



Arizona State Board of Nursing

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ARIZONA STATE BOARD OF NURSING: MEETING OVERVIEW

Welcome to the Arizona State Board of Nursing (AzBN) meeting. One of the reasons for this meeting is for the Board of Nursing to review the complaints that have been received and investigated by staff to determine, based upon evidence and probable cause, whether there has been a violation of the Nurse Practice Act. The Board also conducts other Board business such as reviewing potential statute or rule revisions related to nursing practice and regulation, approving advisory opinions, determining compliance with nursing education program standards, and reviewing other committee reports and recommendations.

Sources of complaints related to licensees/certificate holders may include employers, coworkers or other healthcare professionals, patient or family members, law enforcement, self-reports, and/or other regulatory agencies. Sources of complaints related to applicants for licensure/certification may include responses to questions asked on the application, information related to a current or prior investigation, discipline in another state, and/or information received as a result of a criminal background check.

When a complaint or self-report is received by the Arizona Board of Nursing it is reviewed based upon Board approved criteria, to determine if a complaint investigation is warranted. The Board receives approximately 175-200 complaints per month of which approximately 160 cases are determined to meet established criteria for further investigation. Upon opening the complaint a case number and an investigator are assigned. The investigator collects objective information from a number of sources, interviews the subject of the complaint ("the respondent" or the "applicant") and other witnesses, and then compiles the findings into an investigative report.

Approximately 1 month before the Board meeting is held, the Board members begin receiving the investigative reports and other Board business that will be reviewed in the upcoming meeting. The Board Members review approximately 200-250 investigative cases per Board meeting to determine if there is probable cause that a violation of the law has occurred. The Board members read the confidential investigative reports and other documents before the meeting and are prepared to discuss the materials during the Board meeting.

If you have a pending investigation regarding your application or a complaint has been submitted against your license/certificate, you are welcomed and encouraged to hear the discussion and outcome. Please know that this is an open public meeting and **not** a hearing. You may give a verbal presentation (up to 5 minutes), to provide the Board members with information you feel is pertinent for their consideration. You may also choose to just be available to respond to their questions, or you may be present and not speak at all. If you need more clarification after the Board has voted on your case, the investigator assigned to your case will discuss the decision of the Board with you.

The Board President will identify the case/item they are discussing with the agenda item and/or the name and RN/LPN/CNA number/applicant. If you have completed a "Speaker's Slip", and wish to present your comments or answer questions, when that particular agenda item is called, you will be asked to come forward to the Speaker's table and provide your comments regarding the case.

Board members will then deliberate about the case and make a motion, stating what action, if any, should occur. The Board members may further discuss the motion once a motion is seconded. For a motion to pass, a majority of the voting Board members must vote in favor of the motion.

BOARD ACTIONS

Possible outcomes of the investigative cases reviewed by the Board:

NON-DISCIPLINARY ACTIONS

Dismiss - Evidence does not support the case has merit or there has been a violation of the Nurse Practice Act.

Letter of Concern - A letter from the Board expressing concern that a licensee, certificate holder or applicant may have engaged in questionable conduct, although the conduct does not necessarily violate the Nurse Practice Act.

DISCIPLINARY ACTIONS

Civil Penalty - A monetary fine issued by the Board, not to exceed \$1,000, given singly or in combination with any disciplinary action for a violation of the Nurse Practice Act.

Decree of Censure - This is an official discipline by the Board that the nurse's conduct violated the Nurse Practice Act but does not represent a continued risk to the patient/public.

Probation - This action allows the nurse to continue working during the period of probation subject to compliance with the terms and conditions. During the period of probation the nurse must be supervised in their practice and complete certain requirements which are intended to remediate (rehabilitate or educate) the nurse in his/her area(s) of practice. For example, a nurse with a substance abuse disorder may be required to enter and complete treatment, attend A.A. /N.A. meetings, and abstain from alcohol and other drug use along with other requirements. A nurse who lacks sufficient knowledge regarding the safe administration of medications may be required to take a pharmacology course.

Suspension - A person who has been suspended may not practice during the period of suspension. A person who has been suspended has terms and conditions which must be fulfilled during the period of suspension, before being allowed to resume practice. Examples of terms and conditions may include completing a refresher course, psychological or substance abuse treatment in addition to other requirements. A licensee that has been suspended often has a period of probation following successful completion of the terms of suspension.

Revocation - This action prohibits the nurse/certificate holder from practicing for a minimum of five years, pursuant to A.A.C. R4-19-404. When a license/certificate has been revoked, the applicant for re-issuance must provide detailed information to the Board that the reason for revocation no longer exists and that the issuance of a license/certificate would no longer threaten the public health or safety. A.A.C. R4-19-404 or R4-19-815. The individual whose license/certificate has been revoked may not practice or otherwise indicate to the public that they hold a license/certificate.

