds reasonable cause and Orders an interim evaluation, at the Board's expense, for a psychiatric evaluation with a Board approved psychiatrist, 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.H.5. Angela K. Phillips-Anderson RN071918; AP0198 (Nelson)

Nelson addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Phillips-Anderson was present and available for questions. Malloch moved, Perry seconded, and it was unanimously carried to table Agenda Item VI.H.5.

Perry left the meeting at 10:40 a.m.

VI.O.8. Merry Tolliver Lavant RN065659; LP020183 (Schettler)

Schettler addressed the Board and confirmed receipt of additional information. Attorney Edmundo Robaina was present and addressed the Board. Lavant was present and available for questions. Malloch moved, Berrigan seconded, and it was unanimously carried, making a finding of reasonable cause, based upon the allegations in the investigative report and at cost to the Board, to issue an Interim Order for an addiction evaluation to be completed by a Board approved addictionologist (physician) evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board. If the Interim Order is not completed, based upon the finding 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X	X	X	X	X	X		X	
NO	0											
ABSTAIN	0											
ABSENT	2									X		X

Perry returned to the meeting at 10:47 a.m.

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.1. Randi Ann Gilligan LP Endorsement (Pendergast)

Gilligan was present and addressed the Board. Malloch moved, Dalton seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, to grant temporary license for the purpose of a refresher course and accept the signed CANDO Stipulated Agreement. Malloch amended the motion to include: “upon completion of the refresher course, accept the signed CANDO Stipulated Agreement”. Dalton concurred. The motion carried unanimously.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

V.F.6. Susan M. Johnston LP020721 (Pendergast)

Johnston was present and available for questions. Malloch 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.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI. RN/LPN/CNA Investigative Reports

VII.6. Malikha Vanessa Gardner RN Exam (Olson)

Olson addressed the Board with additional information. Gardner 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 Decree of Censure, to grant licensure. If not signed within 30 days, deny licensure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VII.8. Dena Rhea McFaddin RN Endorsement (Olson)

McFadden and her employer, Susan Goed, were present and addressed the Board. Link 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 \$500 Civil Penalty, to grant licensure. If not signed within 30 days or payment not received within 60 days, based upon the findings of fact and statute/rule violations identified, deny licensure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.I.9. Zachary Patrick Wagner RN Exam (Olson)

Wagner was present and available for questions. Malloch moved, Berrigan seconded, and it was unanimously carried to 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 licensure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.4. Jessica Yvonne Cluver CNA Endorsement (Richter)

Cluver was present and available for questions. Malloch moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow applicant the opportunity to voluntarily obtain a psychological evaluation with emphasis on substance abuse and chemical dependence issues, 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.8. Audrey Marie Frakes CNA Exam (Richter)

Richter addressed the Board with additional information. Frakes was present and addressed the Board. Malloch moved, Johnson seconded, and it was unanimously carried to continue the investigation to allow applicant the opportunity to voluntarily obtain a psychological evaluation with emphasis on anger management, 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.11. Sarah Lorraine Kastern RN Exam; CNA1000021969 (Richter)

Kastern was present and addressed the Board. Malloch moved, Perry seconded, 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 Decree of Censure, to grant licensure. If not signed within 30 days, deny licensure. The motion carried with seven in favor and three opposed.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	7	X	X	X			X	X	X	X		
NO	3				X	X					X	
ABSTAIN	0											
ABSENT	1											X

VI.M.14. Cipriano Mendoza, Jr. CNA Exam (Richter)

Mendoza was present and addressed the Board.

Quinn left the meeting at 11:18 a.m.

Malloch moved, Berrigan seconded, and it was unanimously carried, to table Agenda Item VI.M.14. for the purpose of explaining the motion for discipline being considered.

Quinn returned to the meeting at 11:19 a.m.

VI.M.19. Dana Michelle Reed CNA Exam (Richter)

Reed was present and addressed the Board. Malloch moved, Link seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the March 26, 1990, conviction for Conspiracy to Sell Narcotic Drugs, a class 2 felony in Maricopa County Superior Court, which concluded in September 1995, and for the January 03, 2001, conviction for DUI, a misdemeanor and Endangerment, a class 6 undesignated offense, in Maricopa County Superior Court, which concluded in January 2004.

VI.M.20. David Isreal Silvas CNA Exam (Richter)

Silvas was present and addressed the Board. Malloch moved, Gutierrez seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the May 3, 1999 conviction for a guilty plea of robbery, a class 4 felony in Pima County Superior Court.

VI.M.23. Katie Elizabeth Willard CNA Endorsement (Richter)

Willard was present and addressed the Board. Malloch moved, Johnson seconded, and it was unanimously carried to continue the investigation to allow Willard the opportunity to voluntarily obtain a psychological and substance abuse evaluation to include anger management, with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be completed within 30 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

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

V.C.3. Kimberly Marie Klein RN103355 Bymers

Klein was present and available for questions. Link moved, Perry seconded, and it was unanimously carried to approve request to amend Consent Agreement and Order No. 0604063, to allow Klein to continue

working at Dependable Home HealthCare with the above identified requirements for supervision, only while employed at Dependable Home Care.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Maricopa SkillCenter, University of Phoenix and Gateway Community College Nursing Students regarding Board functions, policies and procedures. Questions were asked on whether the president makes a motion, the Board’s role on facility policy, how to obtain information about any given case, and the difference between Letter of Concern and Decree of Censure.

VI. RN/LPN/CNA Investigative Reports

VI.M.14. Cipriano Mendoza, Jr. CNA Exam (Richter)

Malloch moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.M.14. Mendoza was present and available for questions. Johnson moved, Perry seconded, 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 stayed revocation including the attached stipulations, to grant certification. If not signed within 30 days, deny certification. The motion carried with nine in favor and one abstained.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X		X	X	X	X	X	X	X	
NO	0											
ABSTAIN	1			X								
ABSENT	1											X

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

VI.H.5. Angela K. Phillips-Anderson RN071918; AP0198 (Nelson)

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.H.5.

Link returned to the meeting at 1:04 p.m.

Nelson addressed the Board and confirmed receipt of additional information. Attorney Teresa Sanzio and Phillips-Anderson were present and addressed the Board. Sanzio recommended dismissal. Malloch moved, Snider seconded, making a finding of reasonable cause, based upon the allegations in the investigative report and at the cost of the Board, to issue an Interim Order for a neuropsychological evaluation with a Board approved licensed psychologist and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and then 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. The motion carried with nine in favor and one abstained.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	1		X									
ABSENT	1											X

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

II.F.8. Ola Rebecca Bertoldo LP030654 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 and recommended acceptance of the signed Consent Agreement.

Attorney Teresa Sanzio was present on behalf of Bertoldo and available for questions.

Malloch moved, Link seconded, and it was unanimously carried to accept the signed Consent Agreement.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.A. Administrative Law Judge (ALJ) Recommendations

**II.A.1. Wilhelmina Marie Bartlett RN145576 Mamaluy
(aka: Leslie Marie Bishop; Debbie Fitch; Terri Haden; Theresa Vermilyin; Debbie Stewart; Lori Stockman; Owen)**

The proceeding began at 1:19 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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

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

Mamaluy addressed the Board and recommended the Board accept the Administrative Law Judge’s findings of fact/conclusion of law and recommendation in its entirety.

Johnson moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 39 and Conclusions of Law the alleged violations in Paragraphs 1 through 9.

Link moved, Johnson seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to revoke professional nurse No. RN145576, previously issued to Wilhelmina Bartlett.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.A.2. Joyce Ann Delgado LP025990 Zack

The proceeding began at 1:22 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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

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

Zack addressed the Board and recommended the Board adopt the findings of fact and conclusions of law therein and the Administrative Law Judge’s recommendation in its entirety.

Johnson moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 52, and Conclusions of Law the alleged violations in Paragraphs 1 through 7.

Malloch moved, Johnson seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to revoke practical nurse license No. LP025990 previously issued to Joyce Ann Delgado.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.A.3. Rufena Ann Begay CNA999992116 Campbell

The proceeding began at 1:25 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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

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

Campbell addressed the Board and recommended the Board accept the Administrative Law Judge’s recommendation in its entirety.

Johnson moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 36, and Conclusions of Law the alleged violations in Paragraphs 1 through 11.

Malloch moved, Berrigan seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommendation to deny the applicant’s appeal and affirm its denial of Begay’s application to renew her lapsed CNA certificate.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.A.4. Jami Marie Cornejo CNA Applicant Campbell

The proceeding began at 1:27 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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

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

Campbell addressed the Board and requested the Board the Administrative Law Judge’s recommendation in its entirety.

Link moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 6, and Conclusions of Law the alleged violations in Paragraphs 1 through 3.

Malloch moved, Link seconded, and it was unanimously carried to deny applicant’s appeal and that prior denial of Cornejo’s application for nursing assistant certification be upheld and affirmed.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.A.5. Shawntrell Lashey Eley CNA Applicant Campbell

The proceeding began at 1:29 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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 and requested the Board accept the Administrative Law Judge’s recommended findings of fact and conclusions of law in its entirety.

Eley was present and addressed the Board.

Johnson moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 46, and Conclusions of Law the alleged violations in Paragraphs 1 through 10.

Malloch moved, Berrigan seconded, to deny the applicant’s appeal and that prior denial of Eley’s’s application for nursing assistant certification be upheld and affirmed. After discussion the motion carried with nine in favor and one opposed.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9	X	X	X		X	X	X	X	X	X	
NO	1				X							
ABSTAIN	0											
ABSENT	1											X

II.A.6. Scott Weslie Kyle CNA Applicant Campbell

The proceeding began at 1:39 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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 and recommended the Board accept the Administrative Law Judge’s recommended finding of fact and conclusions of law in its entirety.

