

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 8:02 a.m., Wednesday, March 23, 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
Kathryn L. Busby, JD, 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

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 8:02 a.m., Wednesday, March 23, 2011.

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

Scott presided.

Quinn arrived at the meeting at 8:03 a.m. and Busby at 8:04 a.m.

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

VI.L.9. Linda Marie Zigrossi RN026987; AP0845 (Rappoport)

Zigrossi was present and available for questions. Malloch moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

VI.L.10. Dale Wayne Flewelling RN061091; AP2129 (Rappoport)

Attorney Cody Hall and Flewelling were present and available for questions. Malloch moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

V.C. Non-Compliance/Compliance with Board Orders (Rappoport/Bymers)

V.C.2. Linda C. Collazo LP043667; CNA1000009092 Rappoport (aka: Marguet)

Rappoport addressed the Board with additional information. Collazo was present telephonically and addressed the Board. 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 grant Collazo's request to terminate her probation by accepting her RN clinical experience with Southwestern College in Chula Vista, California, in lieu of 3 months of LPN work experience.

VI. RN/LPN/CNA Investigative Reports

VI.I.6. Hillary Pennington RN158199 (Olson)

Olson addressed the Board and confirmed receipt of additional information. Attorney Flynn Carey and Pennington were present and addressed the Board. Johnson moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for the May 13, 2010, conviction, pursuant to a guilty plea, of extreme DUI, a misdemeanor, in the Highland Justice Court in Gilbert, Arizona.

VI.P.2. Ohene Bekoe LP043408; CNA999997228 (Torrez)

Attorney Kelly McDonald was present and addressed the Board. Bokoe was present and available for questions. Malloch moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for allegedly failing to report a change in condition of patient C.B. on or about April 17, 2010, while employed at Hacienda Healthcare in Phoenix, Arizona.

Malloch left the meeting at 8:30 a.m. and returned at 8:37 a.m.

VI.C.1. Barbara Lynn Sullivan RN104248; AP1552 (Dahn)

Complainant Shirley Brener was present and addressed the Board. Attorney Page Underwood was present telephonically and addressed the Board on behalf of Sullivan and proposed dismissal of the complaint. Johnson moved, Gutierrez seconded to dismiss the complaint. The motion carried with ten in favor and one abstained.

VI.C.2. Marci Farquhar-Snow RN114083; AP1279 (Dahn)

Complainant Shirley Brener was present and addressed the Board. Attorney Page Underwood was present telephonically and available for questions on behalf of Farquhar-Snow and proposed dismissal of the complaint. Berrigan moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.C.4. Roanne Marie Parker RN11391; AP2868 (Dahn)

Parker was present 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 indefinite suspension followed by 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.C.5. Glenn Howard Allbritton RN078870; CRNA0013 (Dahn)

Complainant Anna Klontz was present telephonically and addressed the Board. Attorney Christopher Rapp and Allbritton were present and available for questions. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

Perry left the meeting at 9:05 a.m.

VI.E.10. Carol Ann Schaeffer RN049306 (Hill)

Hill addressed the Board with additional information. Attorney Susan McClellan and Schaeffer were present and addressed the Board.

Perry returned to the meeting at 9:11 a.m.

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 24 months probation including the attached stipulations, amended to include direct supervision for the first 6 months and on-site supervision for months 7-24. If not signed within 30 days, issue Notice of Charges. The motion carried with ten in favor 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	10	X	X	X	X	X	X	X	X		X	X
NO	0											
ABSTAIN	1									X		
ABSENT	0											

The meeting recessed at 9:24 a.m. and reconvened at 9:40 a.m.

VI.K.1. Amy Therese Nicholls LP039398; RN135542 (Pendergast)

Pendergast addressed the Board and confirmed receipt of additional information. Attorney Teresa Sanzio was present and addressed the Board and requested the Board reconsider an the suggested option and remove the 12 month suspension being considered. Nicholls was present and available for questions. Link returned to the meeting at 9:47 a.m.

Johnson moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a stayed revocation/suspension, not to exceed 12 months and include the completion of a substance abuse/relapse evaluation to with a Board approved PhD prepared evaluator, and the successful completion of treatment recommendations resulting from the evaluation, to be followed by 24 month stayed revocation/probation and then 24

months probation to include the attached stipulations. If not signed within 15 days issue a Complaint Notice of Hearing. The motion carried with nine in favor, one opposed 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	1									X		
ABSTAIN	1		X									
ABSENT	0											

IV.B. Felony Bar Cases

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

IV.B.2.a. Sue Ellen Sarsam RN084781; AP0195 Pendergast

Attorney Teresa Sanzio was present and addressed the Board and requested to continue. Sarsam was present and available for questions. Assistant Attorney General (AAG) Mamaluy clarified the July 2010 implementation of the undesignated felony policy. Busby moved, Perry seconded, and it was unanimously carried to continue the investigation, not to exceed six months, to allow respondent the opportunity to have the charge against her designated a misdemeanor and return to the Board for determination based upon the status of the case, and to continue in the CANDO program until further determination is made.

VI. RN/LPN/CNA Investigative Reports

VI.H.1. Christine Alane Champine RN161499; LP043212; CNA999995739 (Nelson) (aka: Fikes)

Nelson addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Champine was present and available for questions. 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.H.5. Lois Lynn Hanson RN109880; LP034471 (Nelson)

Complainant Samantha Berg was present telephonically and addressed the Board. Attorney Tom Pickvell and Marsha Tilley-Cherry were present and addressed the Board on behalf of Hanson. Hanson was present and available for questions. Malloch moved, Busby seconded, and it was unanimously carried to dismiss the complaint.

VI. RN/LPN/CNA Investigative Reports

VI.A.5. Devonna Anne Johnson RN086533; AP2499 (Bymers) (aka: Puroll)

Attorney D. Jay Ryan was present and addressed the Board and proposed dismissal of the complaint. Johnson was present and available for questions. Busby moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

VI.O.6. Donald Howard Insko, Jr. RN153721; LP039436; CNA663773589 (Schettler)

Schettler addressed the Board with additional information. Attorney D. Jay Ryan was present and addressed the Board. Insko was present and available for questions.

Snider left the meeting at 10:25 a.m. and returned at 10:28 a.m.

Malloch moved, Berrigan seconded, to affirm the Interim Order, at the Board's expense, for a psychosexual evaluation, to be completed by Steven Gray, Ph.D. and to include polygraph testing and

any additional testing deemed necessary by the evaluator. If the licensee desires to select another evaluator to perform a psychosexual evaluation he may do so at his own expense and must submit the evaluator's name and qualifications to Board staff for consideration and pre-approval. The proposed evaluator must conduct a similar psychosexual evaluation and be equally qualified to Dr. Gray. The evaluation must be scheduled and 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. After discussion the motion carried with nine in favor, one 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	9	X	X	X		X	X	X	X	X	X	
NO	1											X
ABSTAIN	1				X							
ABSENT	0											

VI.H.10. Irma C. Stewart RN033554 (Nelson)
(aka: Warner)

Malloch recused herself to avoid the appearance of impropriety and left the meeting at 10:31 a.m. Stewart was present and addressed the Board. Attorney Thomas Griffith was present and available for questions. Busby moved, Gutierrez seconded to issue a Letter of Concern for failing to accurately account for medications given to her assigned patients in or about January and February 2010, while working at Scottsdale Thompson Peak Hospital in Scottsdale, Arizona. After discussion the motion carried with ten in favor and one opposed.

Malloch returned to the meeting at 10:34 a.m.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Grand Canyon and Glendale Community College Nursing Students regarding Board functions, policies and procedures. Questions were asked on how decisions are made regarding the Nurse Practice Act, if relapses and drugs of choice are considerations in decisions, if all Board decisions need to be unanimous to pass, letters of concern and how they affect the nurse, length of investigative processes, if a respondent is allowed to work during the investigation, if all Board members review all cases prior to meetings, why some Board members that are designated "public members" and the voting ratio needed for a motion to pass.

Perry left the meeting at 10:45 a.m.

VI. RN/LPN/CNA Investigative Reports
VI.B.2. Jeff James Lambert RN155863 (Smith/Chafey)

Lambert 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, 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		

Perry returned to the meeting at 10:48 a.m.

V.B. Applicants for Reissuance & Investigative Reports

V.B.6. Kimberly Ann Ghramm RN090737 Olson
(aka: Renneker; Martin)

Ghramm was present and addressed the Board. Ralph Ghramm was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried to continue the investigation to allow Ghramm the opportunity to obtain a neuropsychological 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 reissuance of 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI. RN/LPN/CNA Investigative Reports

V.I.P.6. Malaya Gaa LP0404736 (Torrez)

Gaa was present and available for questions. Perry moved, Busby seconded, and after discussion it was unanimously carried to issue a Letter of Concern for failing to notify the doctor in a timely manner regarding the change in condition for resident L.W. on or about October 21, 2010, while employed at Citadel Care Center in Mesa, Arizona.

V.I.10. John Robert James Rivera RN Exam (Olson)

Olson was present and addressed the Board with a technical correction to the investigative report. Rivera was present and available for questions. Perry moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for being charged on April 17, 2007, with 2 counts of disorderly conduct, misdemeanors, which were dismissed in Tucson City Court in Tucson, Arizona, after completion of a diversion program, and the July 2009, conviction of DUI, a misdemeanor, in the Tucson City Court.

