

**BOARD MEETING
ARIZONA STATE BOARD OF NURSING**

The regular meeting of the Arizona State Board of Nursing convened at 9:01 a.m. Wednesday, January 21, 2004, in the Board of Nursing Board Room, Suite 210, 1651 East Morten Avenue, Phoenix, Arizona, with Alice Gagnaire, R.N., M.H.S.A., President, presiding.

BOARD MEMBERS PRESENT:

Alice Gagnaire, R.N., M.H.S.A., President
Kathy Malloch, Ph.D., M.B.A., R.N., Vice-President
Beverly Ogden, Secretary
Trista Campbell, R.N., B.S.N., Member
Theresa Crawley, C.R.N.A., M.S.H.S.A., Member
Gregory Harris, Member
Marla Moore, R.N., B.S.N., M.A., Member
Barbara O'Connor, L.P.N., Member

LEGAL COUNSEL:

Melissa Cornelius, Assistant Attorney General
Michelle L. Wood, Assistant Attorney General
Daniel Christl, Assistant Attorney General

STAFF:

Joey Ridenour, R.N., M.N., Executive Director
Judy Bontrager, R.N., M.N., Associate Director
Valerie Smith, R.N., M.S., Associate Director
Jim Ball, Senior Investigator
Jeanne Bauer, Senior Investigator
Susan Barber, R.N., M.S.N., Nurse Practice Consultant/Hearings
Lorraine Brown, Senior Investigator
Vicky Driver, Administrative Assistant
Karen Grady, R.N., M.S., C.S., F.N.P., Nurse Practice Consultant/Advanced Practice
Vicki Johansen, Senior Investigator
Patricia Midkiff, R.N., M.N., Nurse Practice Consultant
Sydney Munger, R.N., M.S., Nurse Practice Consultant
Betty Nelson, R.N., M.S., Nursing Assistant Consultant
Stephanie Nelson, R.N., M.S.N., Nurse Practice Consultant/Monitoring
Kirk Olson, Senior Investigator
Patricia Pavlina, R.N., B.S., Senior Investigator
Pamela Randolph, R.N., M.S.N., Nursing Practice Consultant/Education
Mary E. Rappoport, R.N., M.N., Nurse Practice Consultant
Jeanine Sage, R.N., M.S.N., Nursing Assistant Consultant
Suanne Smith, R.N., M.S., Nurse Practice Consultant/CANDO
Patricia Staten, M.S.R.N., Nurse Practice Consultant
Sister Rachel Torrez, R.N., M.S., Nurse Practice Consultant
Nancy Twigg, R.N., M.S.N., Nurse Practice Consultant
Melissa Vannier, Paralegal
Barbara Ritenour, Legal Secretary

I. Call To Order

The meeting was called to order at 9:01 a.m., Wednesday, January 21, 2004.

The following Board members were present: Moore, Crawley, Malloch, Gagnaire, O'Connor, Campbell and Harris.

Gagnaire presiding.

The meeting recessed at 9:02 a.m. and reconvened at 9:09 a.m. in order for Board members to review and place additional information into their Board packet.

Ogden arrived at the meeting at 9:05 a.m.

Gagnaire welcomed members of the audience and explained the procedure for addressing the Board.

II. Discuss/Amend and/or Approve Minutes

A. Board Minutes of December 12, 2003

Malloch moved, O'Connor seconded, and it was unanimously carried to approve the minutes of December 12, 2003.

III. Board Discussion and Decision Regarding Case Disposition Criteria Approved, Letter of Concern Summary Report Approved, Lapsed Licenses, and Reinstatement Applications

III.A. Board Discussion and Decision Regarding Case Disposition Criteria Approved - (List Available in Board Office)

- III.A.1. RN/LPN Endorsement Applicants**
- III.A.2. RN/LPN Examination Applicants**
- III.A.3. RN/LPN Renewal Applicants**
- III.A.4. CNA Endorsement/Examination Applicants**
- III.A.5. CNA Renewal Applicants**
- III.A.6. AP/RN/LPN/CNA Respondents**
- III.A.7. School Nurse Certificate Applicants**
- III.A.8. Certified Registered Nurse Anesthetists Applying for Prescribing Authority**

O'Connor moved, Harris seconded, and it was unanimously carried to approve the applicants on the list to be dismissed by case disposition criteria and to grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state licensure and receipt of negative state and federal criminal history.

III.B. Board Discussion and Decision Regarding Letter of Concern Summary Report Approved (List Available in Board Office)

- III.B.1. RN/LPN Endorsement Applicants**
- III.B.2. RN/LPN Examination Applicants**
- III.B.3. RN/LPN Renewal Applicants**
- III.B.4. CNA Endorsement/Examination Applicants**
- III.B.5. CNA Renewal Applicants**
- III.B.6. AP/RN/LPN/CNA Respondents**
- III.B.7. School Nurse Certificate Applicants**

O'Connor moved, Moore seconded, and after discussion, it was unanimously carried to issue the Letters of Concern submitted and grant licensure/certification to examination and endorsement applicants on the

list pending successful completion of testing requirements, verification from original state of licensure and receipt of no additional state and federal criminal history.

III.D. Board Discussion and Decision Regarding Action on Felony Bar Cases

III.D.1. Order of Denial

III.D.1.a. Ileana Caban CNA Exam Applicant (Johansen)

III.D.1.b. Loretta Tillman CNA 941123103 (Ball)

III.D.1.c. Shelia Villalpando CNA051731103 (Ball)

Malloch moved, Moore seconded, and it was unanimously carried to adopt the Order of Denial submitted in the Board packet for Agenda Items III.D.1.a-c.