Kyle was present and addressed the Board.

Malloch moved, Johnson seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 59, and Conclusions of Law the alleged violations in Paragraphs 1 through 10.

Malloch moved, Johnson seconded, and it was unanimously carried to deny the applicant’s appeal and that prior denial of Kyle’s application for nursing assistant certification be upheld and affirmed.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.A.7. Stephen Jeffrey Jakes RN155895 Campbell

The proceeding began at 1:51 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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

Jakes was present and addressed the Board.

Campbell addressed the Board and requested the Board accept the Administrative Law Judges recommendation in its entirety.

Johnson moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 43, and Conclusions of Law the alleged violations in Paragraphs 1 through 8.

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

II.C. Settlement Conference Cases and Proposed Consent Agreements

**II.C.1. Heather Lynn Wood RN100912; CNA451885103 Mamaluy
(aka: Heather Lynne Wood; Heather Lynn Montoya)**

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

Malloch moved, Johnson seconded, and it was unanimously carried to table Agenda Item II.C.1. to provide the phone number of Wood’s attorney.

II.C.2. Lorraine Helen Bowers LP029856; CNA230186717 Zack/Barber

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

Zack addressed the Board and requested the Board accept the signed Consent Agreement for a Decree of Censure as settlement in this case.

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

Perry moved, Link seconded, and it was unanimously carried to accept the signed Consent Agreement for Decree of Censure as settlement in this case.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.C.3. Tammy Elizabeth Manganelli RN118422; AP3222 Zack/Barber

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

Zack addressed the Board and recommended the Board accept the signed Consent Agreement for 12 months probation with the attached stipulations, as modified.

Attorney Christine Cassetta was present and addressed the Board on behalf of Manganelli.

Perry moved, Link seconded, and it was unanimously carried to accept the signed Consent Agreement for 12 months probation with the attached stipulations, as modified.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.C.4. Merlene Richardson CNA921914103 Zack

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

Zack addressed the Board and recommended the Board accept the attached signed Consent Agreement for a Decree of Censure.

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

Perry moved, Malloch seconded, and it was unanimously carried to accept the attached signed Consent Agreement for Decree of Censure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

**II.C.1. Heather Lynn Wood RN100912; CNA451885103 Mamaluy
(aka: Heather Lynne Wood; Heather Lynn Montoya)**

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item II.C.1.

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

An attempt was made to contact Wood’s attorney, Jeff Grass, telephonically.

The meeting recessed at 3:25 p.m. and reconvened at 2:32 p.m.

Malloch recused herself to avoid the appearance of impropriety and left the meeting at 2:33 p.m.

Another attempt was made to contact attorney Jeff Grass, telephonically, and a message was left that the Board would move forward with the case.

Mamaluy addressed the Board and recommended the Board accept the signed Consent Agreement in its entirety.

Link moved, Berrigan seconded, and it was unanimously carried to adopt the signed Consent Agreement.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X	X	X	X		X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2							X				X

Malloch returned to the meeting at 2:35 p.m.

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.	Brittney Nicole Barnhart	LP043030	Revocation	Campbell
II.D.2.	Robin L. Bartalos	CNA1000007381	Revocation	Campbell
II.D.3.	Adrienne Elizabeth Casey	CNA1000014332	Revocation	Campbell
II.D.5.	Jena Colleen Crepeau	LP042696	Revocation	Campbell
II.D.6.	Mark Eugene Henry	LP028214	Revocation	Campbell
II.D.7.	Cheryl Ann Jordan	RN137727	Revocation	Campbell
II.D.8.	Ericka Lynn Madison	CNA999989428	Revocation	Zack
II.D.9.	Sharon L. McClure	RN120415	Revocation	Zack
II.D.10.	Alonna Sue Miller	LP038285	Revocation	Zack
II.D.11.	Brandy Byrum Page	RN161073	Revocation	Zack
II.D.12.	Rosa Lee Ponyah	CNA999948417	Revocation	Zack
II.D.13.	Michael R. Pruett	LP035937; CNA012965803	Revocation	Zack
II.D.14.	Amanda J. Rojo	CNA1000013836	Revocation	Zack
II.D.15.	Stephen Richard Rowe	RN084980	Revocation	Zack
II.D.16.	Yolanda Sageman	CNA566204513	Revocation	Zack

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell and Kim Zack, Assistant Attorney’s General, represented the State.

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

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

Johnson moved, Link 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, Dalton seconded, and it was unanimously carried to accept the State’s recommended discipline for Agenda Items II.D.1-3 and 5-16.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.D.4. Sha Kashu Shafaye Conner CNA1000008950 Campbell

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

Conner and her mother, Devina Mathis, were present and addressed the Board.

Campbell addressed the Board and requested the Board accept the State’s recommended discipline.

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

Johnson moved, Malloch 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.

Malloch moved, Quinn seconded, to accept the State’s recommended discipline for revocation. The motion carried with seven in favor and three opposed.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	7	X	X	X		X	X	X	X			
NO	3				X					X	X	
ABSTAIN	0											
ABSENT	1											X

II.E. Rehearing Requests or Review of Board Decision

II.E.1. Catherine Grace Rawlinson CNA062784641 Zack

The proceeding began at 2:54 p.m., with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

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

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

Zack addressed the Board and recommended the Board deny request for rehearing.

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

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

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

II.F.2. Stephanie A. Malone CNA1000011121 Zack/Barber (aka: Parent)

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

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

Zack addressed the Board and recommended the Board reconsider resolving this matter by accepting either of the suggested options.

Gutierrez moved, Snider seconded, and it was unanimously carried to rescind the Board decision of May 15, 2008, to offer a Consent Agreement for 18 months stayed revocation, and to instead dismiss the complaint.

II.F.3. Tara Michele Pesch LP038386 Barber/Richards

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

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

Richards addressed the Board.

Malloch moved, Link seconded, and it was unanimously carried to rescind the Board decision of June 4, 2009 to offer a Consent Agreement for 12 months probation, and accept the signed Consent Agreement for Decree of Censure in settlement of this matter.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.F.4. Carole Jane Scoe RN140100 Zack/Barber

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

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

Zack addressed the Board and recommended the Board accept the signed Consent Agreement.

Link moved, Perry seconded, and it was unanimously carried to rescind the Board decision of November 19, 2009, to offer a Consent Agreement for 12 months probation, and to instead accept the signed Consent Agreement for Decree of Censure as settlement of this 2008 complaint.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.F.5. Lisa Lee Caicedo RN144652 Campbell/Barber

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

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

Campbell addressed the Board and recommended the Board accept the amendment.

Malloch moved, Johnson seconded, and it was unanimously carried to amend the Board Order according to the attached stipulations sheet.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.F.6. Patti Jane Chavez CNA999991634 Campbell/Barber

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

Chavez was present and available for questions.

Campbell addressed the Board.

Malloch moved, Berrigan seconded, and after discussion it was unanimously carried to modify the Board Order according to the attached stipulations consistent with Dr. Foley’s recommendations, amended to include: 12 months stayed revocation with the attached terms and the ethics/boundary course be taken within the first 6 months or sooner.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.F.9. Vallerie Lax Gardner RN069104; LP020567 Campbell

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

Gardner was present and addressed the Board.

Campbell addressed the Board and recommended the Board issue Complaint and Notice of Hearing.

Malloch moved, Link seconded, and it was unanimously carried to issue a Complaint and Notice of Hearing as attached in exhibit 2.

II.F.10. Dorothy Janette Parcel CNA999990354 Zack/Richards

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

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

Richards addressed the Board and recommended the Board accept the suggested option.

Link moved, Johnson seconded, and it was unanimously carried to rescind the Notice of Charges issued by the Board on March 24, 2008, and to instead accept the signed Consent Agreement for Decree of Censure in lieu of an Administrative Hearing.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

II.A. Administrative Law Judge (ALJ) Recommendations

II.A.7. Stephen Jeffrey Jakes RN155895 Campbell

Link moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item II.A.7.

The proceeding began at 1:51 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

Jakes was present and available for questions.

Malloch moved, Johnson seconded, and it was unanimously carried to issue an Order for a stayed revocation/suspension followed then by stayed revocation/probation for 18 months and then a standard probation to include the attached terms and conditions.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

Perry left the meeting at 3:25 p.m.

VI. RN/LPN/CNA Investigative Reports

**VII.4. Elizabeth Ashleigh Dye CNA Exam (Olson)
(aka: Decker)**

Dye was present and addressed the Board. Link moved, Quinn 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 Decree of Censure, to grant certification. If not signed within 30 days, deny certification.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X	X	X	X	X	X		X	
NO	0											
ABSTAIN	0											
ABSENT	2									X		X

VI.M.11. Sarah Lorraine Kastern RN Exam; CNA1000021969 (Richter)

Malloch moved, Link seconded, and it was unanimously carried to reopen Agenda Item VI.M.11. Kastern was present and available for questions. Johnson moved, Link seconded, and it was unanimously carried to reconsider prior decision.

Link moved, Snider seconded, and it was unanimously carried, upon meeting all requirements, to grant licensure and issue a Letter of Concern for the March 28, 2011, conviction in the Pinal County Superior Court on an amended charged of Endangerment, a Class 6 Undesignated felony offense.

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

Information was provided to the Board regarding Nurse Assistant Programs approved by the Executive Director.