V.I.3. Michael A. Hoult LP032529 (Olson)
(aka: Michael Aaron Hoult; Aaron Hoult)

Hoult was present and addressed the Board. 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 issue Notice of Charges.

V.I.8. Julie Lynn Stevens CNA Exam (Olson)
(aka: Campbell)

Stevens was present and addressed the Board. Gutierrez 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 18 months stayed revocation including the attached stipulations, 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

**VI.I.5. Pamela Ann Kincade
(aka: Lorona)**

RN079852

(Olson)

Kincade was present and available for questions. Perry moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges. After discussion Johnson withdrew her second. Busby seconded the motion. The motion failed with nine 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	9									X		X
NO	2	X	X	X	X	X	X	X	X		X	
ABSTAIN	0											
ABSENT	0											

Berrigan moved, Link seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. The motion carried with nine 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	9	X	X	X	X	X	X	X	X		X	
NO	2									X		X
ABSTAIN	0											
ABSENT	0											

V.B. Applicants for Reissuance & Investigative Reports

V.B.5. Daniel E. Backman

RN065323

Olson

Backman was present and addressed the Board. Perry moved, Link seconded to continue the investigation to allow Backman the opportunity 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 reissuance of licensure. After discussion the motion failed with eight opposed and three 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	3		X	X						X		
NO	8	X			X	X	X	X	X		X	X
ABSTAIN	0											
ABSENT	0											

Gutierrez moved, Malloch seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to grant temporary license for Refresher Course only, and upon meeting all requirements and signing a Consent Agreement for 12 months probation including the attached stipulations, to grant reissuance of licensure upon successful completion of Refresher Course, under applicable terms. If not signed within 30 days, deny reissuance of licensure. 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

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

III.D.1. Olivia Bustamante Hurtado

Information was provided to the Board regarding Cease and Desist letter sent to the name listed above.

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

IV.A. Lapsed Licenses & Certificate Administrative

Agenda	Name	License	Administrative Penalty	Staff
IV.A.1.	Christine N. Nelson (aka: Kew)	LP Endorsement	\$100 and grant licensure	Rappoport
IV.A.2.	Landon Neal Sessons	RN167430; CRNA0647	\$300 and grant licensure	Rappoport
IV.A.3.	Maria-Janette R. Caburian (aka: Ramilo)	RN167563	\$500 and grant licensure	Rappoport
IV.A.4.	Helen Jane Ewing	RN Exam	\$250 and grant renewal of license	Rappoport

Malloch moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for the Administrative Penalty amount listed above for the names listed, to grant licensure/renewal of licensure/re-issuance of licensure.

Agenda	Name	License/Certificate	Administrative Penalty	Staff
IV.A.5.	ReanaJean Bell	CNA1000010639	\$25	Driver
IV.A.6.	Rachel Caspar	CNA1000006164	\$25	Driver
IV.A.7.	Silva Guerrero	CNA999992101	\$25	Driver
IV.A.8.	Lori Sabagh	CNA999987131	\$25	Driver
IV.A.9.	Gloria Dodd	CNA733872803	\$25	Driver
IV.A.10.	David Keating	CNA1000019134	\$25	Driver
IV.A.11.	Susan Shumway	RN027726	\$500	Driver
IV.A.12.	Linda Laukaitis	RN091233	\$500	Driver

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.	Ryan Dean Martin	CNA Exam	Olson
IV.B.1.b.	Linda Garcia (aka: Gallegos; Corpus; Gallegos-Corpus)	CNA999949180 Renewal	Olson

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

	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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

IV.C. Recommended Notice of Charges

Agenda #	Name	License/Certificate #	Staff
IV.C.1	Glenda Joyce Smail (aka: Spencer)	RN145380	Grady

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

V.C. Non-Compliance/Compliance with Board Orders (Rappoport/Bymers)

V.C.1. Mary E. Quinones RN095540 Rappoport

Busby moved, Perry seconded, and it was unanimously carried to approve request and extend the time to complete a Refresher Course on or before March 2012, in order to complete the terms of the Consent Agreement and Order No. 0805051.

V.C.3. Shonna L. Luck RN120022 Bymers

Perry moved, Dalton seconded, and it was unanimously carried to amend the current Consent Agreement and Order No.0902072 to allow Luck to work the night shift and registry in 13 week assignments, and complete terms of probation in Utah contingent upon written permission from the Utah Board of Nursing and confirmation from a Utah employer regarding ability to meet the terms and conditions of Consent Agreement and Order No. 0902072.

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

V.E.1. Jennifer Frances Pennington RN148653 (Bymers)

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

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.2. Lola Tooley LP035952 (Pendergast)

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

V.F.3. Lori Lynn Williams RN103991 (Pendergast)

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.

VI. RN/LPN/CNA Investigative Reports

VI.A.1. Lynn Bradley RN040502 (Bymers) (aka: Magnuson)

Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.A.2. Denise Ellen Calvert RN142280 (Bymers)

Gutierrez moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for administering Methadone and Klonopin to resident B.W., which was not prescribed, on or about January 18, 2010, while employed at Santa Rosa Care Center.

VI.A.3. Wendy Jo Handt RN138813 (Bymers)

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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.A.4. Faith Ann Harton LP038341 (Bymers)

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

VI.B.1. Emilie Elise Budy CNA1000022854 (Smith/Chafey)

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

VI.D.1. Willie Charles Bell CNA1000019500 (Hemann)

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 offer a Consent Agreement for indefinite suspension/stayed revocation pending the completion of 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 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.D.2. David Jovey Hocker CNA1000007536 (Hemann)

Hemann addressed the Board and confirmed receipt of additional information. 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.D.3. Devin Matthew Willoughby CNA1000022761 (Hemann)

Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Richard Ordell Boyd RN098682 Rappoport

Malloch moved, Dalton 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 and signing a Consent Agreement for 12 months stayed revocation/probation followed by 24 months standard probation including 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, deny licensure based upon the information contained in the investigative report.

	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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

**V.B.2. Kathleen Marie Plank RN092225 Rappoport
(aka: Boynton; Geiger; Loree)**

Johnson left the meeting at 11:28 a.m.
 Plank was present telephonically and available for questions. Rappoport addressed the Board with additional information.
 Johnson returned to the meeting at 11:30 a.m.
 Busby moved, Link seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, and upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation/probation followed by 24 months standard probation including 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, deny licensure based upon the information contained in the investigative report. An amendment was made to the stipulations to allow Plank to obtain drug testing in the State of Michigan by HPRP. The motion carried with ten 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	10	X	X	X	X		X	X	X	X	X	X
NO	0											
ABSTAIN	1					X						
ABSENT	0											

V.B.3. Craig Alan Morris RN127668 Rappoport

Rappoport addressed the Board with additional information. An attempt was made to contact Morris telephonically and a message was left indicating the Board would move ahead with the case. Busby moved, Perry 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 and signing a Consent Agreement for 12 months stayed revocation/probation followed by 24 months standard probation including the attached stipulations, to grant temporary license for RN Refresher Course only. Upon successful completion of RN Refresher Course, grant RN licensure under applicable terms. If not signed within 30 days, deny licensure based upon the information contained in the investigative report.

	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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

V.B.4. Juliana Hutchins Kyer LP033724 Rappoport
(aka: Hutchins; Greer)

Link moved, Berrigan seconded, and it was unanimously carried based upon the findings of fact and statute/rule violations identified in the investigative report, and upon meeting all requirements and signing a Consent Agreement for 12 months stayed suspension/revocation followed by 12 months standard probation including 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, deny licensure based upon the information contained in the investigative report.

	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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

V.B.7. Crystal Lynn Cagle CNA999948099 Olson

Link moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation including the attached stipulations, to grant certification. If not signed within 30 days, deny reissuance of 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI. RN/LPN/CNA Investigative Reports

VII.1. Dennis Boyd Jr. CNA Exam (Olson)

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 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VII.2. Nicole Emily Cook LP044370; CNA1000008280 (Olson)
(aka: Niki Cook)

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

VII.4. Shawna Marie Huskey CNA Exam (Olson)
(aka:Andrews)

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

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.I.7. Wendy Lynn Reynolds RN160562 (Olson)
(aka: Allard; Estrine; Jerpe)

Busby moved, Perry seconded, and after discussion it was unanimously carried to issue a Letter of Concern for the October 23, 2009, citations by the Goodyear Police Department, which resulted in a conviction on April 22, 2010, of extreme DUI, a misdemeanor, in the Estrella Mountain Justice Court in Buckeye, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules. After discussion the motion carried with seven in favor and four opposed.

VI.I.9. Angelica Valle Vasquez CNA Exam (Olson)

Perry moved, Busby 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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.L.1. Marlene Elizabeth Craig RN Endorsement (Rappoport)

Link moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 19 months probation including the attached stipulations, to grant licensure. If not signed within 30 days, issue an Order of Denial.

	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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

VI.L.3. Robert Leslie Crowe RN Endorsement (Rappoport)

Perry moved, Berrigan seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for a disciplinary action by the Kentucky Board of Nursing on April 10, 2007, and a disciplinary action by the Ohio State Board of Nursing on January 17, 2003.

VI.L.8. Janice Loletta Barber RN Endorsement (Rappoport)
(aka: Healey)

Busby moved, Link seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for disciplinary actions in 1999 and 2003, by the Nevada Board of Nursing.