Denial - A person (applicant) who has been denied a license/certificate may not practice and is not eligible to reapply to the Board for a period of five years.

Voluntary Surrender - A Consent Agreement has been signed in which an APRN, RN, LPN, CNA has voluntarily surrendered their license or certificate.

ADMINISTRATIVE VIOLATIONS

Administrative Penalty - A penalty/fine given to a licensee or certificate holder who has worked on an expired license/certificate, or failed to notify the Board of an address change within 30 days. It is not reportable to NCSBN or other national data centers.

For discipline to be final and in effect, a person must either consent to the discipline by signing a "Consent Agreement". If the person does not want to sign the consent agreement, they will have an opportunity for a hearing. After a hearing is held at the Office of Administrative Hearings by an Administrative Law Judge, the Board Members will read the hearing transcript and determine the "Findings of Fact and Conclusions of Law", if any, that supports the board outcome and Board Order.

CALL TO THE PUBLIC

The Call to Public is scheduled at each meeting to provide licensees, certificate holders and the public access to the AzBN Board Members and Staff. The Board President allows 5 minutes for each individual to address the Board regarding concerns, issues and/or questions. Anyone wishing to speak to the Board during the Board Forum is encouraged to complete a speaker request slip.

THE COMPOSITION OF THE BOARD AND MEETING FREQUENCY

The Arizona State Board of Nursing consists of 11 members, appointed by the Governor, to typically serve a term of five years. Six members of the Board are Registered Nurses; which includes one Registered Nurse Practitioner or Clinical Specialist, two are Licensed Practical Nurses, one Nursing Assistant or a Nursing Assistant Educator and two represent the public at-large.

The Board meets for 2 days approximately every 8 weeks. Meetings begin at 8 A.M. each day.

CURRENT BOARD MEMBERS

RANDY QUINN, RN, MSN, CRNA, BOARD PRESIDENT – TERM EXPIRES JUNE 30, 2019

Mr. Quinn is currently employed at Maricopa Medical Center in Phoenix as a Certified Registered Nurse Anesthetist. He has been a nurse for 10 years, is a graduate of Northland Pioneer College, received a BSN from Northern Arizona University, and an MS in Nurse Anesthesia from Texas Christian University. His areas of expertise or clinical interests are Anesthesia, Critical Care and Telemetry. Mr. Quinn's professional memberships include the Arizona Association of Nurse Anesthetists and the American Association of Nurse Anesthetists.

CAROLYN JO MCCORMIES, RN, MS, FNP-BC, BOARD VICE-PRESIDENT – TERM EXPIRES JUNE 30, 2016

Ms. McCormies is the Nursing Director of the Nursing Program at Eastern Arizona College in Thatcher, Arizona. She also works as a Family Nurse Practitioner at Mount Graham Family Practice in Safford, Arizona. She has been a registered nurse for over 20 years, received both her BSN and MS from Arizona State University, and is a board-certified Family Practice Nurse Practitioner. Her areas of expertise or clinical interests are Nursing Education, Pediatrics and Women's Health. Ms. McCormies' professional memberships include the Arizona Nurses Association, the American Nurses Association, the NCLEX Item Review Committee with the National Council of State Boards of Nursing, and Sigma Theta Tau. She is also a Community Church Youth Leader within the LDS Church.

THERESA (TERRI) BERRIGAN, LPN, C-AL, BOARD SECRETARY – TERM EXPIRES JUNE 30, 2018

Ms. Berrigan is employed at Koelsch Senior Communities in Mesa, Arizona. She has been a licensed practical nurse since 1990, has been working in Long Term Care for 17 years, is a graduate of Syracuse Central Technical Vocational Center, New York, and has been Certified in Excellence of Care by the Alzheimer's Foundation of America. Her areas of expertise or clinical interests are Long Term Care, Alzheimer's, Assisted Living, Public Policy and Regulation. Ms. Berrigan's professional memberships include American Assisted Living Nurses Association (Arizona Chapter President) and the Arizona Health Care Association.

LESLIE DALTON, MSN, RN – TERM EXPIRES JUNE 30, 2015

Ms. Dalton is the Director of Clinical Education at Yuma Regional Medical Center in Yuma, Arizona. She has been a registered nurse for over 20 years, is a graduate of Arizona Western College, received a BSN from Northern Arizona University and received an MSN from the University of Phoenix. Her areas of expertise are Nursing Education, Nursing Excellence and Leadership. Ms. Dalton's professional memberships include the Arizona Nurses Association, the American Nurses Association, the Arizona Organization of Nurse Executives, and the American Society of Registered Nurses.