VII.B.2. Mohave Community College RN Program Follow-up of Deficiencies

Link moved, Berrigan seconded, and it was unanimously carried to continue approval of the RN program at Mohave Community College.

VII.B.3. Mohave Community College LPN Program Proposal and Provisional Approval

Malloch moved, Johnson seconded, and it was unanimously carried to grant proposal and provisional approval with a report in 12 months after the admission of PN students regarding:

- The differences between program implementation plan and actual implementation,
- One year results of program evaluation plan, and
- Additional clinical placements secured

Board staff will conduct a site visit following the receipt of the one-year report.

VII.B.4. GateWay Community College Fast Track Practical Nursing Program Renewal of Approval

Link moved, Berrigan seconded, and it was unanimously carried to approve Gateway Community College Fast Track Licensed Practical Nursing Program for a period of five years.

VII.B.5. Carrington College RN Program Renewal of Approval

Donna Adams was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried to approve program consistent with NLNAC 5-year term, and issue a Letter of Concern for failing to ensure all faculty providing clinical instruction meet the criteria in A.A.C. R4-19-204(E).

VII.B.6. ITT Technical Institute RN Program Report of Interim Site Visit

Nadia Sperry and Leisa Chapman were present and available for questions. Quinn moved, Dalton seconded, and it was unanimously carried to continue provisional approval with report in 6 months to remedy any outstanding potential deficiencies. If not remedied, return to the Board for issue of Notice of Deficiency.

VII.B.7. Competency Model

Link moved, Berrigan seconded, and it was unanimously carried to approve competency model update for publication in regulatory journal, National Council of State Board of Nursing journal, and on the AZBN website.

VII.B.8. Report of Continued Competency Subcommittee – Scott/Randolph

Randolph provided a report on Continued Competency Subcommittee.

VII.B.9. Draft Policy: Nursing Program Expansion when Under Provisional Approval; Substantive Policy Statement

Malloch moved, Dalton seconded, and it was unanimously carried to approve the amended policy: Nursing Program Expansion when Under Provisional Approval.

VII.B.10. Position Paper on Concurrent Accreditation/Approval Site Visits

Johnson moved, Link seconded, and it was unanimously carried to adopt the Position Paper on Concurrent Accreditation/Approval site visits.

Perry returned to the meeting at 3:48 p.m.

VII.B.11. Five-year Annual Rule Report

Malloch moved, Dalton seconded, and it was unanimously carried to approve Five-year Annual Rule Report.

VII.B.12. Case Dismiss – Fred G. Acosta Job Corps Nursing Assistant Training Program

Malloch moved, Perry seconded, and it was unanimously carried to accept as case dismiss.

VII.B.13. Nursing Programs Personnel Changes

Information was provided to the Board regarding the appointment of Lisa Hawthorne, RN, MSN, CNA as nursing administrator for Brown Mackie College.

VII.B.14. Scottsdale Community College Case Dismiss

Nick Defalco was present and addressed the Board. Malloch moved, Link seconded, and it was unanimously carried to accept as case dismiss.

VII.A.11. Research Proposal & Request by ASU College of Nursing & Healthcare Innovation to Send Electronic Surveys to Email Addresses in AzBN Licensure Data Base; Research Explores the Nurse’s Perception of the Nurse of 2020 & Required Educational Preparation – Randolph

Kerry Wible, PhD student from Arizona State University gave a presentation on her research proposal and request.

The Board suggested a policy to allow the release of certain information without Board approval in the future.

Gutierrez left the meeting at 3:55 p.m. and returned at 3:58 p.m.

Malloch and Link recused themselves and left the meeting at 3:58 p.m.

Perry moved, Dalton seconded, and it was unanimously carried to approve the request to work with ASU on research to include sending electronic surveys to email addresses in AzBN licensure database.

Link and Malloch returned to the meeting at 4:03 p.m.

The meeting recessed at 4:04 p.m. and reconvened at 4:16 p.m.

VII.A.6. Educational Session: Artificial Experience – Situation Awareness Training in Nursing (Research Study to Reduce Medication Errors) – Dr. Janine Hinton

Dr. Janine Hinton gave the educational session and offered a presentation on Artificial Experience – Situation Awareness Training in Nursing.

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.2. Nicole Danielle Abruzzese LP041598 (Pendergast)

Abruzzese was present, telephonically, and available for questions. Johnson moved, Malloch 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/suspension pending the successful completion of substance abuse treatment to include intensive outpatient treatment, aftercare, and relapse prevention therapy to be followed by 36 months stayed revocation/probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

V.F.3. Lyncia Dyet Gant RN125485 (Pendergast)

Malloch 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.

V.F.4. Laura Marie Heylek RN106811 (Pendergast)

An attempt was made to contact Heylek telephonically. Johnson moved, Perry seconded, and it was unanimously carried to table Agenda Item V.F.4.

V.F.5. Sean Clay Wright RN155595 (Pendergast)

Malloch moved, Dalton 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/suspension followed by 18 months stayed revocation/probation followed by 18 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	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.	Kristin Rae Best	N/A	Hurtado
III.D.2.	Audrey Morris	N/A	Hurtado
III.D.3.	Deanna Rae Shugart	LP038979; CNA999952518	Hurtado

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

VI. RN/LPN/CNA Investigative Reports

VI.G.1. Veronica Acosta CNA Exam (Monas)

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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.2. Denise Charlene Antone CNA Exam (Monas)

Perry 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.5. Kelly Ann Hazelett RN Endorsement (Monas)
(aka: Jilton)

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 licensure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.3. Myra Marie Brown CNA Exam (Monas)

Monas addressed the Board with additional information. 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 deny certification.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.7. Audrey Lynn James CNA Exam (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, to deny certification.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.9. Richlen Bammy Miller CNA Exam (Monas)

Gutierrez 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.10. Keron Elaine Pollock RN Endorsement (Monas)
(aka: Pollock; Kopf; Lewallen; Schwingdorf; Alderman)

Monas addressed the Board and confirmed receipt of additional information. Link moved, Snider seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the updated investigative report, to deny licensure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

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

V.D.1. Michelle Sarah Lind RN092631; AP0214 (Hurtado)

Link moved, Berrigan seconded, and it was unanimously carried to approve request to allow time extension to complete RN Refresher Course, refresher course to be completed by December 31, 2011, in order to comply with Consent Agreement and Order No. 0808059.

V.D.2. April Lynn Cobia RN117544 (Hurtado)

Malloch moved, Dalton seconded, and it was unanimously carried to approve Cobia to allow her to complete the terms of probation in the State of Washington, and allow her to complete her terms of probation in any other state, contingent on prior notification to the Board, approval from the other state, and full compliance with Consent Agreement; and approve Cobia to work night shift.

VI. RN/LPN/CNA Investigative Reports

VI.F.1. Lauren Allison CNA Exam (Lester)

Snider moved, Quinn 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.F.3. Eloy Deanda CNA Exam (Lester)

Gutierrez moved, Dalton 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.F.5. Dana W. Gallagher CNA999952501 (Lester)

Johnson moved, Snider seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for the misdemeanor conviction for DUI on May 3, 2010, in Prescott City Court, Arizona, and for not reporting the charge to the Board within 10 days as required and for accepting a gift from family members of a resident, while employed with Nurses Network.

VI.F.6. Shantelle A. Harker CNA1000008194 (Lester)

Malloch moved, Snider seconded, and it was unanimously carried to continue the investigation to allow respondent the opportunity to obtain a comprehensive psychological evaluation an emphasis on anger management and substance abuse with a Board approved PhD evaluator with expertise in anger management and 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. 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 for CNA1000008194 and deny RN licensure.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.F.5. Dana W. Gallagher CNA999952501 (Lester)

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.F.5. Johnson moved, Malloch seconded, and it was unanimously carried to delete from the original Board decision, “upon meeting all requirements, to grant certification”.

VII.1. Lucianeteena Rey Begay CNA1000016417 (Olson)

Olson addressed the Board with 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 issue Notice of Charges.

VII.3. Stephen Brean LP033429 (Olson)

Gutierrez moved, Malloch 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.

VII.7. Ashley Rae Gumeringer RN Exam (Olson)

Olson addressed the Board with additional information. Berrigan moved, Link seconded, and it was unanimously carried to 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 licensure.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VII.10. Thomas Vernon Kimble RN124011 (Olson)

Kimble was present, telephonically, and addressed the Board. Malloch 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 probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.1. Laurie Ann Baxter RN Endorsement (Richter)
(aka: Matthews; Gomes)

Snider 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 licensure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.2. Mark Anthony Belsanti CNA Exam (Richter)

Malloch moved, Scott seconded, and it was unanimously carried to continue the investigation to allow applicant the opportunity to voluntarily obtain a substance abuse evaluation with emphasis on substance abuse, 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

**VI.M.3. Kelly Lynn Beutler CNA Exam (Richter)
(aka: LeRock)**

Johnson moved, Link seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the June 13, 2003, conviction in Mesa Municipal Court for Threatening/Intimidating/Domestic Violence, a misdemeanor; for the March 11, 2005, conviction in Mesa Municipal Court for Possession of Drug Paraphernalia, a misdemeanor and for the August 25, 2006, conviction in Maricopa County Superior Court for Unlawful Use of Means of Transportation, a designated misdemeanor.