III.D.1.a-c	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell, Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

III.D.2. Notice of Charges

III.D.2.a. Mildred I. Burge CNA693942103 (Sage)

III.D.2.b. Christi Michelle Ludwig CNA999990533 (Bauer)

III.D.2.c. Amy S. Dahl CNA725615773 (Pavlina)

Malloch moved, O'Connor seconded, and it was unanimously carried to adopt the Notice of Charges submitted in the Board packet for Agenda Items III.D.2.a-c.

III.D.1.b. Loretta Tillman CNA 941123103 (Ball)

III.D.1.c. Shelia Villalpando CNA051731103 (Ball)

Malloch moved, O'Connor seconded, and it was unanimously carried to rescind prior Board motion to deny for Agenda Items III.D.1.b&c. Malloch moved, Campbell seconded, and it was unanimously carried to adopt and issue Notice of Charges for Agenda Items III.D.1.b&c.

III.E. Board Discussion and Decision Regarding Investigative Reports and Decision to Adopt Notice of Charges

III.E.1. Graciela Garcia CNA483982803 (Ball)

III.E.2. Gerald Clark CNA999992580 (Ball)

III.E.3. Verna Marie Evensen RN117815 (Munger)

III.E.4. Bonnie L. Read RN038550 (Munger)

III.E.6. Martha Lambert CNA999991526 (Sage)

III.E.7. Melanie Joan Wetterow CNA999953560 (Ball)

III.E.8. Lavon M. Oles CNA999991991 (Pavlina)

III.E.9. John D. Yarbrough RN119167 (Brown)

Malloch moved, Moore seconded, and unanimously carried to adopt the Notice of Charges submitted in the Board packet for Agenda Items III.E.1-4 and 6-9.

III.F. Board Information Regarding Imposters & Cease and Desist Orders

- 1. Alfrdia Vaughn December 4, 2003 (Johansen)**
- 2. Maribel Gonzalez December 4, 2003 (V. Smith)**
- 3. Vickie Bowen December 23, 2003 (V. Smith)**
- 4. Maria Grimaldo Pallister December 24, 2003 (V. Smith)**
- 5. Tara Lee Johnson December 23, 2003 (Torrez)**
- 6. Kaye Ellen Wartz December 23, 2003 (Torrez)**

7. Corina Tsinnijinnie

December 23, 2003 (Torrez)

8. Greg Epps

November 6, 2003 (S. Smith)

A Cease and Desist letter was mailed to the above names on the dates listed.

III.H. Board Discussion and Decision Regarding License/Certificate Reinstatements

1. William E. Regis

LP020092 (S. Nelson)

S. Nelson addressed the Board with additional information. Campbell moved, Moore seconded, and unanimously carried to deny request for reinstatement of practical nurse license.

III.E.5. Marella Kreutter Kilpatrick

LP027774 (Munger)

Kilpatrick was present and addressed the Board. Moore moved, Malloch seconded, to adopt the attached Notice of Charges, amended to include as Finding of Fact that Kilpatrick stated that there is no employment in nursing, yet she stated at this meeting that she is working in nursing approximately every other weekend, through a nursing pool. After discussion, the motion failed with seven opposed and one in favor. Harris moved, Ogden seconded, and it was unanimously carried to adopt the attached Notice of Charges.

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

VIII.A. Executive Director's Report

VIII.A.1. Endorsement Applicant Request for RN Licensure: Roza Zilberttein – Bontrager

O'Connor moved, Ogden seconded, and after discussion, it was unanimously carried to grant licensure.

VIII.A.2. Proposed Policy Revision: Educational Equivalents for Certification of Nursing Assistants by Examination – Bontrager

Campbell moved, Ogden seconded, and it was unanimously carried to approve proposed changes in the policy for certification of nursing assistant applicants.

VIII.A.3. Attorney General Opinion No. 103-009 Regarding Arizona Board of Nursing Jurisdiction Over Licensees who Practice Exclusively on Federal Enclaves – Ridenour/Cornelius

Cornelius gave a summary of information provided to the Board on the Attorney General opinion regarding Arizona Board of Nursing Jurisdiction over licensees who practice exclusively on Federal enclaves. The Board requested that Harris and Board staff continue to work on this matter at both State and National levels.

VIII.A.4. Update on House Bill 2361 (ARS § 32-3208) Crime Reporting Bill – Ridenour/Cornelius

Cornelius gave an update on House Bill 2361 Crime Reporting Bill. Ogden moved, Campbell seconded, and after discussion, it was unanimously carried for V. Smith to appropriately modify the list provided, and bring it back to the Board.

Moore left the meeting at 10:24 a.m. and returned at 10:28 a.m.

VIII.A.8. Update/Draft House Bill 2200 on Proposed Legislation 2004: Nurse Practitioners Signing Death Certificates; Feeding Assistants: Medication Aides (HB2256) & Other Legislation Impacting Nursing Regulation – Harris/Ridenour

Ridenour gave an update on House Bill 2200 regarding nurse practitioners signing death certificates. Denise Link, Ken Wysocki and Jean Feeley were present and available for questions regarding nurse practitioners signing death certificates. Ridenour gave an update on House Bill 2256 regarding medication aides. Harris reported on House Bill 2146 regarding felony reclassification.

The meeting recessed at 10:43 a.m. and reconvened at 10:56 a.m.