VI.E.1. Kathryn Lynne Bartholme RN093994 (Hill)

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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges. The motion carried with nine 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	9	X	X	X		X	X	X	X	X	X	
NO	2				X							X
ABSTAIN	0											
ABSENT	0											

VI.E.2. Susan Elaine Crouch NC Compact license RN215816 (Hill)

Hill addressed the Board with additional information. Malloch 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 issue Notice of Charges and refer the case to North Carolina.

VI.E.4. Beryl Morago RN122871 (Hill)

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

VI.E.5. Barbara Frazey LP041830 (Hill)

Busby moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for medication and documentation errors on February 6, 2010, while employed with Mohave Mental Health Clinic in Kingman, Arizona.

VI.E.6. Nadine Glenn RN053627 (Hill)

Malloch moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to submit to a “for cause” drug screen and medication and documentation errors on February 5, 2010, while working at Arrowhead Hospital in Phoenix, Arizona.

VI.E.7. Tracy Lee Nesbitt RN153648 (Hill)

Snider recused herself to avoid the appearance of impropriety for Agenda Items VI.E.7. and 8 and left the meeting at 11:53 a.m. Busby moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

VI.E.8. Karrie Ellen Thompson RN154121 (Hill)

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

Snider returned to the meeting at 11:54 a.m.

VI.E.11. Barbara R. Smith RN135381 (Hill)

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 accept a Consent Agreement for 24 months indefinite suspension pending the successful completion of 12 months probation in the State of Texas and Alabama.

	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	11	X	X	X	X	X	X	X	X	X	X	X
NO	0											
ABSTAIN	0											
ABSENT	0											

Perry left the meeting at 11:56 a.m.

VI.F.1. Berna A. Arrieta CNA Exam (Lester)

Busby 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 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	10	X	X	X	X	X	X	X	X		X	X
NO	0											
ABSTAIN	0											
ABSENT	1									X		

VI.F.2. Kim M. Colombo RN077125 (Lester)

Lester addressed the Board with additional information. Busby moved, Malloch seconded, and it was unanimously carried to continue the investigation to allow respondent the opportunity to voluntarily obtain a psychological 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, 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.F.3. Melinda M. Gomez CNA999997219 (Lester)

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

**VI.F.4. Michelle Guritz CNA Exam (Lester)
(aka: Black)**

Lester addressed the Board with additional information. Busby 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.F.5. Meagan Johnson CNA100000303 (Lester)

Busby 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.F.7. Sherilene A. Nez CNA Endorsement (Lester)

Malloch moved, Lester 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.10. Claudia Y. Wilson CNA Exam (Lester)
(aka: Enos)

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

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

VII.C. President’s Report – Scott

VII.C.4. Welcome & Introduction New Board Member Appointments: Leslie Dalton, Randy Quinn, Charleen Snider & Assignment of Mentors – Scott/All

Scott introduced and welcomed newly appointed Board members Dalton, Quinn and Snider. They offered a brief summary of their professional roles. Assignment of mentors was as follows: Johnson to mentor Snider, Malloch to mentor Dalton and Link to mentor Quinn.

The meeting recessed at 12:02 p.m. and reconvened at 1:02 p.m.

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

II.A. Administrative Law Judge (ALJ) Recommendations

II.A.1. Phillip Darwin Carter CNA Applicant Campbell

The proceeding began at 1:08 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Busby, Dalton, Gutierrez, Link, 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 adopt the Administrative Law Judges recommendation in its entirety.

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

Johnson moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 17, and Conclusions of Law the alleged violations in Paragraphs 1 through 6.

Link moved, Malloch seconded, and it was unanimously carried to deny the applicant’s appeal and that prior denial of Carter’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.2. Leroy Peralta CNA Applicant Campbell

The proceeding began at 1:11 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Busby, Dalton, Gutierrez, Link, 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 adopt the Administrative Law Judges recommendation in its entirety.

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

Busby moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 15, and Conclusions of Law the alleged violations in Paragraphs 1 through 6.

Johnson moved, Berrigan seconded, and it was unanimously carried to deny the applicant’s appeal and that prior denial of Peralta’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.B. Motion to Deem Allegations Admitted for Failure to Respond to Complaint and Notice of Hearing & Recommended Discipline

AGENA #	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.B.1.	Ramona Kibler	RN062310	Revocation	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 with a brief summary of the case and suggested the Board adopt the State’s recommended discipline.

Kibler and her husband, Jeff Kibler, were present and addressed the Board.

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

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

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

II.C. Settlement Conference Cases and Proposed Consent Agreements

II.C.1. Gwendolyn Lee Hall RN026024; AP0244 Zack/Richards

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.

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

Johnson moved, Malloch seconded, and it was unanimously carried to rescind the prior Board decision of January 2009 to offer Hall a Consent Agreement for 24 months’ probation, and based upon the findings of factual and legal allegations contained in the attached investigative report, as well as the information presented herein, to accept the signed Consent Agreement for 12 months probation with the terms set forth in the attached stipulations and described herein in settlement of complaint No. 09A-0710138-NUR.

	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.2. Leigh Allison Judge RN101337 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 requested the Board accept the signed Consent Agreement for stayed suspension.

Judge was represented by legal counsel Teresa Sanzio who addressed the Board and likewise requested the Board accept the signed Consent Agreement.

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

	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. 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.	Jo A. Bounds	RN097382; LP031052; CNA598910641	Revocation	Campbell
II.D.4.	Louis F. Dakai	CNA598819504	Revocation	Campbell
II.D.5.	John Vincent Ehlers	RN098283	Revocation	Campbell
II.D.6.	Jessica Marie Grijalva	CNA1000022225	Revocation	Campbell
II.D.7.	Barry Dale Hicks	LP042063	Revocation	Campbell

II.D.8.	Melvin Laurel Jordan	RN130699	Revocation	Campbell
II.D.9.	Terri Jill Lackey	RN119687	Revocation	Campbell
II.D.10.	Amber June Kegley	RN151207; LP042906; CNA1000006924	Revocation	Campbell
II.D.11.	Anne Marie Kopecky	LP045030	Revocation	Campbell
II.D.13.	Lori Ann Mitchell	LP036552	Revocation	Zack
II.D.14.	Paul Nordstrom	CNA999947598	Revocation	Zack
II.D.15.	Catherine Grace Rawlinson	CNA062784641	Revocation	Zack
II.D.17.	Peter A. White	RN090487; AP1114	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, Malloch seconded, and it was unanimously carried to grant the State’s Motion to Deem Allegations Admitted.

Malloch moved, Johnson 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, Johnson seconded, and it was unanimously carried to accept the State’s recommended discipline for Agenda Items II.D.1, 4-11, 13-15 and 17.

	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.D.2. Lisa Lee Caicedo RN 114552 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 requested the Board accept the State’s recommended discipline.

Caicedo was present and addressed the Board.

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

Malloch 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.

Malloch moved, Gutierrez seconded, and it was unanimously carried to table Agenda Item II.D.2.

II.D.3. Patti Jane Chavez CNA999991634 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 requested the Board accept the State’s recommended discipline. Chavez was present and addressed the Board.

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

Malloch moved, Johnson 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.

Perry returned to the meeting at 1:52 p.m.

Malloch moved, Johnson seconded to accept the State’s recommended discipline for revocation. The motion failed with five opposed, four in favor 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	4			X		X	X	X				
NO	5	X	X		X				X		X	
ABSTAIN	1									X		
ABSENT	1											X

After discussion Link moved, Berrigan seconded to issue an Order of stayed revocation/suspension pending the completion of an evaluation with a Board approved PhD level evaluator with expertise in boundaries, exploitation of patients and substance abuse, to be completed within 45 days and return to the Board to determine the status of the certificate. The motion carried with nine in favor 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	9	X	X	X	X	X	X	X	X		X	
NO	0											
ABSTAIN	1									X		
ABSENT	1											X

II.D.12. Carolyn L. Millsap-Smith LP033934 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 requested the Board grant the State’s motion to deem and accept the State’s recommended discipline.

Millsap-Smith was present and addressed the Board.

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

Link 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, Gutierrez seconded to issue an Order of stayed revocation/suspension to include compliance with all terms of the current Consent Agreement and Order, pending the completion of a substance abuse evaluation with a Board approved PhD level evaluator, to be completed within 30 days, or provide an evaluation report previously completed, and return to the Board to determine the status of the license. After discussion 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 further discussion Malloch moved, Gutierrez seconded to issue an Order of stayed revocation/suspension to include compliance with all terms of the current Consent Agreement and Order, pending

the completion of a substance abuse evaluation with a Board approved PhD level evaluator, to be completed within 30 days, or provide an evaluation report previously completed, and return to the Board to determine the status of the license. 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

Busby returned to the meeting at 2:12 p.m.

II.D.16. Christina Mae Valenzuala CNA1000009740 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 requested the Board grant the State’s motion to deem and accept the State’s recommended discipline.

Valenzuala was present and addressed the Board.

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

Perry 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, Link seconded, and it was unanimously carried to accept the State’s recommended discipline for revocation.

	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	1				X							
ABSTAIN	0											
ABSENT	0											

II.B. Motion to Deem Allegations Admitted for Failure to Respond to Complaint and Notice of Hearing & Recommended Discipline

AGENA #	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.B.1.	Ramona Kibler	RN062310	Revocation	Campbell

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

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

Kibler and her husband Jeff Kibler were present and available for questions. .