**VI.M.5. Deedra Lynn Cumba CNA Endorsement (Richter)
(aka: Jepesen; Williams; Hybert; Buckley)**

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 deny certification.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.6. Latonya Monique Davis CNA Exam (Richter)

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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.7. Guadalupe Obdulia Escobar CNA999987647 (Richter)

Link moved, Berrigan seconded, upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty, to grant renewal of certification. If not signed within 30 days or payment not received

within 60 days, based upon the findings of fact and statute/rule violations identified, deny renewal of certification. The motion carried with nine in favor and one opposed.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X		X	X	X	X	X	X	
NO	1				X							
ABSTAIN	0											
ABSENT	1											X

VI.M.9. Jason Peter Furr CNA1000014283 (Richter)

Malloch moved, Dalton seconded, making a finding of reasonable cause, based upon the allegations in the investigative report (and material presented at this meeting) and at the cost of the Board, to issue an Interim Order for a substance abuse evaluation with a Board approved PhD prepared evaluator, to include completion of a hair analysis test and any additional testing deemed necessary by the evaluator, to be completed within 45 days and then 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. The motion carried with eight in favor and two opposed.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	8	X		X	X	X	X	X	X		X	
NO	2		X							X		
ABSTAIN	0											
ABSENT	1											X

**VI.M.10. Shawna Johnson CNA Endorsement (Richter)
(aka: Allen)**

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 deny certification.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.12. Monique Martin CNA1000000293 (Richter)

Richter addressed the Board with additional information. Gutierrez 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 \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.13. Sarah Marie McElroy CNA Exam (Richter)

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

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.15. Nadia Annette Montoya CNA Exam (Richter)

Perry moved, Snider 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.16. Gregory Norris CNA Endorsement (Richter)

Malloch moved, Dalton 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.17. Mabel Bethsayda Pellet CNA Exam (Richter)

Perry moved, Malloch 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.18. Maleisha Rose Platerio CNA Exam (Richter)

Perry moved, Snider 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.21. Daniel Orlando Solis CNA Exam (Richter)

Gutierrez 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.22. April Rae Tweed CNA Endorsement (Richter)

Perry moved, Snider 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.24. Bethany Denise Young CNA Exam (Richter)

Johnson moved, Malloch seconded, and it was unanimously carried, to continue the investigation to allow applicant the opportunity to voluntarily obtain a psychological evaluation with emphasis on substance abuse and anger management 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.M.25. Cheryl Cox CNA Exam (Richter)
(aka: Quinlan)

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 deny certification.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.D.1. Kelly Ann Benshoof RN117766 (Hill/Grady)

Grady addressed the Board with additional information. Johnson moved, Quinn seconded, and it was unanimously carried, to issue a Letter of Concern for failing to adequately supervise a preceptee who was caring for an obstetrical patient on or about November 27, 2004, at Madigan Army Medical Center in Tacoma, Washington.

VI.D.3. Diane Grover LP041303 (Hill/Grady)

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 issue Notice of Charges.

VI.D.5. Richard Nichols RN000099091; LP031647 (Hill/Grady)

Grady addressed the Board with additional information. Malloch moved, Dalton 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 Consent Agreement for a Decree of Censure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.E.1. Michele M. Gallo RN035809; AP0096 (Grady)

Malloch 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.E.2. Tonya Eulelia Erickson RN162762 (Grady)

Grady addressed the Board with additional information. Malloch moved, Dalton seconded, and it was unanimously carried to table Agenda Item VI.E.2.

VI.E.3. Joanne Marie Martelli RN111161; AP3300 (Grady)

Link recused herself to avoid the appearance of impropriety and left the meeting at 5:34 p.m. Malloch moved, Perry seconded, and it was unanimously carried to table Agenda Item VI.E.3.

The meeting recessed at 5:38 p.m., Wednesday, May 25, 2011.

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, May 26, 2011, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Scott, RN, MPS, PhD, FACHE, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Scott, RN, MPA, PhD, FACHE, President
Kathy Malloch, PhD, MBA, RN, FAAN, Vice President
Patricia Johnson, LPN, Secretary
Theresa (Terri) Berrigan, LPN, Member
Leslie Dalton, MSN, RN, Member
Lori Gutierrez, BS, RN-C, Member
Denise Link, PhD, WHCNP, FNAP, Member
M. Hunter Perry, BSHA, Member
Charleen L. Snider, BSN, RN, Member
Randy C. Quinn, CRNA, Member

BOARD MEMBERS ABSENT:

Kathryn L. Busby, JD, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, Assistant Attorney General
Kim Zack, 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
Janean Dahn, MSN, FNP, Nurse Practice Consultant/AP
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Lynda Hemann, PhD, MPH, LISAC, Senior Investigator
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Debra McGinty RN, PhD, Administrator/Nursing Programs
Linda Monas, Senior Investigator
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 8:00 a.m., Thursday, May 26, 2011.

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

Scott presided.

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

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

IV.A. Lapsed Licenses & Certificate Administrative

IV.A.1. Kathleen Ann Long TRN167784 Rappoport
(aka: Dennie)

Malloch 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, to accept the signed Consent Agreement for a \$100 Administrative Penalty, and grant licensure.

IV.A.2. Hiedi Jane Lloyd TRN167917 Rappoport
(aka: Hewson)

Mall' 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, to accept the signed Consent Agreement for a \$500 Administrative Penalty, and grant licensure.

IV.A.3. Karina Wynn Fenderson TRN168200 Rappoport
(aka: Craig)

Link moved, Dalton 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 accept the signed Consent Agreement for a \$100 Administrative Penalty, and grant licensure.

IV.A.4. Elizabeth Sharon Plummer TRN168345 Rappoport
(aka: Johns)

Link moved, Snider 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 accept the signed Consent Agreement for a \$200 Administrative Penalty, and grant licensure.

Agenda	Name	License/Certificate	Action	Staff
IV.A.5.	Johcy Obiol	RN119024	\$200	Driver
IV.A.6.	Enedina Acosta	LP010809	\$200	Driver
IV.A.7.	Molly Kracht	RN000099591	\$300	Driver
IV.A.8.	Linda Lauer	RN093245	\$300	Driver

Perry 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 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.	April Anne Gonzales	CNA Exam	Monas
IV.B.1.b.	Dusty Dee Provencio	CNA905158353	Monas
IV.B.1.c.	Tony Williams	TRN165846	Olson

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

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										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.	Michelle D. Tselentis	CNA893127803	Parlin

Link moved, Quinn seconded, and unanimously carried to adopt the attached Notice of Charges.

IV.C. Recommended Notice of Charges

Agenda #	Name	License/Certificate #	Staff
IV.C.1	Maggie M. Perry-Krause	RN054949	Grady
IV.C.2.	Nicole J. Romosz	LP042604	Rappoport

Malloch moved, Perry seconded, and unanimously carried to adopt the attached Notice of Charges for Agenda Items IV.C.1&2.

V.A. RN/LPN/CNA Termination of Previously Issued Board Orders after Full Compliance – (Bymers) (List available in Board office)

Malloch moved, Perry seconded, and it was unanimously carried to approve the full compliance list to terminate Board Order if no evidence of non-compliance with Board Order/Consent Agreement exists.

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Teresa Irene Goodman RN Re-issuance Nelson (aka: Fincher)

Goodman was present and available for questions. Perry moved, Quinn seconded, and it was unanimously carried to table Agenda Item V.B.1.

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

V.C. (Rappoport/Bymers)

V.C.1. Laura Elaine Tanner RN126412 Rappoport

Rappoport addressed the Board with additional information. Dalton moved, Snider 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.C.2. Anne Patryce Boyd RN103355 Bymers

Boyd was present and addressed the Board. Malloch moved, Quinn seconded, and it was unanimously carried to terminate Consent Agreement and Order #0407098 based on work history.

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

**V.E.1. Kathleen Judith Spencer RN159533 (Rappoport)
(aka: TacTavish; Driscoll)**

Rappoport addressed the Board and noted the deletion of finding of fact #6. Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI. RN/LPN/CNA Investigative Reports

VI.A.2. Sandra Pitzer Peterson RN048022; AP0089 (Bymers)

An attempt was made to contact Peterson telephonically and a message was left that the Board would move forward with the case. Link moved, Snider seconded, to dismiss the complaint. The motion failed with five opposed and four in favor.

Perry moved, Gutierrez seconded, to issue a Letter of Concern for failing to report a missing Vicodin in a timely manner and failing to follow the facility policy and submit to a urine drug screen upon request, resulting in termination from St. Mary’s Hospital on or about December 17, 2009. The motion carried with seven in favor and two opposed.

VI.A.3. Rita Ellen Taylor RN089341 (Bymers)

An attempt was made to contact Taylor telephonically and a message was left that the Board would move forward with the case. Malloch 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. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.A.4. Kathryn Anne Wike RN154369 (Bymers)

Complainant Desiree Poire was present, telephonically, and addressed the Board. Wike was present and available for questions. Malloch moved, Dalton seconded, and it was unanimously carried to dismiss the complaint.