She is also a site reviewer for the Accreditation commission for Education in Nursing (ACEN) a wish granter for Make A Wish® Foundation of Arizona and involved in health screening initiatives for the LDS Church.

LORI A. GUTIERREZ, BS, RN-C, DON-CLTC, CBN - TERM EXPIRES JUNE 30, 2019

Ms. Gutierrez is a national Clinical Development Specialist for Chamberlain College of Nursing, and is also a Consultant and Clinical Educator specializing in Long Term Care with consulting group Clinical Advisors for Resources and Educational Services, LLC (C.A.R.E.S.). She has been a registered nurse for 32 years in the Phoenix area. She is a graduate of Phoenix College Nursing Program and received a BS in Business from the University of Phoenix and is working towards her MSN. Her areas of expertise or clinical interests are Long Term Care: Education, Consulting, Training, Quality Improvement Processes, Federal and State Regulations, Survey Preparation. She is also interested in Pathways to Excellence, Education, ANCC Certification Courses for LTC Nurses, Competencies, Training. Ms. Gutierrez's professional memberships include the American Association for Long Term Care Nursing, the Arizona Nurses Association, the American Nurses Association, the Arizona Healthcare Association, Aging Services of Arizona, and the Arizona Chapter of the Assisted Living Federation.

M. SHAWN HARRELL, RN, MS – TERM EXPIRES JUNE 30, 2018

Ms. Harrell worked for John C. Lincoln Health Network in Phoenix, Arizona, for 15 years. During her tenure at JCL, she served as Director of College Nursing Programs for 8 years, working in partnership with Paradise Valley Community College and Grand Canyon University. She has also served as a Nursing Administrator for Maricopa Integrated Health Systems, and on the faculty of Arizona State University's College of Nursing. Ms. Harrell has a Health Care project management consulting business, Harrell Consultations, and is an adjunct faculty member of Grand Canyon University. She has been a registered nurse for 45 years, received her BS from Idaho State University, and her MS from Arizona State University. Her areas of expertise or clinical interests are Nursing Education and Administration. Ms. Harrell's professional memberships include the Arizona Nurses Association, the American Nurses Association, the Future of Nursing/Arizona Action Coalition, and the Arizona Action Coalition Education Task Force.

JANA MACHESKY, LPN – TERM EXPIRES JUNE 30, 2019

Ms. Machesky has been employed as a Case Manager for Post-Acute Transitions at United Health Group, Mesa, Arizona. She has been employed in case management for 12 years and her current role is coordinating care and discharge planning with skilled nursing facilities and managed care company. She is a graduate of Willow Street Vocational/Technical School in Lancaster County PA has been a licensed practical nurse since 1984.

Her past career experiences include correctional health nursing and chemical dependency; working with adults and adolescents. She has been certified as a HIV prevention counselor and level 2 chemical dependency counselor. She currently holds a professional membership in Case Management Society of America; CMSA.

DR. KIMBERLY A. POST, DNP, MBA/HCM, RN, NEA-BC – TERM EXPIRES JUNE 30, 2017

Dr. Kimberly A. Post, DNP, MBA/HCM, RN, NEA-BC, is the Vice President, Administrator and Chief Nurse Executive for Scottsdale Healthcare Thompson Peak Hospital in Scottsdale, Arizona. She started her nursing career as a nurse in a small community hospital in rural Kansas. After working in several clinical settings within acute care and the ambulatory setting, she eventually evolved to the path of Administrative leadership. Dr. Post has always been challenged in leadership roles that can foster collaboration among the entire health care team. Her current role is dedicated to creating an environment that is highly focused on clinical quality and the patient experience. She completed her Doctorate of Nursing Practice in 2012 at Case Western Reserve University, a Nurse Executive Fellowship at the Wharton School of Business at the University of Pennsylvania in 2009 and a Master of Business Administration at the University of Phoenix in 2000. Dr. Post is a member of Sigma Theta Tau, the American Nurses Association, and the American Organization of Nurse Executives.