VIII.A.5. Auditor General’s Audit Report of ASBN – Procedural Review Letter – Serra/Bontrager/Ridenour

VIII.A.10. Update on 2004/2005 Proposed Budget & GAO Determined Technical Errors in Current Certified Nursing Assistant Budget – Serra/Ridenour

Serra gave an update on the Auditor General’s audit report of ASBN, not yet recieved, and the 2004/2005 proposed budget & GAO determined technical errors in current certified nursing assistant budget.

VIII.A.11. Update on New Phone System Installation/Channel 15 Investigative Report of ASBN/Investigative & Complaint Data/Personnel Changes – Smith/Bontrager/Ridenour

Ridenour reported that Channel 15 plans to attend and film a portion of the Board meeting, in preparation for their investigative report of ASBN.

The meeting recessed at 11:08 a.m. and reconvened at 12:07 p.m.

VII.A. Board Discussion and Decision Regarding Administrative Law Judge Recommendations

VII.A.1. Tomureil S. Neighbors CNA Applicant Cornelius

Cornelius stated that Neighbors plans to attend this meeting. Campbell moved, Harris seconded, and it was unanimously carried to table Agenda Item VII.A.1.

VII.A.2. Alfrdia L. Vaughn CNA Applicant Cornelius

The proceeding began at 12:08 pm. with the following Board members present: Moore, Crawley, Malloch, Gagnaire, Ogden, O’Connor, Campbell and Harris. 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 Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Melissa Cornelius, Assistant Attorney General, represented the State.

Vaughn was present and addressed the Board.

Cornelius addressed the Board.

Moore moved, Campbell seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1-7, and Conclusions of Law the alleged violations in Paragraphs 1-5.

Moore moved, Campbell seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to dismiss the applicant’s appeal and that prior denial of Vaughn’s application for nursing assistant certification be upheld and affirmed.

VII.A.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O’Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.A.3. Anastasia Lynn Fox CNA Applicant Christl

The proceeding began at 12:14 p.m. with the following Board members present: Moore, Crawley, Malloch, Gagnaire, Ogden, O'Connor, Campbell and Harris. Considering that Fox did not appear at the Administrative Law Judge hearing, there was no transcript provided to the Board.

The Board was represented by Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Daniel Christl, Assistant Attorney General, represented the State.

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

Christl addressed the Board.

Malloch moved, O'Connor seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1-6, and Conclusions of Law the alleged violations in Paragraphs 1 - 5.

Malloch moved, Moore seconded, and it was unanimously carried to accept the Administrative Law Judge's recommended Order to dismiss the applicant's appeal and that prior denial of Fox's application for nursing assistant certification be upheld and affirmed.

VII.A.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.A.1. Tomureil S. Neighbors CNA Applicant Cornelius

O'Connor moved, Campbell seconded, and it was unanimously carried to reopen Agenda item VII.A.1. The proceeding began at 12:18 p.m. with the following Board members present: Moore, Crawley, Malloch, Gagnaire, Ogden, O'Connor, Campbell and Harris. 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 Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Melissa Cornelius, Assistant Attorney General, represented the State.

Neighbors was present and available for questions.

Cornelius addressed the Board.

Moore moved, Ogden seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1-22 and Conclusions of Law the alleged violations in Paragraphs 1 -6.

Moore moved, Ogden seconded, and it was unanimously carried to dismiss the applicant's appeal and that prior denial of Neighbor's application for nursing assistant certification be upheld and affirmed.

VII.A.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.H. Board Discussion and Decision Regarding Hearing Department Investigative Reports

VII.H.1. Charlene Elizabeth Sowles CNA999997010 Barber/Wood

The proceeding began at 12:35 p.m. with the following Board members present: Moore, Crawley, Malloch, Gagnaire, Ogden, O'Connor, Campbell and Harris.

Wood and Barber addressed the Board.

Based on information presented at this Board meeting, Board members acknowledged that they believe that a showing of extraordinary circumstances or the possibility of irreparable harm has been made, supporting the need for a Summary Suspension.

Campbell moved, Moore seconded, to accept as Findings of Fact the allegations contained in Paragraphs 1-10 and Conclusions of Law the alleged violations in Paragraph 1. After discussion, Campbell amended the motion to include technical corrections as follows: page 2, paragraph 1, line 6 – change “certifications” to “certificate”; page 2, paragraph 3, line 12 – change date from August 26, 2003 to September 23, 2003. Moore concurred. The motion carried unanimously.

The Board members agreed that the forgoing conduct poses an immediate threat to the public health, safety or welfare and requires emergency action pursuant to ARS § 41-1092.05(E).

Moore moved, O'Connor seconded, and it was unanimously carried to Summarily Suspend the nursing assistant certificate No. CNA999997010 issued to Charlene E. Sowles.

It was therefore ordered that the certificate of Charlene E. Sowles be Suspended effective with the service of the written Order, and that Sowles will immediately cease practice as a certified nursing assistant. This Suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to ARS § 32-1664.

VII.H.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

The Board directed staff to bring the matter regarding Agenda Item VII.H.1. back to the Board as soon as possible.

VII.B. Board Discussion and Decision Regarding Motions to Deem Allegations Admitted For Licensee/Certificate Holder’s Failure to Respond to Complaint and Notice of Hearing & Recommended Discipline

VII.B.1. Julie Yvonne Moore RN063823 Wood

Gagnaire recused herself to avoid the appearance of impropriety.

Malloch presiding.

The Board was represented by Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Michelle Wood, Assistant Attorney General, represented the State.

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

Harris moved, O'Connor seconded, to grant the State's Motion to Deem Allegations Admitted. The motion carried with seven in favor and one abstained.