**VI.C.1. Emma Ann Eldredge CNA999950782 (Hemann)
(aka: Harding)**

Malloch 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 suspension/stayed revocation not to exceed 12 months and pending the completion of a substance abuse evaluation by a Board approved PhD prepared evaluator, and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that Eldredge is safe to return to practice, to be followed by 24 months stayed revocation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.2. Michael Eugene Fleek RN072770 (Hemann)

Johnson 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 offer a Consent Agreement for 24 months probation including the attached stipulations. If psychological evaluation does not support 24 months, change probation to 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.3. Andrea Marie Gonzalez CNA1000001940 (Hemann)

Link moved, Snider 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.C.4. Rebecca Lynn Grantham CNA1000013192 (Hemann)

Link moved, Quinn 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 suspension/stayed revocation. The suspension is not to exceed 12 months, pending the completion of a substance abuse evaluation by a Board approved PhD prepared evaluator, and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that Grantham is safe to return to practice. This is to be followed by 24 months stayed revocation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.5. Cierra Kadijah-Dawn Harris CNA1000011216 (Hemann)

Malloch moved, Snider 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 suspension/stayed revocation. The suspension is not to exceed 12 months, pending the completion of a substance abuse evaluation with a Board approved PhD prepared evaluator, and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that respondent is safe to return to practice; to be followed by 24 months stayed revocation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.6. Velma J. Johnson CNA701308803 (Hemann)
 (aka: Velma J.Landrum; Vicky Jackson; Pam Stigars; Velma Jean Stigars; Velma Stigars; Pam Nero; Pamela Landrum; Pam Johnson; Velma Jean Stiegers; Velma Jean Johnson; Patricia A. Landrum; Velma Jean Landrum; Gwen Avondale Landrum; Pam Steigers; Pamela Johnson; Velma Herd; Gwen Landrum; Velma Jean Johnson; Velma Jean Nero)

Dalton moved, Quinn 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.C.7. Kofi Korsah CNA1000010439 (Hemann)

Malloch 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 Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.8. Crystal Marie Nissen CNA999999560 (Hemann)

Snider moved, Quinn 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.9. Carolyn M. Roskob CNA929745763 (Hemann)

Hemann addressed the Board with additional information. Johnson moved, Snider 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 suspension/stayed revocation. The suspension is not to exceed 12 months, pending the completion of a substance abuse evaluation with a Board approved PhD prepared evaluation, and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that respondent is safe to return to practice; to be followed by 24 months stayed revocation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.10. James Andrew Stock CNA1000014143 (Hemann)

Hemann addressed the Board and confirmed receipt of additional information. Link moved, Johnson seconded, and it was unanimously carried, based upon the information in the investigative report, the Board finds reasonable cause, and Orders an interim evaluation, at the Board's expense, for a psychosexual misconduct evaluation with Dr. Steven Gray, a Board approved licensed psychologist who has expertise in professional sexual misconduct, and to include polygraph testing and 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 findings of fact and statute/rule violations identified in the amended investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2	X										X

VI.C.11. Donalyn Walter CNA1000006673 (Hemann)

Hemann addressed the Board and confirmed receipt of additional information.

Berrigan arrived at the meeting at 9:02 a.m.

Malloch 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 suspension/stayed revocation. The suspension is not to exceed 12 months, pending the completion of a substance abuse evaluation with a Board approved PhD prepared evaluator, and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that respondent is safe to return to practice; to be followed by 24 months stayed revocation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9		X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	1	X										
ABSENT	1											X

VI.C.12. Kristin Wood CNA1000005094 (Hemann)
(aka: Kowalsky)

Link 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.D.8. Brenda Rae RN081504; CNA709427803 (Hill/Grady)

Grady addressed the Board with additional information. Rae was present and addressed the Board. Malloch moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.E.2. Tonya Eulalia Erickson RN162762 (Grady)

Malloch moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.E.2. Link 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 24 months probation with the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.F.2. Tess Dayzie CNA Exam (Lester)

Malloch moved, Snider 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.F.4. Melanie Dennis CNA382829803 (Lester)

Johnson moved, Dalton seconded, and it was unanimously carried continue the investigation to allow respondent the opportunity to voluntarily obtain a psychological evaluation with emphasis on substance abuse and honesty and credibility issues 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. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.6. Frederick Blair Hutchison CNA Exam (Monas)

Johnson moved, Perry seconded, upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, based upon the findings of fact and statute/rule violations identified, deny certification. The motion failed with five opposed and five in favor.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	5				X	X	X	X		X		
NO	5	X	X	X					X		X	
ABSTAIN	0											
ABSENT	1											X

After discussion Quinn moved, Berrigan seconded, to continue the investigation to allow applicant to obtain a psychological evaluation to include an anger management 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. The motion carried with nine in favor and one opposed.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9	X	X	X		X	X	X	X	X	X	
NO	1				X							
ABSTAIN	0											
ABSENT	1											X

VI.G.8. Patricia Ann Kenny CNA Exam (Monas)
(aka: Leon)

Kenny was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried to continue the investigation to allow applicant to interview with Dr. Lynda Hemann and return to the Board.

VI.G.11. Karen Marie Roberts CNA Exam (Monas)

Link moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.12. Kevin Walker RN Exam (Monas)

Malloch moved, Dalton 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 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 licensure.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.G.13. Danielle Nichole Smith CNA1000014393 (Monas)

Smith was present and available for questions. Malloch 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 Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.O.1. Ruben Bugarin Barranco RN157291 (Schettler)

Schettler addressed the Board and confirmed receipt of additional information. Attorney Robert Sewell was present and addressed the Board. Barranco was present and available for questions. Malloch moved, Berrigan seconded, and it was unanimously carried to table Agenda Item VI.O.1.

The meeting recessed at 9:48 a.m. and reconvened at 10:07 a.m.

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Teresa Irene Goodman RN Re-issuance Nelson
(aka: Fincher)

Malloch moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item V.B.1. Goodman was present and available for questions. Nelson addressed the Board and confirmed receipt of additional information. Malloch moved, Snider 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/probation not to exceed 12 months followed by 24 months stayed revocation/probation and then 12 months standard probation to include the attached stipulations, to grant temporary license for Refresher Course Only. Upon successful completion of refresher course, grant licensure under 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.4. Laura Marie Heylek RN106811 (Pendergast)

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item V.F.4.

Link returned to the meeting at 10:15 a.m.

Heylek was present, telephonically, and addressed the Board. Malloch moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for indefinite suspension not to exceed 3 years including the attached terms and conditions to allow for the completion of psychiatric and medical treatment. Prior to completion of suspension, a psychiatric evaluation will be done by a Board approved psychiatrist who is also a certified addictionologist to determine safety to practice. If the evaluation is not completed within 3 years or if completed but found to be unable to safely return to practice, the license shall be automatically revoked. Suspension will be followed by 36 months stayed suspension/probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges. Mamaluy noted the addition of A.R.S.§ 32-1601.18(E). After discussion the motion carried with nine in favor and one abstained.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	1		X									
ABSENT	1											X

VI. RN/LPN/CNA Investigative Reports

VI.E.3. Joanne Marie Martelli RN111161; AP3300 (Grady)

Malloch moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.E.3. Link recused herself to avoid the appearance of impropriety and left the meeting at 10:30 a.m.

Grady addressed the Board and confirmed receipt of additional information. Malloch 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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

Link returned to the meeting at 10:32 a.m.

VI.H.2. Laura Kathleen Duke RN123946 (Nelson)

Duke was present and addressed the Board. Nelson addressed the Board and confirmed receipt of additional information. Johnson moved, Snider seconded, and it was unanimously carried, based upon the information in the investigative report, the Board finds reasonable cause and Orders an interim evaluation, at the Board's expense, for psychiatric evaluation with a Board approved psychiatrist, 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.H.7. Lisa Ann Zehrung RN157192 (Nelson)
(aka: Jones)

Nelson addressed the Board with additional information. Zehrung and her friend, Joan Baraldi, were present and addressed the Board. Malloch moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

VI.H.6. Marshall Lardizabal Reyes RN136183; LP022428 (Nelson)

Nelson addressed the Board with additional information. Reyes was present and available for questions. Malloch moved, Snider 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 followed by 24 months probation including the attached stipulations, amended to include: allowed to work night shift and with direct supervision the first 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.J.10. Salim Akhtar Chowdhry RN144519 (Parlin)

Chowdhry was present and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.K.1. Colleen Finlayson Kelly RN059428 (Pendergast)

Kelly was present and available for questions. Malloch moved, Dalton seconded, and it was unanimously carried to issue a Letter of Concern for refusing to submit to a random urine drug screen that was requested by the employer, Chandler Regional Medical Center, on or about August 12, 2010.

VI.K.2. Gail D. Knerr RN070222 (Pendergast)

Knerr was present and addressed the Board. Malloch moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an indefinite suspension pending the completion of a psychiatric evaluation with a Board approved psychiatrist, and the successful completion of treatment recommendations resulting from the evaluation and confirmation is received from the evaluator that respondent is safe to return to practice, and the completion of a refresher course. A temporary license for the purpose of the refresher course will be issued. To be followed by 12 months stayed suspension/probation and then 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. After discussion the motion carried with nine in favor and one opposed.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X	X	X	X	X	X		X	
NO	1									X		
ABSTAIN	0											
ABSENT	1											X

VI.K.3. Angel Marie Parker RN118421 (Pendergast)

Parker was present and addressed the Board. Malloch moved, Link 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. The motion carried with eight in favor and two opposed.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	8	X	X	X		X	X	X	X		X	
NO	2				X					X		
ABSTAIN	0											
ABSENT	1											X

VI.O.4. Hollace Ruth Dolgin RN076252 (Schettler)

Schettler addressed the Board with additional information. Dolgin was present and addressed the Board. Link moved, Snider seconded, and it was unanimously carried to issue a Letter of Concern for failing to secure student medication in a locked storage cabinet, in violation of Paradise Valley Unified School District policy, and maintain complete documentation of student visits, while employed as a school nurse at Eagle Ridge Elementary School in Phoenix, Arizona.

VI.O.6. Helen Louise Harmon RN098209; LP031447 (Schettler)

Schettler addressed the Board with additional information. Harmon was present and addressed the Board. 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 probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

Gutierrez left the meeting at 11:25 a.m. and Perry left the meeting at 11:26 a.m.