Campbell addressed the Board and requested the Board accept the updated Board option for consideration.

Berrigan moved, Gutierrez seconded, to issue an Order of suspension of licensure pending the completion of a Board approved Refresher Course, to be completed within 12 months, followed by 24 months probation including the attached stipulations, which include authorization to complete the terms

of probation in the State of California with written permission from the California Board of Nursing. The motion carried with ten 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	10	X	X	X	X	X	X	X	X		X	X
NO	0											
ABSTAIN	1									X		
ABSENT	0											

II.D.2. Lisa Lee Caicedo RN114652 Campbell
Malloch moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item II.D.2.

Caicedo was present and available for questions.

Malloch moved, Berrigan seconded, to issue an Order of stayed revocation/probation to include the attached stipulations, with the evaluation to be completed within 45 days and return to the Board to determine the length of probation and terms. The motion carried with nine in favor and 2 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	2									X		X
ABSENT	0											

II.E. Rehearing Requests or Review of Board Decision

II.E.1. Ana Hilda Conlon CNA1000005198 Campbell

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

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

Conlon was present and addressed the Board. Board staff Debra Richards was available as an interpreter if necessary.

Campbell addressed the Board and requested the Board deny request for rehearing/reconsideration.

Malloch moved, Berrigan seconded, to deny request for rehearing/reconsideration. The motion carried with nine in favor and two opposed.

II.E.2. Heather Marie Laure-Foor RN123582 Zack
(aka: Walker)

The proceeding began at 2:36 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Busby, 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.

Laure-Foor was not present and was not represented by legal counsel. Laure-Foor's employee administrator, Sydney Yount, was present and prepared to address the Board.

Zack objected to documents submitted to the Board by Yount, who is not a licensed attorney and who presented a document containing legal argument and citations, and requested the Board deny request for rehearing/reconsideration.

Solicitor General Munns stated that advocating on behalf of another person in a legal proceeding constitutes a practice of law and therefore advised that Yount may not speak for the respondent.

Perry moved, Berrigan seconded, and it was unanimously carried to table Agenda Item II.E.2.

The meeting recessed at 2:41 p.m. and reconvened at 2:58 p.m.

II.E. Rehearing Requests or Review of Board Decision

II.E.2. Heather Marie Laure-Foor RN123582 Zack
(aka: Walker)

Malloch moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item II.E.2.

The following Board members were present: Scott, Malloch, Johnson, Berrigan, Busby, 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.

Laure-Foor was present telephonically and addressed the Board requesting that the Board reconsider her case.

Zack addressed the Board and reiterated the recommendation to deny request for rehearing/review.

Malloch moved, Berrigan seconded, to deny request for rehearing/review. The motion carried with ten in favor and one opposed.

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

II.F.3. Karen Rabbett RN045142 Zack/Richards

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 6 months probation.

Rabbett was represented by attorney Ashley Adams, who was present and addressed the Board, also requesting that the Board accept the signed Consent Agreement. Rabbett and her niece, Gina Swan were present and available for questions.

Busby moved, Snider seconded, to dismiss the case. After discussion the motion failed with six opposed and five in favor.

Busby moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for a positive urine drug screen for an illegal substance on or about March 17, 2006.

II.F.2. Gregg Alan Tidrick RN065483 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 requested the Board adopt the State's recommended discipline for a Civil Penalty or a non-disciplinary Letter of Concern.

Attorney Teresa Sanzio was present and addressed the Board and requested the Board issue a Letter of Concern. Tidrick was present and available for questions.

Malloch moved, Scott seconded to rescind prior Board decision for probation and instead offer a Consent Agreement for a Decree of Censure based upon the findings of fact and statute/rule violations identified in the investigative report. If not signed within 30 days, proceed to hearing.

After discussion Malloch withdrew the motion.

Busby moved, Perry seconded to issue a Letter of Concern for the 2007 DUI. The motion carried with nine in favor and two opposed.

II.F.1. Elaine Curtis Navarrette CNA Applicant Campbell

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

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

Campbell addressed the Board and requested the Board allow Navarrette to withdraw her application.

Busby moved, Perry seconded, and it was unanimously carried to allow Navarrette to withdraw her application for certification. If Navarrette re-applies in the future the application would initiate investigation.

Busby left the meeting at 3:35 p.m.

II.F.4. Kimberly Klein RN103355 Richards

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

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

Richards addressed the Board and requested the Board accept the revised Consent Agreement with terms and stipulations as set forth therein.

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative reports and on the information presented herein, to rescind the prior Board decision to offer a Consent Agreement for 12 months probation with terms, and instead accept a signed Consent Agreement for 12 months probation with terms set forth in the attached stipulation sheet and described herein, in settlement of complaint No. 0604063.

	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. Biormayhoor G. Jo CNA100005200 Mamaluy/Richards

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

Mamaluy addressed the Board and requested the Board dismiss the case.

Attorney Ed Gaines was present telephonically and addressed the Board.

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

II.F.6. Christian Lease LP020022 Mamaluy/Richards
The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Emma Mamaluy, Assistant Attorney General, represented the State.

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

Richards addressed the Board and requested the Board requesting the Board issue an updated Notice of Charges based on the new investigative information obtained and presented herein.

Malloch moved, Perry seconded, and it was unanimously carried to issue an updated/revised Notice of Charges based upon the new investigative information presented herein.

VI. RN/LPN/CNA Investigative Reports
VI.Q. 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
VI.Q.1. Wilhelmina Marie Bartlett RN145576 Nelson
(aka: Leslie Marie Bishop; Debbie Fitch; Terri Haden; Theresa Vermilyin; Debbie Stewart; Lori Stockman; Owen)

The proceeding began at 3:48 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Link, Quinn, Snider, Dalton, Perry, and Gutierrez.

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

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

Mamaluy, Assistant Attorney General, provided legal advice.

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.

Perry moved, Malloch 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).

Perry moved, Berrigan 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 license No. RN145576 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	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

It was therefore ordered that the license/certificate of Wilhelmina Bartlett be suspended effective with the service of the written Order, and that Bartlett 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.

VI.Q.2. Michelle Lynn Wedemeyer RN089083 Nelson

The proceeding began at 3:58 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Link, Quinn, Snider, Dalton, Perry and Gutierrez.

Nelson confirmed receipt of additional information and addressed the Board with a brief summary of the case.

Wedemeyer, Sandra Johnson, Nathen McDonald and Lois Copeland were present and addressed the Board.

After discussion Malloch moved, Link seconded, and it was unanimously carried to table Agenda Item VI.Q.2. for the purpose of obtaining a signed release from Wedemeyer for Board staff to speak with Wedemeyer’s evaluator and primary care physician (PCP), allow Wedemeyer to complete her previously scheduled appointment with her PCP, and return later in this Board meeting.

VI.Q.3. Ashley Zerbel RN158213 Hill

The proceeding began at 4:33 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Link, Quinn, Snider, Dalton, Perry and Gutierrez.

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

Hill 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.

Johnson moved, Link 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).

Johnson 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 license No. RN158213 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	10	X	X	X	X	X	X	X	X	X	X	
NO	0											
ABSTAIN	0											
ABSENT	1											X

It was therefore ordered that the license of Ashley Zerbel be suspended effective with the service of the written Order, and that Zerbel 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.

The meeting recessed at 4:38 p.m. and reconvened at 4:47 p.m.

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. Maricopa Skills Center Program Approval

Link moved, Johnson seconded, and it was unanimously carried, that the program shall file a report in 6 months that provides evidence that all potential deficiencies identified in this report are remedied. Following receipt of the report, Board staff shall conduct a focused site visit to verify resolution of deficiencies and the matter will be returned to the Board for a decision on approval.

VII.B.3. Maricopa Skills Center Application for Program Change

Perry moved, Link seconded, and it was unanimously carried to approve the change in the length of the practical nursing program at Maricopa Skills Center.

Malloch returned to the meeting at 4:50 p.m.

VII.B.4. Grand Canyon University Application for Program Change

Link moved, Perry seconded, to approve the increase in pre-licensure enrollment at Grand Canyon University. The motion carried with nine in favor and one abstained.

VII.B.5. Brookline College Application for Program Change

Paulet Green was present and available for questions. Link moved, Johnson seconded, and it was unanimously carried to approve the change in the length of the nursing program for the purpose of admitting generic students at Brookline College BSN program.

VII.B.6. Pima Medical Institute Tucson Provisional Approval One Year Follow-up Report

Perry moved, Berrigan seconded, and it was unanimously carried to continue provisional approval of the RN program at Pima Medical Institute-Tucson.

VII.B.7. Brookline College ADN Program Official Completion of Teach-Out

Information was provided to the Board that Brookline College has completed the teach-out of its Associate Degree in Nursing program at the Phoenix campus.

VII.B.8. Measuring Competency with Simulation 4th Quarter Progress Report

The progress report for measuring competency with simulation 4th quarter was provided to the Board.

VII.B.9. Comparison of Title Protection in Statute and Rule

Link moved, Malloch seconded, and it was unanimously carried to amend the 5 year rule report to allow R4-19-510 to expire under ARS § 41-1056 (E).

VII.B.10. 2011 Eighth Annual CNA Educators Retreat Report

The 2011 Eighth Annual CNA Educators Retreat report was provided to the Board.