O'Connor moved, Moore seconded, to accept the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact paragraphs 1-11 and Conclusions of Law paragraphs 1- 3. The motion carried with seven in favor and one abstained.

Wood addressed the Board.

O'Connor moved, Ogden seconded, to revoke professional nurse license No. RN063823 issued to Moore. The motion carried with seven in favor and one abstained.

VII.B.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X		X	X	X	X
NO	0								
ABSTAIN	1				X				
ABSENT	0								

Gagnaire presiding.

VII.C. Board Discussion and Decision Regarding State's Motion to Deem Allegations Admitted For Licensee/Certificate Holder's Failure to Respond to Notice of Charges and Recommended Discipline

AGENA	Respondent Name	Lic/Cert No.	Board Resolution	LegalStaff
VII.C.1.	Rebecca Louise Davies	RN046456	Revocation	Wood
VII.C.2.	Randy Sheldon Gravelle	TLP037872	Revocation	Wood
VII.C.3.	Shaneta C. Moppin	CNA999994294	Revocation	Wood
VII.C.4.	Estella C. Munoz	CNA999992836	Revocation	Wood
VII.C.5.	Michael Eugene Comstock	LP024845	Revocation	Christl
VII.C.6.	Steve Dunham	CNA537965483	Revocation	Christl
VII.C.7.	Kathryn L. French	CNA028489133	Revocation	Christl
VII.C.8.	Salomon Gutierrez	CNA999993586	Revocation	Christl
VII.C.9.	Socorro T. Tautimez	CNA373537803	Revocation	Christl
VII.C.11.	Thomas S. Cole-Hickman	CNA999949109	Revocation	Cornelius
VII.C.12.	Vanessa Laura Cross	RN116237	Revocation	Cornelius
VII.C.14.	Jennifer Gabaldon	CNA966088803	Revocation	Cornelius
VII.C.15.	Ethel F. Garcia	CNA999950509	Revocation	Cornelius
VII.C.16.	Christa D. Gilchrist	CNA999950657	Revocation	Cornelius
VII.C.17.	Cynthia Faye Leddy	CNA999952005	Revocation	Cornelius
VII.C.18.	Lillian A. Pomonis	RN096616; LP030344	Revocation	Cornelius
VII.C.19.	Jeremiah S. Stoneberg	CNA999948310	Revocation	Cornelius
VII.C.21.	Ava L. Watson	CNA349162803	Revocation	Cornelius
VII.C.22.	Violet T. Galindo	CNA999988059	Revocation	Christl
VII.C.23.	Yolanda Quiroz	CNA879467103	Revocation	Christl

The Board was represented by Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Melissa Cornelius, Daniel Christl and Michelle Wood, Assistant Attorney General's, represented the State.

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

Harris moved, Moore seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations Admitted for Agenda Items VII.C. 1-9, 11, 12, 14-19 and 21-23.

Harris moved, Campbell 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 for Agenda Items VII.C. 1-9, 11, 12, 14-19 and 21-23.

O'Connor moved, Ogden seconded, and it was unanimously carried to accept the State's recommended discipline for revocation for Agenda Items VII.C. 1-9, 11, 12, 14-19 and 21-23.

VII.C.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.C.10. Deserea Angelene Thompson CNA999993938 Christl

An attempt was made to contact Thompson telephonically. Harris moved, Campbell seconded, and it was unanimously carried to table Agenda Item VII.C.10.

VII.C.13. Cornelio M. Esguarra CNA999953540 Cornelius

Harris and Malloch recused themselves to avoid the appearance of impropriety.

Malloch left the meeting at 12:54 p.m. and returned at 12:55 p.m.

The Board was represented by Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Melissa Cornelius, Assistant Attorney General, represented the State.

Cornelius addressed the Board.

O'Connor moved, Campbell seconded, to grant the State's Motion to Deem Allegations Admitted. The motion carried with six in favor and two abstained.

O'Connor moved, Ogden seconded, to accept the Factual Allegations as Findings of Fact paragraphs 1-11 and Alleged Violations as Conclusions of Law paragraph 1 from the Notice of Charges. The motion carried with six in favor and two abstained.

O'Connor moved, Ogden seconded, to revoke nursing assistant certificate No. CNA999953540 issued to Esguarra. The motion carried with six in favor and two abstained.

VII.C.13.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6	X	X		X	X	X	X	
NO	0								
ABSTAIN	2			X					X
ABSENT	0								

VII.C.20. Katherine Garrison Tucker RN054665 Cornelius

The Board was represented by Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Melissa Cornelius, Assistant Attorney General, represented the State.

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

Cornelius addressed the Board.

Malloch moved, Ogden seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact paragraphs 1-31 and Alleged Violations as Conclusions of Law paragraph 1 from the Notice of Charges.

Malloch moved, Campbell seconded, and it was unanimously carried to impose an Indefinite Suspension followed by a 24 month Stayed Revocation Probation to include the attached terms, upon Tucker’s license No. RN054665.

VII.C.20.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O’Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.E. Board Discussion and Decision Regarding Settlement Conference Cases & Decision To Accept Proposed Consent Agreements

VII.E.1. Mary Strok Cox RN046151 Wood

The proceeding began at 1:00 p.m. with the following Board members present: Moore, Crawley, Malloch, Gagnaire, Ogden, O’Connor, Campbell and Harris.

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

Wood addressed the Board.

Campbell moved, Ogden seconded, and it was unanimously carried to accept signed Consent Agreement for a 24 month Probation to include the attached terms, as amended.