VI.P.2. Lynn M. McHale LP033564 (Torrez)

McHale was present and addressed the Board. Malloch moved, Link seconded, and it was unanimously carried to dismiss the complaint.

Gutierrez returned to the meeting at 11:29 a.m. and Perry returned to the meeting at 11:32 a.m.

VI.P.3. Sarah Rose Janoian RN145048 (Torrez)

Quinn recused himself and left the meeting at 11:35 a.m. Torrez addressed the Board and confirmed receipt of additional information. Janoian was present and addressed the Board. Malloch 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 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X		X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2			X								X

Quinn returned to the meeting at 11:42 a.m.

Berrigan left the meeting at 11:42 a.m. and returned at 11:45 a.m.

VI.P.6. Katherine Anna Patch RN133763 (Torrez)

Torrez addressed the Board with a technical correction to the investigative report. Patch was present and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of concern for failing to inform her supervisor that a student nurse started an IV of Normal Saline on a co-worker while both were on duty and there was no order, and the co-worker was not registered as a patient on November 21, 2010, while employed at Indian Health Services in Parker, Arizona.

VI.P.9. Colby Danielle Martin LP042452 (Torrez)

Torrez addressed the Board with additional information. Martin was present and addressed the Board. Malloch moved, Dalton seconded, 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 delete pharmacy course. If not signed within 30 days, issue Notice of Charges. After discussion Malloch amended the motion to reduce the probation length to 12 months. Dalton concurred. The motion carried unanimously.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.P.12. Julie Samo RN044347 (Torrez)

Samo was present and addressed the Board. Malloch moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.P.15. Bernice Marie Kofka RN034944 (Torrez)

Kofa was present and addressed the Board. Mamaluy noted a change in Violations of Law A.R.S. § 32-1601, to delete (k) and insert (e). Malloch moved, Snider 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 suspension including the attached stipulations amended to include psychological treatment 2 times per month for the 6 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Arizona State University, University of Phoenix, and Everest College Nursing Students regarding Board functions, policies and procedures. Questions were asked on how to acquire a position on the Board, the cost of evaluations and Board procedure if a respondent isn't able to afford and evaluation.

The meeting recessed at 12:21 p.m. and reconvened at 1:01 p.m.

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

II.F.7. Jennifer Lu Delay RN115347; LP027022; CNA274048869 Mamaluy/Richards

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

Mamaluy addressed the Board and recommended the Board accept the signed Consent Agreement.

Attorney Faren Akins was present and addressed the Board.

Link moved, Malloch seconded, and it was unanimously carried to accept the signed Consent Agreement.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI. RN/LPN/CNA Investigative Reports

VI.A.1. Marianne Angel Bryant RN123095 (Bymers)

Attorney Jill Goldsmith was present and addressed the Board. Bryant was present and available for questions. Malloch moved, Berrigan 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 and a \$500 Civil Penalty including the attached stipulations amended to include, night shift allowed and therapy to be ten 90 minute sessions or fifteen 60 minutes sessions. If not signed within 30 days, issue Notice of Charges. The motion carried unanimously.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

After discussion Malloch moved, Berrigan seconded, and it was unanimously carried to amend the motion to allow on-site supervision and delete the therapy session timeframes of *ten 90 minute or fifteen 60 minute sessions.*

VI.J.5. Heather Driscoll-Lowe RN114984 (Parlin)

Parlin addressed the Board with additional information. Attorney Michael Bernays was present and addressed the Board and gave a brief summary of 47 pages of documents submitted just prior to the case being opened. Driscoll-Lowe was present and available for questions. Malloch moved, Berrigan seconded, and it was unanimously carried to table Agenda Item VI.J.5. to allow for staff to review documents submitted.

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

II.F.1. Cynthia Jones RN144033 Mamaluy/Barber

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

An attempt was made to contact Jones telephonically and a message was left that the Board would move forward with the case.

Mamaluy addressed the Board and recommended the Board approve a Letter of Concern in this matter.

Malloch moved, Dalton seconded, and it was unanimously carried to issue a Letter of Concern for an untimely Accu-check and late administration of Insulin to the patient, and errors in medication documentation, occurring on April 24, 2007, while assigned at Chandler Regional Hospital through Medix Staffing Services, a registry.

VI. RN/LPN/CNA Investigative Reports

VI.L.7. Leslie Joy Silverstein LP Endorsement (Rappoport)

Rappoport addressed the Board with additional information. Silverstein was present and addressed the Board. Malloch moved, Berrigan seconded, 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 followed by 24 months standard probation including the attached stipulations, to grant licensure. If not signed within 30 days, issue Order of Denial. After discussion Malloch amended the stipulations to allow night shift. Berrigan concurred. The motion carried unanimously.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

Link left the meeting at 1:49 p.m.

VI.O.1. Ruben Bugarin Barranco RN157291 (Schettler)

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.O.1. Schettler addressed the Board and confirmed receipt of additional information. Attorney Robert Sewell and Barranco were present and available for questions. Malloch 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 including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

VI.G.12. Kevin Walker RN Exam (Monas)

Malloch moved, Quinn seconded, and it was unanimously carried to reopen Agenda Item VI.G.12. to allow Walker to address the Board. Malloch moved, Quinn seconded, and it was unanimously carried to affirm prior Board decision to continue the investigation to allow Walker to obtain an evaluation, and deny licensure if not completed.

Link returned to the meeting at 1:54 p.m.

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

VII.A. Executive Directors Report – Ridenour

VII.A.2. Update on 2011 Auditor General Sunset Report & Potential Legislation for 2012 Session; 2011 Final Legislative Report on Bills Impacting Nursing Regulation – Harris/Ridenour

Board legislative liason, Greg Harris, offered updates on the Auditor General Sunset Report and legislation impacting the Board. He and Ridenour recently met with the Governor’s office staff regarding the Sunset Report. Staff indicated to them that the Board is doing a good job in protecting the public.

Harris noted the CRNA organization is scheduling meetings to discuss concerns with stakeholders, with the Board as a clearinghouse. Attempts have been made to remedy concerns in the rules but changes need to be in statute. Discussions need to begin with organizations in the community. The CRNA concerns may be one of the items for discussion.

Potential bills to be considered for next year are Sunrise for scope expansion, CRNA concerns, and continuing competency. Bills will be drafted, presented to the Board, and then to the legislators. Focus will also be on the sunset process. A sub committee will be formed to provide input, assure understanding, and determine how it fits into other legislative issues.

Harris gave an update on the last legislative session for issues regarding:

- Clarification on what’s posted on the Board website regarding minutes, dismissals, non-disciplinary orders
- Changes in the Board membership, increasing the flexibility for Governor in allocated positions.
- Surgical Abortions –Board determination made previously regarding abortions, is now reversed.
- CNS – interest in prescription authority

Harris noted the main thing to focus on is the continuing education effort. He stressed the importance of being available for meetings / conversations with legislators, to increase their understanding.

Harris congratulated Malloch on the NCSBN award.

VII.C. President’s Report – Scott

VII.C.3. Announcement of NCSBN’s 2011 R. Louise McManus Award Recipient: Kathy Malloch - Scott

Scott commended Malloch on receiving the NCSBN’s 2011 R. Louise McManus Award.

VI. RN/LPN/CNA Investigative Reports

VI.D.4. Phuong Kim Le RN151628 (Hill/Smith)

Link recused herself and left the meeting at 2:22 p.m. Smith addressed the Board with additional information. Le was present and available for questions. Malloch 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 indefinite suspension, followed by 24 months probation and to include the attached stipulations. If not signed within 15 days, issue Complaint and Notice of Hearing.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

Link returned to the meeting at 2:23 p.m.

Perry left the meeting at 2:24 p.m.

VI.H.3. Holli Hartley-Cobb RN052454 (Nelson)

Link moved, Quinn 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 followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X	X	X	X	X	X		X	
NO	0											
ABSTAIN	0											
ABSENT	2									X		X

VI.H.4. Leslie Jay Merrill LP041062; CNA464932803 (Nelson) (aka: Beasley; Stinson)

Johnson 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 offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X	X	X	X	X	X		X	
NO	0											
ABSTAIN	0											
ABSENT	2									X		X

Perry returned to the meeting at 2:27 p.m.

VI.H.8. Phyllis Provancial RN054076 (Nelson)

Malloch moved, Dalton seconded, and it was unanimously carried, making a finding of reasonable cause, based upon the allegations in the investigative report and at the cost of the Board, to issue an Interim Order for a substance abuse evaluation with a Board approved psychiatrist and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and then 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

Link left the meeting at 2:30 p.m.

VI.H.9. Susan Marie Clement LP042050 (Nelson)
(aka: Dallman)

Malloch moved, Snider 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 followed by 36 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

VI.H.10. Randy Kenneth Bromenschenkel RN126295 (Nelson)

Johnson moved, Malloch seconded, and it was unanimously carried, making a finding of reasonable cause, based upon the allegations in the investigative report (and material presented at this meeting) and at the cost of the Board, to issue an Interim Order for a substance abuse evaluation with a Board approved PhD prepared evaluator and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and then 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

VI.J.5. Heather Driscoll-Lowe RN114984 (Parlin)

Malloch moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.J.5. Parlin addressed the Board with additional information. Attorney Michael Bernays was present and addressed the Board. Driscoll-Lowe was present and available for questions.

Link returned to the meeting at 2:34 p.m.

Johnson moved, Snider 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 five in favor, four opposed and one abstained.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	5	X		X	X	X	X					
NO	4							X	X	X	X	
ABSTAIN	1		X									
ABSENT	1											X

Perry left the meeting at 2:55 p.m.