VII.B.11. ITT Technical Institute Follow-up on Notice of Deficiency

Nadia Speary was present and available for questions. McGinty addressed the Board with additional information. Johnson moved, Berrigan seconded, and it was unanimously carried to allow the program to admit students secondary to their plan as long as there is sufficient qualified faculty.

VII.B.12. GateWay Community College AND Program Investigative Report

Margie Schultz was present and available for questions. Link moved, Perry seconded, and it was unanimously carried to dismiss the complaint against the Gateway Community College Nursing Program.

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

Name	RN/LP/CNA Number	Termination Date
1. Jeanne Fulcher	RN037765/AP0022	03/23/2011
2. Evan E Jones	RN140947/CNA1000005084	03/23/2011
3. Celeste Wooten	CNA999950504	04/20/2011
4. Priscilla Mason	RN085502/LP027667/CNA310272673	04/24/2011
5. Jamie Lehne	RN135957	04/25/2011
6. Kathy Deal-Sharp	LP012527	05/05/2011
7. Steven Sanchez	CNA559161803	05/13/2011

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

The meeting recessed at 5:00 p.m., Wednesday, March 23, 2010.

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:00 a.m., Thursday, March 24, 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
Kathryn L. Busby, JD, 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:
Leslie Dalton, MSN, RN, 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., Thursday, March 24, 2011.

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

Scott presided.

Quinn arrived at the meeting at 8:03 a.m. and Busby arrived at the meeting at 8:04 a.m.

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

VI.E.3. Charlette Darley RN134688 (Hill)

Darley was present and available for questions. After discussion Perry moved to table Agenda Item VI.E.3. The motion failed for lack of a second. Busby moved, Perry seconded, to issue a Letter of Concern for failing to obtain a physician order for transferring the level of care and obtaining labs on patient L.G. on or about March 27, 2010, while employed with Banner Baywood Medical Center in Mesa, Arizona. After further discussion the motion carried with seven in favor and three opposed.

The Board directed staff to contact the CEO of Banner Baywood Medical Center regarding policy.

VI.E.9. Nicole Ellen Purser RN122422 (Hill)

Purser was present telephonically and available for questions. Snider moved, Gutierrez seconded, to issue a Letter of Concern for writing a physician order for 1 to 3 mg of IV Dilaudid without physician authorization for patient C.M. on April 5, 2010, while employed with Western Arizona Regional Medical Center in Bullhead City, Arizona. After discussion the motion failed with five opposed and five in favor.

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 a Decree of Censure to include violation of rules 4-19-403(19) & (31). If not signed within 30 days, issue Notice of Charges. The motion carried with six in favor and four 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	6	X	X	X		X	X	X				
NO	4				X					X	X	X
ABSTAIN	0											
ABSENT	1								X			

VI.E.13. Kim Le Phuong RN151628 (Hill)

Link recused herself to avoid the appearance of impropriety and left the meeting at 8:30 a.m. Berrigan moved, Busby seconded, and it was unanimously carried to table Agenda Item VI.E.13. to allow for Phuong to arrive at this meeting.

Link returned to the meeting at 8:31 a.m.

VI.F.6. Michael T. Mansky CNA Exam (Lester)

Lester addressed the Board with additional information. Mansky was present and available for questions. Johnson moved, Link seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for a class B misdemeanor alcohol related Reckless Driving conviction in the United States District Court on December 14, 2008.

VI.F.8. Charlotte E. Policastro RN118315 (Lester)

Snider knows Policastro but shows no bias. Busby moved, Perry seconded, and after discussion it was unanimously carried to issue a Letter of Concern for the November 17, 2008, shoplifting charge and entering into and completing a Diversion program in Scottsdale City Court, Arizona and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.F.9. Ryan K. Reed CNA Exam (Lester)

Lester addressed the Board with additional information. Reed was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 24 months stayed revocation including the attached stipulations amended to allow night shift, 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	10	X	X	X	X	X	X	X		X	X	X
NO	0											
ABSTAIN	0											
ABSENT	1								X			

VI.G.1. Nicole Rene Barr CNA Endorsement (Monas)

Berrigan 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. Cassandra Joy Bjorklund 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.3. Kathryn Estes CNA Exam (Monas)

Perry moved, Busby seconded, and it was unanimously carried to grant certification upon meeting all requirements, and issue a Letter of Concern for the June 10, 2010, misdemeanor conviction of endangerment committed on September 12, 2009 and related excessive consumption of alcohol.

VI.G.5. Toni Denise Lape CNA Exam (Monas)

Lape was present and addressed the Board. Busby moved, Malloch seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 36 months stayed revocation including the attached stipulations, 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	10	X	X	X	X	X	X	X		X	X	X
NO	0											
ABSTAIN	0											
ABSENT	1								X			

VI.G.6. Aneatra Vashawn Pervis LP Exam (Monas)

Johnson moved, Berrigan seconded, and after discussion it was unanimously carried to continue the investigation to allow Pervis the opportunity to obtain a psychological evaluation, to include an anger management evaluation, by a Board approved licensed psychologist, 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 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.G.7. Danielle Smith CNA1000014393 (Monas)

Monas noted a technical correction to the suggested Board option. Smith was present and available for questions. Busby moved, Perry seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges. After discussion the motion failed with 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			

Malloch moved, Gutierrez seconded, to continue the investigation to allow Smith the opportunity to obtain a psychological evaluation, to include a substance abuse evaluation with a Board approved licensed psychologist, 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 evaluation is not scheduled and completed within 45 days, based upon the findings of fact and statute/rule violations identified in the investigative report, 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.G.8. Terry Leo Taylor CNA Endorsement (Monas)

Busby moved, Malloch 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 and payment not received within 60 days, 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.G.9. Richard Michael Thompson CNA Exam (Monas)

Malloch moved, Perry seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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. Victoria Saldana CNA Exam (Monas)
(aka: Victoria Campos; Laticia Lopez; Leticia Lopez; Virginia Compos; Leticia Lopez; Leticia Martha Lopez; Veronica Compos; Leticia Martha Compos)

Monas addressed the Board with additional information. Malloch moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

IV.B. Felony Bar Cases

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

IV.B.1.c. Royce Hervina Parker CNA Endorsement Monas

Monas addressed the Board with additional information. Parker was present and addressed the Board. Busby moved, Johnson seconded and it was unanimously carried to allow Parker to withdraw her application for certification.

V.B. Applicants for Reissuance & Investigative Reports

V.B.4. Juliana Hutchins Kyer LP033724 Rappoport
(aka: Hutchins; Greer)

Malloch moved, Perry seconded and it was unanimously carried to reopen Agenda Item V.B.4. for the purpose of allowing Kyer to address the Board. Rappoport addressed the Board with additional information. Kyer addressed the Board with a request to amend the stipulations of the Consent Agreement. Busby moved, Perry seconded, and it was unanimously carried to reaffirm prior Board decision.

	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.H.3. Katherine Lorene Crowe RN137700 (Nelson)

Crowe was present and available for questions. 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 Boards expense for a substance abuse evaluation to be completed by a Board approved psychiatrist with expertise in substance abuse/anger management to include any additional testing deemed necessary by the evaluator to be scheduled and completed within 45 days and then return to Board. If the Interim Order is not completed based, upon the facts and 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			

Malloch left the meeting at 9:15 a.m.

VI.H.8. Stacey Lynn Prosser RN128021; LP034744; CNA093831733 (Nelson)
(aka: McAndrews)

Prosser was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for a misdemeanor driving under the influence (DUI) conviction on or about August 19, 2010, in Gilbert Municipal Court in Gilbert, Arizona.

VI.J.7. Michelle Elaine Wozniel RN150916 (Parlin)

Wozniel was present and addressed the Board.

Malloch returned to the meeting at 9:20 a.m.

Perry moved, Gutierrez seconded, to issue a Letter of Concern for the September 30, 2009, misdemeanor Extreme DUI conviction in Scottsdale, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules. The motion carried with nine in favor and one abstained.

VI.K.4. Cheryl Cerrell Baylock RN159603 (Pendergast)

Baylock was present 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 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. 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.K.5. Kristie Leigh Hobbs RN Applicant (Pendergast)

Hobbs was present and addressed the Board. Perry moved, Busby seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for driving under the influence (DUI) on November 28, 2010, in Yuma, Arizona.

VI.K.6. Angel Marie Parker RN118421 (Pendergast)

Parker 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 probation to include the attached terms. If the findings of the evaluation required by the Consent Agreement identify that Respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length of the probation will be at minimum 24 months. If not signed within 30 days, issue Notice of Charges. After discussion Malloch withdrew the motion.

Malloch moved, Busby 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 substance abuse with a Board approved PhD addictionologist, 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 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			

The meeting recessed at 9:44 a.m. and reconvened at 10:01 a.m.

VI. RN/LPN/CNA Investigative Reports

VI.M.4. Erin Lee Colwell CNA Exam (Richter)

Perry moved, Link seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the December 04, 2002 conviction for Possession of Controlled Substances, a felony offense, in the Superior Court of California, County of Orange and for the December 16, 2002, conviction for DUI, a misdemeanor in the Superior Court of California, County of Orange.

