

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The special meeting of the Arizona State Board of Nursing convened at 2:32 p.m., Friday, September 9, 2011, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Malloch, PhD, MBA, RN FAAN, Vice President, presiding.

BOARD MEMBERS PRESENT:

Kathy Malloch, PhD, MBA, RN, FAAN, Vice President
Patricia Johnson, LPN, Secretary
Theresa (Terri) Berrigan, LPN, Member (telephonic)
Kathryn L. Busby, JD, Member
Leslie Dalton, MSN, RN, Member (telephonic)
Denise Link, PhD, WHCNP, FNAP, Member
M. Hunter Perry, BSHA, Member (telephonic)

BOARD MEMBERS ABSENT:

Kathy Scott, RN, MPA, PhD, FACHE, President
Lori Gutierrez, BS, RN-C, Member
Charleen L. Snider, BSN, RN, Member
Randy C. Quinn, CRNA, Member

LEGAL COUNSEL:

Emma Mamaluy, Assistant Attorney General

STAFF DIRECTORS:

Joey Ridenour, RN, MN, FAAN, Executive Director
Valerie Smith, RN, MS, Associate Director of Investigations

STAFF:

Nikki Austin, RN, JD, Nurse Practice 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 2:32 p.m., Friday, September 9, 2011.

The following Board members were present: Malloch, Johnson, Berrigan (telephonic), Link, Dalton (telephonic), and Perry (telephonic).

Malloch presided.

Busby arrived at the meeting at 2:35 p.m.

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

III.A. Executive Directors Report – Ridenour

III.A.1. Discussion & Decision on the following litigation matters (Upon a majority vote of a quorum of members, the Board may hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4), to consult with and instruct the Board's attorneys regarding the Board's position in pending litigation or in settlement discussions) – Rebecca Herbst Assistant Attorney General/Employment Law Section.

III.A.1.a. Graham-Payne, et al. v. Arizona State Board of Nursing, et al. CV2010-053962

Johnson moved, Link seconded, and it was unanimously carried to go into Executive Session on Agenda Item III.A.1.a. to consult with and instruct the Board's attorneys regarding the Board's position in pending litigation or in settlement discussions) and to obtain legal advice. Executive Session convened at 2:40 p.m. and adjourned at 3:10 p.m.

Busby moved, Link seconded, and it was unanimously carried to authorize Ridenour to sign the settlement agreement as presented.

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

II.A.1. Marguerite Ann Loughran RN038868 Schettler

Busby moved, Johnson seconded, and it was unanimously carried to table Agenda Item II.A.1.

II.A.2. Deena Louise Caldwell RN099838; LP030577 Torrez

Torrez addressed the Board with additional information. Caldwell was present and addressed the Board Dawn Holt was present and addressed the Board on behalf of Caldwell. Busby moved, Link seconded, and it was unanimously carried to table Agenda Item II.A.2. to allow staff time to modify the proposed Consent Agreement.

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

II.A.1. Marguerite Ann Loughran RN038868 Schettler

Busby moved, Link seconded, and it was unanimously carried to reopen Agenda Item II.A.1. Busby moved, Link seconded, and it was unanimously carried to accept the signed Consent Agreement for 12 months suspension pending the completion of a psychiatric evaluation by a Board approved psychiatrist, at the Board's expense, 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 practice, to be followed by 12 months stayed suspension/probation, followed by 12 months standard probation, to include the attached stipulations.

	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	0											
ABSTAIN	0											
ABSENT	4			X	X		X				X	

II.A.3. Brandon Michael Cobum RN168545; AP4081 Grady

Smith informed the Board that Cobum had signed a voluntary surrender prior to this meeting, so the Board did not take any action on this Agenda item.

II.A.4. Tamera Louise Sorensen RN086742 Austin

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

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

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

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

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

Busby moved, Link seconded, and it was unanimously carried, based upon the information presented at this meeting, the information contained in the investigative report, and the preliminary Findings of Fact and Conclusions of Law, the Board make a finding that public health safety and welfare imperatively requires emergency action and issue an Order summarily suspending RN License No. RN086742 pending further hearing, which shall be promptly instituted and determined.

	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	0											
ABSTAIN	0											
ABSENT	4			X	X		X				X	

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

II.A.2. Deena Louise Caldwell RN099838; LP030577 Torrez

Busby moved, Link seconded, and it was unanimously carried to reopen Agenda Item II.A.2. Torrez addressed the Board with additional information. Link moved, Busby seconded, and it was unanimously carried to accept the signed Consent Agreement for a suspension not to exceed 12 months, followed by 24 months stayed revocation/probation, followed by 24 months standard probation with the attached stipulations.

	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	0											
ABSTAIN	0											
ABSENT	4			X	X		X				X	

IV. 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).

A Central Arizona College student was present and dialogued with the Board.

V. Adjournment

Busby moved, Link seconded, to adjourn the meeting. After discussion Busby withdrew the motion.

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

II.A.1. Marguerite Ann Loughran RN038868 Schettler

Busby moved, Link seconded, and it was unanimously carried to reopen Agenda Item II.A.1. for the purpose of allowing Loughran to address the Board. Loughran indicated she was displeased with her situation with the Board and said she felt coerced into accepting the Consent Agreement. Board legal advisor, Emma Mamaluy, informed Loughran that she was entitled to a hearing at the office of Administrative hearings, and was not required to proceed with the Consent Agreement. Schettler stated she had reviewed all of this with Loughran before Loughran signed the Consent Agreement. Loughran agreed, but continued to argue that the Board should investigate others rather than focus on her. Loughran did not request to withdraw from her Consent Agreement.

V. Adjournment

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

The meeting adjourned at 3:50 p.m., Friday, September 9, 2011.

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