VI.I.5. Christopher Bernard Fagan III RN Endorsement (Olson)

Olson addressed the Board with a technical correction to the investigative report.

Perry returned to the meeting at 2:56 p.m.

Link moved, Snider seconded, 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, based upon the findings of fact and statute/rule violations identified, to deny licensure. After discussion the motion carried with nine in favor and one abstained.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X	X	X	X	X	X	X	X		X	
NO	0											
ABSTAIN	0									X		
ABSENT	0											X

The meeting recessed at 2:57 p.m. and reconvened at 3:14 p.m.

VI.J.1. Cathleen Lynn Bense CNA1000015105 (Parlin)

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.J.2. Chelsea Rayne Jacobson CNA1000003766 (Parlin)

Gutierrez 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.4. David A. Ahrendt CNA620078509 (Parlin)

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

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.J.6. James K. Gitumbi CNA1000009537 (Parlin)

Perry moved, Snider seconded, to issue a Letter of Concern for the February 1, 2010, DUI conviction in Chandler, Arizona, and for the May 12, 2008, Domestic Violence arrest resulting in a diversion program in Chandler, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules. After discussion the motion failed with six opposed and four in favor.

Quinn moved, Dalton 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 seven in favor and three opposed.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	7	X		X		X	X	X	X		X	
NO	3		X		X					X		
ABSTAIN	0											
ABSENT	1											X

VI.J.7. Michelle L. Drescher CNA571604093 (Parlin)

Johnson moved, Malloch 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.8. Nathan Christopher Berry RN153674 (Parlin)

Malloch moved, Dalton 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 eight opposed and two in favor.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	2							X	X			
NO	8	X	X	X	X	X	X			X	X	
ABSTAIN	0											
ABSENT	1											X

Snider moved, Quinn seconded, and it was unanimously carried to issue a Letter of Concern for the May 18, 2010, misdemeanor Public Intoxication conviction in Scottsdale, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.J.9. Rafael Evangelista Hernandez CNA999997331 (Parlin)

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

VI.J.11. Amber Leigh Richter CNA Exam (Parlin)

Malloch moved, Johnson 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 Decree of Censure, to grant certification. If not signed within 30 days, deny certification.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.J.12. Charles Clifford Small RN128770 (Parlin)

Link moved, Snider 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.K.4. Kristi Leanne Reinoehl RN147658 (Pendergast)

Reinoehl was present, telephonically, and available for questions. 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/probation followed by 12 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.L.1. Lonnie Henry Aschebrook RN Endorsement (Rappoport)

Malloch moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, to grant licensure and issue a Letter of Concern for a December 13, 2001, misdemeanor forgery conviction and a 2006 disciplinary action by the California Board of Registered Nursing.

**VI.L.2. Mary Lynn Wizynajtys TRN168125 (Rappoport)
(aka: Kalinowski; Fogle)**

Link moved, Malloch seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, and upon meeting all requirements, to grant licensure and issue a Letter of Concern for pleading guilty to a June 20, 2002, and February 28, 2010, misdemeanor DUIs, in the 67th Judicial District Court, Judicial Court, in Genesee, Michigan.

VI.L.3. Kathleen Margaret Phillips LP046274 (Rappoport)

Link moved, Dalton seconded, and it was unanimously carried to issue a Letter of Concern for the April 30, 2010, disciplinary action taken by the State of Connecticut, Department of Public Health, Healthcare Systems Branch, for the Board of Nursing, wherein she voluntarily agreed not to renew or reinstate her Connecticut practical nursing license.

**VI.L.4. Marguerite Dawn Baringer RN122071 (Rappoport)
(aka: McMullin)**

Malloch moved, Dalton 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.L.5. Ninette Snell-Johnstone RN070870 (Rappoport)
(aka: Snell; Vega; Frier)**

Johnson moved, Quinn seconded, and it was unanimously carried to issue a Letter of Concern for failing to timely report a potentially serious medication error to a patient's physician and report up through her nursing chain of command, on or about June 13, 2009, while employed at Life Care Center of Sierra Vista in Sierra Vista, Arizona.

**VI.L.6. Connie Rae Walker RN141263 (Rappoport)
(aka: Kerr)**

Walker was present, telephonically, and available for questions. Johnson moved, Snider 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.L.8. Francis Joy Canode RN148569 (Rappoport)
(aka: Griffin; Adams)

Rappoport addressed the Board with additional information. Malloch moved, Berrigan seconded, and it was unanimously carried, making a finding of reasonable cause, based upon the allegations in the investigative report and at the cost of the Board, to issue an Interim Order for a psychological evaluation with an emphasis on professional boundaries and ethics, with a Board approved licensed psychologist and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and then 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

Johnson left the meeting at 3:37 p.m. and returned at 3:38 p.m.

VI.L.9. Theresa Lee Mueller RN Endorsement (Rappoport)
(aka: Hann; Rude)

Rappoport addressed the Board and confirmed receipt of additional information. Mueller was present, telephonically, and available for questions. Snider moved, Dalton 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 minimum of 16 months (to equal the length of applicant's Nevada Board Order) probation including the attached stipulations, to grant licensure. If not signed within 30 days, deny licensure.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.N.1. Natasha Nicole Castro CNA1000015625 (Sage)

Malloch 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.

VI.N.2. Laura Marlene Duncan CNA1000022604 (Sage)

Link moved, Snider seconded, and it was unanimously carried to issue a Letter of Concern for taking medicine from Canada belonging to someone else that contained 8 mg of codeine, illegal in the United States.

VI.N.3. Noemi Gastelum CNA999999347 (Sage)
(aka: Maldonado)

Link moved, Snider 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 including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.N.4. Togba Daniel Goe CNA999993209 (Sage)

Snider 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.N.5. Danleen A. Hatter CNA594001719 (Sage)

Malloch 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.N.6. Jacqueline Dorothy Hilkemeyer CNA999991580 (Sage)
(aka: Jacqueline Dorthy Hilkemeyer; Williams; Ells; Fritz)**

Johnson moved, Snider 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 revocation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.N.7. Dennis Roger Key CNA1000012142 (Sage)

Link moved, Quinn 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 to include a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.N.8. Mark A. Luce CNA999947621 (Sage)

Sage addressed the Board with additional information. Quinn moved, Link seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for stayed revocation up to 12 months to be signed within 30 days and to include the completion of a HIPAA/Confidentiality class to be taken in person within 12 months and a \$250 Civil Penalty. If payment not received within 90 days, revoke certificate. After discussion Quinn amended the motion to include that HIPAA/Confidentiality class may be taken online. Link concurred. The motion carried unanimously.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.N.9. Roberta Ruth Reed CNA062300441 (Sage)
(aka: Beltran; Mastranzo)

Link moved, Malloch 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.N.10. Vicki Stevens-Hjerpe LP031666 (Sage)
(aka: Stevens; Tanoë)

Link moved, Quinn 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.N.11. Francis Njoroge Waweru CNA1000019249 (Sage)

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 issue Notice of Charges.

VI.O.2. Carlos Guitguiten Bague RN145866 (Schettler)

Perry moved, Quinn second, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges. The motion carried with nine in favor and one opposed.

VI.O.5. Cynthia Lynette Greenwalt RN123397 (Schettler)
(aka: Larin)

Schettler addressed the Board and confirmed receipt of additional information. Greenwalt was present, telephonically, and addressed the Board. Malloch moved, Snider seconded, and it was unanimously carried, making a finding of reasonable cause, based upon the allegations in the investigative report and at the cost of the Board, to issue an Interim Order for a psychiatric and substance abuse evaluation with a Board approved licensed psychiatrist and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and then 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.O.7. Donald D. Kimball LP020888 (Schettler)

Schettler addressed the Board with additional information. Johnson moved, Malloch seconded, and it was unanimously carried to issue a Letter of Concern for signing a physician's signature to a prescription refill request and faxing the request to the pharmacy without contacting a medical provider or receiving an order, while working in the Outpatient Clinic at University Physician's Healthcare.

VI.O.9. Lisa Marie Layne RN130495 (Schettler)
(aka: Pacis)

Schettler addressed the Board with additional information. 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 issue Notice of Charges.

VI.O.11. Carolyn Sue Williams RN135876 (Schettler)

Schettler addressed the Board with additional information.

Link left the meeting at 4:06 p.m.

Johnson moved, Scott seconded to issue a Letter of Concern for failing to document or obtain a witness for narcotic waste, while employed at Western Arizona regional Medical Center in Bullhead City, Arizona in or about March 2010. The motion carried with eight in favor and one opposed.

VI.P.5. Callie Baker RN126644 (Torrez)

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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	9	X		X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	2		X									X

VI.P.7. Patricia Ann Rowell RN095180 (Torrez)

Malloch moved, Dalton seconded, and it was unanimously carried to issue a Letter of concern for failing to inform her supervisor that an RN co-worker who was on duty with you in the emergency room requested that staff start an intravenous of Normal Saline on her when there was no order, and the nurse was not registered as a patient on November, 21, 2010, while employed at Indian Health Services in Parker, Arizona.

Link returned to the meeting at 4:09 p.m.

VI.P.8. Kristen Shea Moore LP Exam; CNA999953585 (Torrez)

Perry moved, Gutierrez seconded, to issue a Letter of Concern for starting an intravenous infusion with Normal Saline on a co-worker on November 21, 2010, without a nursing license, while employed at Indian Health Services in Parker, Arizona. After discussion the motion failed with eight opposed and two in favor.