VI.M.8. Garrett Tylor Grubbs CNA Exam (Richter)

Grubbs was present and addressed the Board. Gutierrez moved, Berrigan seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the January 2006 conviction for Minor Consumption in the Seventh Judicial District Court, Idaho Falls, Idaho, and for the September 2008 conviction for misdemeanor DUI in the Chino Valley Municipal Court, Chino Valley, Arizona.

VI.M.10. Jay Joseph Hutchins LP Endorsement (Richter)

Richter addressed the Board with additional information. Hutchins was present and addressed the Board. Johnson 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 24 months 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.M.16. Sean Michael Ulrich CNA Exam (Richter)

Ulrich was present and addressed the Board. Busby moved, Gutierrez seconded, and after discussion 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	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.17. Patrick Leewayne Walker CNA Exam (Richter)

Walker was present and addressed the Board. Malloch moved, Link 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	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.13. Christine Ann Yazzie CNA1000005046 (Sage)

Yazzie was present and available for questions. Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 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.2. Charlette Bjarnson LP034280 (Schettler)

Schettler addressed the Board with additional information. Bjarnson was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to table Agenda Item VI.O.2.

Perry left the meeting at 10:40 a.m. and returned at 10:43 a.m.

VI.O.3. Casey Dumas RN131304 (Schettler)

Dumas was present and addressed the Board. Busby moved, Gutierrez seconded, and it was unanimously carried, for incident #1 to issue a Letter of Concern for discontinuing a PICC line and failing to document its removal without a physician’s order, and for incident #2 to issue a Letter of Concern for discontinuing IV fluids and an antibiotic without notifying the medical provider or obtaining a verbal order.

VI.O.7. Corinne Michelle Pineda LP041082 (Schettler)

Pineda was present and addressed the Board. Johnson moved, Link seconded, based upon the findings of fact and statute/rule violations identified in the investigative report amended to include rule violation 31, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion the motion carried with eight in favor and two 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	8	X	X	X		X	X	X			X	X
NO	2				X					X		
ABSTAIN	0											
ABSENT	1								X			

VI.O.8. Rhonda Rayline Reid RN114401; LP027082 (Schettler)

Schettler addressed the Board with additional information. Reid was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failure to document and account for the removal of 13 Oxycodone tablets in seven patient records.

VI.P.4. Edmay Buys Ray RN071925; LP022885 (Torrez)

Malloch recused herself to avoid the appearance of impropriety for Agenda Items VI.P.4. and VI.P.3., and left the meeting at 10:56 a.m. Busby moved, Snider seconded, and it was unanimously carried to dismiss the complaint.

VI.P.3. Sue Marks Arkin RN100922 (Torrez)

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

Malloch returned to the meeting at 10:59 a.m.

VI.P.8. Bernice Marie Kokfa RN034944 (Torrez)

Torrez addressed the Board with additional information. Kokfa was present and addressed the Board. Berrigan left the meeting at 11:01 a.m. and returned at 11:04 a.m.

Busby moved, Link seconded, based upon the information in the investigative report, the Board finds reasonable cause, and Orders an interim evaluation, at the Board's expense, for neuropsychological with a Board approved evaluator , to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days. If the Interim Order is not completed, based upon 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			

VI.P.1. Kristi Lynn Scott LP026313 (Torrez)

Scott was present and available for questions. Perry moved, Snider seconded, and it was unanimously carried to issue a Letter of Concern for allegedly failing to report a change in condition of patient D.B. on or about April 18, 2010, while employed at Hacienda Healthcare in Phoenix, Arizona.

VI.J.2. David Michael Race RN Endorsement (Parlin)

Race was present and addressed the Board. Link moved, Berrigan seconded, and it was unanimously carried, 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, 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.J.8. Rebecca Annette Barrientos CNA1000019471 (Parlin)

Complainant Debbie Lyles was present and addressed the Board. 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.H.12. Sonia Kulyk RN122120 (Nelson)

Nelson addressed the Board with additional information. Kulyk was present and addressed the Board. Busby 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 12 months probation including the attached stipulations amended to include permission to work block assignments. 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.F.4. Michelle Guritz CNA Exam (Lester)
(aka: Black)

Malloch moved, Link seconded, and it was unanimously carried to reopen Agenda Item VI.F.4. to allow Guritz to address the Board. Busby moved, Gutierrez seconded, to rescind prior Board decision to deny certification, and continue the investigation to allow Guritz the opportunity to voluntarily obtain a comprehensive psychological evaluation to include substance abuse and anger management with a PhD evaluator with expertise in substance abuse and anger management, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within to be completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification. 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			

Busby left the meeting at 11:32 a.m.

VI.E.13. Kim Le Phuong RN151628 (Hill)

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.E.13. Link recused herself to avoid the appearance of impropriety and left the meeting at 11:35 a.m. Hill addressed the Board and confirmed receipt of additional information. Phuong was present and addressed the Board. 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 an indefinite suspension pending the successful completion of psychiatric treatment and confirmation is received from either the treatment providers that respondent is safe to return to practice; to be followed by 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	8	X		X	X	X	X	X		X	X	
NO	0											
ABSTAIN	0											
ABSENT	3		X						X			X

Link returned to the meeting at 11:44 a.m.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Chamberlain and Gateway Community College Nursing Students regarding Board functions, policies and procedures. Questions were asked on the role of the investigator, if investigators obtain information and follow-up, how to obtain a position on the Board, length of Board appoints and the number of Board members needed to make a quorum.

VI. RN/LPN/CNA Investigative Reports

VI.P.5. Michael Janson Bass LP040451; CNA999996147 (Torrez)

Torrez addressed the Board with additional information. 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 12 months probation including the attached stipulations amended to include direct supervision. 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.P.7. Cecilia Daws Terry RN047917 (Torrez)

Torrez addressed the Board with additional information. Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for making a statement “I will pull off more fluid and make you cramp” to D.M., a dialysis patient, which was overheard by a Department of Health Surveyor on or about September 1, 2010, while working at Rim Country Dialysis Center in Payson, Arizona.

VI.P.9. Joanne Linton LP033297 (Torrez)

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.P.10. Angela Coreen McMillan RN152402 (Torrez)

Torrez 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.P.11. Melissa Gizelle Pacheco RN118541 (Torrez)

Torrez addressed the Board with additional information. Malloch moved, Johnson seconded, and it was unanimously carried to accept the signed Consent Agreement for an indefinite suspension pending the resolution of the criminal charges against Pacheco on or about February 11, 2011.

	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

The meeting recessed at 11:59 a.m. and reconvened at 1:01 p.m.

VI.C.3. Leslie Johnson RN091028; AP1352 (Dahn)

Attorney Kevin Nicholas was present and addressed the Board with a request to continue the investigation. Johnson was present telephonically and available for questions. Johnson moved, Berrigan seconded, and it was unanimously carried to continue the investigation until the completion of a pending court trial.

**VI.L.2. Elizabeth Ann Eller TRN165490 (Rappoport)
(aka: McRae)**

Attorney Glynn Gilcrease was present and addressed the Board. Eller was present 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, upon meeting all requirements and signing a Consent Agreement for 24 months probation including the attached stipulations amended to include, night shift allowed and registry allowed in block assignments only, 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	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

VI.A.7. Patricia Lynn Kline RN085471 (Bymers)

Attorney Dee Dee Holden and Kline were present and available for questions. Malloch moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.N.1. Josephine Avila CNA393836803 (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 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

VI.N.2. Hazel Alexandra Degrate CNA100007553 (Sage)

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

VI.N.3. Bruce K. Hamilton LP026828 (Sage)

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 issue a Letter of Concern for delegating a CNA to administer crushed Tylenol to a resident.

VI.N.4. Gloria Morales CNA348742733 (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 offer a Consent Agreement for a Decree of Censure and a \$50 Civil Penalty. 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	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

**VI.N.5. Stella Maloney CNA854036803 (Sage)
(aka: Curtis)**

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed suspension 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	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

VI.N.6. Felicia Petronila Padilla CNA1000014343 (Sage)

An attempt was made to contact Padilla telephonically and a message was left indicating the Board would move ahead with the case. 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.7. Jennifer Brian Pryde CNA999993140 (Sage)
(aka: DeGrazia)

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

VI.N.8. Blaine Michael Romero RN161537 (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 offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	VOTE	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

VI.N.9. Valerie A. Ramirez Robles CNA999987974 (Sage)

Link 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 \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 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	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

VI.N.10. Marie Tover CNA999950283 (Sage)

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 a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 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	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

VI.N.11. Mistdeen Marie Trotter CNA100009939 (Sage)

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.N.12. Tiffany Danielle Arenivas CNA999998422 (Sage)

Malloch moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for neglecting four residents by failing to change them all shift on February 26, 2009, and failing to report alleged resident abuse on September 2, 2010, while employed as a CNA at Villa Compana Health Care in Tucson, Arizona.

VI.N.14. Amanda Canez CNA1000016595 (Sage)
(aka: Canez Murrieta)

After discussion Malloch moved, Berrigan seconded to table Agenda Item VI.N.14.

VI.H.2. Susan Marie Clement LP040250 (Nelson)

Clement was present telephonically and available for questions. Link moved, Malloch 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 substance abuse evaluation with a Board approved psychiatrist with expertise in substance abuse/boundary violations, 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	Berrigan Member	Link Member	Quinn Member	Snider Member	Johnson Secretary	Scott President	Malloch V. Pres.	Dalton Member	Perry Member	Gutierrez Member	Busby Member
YES	8	X	X	X	X	X	X			X	X	
NO	0											
ABSTAIN	0											
ABSENT	3							X	X			X

Busby returned to the meeting at 1:29 p.m.