VII.E.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O’Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.E.2. Alma Rose Garcia CNA Applicant Christl

The proceeding began at 1:05 p.m. with the following Board members present: Moore, Crawley, Malloch, Gagnaire, Ogden, O’Connor, Campbell and Harris.

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

Christl addressed the Board.

Malloch moved, O'Connor seconded, and after discussion unanimously carried to accept Garcia's request to withdraw her application and vacate the Order of Denial No.0305072 issued in this matter.

VII.E.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.G. Board Discussion and Decision Regarding Motions to Rescind Prior Board Decision To Consider Alternative Action

VII.G.1. Gloria Jardon CNA999948775 Cornelius

The Board was represented by Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Melissa Cornelius, Assistant Attorney General, represented the State.

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

Cornelius addressed the Board.

Malloch moved, Ogden seconded, to rescind prior Board decision for Notice of Charges and issue a Letter of Concern. After discussion, Malloch amended the motion to include: "for receiving a misdemeanor conviction in Scottsdale City Court in January 2000 for failing to obey a police officer." Ogden concurred. The motion carried unanimously.

The meeting recessed at 1:10 p.m. and reconvened at 1:21 p.m.

VII.C.10. Deserea Angelene Thompson CNA999993938 Christl

Ogden moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item VII.C.10. The Board was represented by Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Daniel Christl, Assistant Attorney General, represented the State.

Thompson was present, telephonically, and addressed the Board.

Christl addressed the Board.

Ogden moved, Moore seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations.

Ogden moved, Moore seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact, paragraphs 1-7 and Alleged Violations as Conclusions of Law, paragraph 1 from the Notice of Charges.

Campbell moved, Ogden seconded, and after discussion, it was unanimously carried to revoke nursing assistant certificate No. CNA999993938 issued to Thompson.

VII.C.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV. Board Discussion and Decision Regarding CNA Investigative Reports and Consent Agreements

IV.A.1. Sandra J. Starr CNA Exam Applicant (Johansen)

Johansen addressed the Board and confirmed receipt of additional information. Starr was present, telephonically, and addressed the Board. Malloch moved, O'Connor seconded, and it was unanimously carried to grant certification upon signing a Consent Agreement for a 12 month Stayed Suspension with the attached stipulations. If not signed within 30 days, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell, Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.2. Sheena L. Benally CNA Exam Applicant (Johansen)

Johansen addressed the Board with additional information. O'Connor moved, Harris seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell, Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**IV.A.3. Sarah K. Cooke CNA Exam Applicant (Johansen)
(aka: James)**

Gagnaire recused herself to avoid the appearance of impropriety.

Gagnaire left the meeting at 1:33 p.m.

Malloch presiding.

Cooke was present, telephonically, and addressed the Board. O'Connor moved, Ogden seconded, and it was unanimously carried to continue the investigation to allow Cooke the opportunity to obtain a Psychological Evaluation by a Board approved evaluator within 45 days and include any additional testing deemed necessary by the evaluator, and return to the Board. If the evaluation is not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell, Trista Member	Harris, Greg Member
YES	7	X	X	X		X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1				X				

Gagnaire returned to the meeting at 1:38 p.m.

Gagnaire presiding.

IV.A.4. Loretta M. Foreman CNA Exam Applicant (Johansen)

O'Connor moved, Moore seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**IV.A.5. Shaunna M. Bennett CNA Exam Applicant (Johansen)
(aka: Actor)**

An attempt was made to contact Bennett, telephonically. Johansen addressed the Board with additional information. Malloch moved, Campbell seconded, and it was unanimously carried to continue the investigation to allow Bennett the opportunity to obtain a Psychological Evaluation by a Board approved evaluator to be scheduled within 30 days and completed within 60 days and to include any additional testing deemed necessary by the evaluator, and return to the Board.

**IV.A.6. Carol A. Watson CNA Endorsement Applicant (Johansen)
(aka: Stubby; York)**

Moore moved, O'Connor seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms offered at this meeting.

IV.A.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.7. Aaron B. Caillier CNA Endorsement Applicant (Johansen)

Johansen addressed the Board with additional information. Campbell moved, O'Connor seconded, and after discussion, it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.7.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.8. Richard E. Springs CNA Exam Applicant (Johansen)

Springs was present, telephonically, and addressed the Board. Johansen addressed the Board with additional information. Malloch moved, Moore seconded, and after discussion, it was unanimously carried to continue the investigation to allow Springs the opportunity to obtain a Sexual Misconduct Evaluation completed by Dr. Gray or a Board approved evaluator, to be scheduled within 30 days and completed within 90 days, or deny certification based upon information contained in the Investigative

Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application. The Board requested Springs to provide a 5 year work history to Board staff.

IV.A.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.9. Tamara Sue Gresham CNA Exam Applicant (Johansen)

Johansen addressed the Board with additional information. Malloch moved, Ogden seconded, to continue the investigation to allow Gresham the opportunity to obtain a Psychological Evaluation by a Board approved evaluator to be scheduled within 30 days and completed within 60 days and to include any additional testing deemed necessary by the evaluator, and return to the Board. If the evaluation is not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application. After discussion, the motion carried with seven in favor and one opposed.