MELINDA PRESTON, DNP, APRN, PMHNP-BC – TERM EXPIRES JUNE 30, 2019

Dr. Melinda Pheanis Preston received her Bachelor of Science in Nursing from the University of Cincinnati. Past experience includes psychiatric staff nurse, charge nurse, and head nurse. After receiving her Master of Science in Psychiatric Nursing from Arizona State University, she practiced as a Psychiatric Clinical Nurse Specialist (CNS) for 17 years in both adult and pediatric settings including development of psychiatric services. She received her Doctor of Nursing Practice from Arizona State University

Past experiences include being a psychiatric representative to The Cincinnati Child Abuse Team, co-teaching a course in Child Abuse for Social Workers. She was also the CNS for Menninger Phoenix for 5 years. Dr. Preston was the first nurse practitioner hired by Mayo Clinic, where she worked for almost 13 years in paving the way for others. Melinda served on the ASU curriculum committee to develop the Arizona post-masters certificate for nurse practitioners and obtained her certificate as an ANCC Board Certified Psychiatric Nurse Practitioner. She has also served as a voting member of two Institutional Review Boards, chaired Nursing Research Councils, Documentation Committees, and developed a Psychiatric Sitter course for St. Joseph's Hospital and Research for the Bedside Nurse course at Mayo Clinic. She has presented regionally and nationally on psychiatric issues and research and pursues her own continuing education.

Dr. Preston currently provides psychiatric consults and ongoing service at Foothills Neurology. In her practice she provides evaluation, medication management, and psychotherapy for individuals and couples as well as family therapy. Her special interests are patients with a variety of neurological disorders such as Multiple Sclerosis, migraine, and chronic pain. She treats patients with depression, anxiety, personality disorder, behavioral change in dementia and Parkinson's, delirium, psychosis, and bipolar disorders. Her research involves the co-morbidity of migraine and mood issues and use of continuing education to change clinical decision-making. She maintains an active drug research practice with NoesisPharma.

KATHRYN L. BUSBY, J.D., PUBLIC MEMBER – TERM EXPIRES JUNE 30, 2018

Ms. Busby is an attorney specializing in health care. She represents various health care providers and entities providing government relations representation and advice, and consultation on regulatory, contracting and other health care related issues. Ms. Busby obtained a Foreign Service BS from Georgetown University, Washington DC, and a Juris Doctorate from Arizona State University. Ms. Busby's professional memberships include Board membership with Touchstone Behavioral Health and membership in the State Bar of Arizona.

BOARD STAFF

The Arizona State Board of Nursing consists of approximately 55 staff positions. The Executive Director, Associate Directors and Nurse Practice Consultants are typically masters-prepared nurses or have experience consistent with the role of nurse practice consultant. Senior Investigators, while not a nurse, most commonly have experience in conducting investigations and may have prior law enforcement background. Board nurse consultants and investigators are responsible for investigating complaints, implementing Board decisions, monitoring and reporting compliance of licensees or certificate holders subject to discipline or in CANDO, facilitating AzBN committees, assisting in the drafting of legislation and rules, surveying all nursing and nursing assistant programs and educating the public and nursing community regarding the Arizona Nurse Practice Act. The AzBN staff carries out the mission and the directives of the Board.

AzBN staff who commonly participate in Board meetings includes:

Joey Ridenour, RN, MN, FAAN, Executive Director
Judy Bontrager, RN, MN, Associate Director, Operations/Licensing
Pamela Randolph, RN, MS, FRE, Associate Director Education & Evidenced Based Regulation
Valerie Smith, RN, MS, FRE, Associate Director, Complaints & Investigations
Janeen Dahn, Ph.D., FNP-C, Advanced Practice Consultant
Janet Kerrigan, RN, BSN, Nurse Practice Consultant – CANDO
Kristi Hunter, MSN, FNP-C, Nurse Practice Consultant
Michael J. Pilder, MSN, RN, CNS, APHN-BC, Nurse Practice Consultant
Ruth Kish, RN, MN, Nurse Practice Consultant
Stephanie Chambers, RN, MN, Nurse Practice Consultant
Cindy Mand, BSN, RN, Nurse Practice Consultant
Kathleen Harrington, RN Nurse Practice Consultant
Kirk Olson, Senior Investigator
Bonnie Richter, MSW, ACSW, Senior Investigator
Jennifer Ingram, Senior Investigator
Katrina Alberty, Senior Investigator
Linda Monas, Senior Investigator
Max Barker, Senior Investigator
Michelle Morton, Senior Investigator
David R Elson III, Senior Investigator
Daniel Phelan, B.S., M.ADM, Senior Investigator
Tamera Greabell, MA, BSN, RN, Nurse Practice Consultant - Monitoring
Brent Sutter, Legal Assistant – Monitoring
Trina Smith, Legal Assistant – Hearing Department

*Elizabeth (Beth) Campbell and *Sunita Krishna Assistant Attorney's General, are employees of the State Office of the Attorney General who are assigned to the Board of Nursing. Emma Mamaluy, Chief Legal Counsel, is employed by the AzBN.

** Occasionally there is a representative present from the Solicitor General section of the State Office of the Attorney General. This representative is present to give the Board independent legal advice when, Ms. Campbell and Ms. Krishna are representing the State of Arizona in a case.*