VI.H.4. Lisa A. Friedman RN095695 (Nelson)

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

**VI.H.6. Deborah Ann Lopez LP046590 (Nelson)
(aka: Harney)**

Nelson addressed the Board with additional information. 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 offer a Consent Agreement for 36 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	9	X	X	X	X	X	X	X			X	X
NO	0											
ABSTAIN	0											
ABSENT	2								X	X		

VI.H.7. Linda Ward Overton RN078408; LP022615 (Nelson)

Overton was present and available for questions. Busby moved, Link seconded to issue a Letter of Concern for failing to accurately account for medications given to your assigned patients in or about February and March 2010 while working at MIHS in Phoenix, Arizona. After discussion the motion carried with eight in favor and one opposed.

**VI.H.9. Terri Lee Snyder RN089508 (Nelson)
(aka: Richerson)**

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

VI.H.11. Eric David Clark RN151872 (Nelson)

Nelson addressed the Board and confirmed receipt of additional information. Busby 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 including the attached stipulations amended to include UDS two times per month for the first six months and one time per month for months 7-12, on site supervision, quarterly reports, no access to drugs the first six months of probation. . 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.J.1. Christopher Brandon Bias RN148470 (Parlin)

Malloch moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for the January 7, 2008, misdemeanor conviction for Solicitation for Prostitution in Kanawha County, West Virginia, and for discipline received on nursing license in the States of Kansas and Ohio.

VI.J.3. Dustin Watson CNA100008087 (Parlin)

Johnson moved, Malloch seconded to continue the investigation to allow respondent the opportunity to obtain a substance abuse evaluation with a Board approved PhD evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. After discussion the motion carried with eight 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	8	X	X	X	X	X	X	X			X	
NO	1											X
ABSTAIN	0											
ABSENT	2								X	X		

VI.J.4. Hatim Hasan Bilal CNA Exam (Parlin)

Gutierrez 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	9	X	X	X	X	X	X	X			X	X
NO	0											
ABSTAIN	0											
ABSENT	2								X	X		

VI.J.5. Joseph Q. Quintero CNA065737803 (Parlin)

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

VI.J.6. Michele L. Miller CNA055241609 (Parlin)

Busby 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.9. Rosalva Reid CNA109846961 (Parlin)

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

VI.J.10. Wayne Allan Cocking RN140941 (Parlin)

Link moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for the February 9, 2010, extreme DUI conviction in Chandler, Arizona.

VI.K.2. Beatrice Akua Ayrakwa LP041447 (Pendergast)

Busby moved, Johnson seconded, and it was unanimously carried to continue the investigation to allow a complete investigation of the recent complaint filed on February 9, 2011.

VI.K.3. Sadie Raye Pullen RN044023 (Pendergast)

Pullen was present telephonically and addressed the Board. Busby moved, Malloch seconded to issue a Letter of Concern for on or about July 27, 2010, while employed as director of nursing at Desert Haven Care Center, instructing an LPN to alter the medical record by removing patient J.D.'s possible suicide statement.

VI.K.7. Cynthia L. Perry LP035799 (Pendergast)

Perry was present telephonically and addressed the Board. Busby moved, Malloch seconded, and it was unanimously carried to issue a Letter of Concern for failure to safeguard a medication card of Lyrica, on or about July 10, 2010 and for failure to safeguard the keys to the controlled substance medication cart on or about August 7-8, 2010, while working at Apache Junction Health in Apache Junction, Arizona.

VI.K.8. Kristi Leanne Reinoehl RN147658 (Pendergast)

Reinoehl was present telephonically and available for questions. Malloch moved, Link seconded, and it was unanimously carried to continue the investigation to allow Respondent the opportunity to obtain the evaluation pursuant to the Interim Order.

**VI.M.1. Carnita Joy Baumgartner CNA Exam (Richter)
(aka: Carnita “Nita” Joy Woodward; Talley)**

Baumgartner was present telephonically and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the July 2005 conviction for Possession of Drug Paraphernalia, a Class I Misdemeanor, the January 2007 conviction for DUI and Drive on Suspended License, and for the December 29, 2007 conviction for Possession of Drug Paraphernalia, a Class I Misdemeanor in Yavapai County Superior Court.

VI.M.2. Severiano Alessandro Carrillo CNA Exam (Richter)

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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.3. Deborah Mary Cochran RN Endorsement (Richter)
(aka: Dernowski)**

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 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		

Perry returned to the meeting at 2:07 p.m,

**VI.M.5. Shalonda Raechell Duval CNA Endorsement (Richter)
(aka: Riggs)**

Link moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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			

VI.M.6. Nicole Odillia Galindo CNA Exam (Richter)

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 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. Lorena Marie Gloria CNA 1000012218 (Richter)

Busby moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for the December 2008 conviction for DUI, a misdemeanor offense in Tempe Municipal Court and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.M.9. Angel Latoya Hursey CNA Exam (Richter)

Busby moved, Malloch seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation including the attached stipulations, 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	10	X	X	X	X	X	X	X		X	X	X
NO	0											
ABSTAIN	0											
ABSENT	1								X			

VI.M.11. Jason Kenneth Pantazides CNA Exam (Richter)

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

	VOTE	<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. Lecarson Christian Pringle CNA Exam (Richter)

Richter 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 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.13. Beverly Joan Smith RN094754 (Richter)

Smith was present telephonically and addressed the Board. Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 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.14. Diane Christine Stewart CNA Exam (Richter)

Busby moved, Malloch seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the January 1990 conviction in Franklin County (Ohio) Court for Drug Abuse, a felony offense; for the September 1998 conviction in the Court of Common Pleas, Franklin County, for Attempted Possession of Cocaine, a misdemeanor, and for the October 2000 conviction in the Franklin County Municipal Court with Aggravated Theft, a felony offense.

VI.M.15. Kristee Lynne Twichell CNA Exam (Richter)

Johnson moved, Berrigan seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the April 2009 conviction for DUI, a misdemeanor, in Phoenix Municipal Court.

VI.O.2. Charlette Bjarnson LP034280 (Schettler)

Busby moved, Malloch seconded, and it was unanimously carried to reopen Agenda Item VI.O.2. Schettler addressed the Board and confirmed receipt of additional information.

Malloch left the meeting at 2:20 p.m.

Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months 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.O.1. Richard Biggs RN104062 (Schettler)

Perry moved, Link 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 substance abuse evaluation to be completed by a Board approved addictionologist to include hair testing and any additional testing deemed necessary by the evaluator, to be scheduled 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			

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

VI.O.4. Jasmine Elyse Gorsuch LP045725; CNA1000011542 (Schettler)

Perry moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for pre-charting medications on or about February 14, 2010, during the evening shift, for four residents, while working at the Apache Junction Health Center, in Apache Junction, Arizona.

VI.Q. 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

VI.Q.2. Michelle Lynn Wedemeyer RN089083 Nelson

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.Q.2.

Nelson addressed the Board and confirmed receipt of additional information. Wedemeyer was present and available for questions. Malloch moved, Perry seconded, to go into Executive Session on Agenda Item VI.Q.2. After discussion Malloch withdrew the motion. Busby 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 12 months stayed suspension/probation followed by 24 months probation including 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	10	X	X	X	X	X	X	X		X	X	X
NO	0											
ABSTAIN	0											
ABSENT	1								X			

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

VII.A. Executive Directors Report – Ridenour

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

VII.A.1.a. January 26 & 27, 2011 Regular Board Meeting Minutes; Amend Error in Minutes of November 18, 2008

Malloch moved, Perry seconded, and it was unanimously carried to approve minutes of January 26 & 27, 2011 regular Board meeting; and amend error in minutes of November 18, 2008.

VII.A.1.b. January 26 & 27, 2011 Executive Session Minutes

VII.A.1.c. January 27, 2011 Special Board Meeting

VII.A.1.d. February 18, 2011 Special Board Meeting

Busby moved, Perry seconded, and it was unanimously carried to approve minutes of January 26 & 27, 2011 Executive Session; January 27, 2011 special Board meeting; and February 18, 2011 special Board meeting.

VII.A.3. Certified Nursing Assistant & Certified Medication Technician Testing award of Contract; WEB-E Test Data Entry – Bontrager/Randolph/VanCuyk

Information was provided to the Board regarding the Certified Nursing Assistant & Certified Medication Technician testing award of contract.

VII.A.4. Policy Review: Violence in the Workplace – Ridenour/Bontrager

Busby moved, Perry seconded, and it was unanimously carried to approve policy for Violence in the Workplace.

VII.A.5. Update on Auditor General Sunset Report & Date for Special Board Meeting to Review Final Draft of Audit Findings & Recommendations & Response – Ridenour

Ridenour reported that the information received at this point regarding the Auditor General Sunset Report is confidential and dates for release to the Board and general public were still undecided. She indicated a need for a special Board meeting in the next few weeks for review of the report.

VII.A.6. Update on Strategic Initiatives 2011-2013 - Ridenour

Ridenour gave a brief overview of the update on Strategic Initiatives 2011-2013. She noted that cycle times from case opening to Board presentation were 7.3 months for investigative cases and 5.4 months for the Hearing Department.