IV.A.9.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X	X	X		X
NO	1							X	
ABSTAIN	0								
ABSENT	0								

IV.A.10. Linda Ann Lindsey LP Exam Applicant (Johansen)

Johansen addressed the Board with additional information. Lindsey was present, telephonically, and addressed the Board. Ogden moved, O'Connor seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.11. Richard A. Branham CNA Endorsement Applicant (Johansen)

Branham was present and addressed the Board. Johansen addressed the Board with additional information. Moore moved, Campbell seconded, and after discussion, it was unanimously carried to continue the investigation to allow Branham the opportunity to obtain a Psychological Evaluation by a Board approved evaluator to be scheduled within 30 days and completed within 60 days and include any additional testing deemed necessary by the evaluator, and return to the Board. If the evaluation is not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.11.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.12. Smittie M. Brimhall CNA Exam Applicant (Johansen)

Johansen addressed the Board with additional information. Moore moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.12.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.13. Letitsha D. Olade CNA Exam Applicant (Johansen)

Malloch moved, Harris seconded, and it was unanimously carried to grant certification upon meeting all requirements with a Letter of Concern for the June 28, 1993 felony conviction for Student Aid Fraud in U.S. District Court in Phoenix, Arizona.

IV.A.14. Michael B. Slim CNA Exam Applicant (Johansen)

Moore moved, Ogden seconded, to grant certification with a Letter of Concern for failing to cooperate with the Board during an investigation by failing to complete and return the Court and Conviction Questionnaire and Police report regarding an arrest for theft on or about February 27, 1999 by the Chicago Police. After discussion, the motion carried with five in favor and three opposed.

IV.A.15. Terisa Ann Perez CNA Exam Applicant (Johansen)

Perez was present and addressed the Board. Malloch moved, Harris seconded, and after discussion, it was unanimously carried to grant certification with a Letter of Concern for her involvement in an arrest on November 6, 2000 by the Yuma Police Department in Yuma, Arizona, and using medication that was prescribed for her son.

**IV.A.16. Melanie Vigorito CNA Exam Applicant (Johansen)
(aka: Bliss)**

Johansen addressed the Board with technical corrections to the Investigative Report. O'Connor moved, Moore seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.A.16.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.A.17. AnnMarie M. McMullin CNA Exam Applicant (Johansen)

An attempt was made to contact McMullin, telephonically. Campbell moved, O'Connor seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms offered at this meeting.

IV.A.17.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

The meeting recessed at 2:44 p.m. and reconvened at 2:58 p.m.

V.F.1. Tammy S. Choat RN Endorsement Applicant (Brown) (aka: Barrett; Weir; Falkner)

Campbell moved, Ogden seconded, to grant licensure upon meeting all requirements and signing a Consent Agreement for a 12 month Probation. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms offered at this meeting. After discussion, Campbell amended the motion to include as stipulations: may work night shift while employed at present facility, and drug testing twice per month for first six months and monthly for second six months. Ogden concurred. The motion carried unanimously.

V.F.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VIII.B.3. Estrella Mountain Community College/SouthWest Skill Center Interim Survey Report

Moore moved, O'Connor seconded, and it was unanimously carried to release program from the current agreement, place the program on provisional approval status and require a report on remedying possible rule violations identified in section V of report within 60 days. If the program fails to provide evidence in the report that the deficiencies are remedied, return to the Board for consideration of a Notice of Deficiency.

VIII.B.4. Phoenix Job Corp CNA Program Investigation Report

Moore moved, O'Connor seconded, and it was unanimously carried to continue approval of the program.

V.F.2. Mark A. Kirkendall RN Endorsement Applicant (Brown)

Campbell moved, O'Connor seconded, to grant licensure upon meeting all requirements with a Letter of Concern for a misdemeanor conviction for DUI on or about December 10, 1993 and May 19, 2000 in Salina, Kansas. After discussion, the motion carried with six in favor and two opposed.

**V.F.3. Judith L. Weber
(aka: Lattin)**

RN073739 (Brown)

Gagnaire knows Mary Erhart, but shows no bias. Campbell moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a 36 month Chemical Dependency Probation to include the attached stipulations, or proceed to hearing.

V.F.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.E.1. Russalle M. Perkins

RN039768 (V. Smith)

V. Smith addressed the Board with technical corrections to the Notice of Charges to include: page 2, paragraph 4, line 8, change year from 2000 to 1999; page 3, paragraph 8, line 2, to read "As of this 'date' Respondent failed to..." Malloch moved, Harris seconded, and it was unanimously carried to adopt the attached Notice of Charges, as amended.

V.E.5. Sharon Ann Dan

RN111200 (V. Smith)

V. Smith addressed the Board with a correction to the stipulation sheet to include: rehabilitation and aftercare dependent upon the recommendations from the Addictionist Evaluation. Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for Stayed Revocation/Suspension for 12 months and Probation for 12 months, and upon successful completion, to be followed by 24 months Probation to include the attached stipulations, as amended, or proceed to hearing.

V.E.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.E.4. Kimberly A. Benninger

RN115729 (V. Smith)

Malloch moved, Campbell seconded, and it was unanimously carried to adopt the attached Notice of Charges.

IV.G.4. Elizabeth M. Zuniga

CNA999991118 (Pavlina)

Malloch moved, Moore seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty, or proceed to hearing

IV.G.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**IV.G.7. Shawna Pulbratek
(aka:Shawne Poe)**

CNA999991886 (Pavlina)

Ogden moved, Moore seconded, to adopt the attached Notice of Charges. After discussion, Ogden amended the motion to delete paragraph 5 of the Notice of Charges. Moore concurred. After further

discussion, Ogden withdrew the motion. Harris moved, Ogden seconded, and after discussion, it was unanimously carried to adopt the attached Notice of Charges, amended to delete paragraph 5, and also the allegations that include citations regarding failure to cooperate with the Board.