Malloch moved, Dalton 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 Decree of Censure, to grant licensure. If not signed within 30 days, deny licensure.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.P.10. Deborah Lynn Allen RN088642; CNA193113089 (Torrez)

Torrez addressed the Board and confirmed receipt of additional information. Gutierrez 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 Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.P.11. Samantha Nichole Goodman LP032265; CNA169270441 (Torrez)

Malloch 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	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.P.13. Ramona L. Smith RN107352; LP000032849 (Torrez)

Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of concern for violating the privacy for patient D. B. and J.F. by administering intramuscular medications to them in a public park on November 23, 2010, while employed at Southeastern AZ Behavioral Health Services in Benson, Arizona.

VI.P.14. Michael Janson Bass LP040451; CNA999996147 (Torrez)

Torrez addressed the Board with additional information. Malloch 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 12 months probation with the amended stipulation to allow Bass to work 16 consecutive hours in a 24-hour period only while employed at Scottsdale Village Square in Scottsdale, Arizona. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Berrigan</u> Member	<u>Link</u> Member	<u>Quinn</u> Member	<u>Snider</u> Member	<u>Johnson</u> Secretary	<u>Scott</u> President	<u>Malloch</u> V. Pres.	<u>Dalton</u> Member	<u>Perry</u> Member	<u>Gutierrez</u> Member	<u>Busby</u> Member
YES	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

VI.P.16. Valerie Pearl Brown LP041953 (Torrez)

Torrez addressed the Board with additional information. An attempt was made to contact Brown telephonically and a message was left that the Board would move forward with the case. Link moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow Brown to review her file and for Board staff to interview her.

VI.E.2. Tonya Eulalia Erickson RN162762 (Grady)

Perry moved, Malloch seconded, and it was unanimously carried to reopen Agenda Item VI.E.2. to allow Erickson to telephonically address the Board. Berrigan moved, Snider seconded, and it was unanimously carried to affirm prior Board decision for 24 months probation with stipulations.

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. March 23-24 2011 Regular Board Meeting Minutes

VII.A.1.b. May 10, 2011 Special Board Meeting

VII.A.1.c. March 23-24, 2011 and May 10, 2011 Executive Session Minutes

Perry moved, Link seconded, and it was unanimously carried to approve minutes of March 23-24, 2011 regular Board meeting; minutes of May 10, 2011 special Board meeting; and minutes of March 23-24, 2011 and May 10, 2011 Executive Session.

VII.A.3. Update on 2011/2012 FY Budgets – Orchard/Bontrager

Orchard offered an update on 2011/2012 Fiscal Year Budgets:

Appropriation for FY 2011 totaled \$4,178,400. Laws passed last legislative session, Spring 2010, required agencies to implement mandatory furlough days, a total of six. The ‘savings’ from personnel expenses reduced the appropriations and required the agencies to transfer the savings to the General Fund. The total reduction for the Nursing Board was \$104,000. This left available funds for operations at \$4,074,400.

Year to date expenditures are \$3,658,511. The estimated available funds at year end are \$57,900.

FY 2012

This legislative session SB 1614 repealed the mandatory furloughs that were passed in the legislative session last spring 2010. This included the last furlough day of FY 2011, which was scheduled for June 10, 2011. The law now permits an Agency Director to prescribe agency furloughs; if it is determined they are still required in order to meet budgetary needs.

In addition it was determined that there were savings from the furloughs of FY 2011 that were not captured. SB 1612, Section 129 requires that state agencies are to further reduce their FY 2011 appropriations by this amount and transfer to the General Fund the monies. This law also applies to the FY 2012 appropriation. The Nursing Board is to transfer \$12,300.

Other law changes in HB 2024 and SB 1612 that become affective July 20, 2011 and reduce the appropriation and require transfers to the General Fund are as follows:

- Delayed Benefits to new employees-Requires new hires to wait 90 days to receive health benefits and to become members of ASRS. (state retirement system). For the Nursing Board this amounts to \$9,600.
- Risk management charges were decreased by \$3,800.
- Changes to ASRS employee/employer allocation. The employee is to be responsible for 53% and the employer 47%. This represents a 3% savings per employee for the state. The Nursing Board will transfer \$14,400 to the General Fund.

Over all, the total adjustment to the appropriation and transfers to the General Fund amount to \$40,100. This reduces the appropriation from \$4,074,400 to \$4,034,400.

However, due to the fact there is one additional pay period in FY 2012, the agency is appropriated supplementary funding of \$98,900 to cover the expense. With the added funding the appropriation total for FY 2012 is \$4,133,200.

VII.A.4. Proposed New Policy: Fingerprinting CNA Examination Applicants – Bontrager/Ridenour

Johnson moved, Link seconded, and it was unanimously carried to accept the policy to wait to send the fingerprint card of CNA Exam applicants until after the Board receives notice that the applicant has passed the written and skills test.

Quinn suggested staff look into the possibility of allowing the applicant to pay the current fingerprint fee if they wished to submit their application before they passed their CNA test.

VII.A.5. Proposed Draft Policy Revision: Board Meetings – Ridenour/Smith

Malloch moved, Link seconded, and it was unanimously carried to approve policy for Board meetings, as amended.

VII.A.7. Proposed Memorandum of Understanding for Board of Nursing Evaluator for Practice Assessment – Randolph/Smith/Orchard/Ridenour

Ridenour stated this Agenda Item would be brought back to the July 2011 Board meeting.

VII.A.8. NCSBN Guiding Principles of Nursing Regulation – Malloch/Ridenour

Malloch summarized the NCSBN Guiding Principles of Nursing Regulation.

VII.A.9. Request to Change Board Meeting July 20 & 21 to Different Date – Ridenour

Malloch moved, Berrigan seconded, and it was unanimously carried to change the July 2011 meeting dates to July 25 and 26.

VII.A.10. Investigative & Hearing Department Cycle Times: Update on Personnel Changes – Smith/Barber

Ridenour reported that cycle times were at 7.7 months, Smith reported the challenges in recruiting new staff. Mamaluy reported the Hearing Department cycle times were up due to losing a half time attorney, Nina Zimmerman. Mamaluy further stated that key priorities are high priority cases and old cases.

VII.A.12. Proposed Draft Policy Revision: Criteria For Opening Complaints – Investigations – Ridenour/Smith/Mamaluy

Ridenour noted that this Agenda Item would be brought back to the July 2011 Board meeting.

VII.A.10. Investigative & Hearing Department Cycle Times: Update on Personnel Changes – Smith/Barber

Smith reported to the Board the resignation of Stephanie Nelson and Angela Hill and she noted the hiring of three nurse practice consultants and one senior investigator.

VII.C. President's Report – Scott

VII.C.1. Adda Alexander First Annual Patient Safety/Just Culture Conference – August 26, 2011; Primary Proposed Sponsors – Yuma Regional Medical Center, Arizona Hospital & Healthcare Association, Arizona Nurses Association & Arizona State Board of Nursing – Scott/Ridenour

Scott reported on the upcoming first annual Patient Safety/Just Culture Conference. Scott Griffin and Tom Porter O'Greedy are scheduled speakers.

Scott noted there will be a vote on the Uniform Core licensure requirements at NCSBN Delegate Assembly.

The Annual report for NCSBN has been published. Scott spoke about the first TERCAP data that is being published and the difference it will make. There were 22 states contributing at AZNC and Texas being the major contributor.

CORE data continues to be collected. A new consultant, Ted Hoister, has been hired to assist with this regulatory data collection.

Ridenour has consented to have her name on the ballot for a Board of Directors position as delegate at large.

VII.C.2. NCSBN Area I Directors Report & 2011 & 2011 NCSBN Annual Meeting – Recommendations for Vote - Malloch

Malloch offered a report on NCSBN Area I Director and 2011 NCSBN Annual meeting.

VII.D. A.A.G. Report – Zack

VII.D.1. Updates, New Processes, Accomplishments – Mamaluy/All

Mamaluy reported the start date for new half time A.A.G., KeelyVerstegen is June 6, 2011.

Malloch left the meeting at 5:04 p.m.

VII.E. Committee Reports

VII.E.1. Scope of Practice: Discuss/Amend & Approve Advisory Opinions – Bontrager/Johnson/Scott

VII.E.1.a. Committee Membership

Johnson requested the addition of Denise Miller to the Committee Membership list. Link moved, Berrigan seconded, and it was unanimously carried to accept additional name and the list for 2 year appointment in the of Scope of Practice Committee.

VII.E.2. Education – Randolph/McGinty/Malloch

VII.E.2.a. Draft Minutes of Education Committee Meeting

Education Advisory Committee meeting draft minutes of April 8, 2011 were provided to the Board.

VII.E.3. Advanced Practice – Dahn/Link/Busby

VII.E.3.a. Draft Minutes of Advanced Practice Committee Meeting D -

Advanced Practice meeting draft minutes of April 22, 2011 were provided to the Board.

VII.E.3.b. Advanced Practice Committee 2008-2010 Evaluation Analysis

Dahn offered a summary of the Advanced Practice Committee 2008-2010 Evaluation Analysis. She also offered recognition to Pam Randolph on the Crosswalk of the APRN consensus model.

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.C. President's Report – Scott

VII.C.4. Debriefing on Board Processes & Suggested Changes – All

The Board and staff were all in agreement that the process and flow of this meeting was good. Scott thanked Malloch and Johnson for their support during the meeting and suggested Board members share

their thoughts about a case if they don't agree with the suggested options or with other member's thoughts.

X. Adjournment

Link moved, Berrigan seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 5:13 p.m., Thursday, May 26, 2011.

Kathy Scott, RN, MPA, PhD, FACHE, President