VII.A.7. Arizona State Board of Nursing 90th Anniversary June 2011: Suggestions for Celebrating Milestone – Ridenour/Scott/All

Discussions regarding the AzBN 90th Anniversary included dedicating an issue of the Journal to 90 years and holding an open house at the end of the May 2011 Board meeting.

VII.A.8. Recommended Nurse Executive for AzBN Nursing Regulation Internship to Start July 2011: Kim Post, Vice President of Operations, Scottsdale Healthcare, Shea Campus – Ridenour

Perry moved, Malloch seconded, and it was unanimously carried to approve Kim Post as nurse executive for AzBN nursing regulation internship to start July 2011.

VI.N.14. Amanda Canez CNA1000016595 (Sage) (aka: Canez Murrieta)

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.N.14. Smith addressed the Board with 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 and provided as an update, 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			

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

VII.C. President’s Report – Scott

VII.C.1. 2011 NCSBN Mid Year Report – Scott/Malloch/Ridenour; NCSBN Area I Director Report – Malloch

VII.C.2. Creating a Just Culture of Safety & Accountability - Scott

VII.C.2.a. NCSBN 2011 MidYear – Just Culture Agenda

VII.C.2.b. Ohio Patient Safety Initiative – NCSBN 2011 MidYear Just Culture

VII.C.2.c. Presentation – A Just Culture Approach – NCSBN 2011 MidYear Just Culture

Scott, Malloch and Ridenour offered a report on the 2011 NCSBN Mid Year Meeting recently attended and the focus on Just Culture implementation in consumer protection.

Suggestions were made to develop guidelines with a nationally standardized framework, to approach it from a regulatory perspective with key principles to guide the Just Culture movement between regulation and practice.

Scott stated that she and Ridenour will be meeting with Arizona Nurses Association (AzNA) and Arizona Organization of Nurse Executives (AzONE) on a regular basis in effort for nursing to be cohesive on issues.

VII.A. Executive Directors Report – Ridenour

VII.A.2. Update on 2011 Legislative Session/Bills Impacting Nursing Regulation – Greg Harris

Greg Harris, Board legislative liaison, reported that the budget is scheduled to be completed next week and the legislature would finalize voting on various Bills.

Harris summarized the Nursing Board Report which included a breakdown of Bills in four different categories: bills that impact the nursing board directly, issues that impact the healthcare in general, bills that affect administrative agencies, and Bills of interest to the Board.

Harris stated that SB1169 ties into the Sunset Review process. The Board should anticipate the issues that were involved in the discussion of that Bill to factor in how the Board wants to prepare for next year when the continuation Bill goes through the legislature. Harris noted themes that the Board may want to focus on: what agencies are currently doing, why we are doing things we are doing, and are systems in place that make sense for the long term. One bill, if it passes, relates to the sunset review process. It poses questions about whether agencies are fulfilling their mission in a deeper way than the current

process. The Sunset Review is a continuous improvement process and gives feedback on agency performance, based on twelve questions in the statutes.

Harris noted that the legislature has heard discontent from the regulated public regarding the effect of sweeps and concerns about why licensees are paying funds that aren't being used to fund the operations of the agency but going to fund the operations of the state.

Harris introduced Representative Matt Heinz, and stated the Board will benefit from legislation Representative Heinz sponsored this year. HB2520 has cleared Senate committee. This will provide clarification to the way that Boards and Commissions are to report information to the public about dismissals and other non-disciplinary action. Harris noted that the clarification allows the Board to ease the burden on staff about putting minutes and agendas on the website without running the risk of being seen to violate the statutes that were enacted previously, prohibiting the posting of dismissal information on the website.

Scott summarized the events regarding continuing competency (CC) and continuing education (CE) and Bills going through the legislative process presently. Scott asked Representative Heinz to voice his concerns and invited him to attend the upcoming CC committee meeting to continue the dialogue.

Representative Heinz gave the background history of the Bill and reasons for its submission. The result was a version of this Bill, which came about in the last legislative session, which made it through the House and into the Senate but didn't go further. Since that time, changes were made and Heinz attached the Bill content from HB 2091 onto Senator Nelsons's Bill, SB1583.

Heinz summarized changes from the most recent stakeholders meeting:

- Codification of the 960 hour practice experience into statute
- Focusing CC or CE requirement to the sub specialty of the nurse who's practicing
- Instead of an arbitrary 15 hours per year, require 60 hours for renewal OR
- Recognize certification through the national certification process.

Representative Heinz noted the nurse executives made a good point that not every nurse would have an advanced certificate so it might be helpful to leave the 60 hours per four years as the other option if a person didn't have an additional certification, which is the way it's currently drafted.

Scott stated it started out with CE's and added the 960 hours worked within a 4 year period of time, believing that was an important part of competence. Then we merged those two together and added certification in an area of specialty, plus 60 CE's every 4 years. She said we would be asking people to answer and if there was a concern we could audit that. She further stated the CC committee was looking at what the definition of competence was. When the literature regarding CE's was reviewed it indicated a person can attend a class, and gain more knowledge but it's not well correlated to competence. She said the sub committee reviewed certifications which require time in the practice setting in their area of expertise. The committee has been supportive of that as one way to demonstrate competence in the future.

The Board felt more feedback is needed from the CC committee and that nurses need to be in practice and under supervision on an ongoing basis. They asked if we should be legislating CC or if it is a professional responsibility, and if a process thru AzNA or a Board advisory opinion should be considered rather than legislation. Malloch noted that for competence we need knowledge, practice, and evaluation of the outcomes.

A question was posed to Representative Heinz: would you be willing to change the title to Continued Competence instead of Continuing Education, to which he agreed.

Another question posed by Malloch to Representative Heinz: if the committee believes that the supervisory evaluation piece is a critical piece of this picture, would you add it? Heinz replied that would probably require another stakeholder session, which he would be happy to do.

Comments were made that AZNA has less than 10% of the nurses in the state as members and the Board regulates all nurses. Because of this, the plan was to hold town hall meeting throughout the state to get a broader understanding..

VII.C. President's Report – Scott

VII.C.3. Review of Board Meeting Calendars; Approved 2011 and 2012 Draft - All

After discussion the Board agreed there would be no change to the 2011 Board meeting calendar.

Busby moved, Link seconded, and it was unanimously carried to schedule a special Board meeting for April 12, 2011 at 10:00 a.m. for the purpose of discussion the auditor general's report and possible summary suspensions.

Berrigan moved, Malloch seconded, and it was unanimously carried to amend the Board meeting calendar dates for 2012 to change the January to the 26th and 27th, July to the 26th and 27th and November to the 15th and 16th.

Scott left the meeting at 4:11 p.m. Malloch presided.

VII.D. A.A.G. Report – Mamaluy/Zack

VII.D.1. UPDATE: Reversal of Administrative Law Judge Order Awarding a Portion of Respondent's Fee Under A.R.S. §41-1007 No. 07A-06060048-NUR – In The Matter of Professional Nurse License No. RN126513 Issued to Michael Peter Coon - Mamaluy

Information was provided to the Board regarding the reversal of Administrative Law Judge Order awarding a portion of respondent's fee.

VII.D.2. Updates, New Processes, Accomplishments – Mamaluy/All

Mamaluy stated that Hearing Department comprehensive updates would now be provided to the Board on a quarterly basis. She noted they were striving to reduce the backlog of 2008 cases and commended Richards, Barber and Driver on their efforts in reducing the backlog of cases.

VII.D.3. Update on Recusals – Pursuant to A.R.S. §38-431/03(A)(3), the Board may meet in Executive Session - Mamaluy

Mamaluy advised the Board on recusals from cases when there is a conflict of interest, and explained that Board members may give a reason for recusal for appearance of impropriety matters but it's not necessary.

VII.E. Committee Reports

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

VII.E.1.a. Draft Minutes for March 7, 2011

Draft minutes of March 7, 2011 Scope of Practice Committee meeting were provided to the Board.

VII.E.1.b. Advisory Opinion Registered Nurse First Assistant - RNFA

VII.E.1.c. Advisory Opinion Tumescant Lidocaine Injection: Role of the RN

VII.E.1.d. Advisory Opinion Deep Sedation for Mechanically Ventilated Patients

VII.E.1.e. Advisory Opinion Nitrous Oxide Administration

Busby moved, Berrigan seconded, and it was unanimously carried to approve the advisory opinions listed above.

Scott returned to the meeting at 4:19 p.m.

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

VII.E.2.a. Draft Minutes – February 18, 2011

Education Advisory Committee meeting draft minutes of February 18, 2011 were provided to the Board.

VII.E.3. Advanced Practice – Grady/Link

VII.E.3.a. Draft Minutes – February 11, 2011

Advanced Practice meeting draft minutes of February 11, 2011 were provided to the Board.

VII.E.3.b. Advanced Practice Committee Membership 2011-2013

Dahn addressed the Board with additional information. Busby moved, Malloch seconded, and it was unanimously carried approve the Advanced Practice Committee Membership 2011-2013.

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.5. Debriefing on Board Processes & Suggested Changes – All

The Board discussed the flow and process of this meeting.

Areas discussed and comments:

New members welcomed.

The morning of the first day moved a bit fast considering there were new Board members

Scott was commended on a job well done as in her new roles as President.

Representative Heinz’ reaction and possible cooperation

X. Adjournment

Malloch moved, Johnson seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 4:32 p.m., Thursday, March 24, 2011.

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