IV.G.12. Kelley M. Hall CNA999951876 (Pavlina)

Harris and Malloch recused themselves to avoid the appearance of impropriety. O'Connor moved, Campbell seconded, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, adopt the attached Notice of Charges. After discussion, O'Connor amended the motion to read: "adopt the attached Notice of Charges". The motion carried with five in favor, two abstained and one opposed.

V.I.7. Michele Ann Royer RN084622 (Torrez)

Harris moved, Moore seconded, and after discussion, it was unanimously carried to issue a Letter of Concern for giving a patient Nitroglycerin without a physicians order on or about April 24, 2002 while assigned by Cross Country Travcorps at Hahnemann University Hospital in Philadelphia, Pennsylvania.

VIII.A.6. NCLEX-RN Examination Passing Standard Revised – Harris/Randolph

Harris gave an update on revisions of NCLEX-RN to increase exam pass standard.

VIII.A.7. Proposed ASBN Strategic Initiatives 2004-2006 – Ridenour/All

Ridenour stated that, based on final Board feedback, a further revision of proposed measurable objectives would be made and brought back to the Board. Ogden moved, O'Connor seconded, and it was unanimously carried to table Agenda Item VIII.A.7.

VIII.A.9. Reports from Chairpersons/Members of National Council Committees: Practice Breakdown – Malloch; Disciplinary Advisory Group – Malloch; Examination Committee – Randolph; Member Board Leadership Development – Ridenour Approval for ASBN to Participate in NCSBN Research Study on Regulatory Oversight of Chemically Dependent Nurses – V. Smith

Malloch gave an update on the Practice Breakdown Committee; Ridenour gave an update on the Examination Committee; V. Smith gave an update on the Discipline Curriculum Committee and the Chemical Dependency Regulatory Outcomes. Harris moved, Malloch seconded, and it was unanimously carried to approve ASBN to participate in NCSBN research study on regulatory oversight of chemically dependent nurses. Ridenour gave an update on Disciplinary Advisory Group related to the nurse licensure compact administrators.

VIII.A.11. Update on New Phone System Installation/Channel 15 Investigative Report of ASBN/Investigative & Complaint Data/Personnel Changes – Smith/Bontrager/Ridenour

Cobb and Davitt gave an update on the recently installed ASBN phone system. Ridenour reported on information requested from Channel 15 and the efforts of staff to respond to those requests. V. Smith gave an update on investigative and complaint data, announced the resignation of Patricia Reeder, and the re-assigning of staff. Harris moved, O'Connor seconded, and it was unanimously carried to table Agenda Item VIII.A.11.

VIII.C. President's Report

VIII.C.2. Report from Area 1 Director/National Council State Boards of Nursing Board of Directors – Harris

Harris gave a report as Area I Director, National Council State Boards of Nursing Board of Directors, and listed planned topics for future NCSBN meetings.

VIII.C.3. Approval 2004 Board Member Education/Development/Newsletter Topics – Gagnaire/Ridenour

The Board discussed topics for education/development/newsletter.

Harris left the meeting at 4:37 p.m. and returned at 4:40 p.m.

VIII.C.7. Debriefing on Electronic Board Packet/Board Processes & Suggested Changes – All
Cobb, Davitt and Loar answered questions and offered suggestions regarding the electronic Board packet. Ogden moved, Campbell seconded, and it was unanimously carried to table Agenda Item VIII.C.7.

VIII.C.4. Board Member Vacancies & Outreach Regarding Positions – Gagnaire
Gagnaire discussed outreach options for recruiting new Board member positions in light of Richard Elward's resignation from the Board.

VIII.C.5. NCSBN Midyear Meeting/March 3-5, 2004: Board Member Replacement for Richard Elward – Gagnaire/All

Campbell was selected to replace Elward for the NCSBN midyear meeting, March 3-5, 2004.

VIII.C.6. Revision of 2004 ASBN Board Meeting Dates – Gagnaire/All

Harris moved, Ogden seconded, and it was unanimously carried to change the September 2004 Board meeting dates to September 22, 23 and 24.

VIII.A.11. Update on New Phone System Installation/Channel 15 Investigative Report of ASBN/Investigative & Complaint Data/Personnel Changes – Smith/Bontrager/Ridenour

V. Smith introduced new staff member, Patricia Staten, Nurse Practice Consultant. Harris moved, O'Connor seconded, and it was unanimously carried to table Agenda Item VIII.A.11.

VIII.C.3. Approval 2004 Board Member Education/Development/Newsletter Topics – Gagnaire/Ridenour

Harris moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item VIII.C.3. Moore moved, Harris seconded, and it was unanimously carried to approve suggested newsletter topics.

The meeting recessed at 5:18 p.m., Wednesday, January 21, 2004.

**BOARD MEETING
ARIZONA STATE BOARD OF NURSING**

The regular meeting of the Arizona State Board of Nursing convened at 8:32 a.m., Thursday, January 22, 2004, in the Board of Nursing Board Room, Suite 210, 1651 East Morten Avenue, Phoenix, Arizona, with Alice Gagnaire, R.N., M.H.S.A., President, presiding.

BOARD MEMBERS PRESENT:

Alice Gagnaire, R.N., M.H.S.A., President
Kathy Malloch, Ph.D., M.B.A., R.N., Vice-President
Beverly Ogden, Secretary
Trista Campbell, R.N., B.S.N., Member
Theresa Crawley, C.R.N.A., M.S.H.S.A., Member
Gregory Harris, Member
Barbara O'Connor, L.P.N., Member

BOARD MEMBERS ABSENT:

Marla Moore, R.N., B.S.N., M.A., Member

LEGAL COUNSEL:

Melissa Cornelius, Assistant Attorney General
Michelle L. Wood, Assistant Attorney General
Daniel Christl, Assistant Attorney General

STAFF:

Joey Ridenour, R.N., M.N., Executive Director
Judy Bontrager, R.N., M.N., Associate Director
Valerie Smith, R.N., M.S., Associate Director
Jeanne Bauer, Senior Investigator
Susan Barber, R.N., M.S.N., Nurse Practice Consultant/Hearings
Lorraine Brown, Senior Investigator
Vicky Driver, Administrative Assistant
Karen Grady, R.N., M.S., C.S., F.N.P., Nurse Practice Consultant/Advanced Practice
Vicki Johansen, Senior Investigator
Patricia Midkiff, R.N., M.N., Nurse Practice Consultant
Sydney Munger, R.N., M.S., Nurse Practice Consultant
Betty Nelson, R.N., M.S., Nursing Assistant Consultant
Stephanie Nelson, R.N., M.S.N., Nurse Practice Consultant/Monitoring
Kirk Olson, Senior Investigator
Patricia Pavlina, R.N., B.S., Senior Investigator
Pamela Randolph, R.N., M.S.N., Nursing Practice Consultant/Education
Mary E. Rappoport, R.N., M.N., Nurse Practice Consultant
Jeanine Sage, R.N., M.S.N., Nursing Assistant Consultant
Suanne Smith, R.N., M.S., Nurse Practice Consultant/CANDO
Patricia Staten, M.S.R.N., Nurse Practice Consultant
Sister Rachel Torrez, R.N., M.S., Nurse Practice Consultant
Nancy Twigg, R.N., M.S.N., Nurse Practice Consultant
Melissa Vannier, Paralegal
Barbara Ritenour, Legal Secretary

I. Call To Order

The meeting was called to order at 8:32 a.m., Thursday, January 22, 2004.

The following Board members were present: Gagnaire, Malloch, Ogden, Crawley, and O'Connor.

Gagnaire presiding.

Gagnaire welcomed members of the audience and explained the procedure for addressing the Board.

III.E.1. Graciela Garcia CNA483982803 (Ball)

Malloch moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item III.E.1. Garcia was present and addressed the Board. Larry Garcia, respondent's son, was present and available for questions. Malloch moved, O'Connor seconded, and it was unanimously carried to reaffirm prior Board motion for Notice of Charges.

IV.B.1. Nathan Anderson CNA Exam Applicant (Vannier)

Anderson was present and addressed the Board. Malloch moved, Ogden seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	0								
ABSENT	3	X						X	X

IV.B.2. Angela Barber CNA Endorsement Applicant (Vannier)

O'Connor moved, Crawley seconded, and it was unanimously carried to adopt the attached Order of Denial.

IV.B.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	0								
ABSENT	3	X						X	X

IV.B.3. April Branson CNA Exam Applicant (Vannier)

Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to continue the investigation to allow Branson the opportunity to obtain a Chemical Dependency Evaluation by a Board approved evaluator to be completed within 30 days, and return to the Board. If not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	0								
ABSENT	3	X						X	X

IV.B.4. Michael Cavanaugh CNA Exam Applicant (Vannier)

O'Connor moved, Ogden seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	0								
ABSENT	3	X						X	X

IV.B.5. Debbie Dixon CNA Endorsement Applicant (Vannier)

O'Connor moved, Crawley seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement or denial of the application.

IV.B.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	0								
ABSENT	3	X						X	X

Campbell arrived at the meeting at 8:48 a.m.

IV.B.6. Randall Fallaha CNA Exam Applicant (Vannier)

Ogden moved, Malloch seconded, to grant certification upon signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny certification. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement or denial of the application. The motion carried with five in favor and one abstained.

IV.B.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	1							X	
ABSENT	2	X							X

IV.B.7. Loni Foote CNA Exam Applicant (Vannier)

Malloch moved, Ogden seconded, and it was unanimously carried to continue the investigation to allow Foote the opportunity to obtain a Relapse Recovery Evaluation by a Board approved evaluator within 30 days, and return to the Board. If not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.7.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.8. Beverley E. Henry-Johnson CNA Exam Applicant (Vannier)

Ogden moved, O'Connor seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement or denial of the application.

IV.B.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.9. Randi Kindrick CNA Exam Applicant (Vannier)

Vannier addressed the Board and stated that Kindrick plans to attend this Board meeting. O'Connor moved, Malloch seconded, and it was unanimously carried to table Agenda Item IV.B.9.

IV.B.10. Patricia Larrermore CNA Exam Applicant (Vannier)

Campbell moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.11. Debbie Martinez CNA Exam Applicant (Vannier)

Malloch moved, Ogden seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.11.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.12. Delicha Perryman CNA Exam Applicant (Vannier)

Malloch moved, O'Connor seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.12.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.13. Kay Roberts CNA Endorsement Applicant (Vannier)

Campbell moved, Malloch seconded, to accept Roberts request to withdraw the application. After discussion, Campbell withdrew the motion. Ogden moved, Malloch seconded, and after further discussion, it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny certification. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement or denial of the application.

IV.B.13.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.14. Melissa Solum CNA Endorsement Applicant (Vannier)

Malloch moved, Ogden seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.14.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.9. Randi Kindrick CNA Exam Applicant (Vannier)

Malloch moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item IV.B.9. Kindrick was present and addressed the Board. Ogden moved, Malloch seconded, and after discussion, it was unanimously carried to continue the investigation to allow Kindrick the opportunity to obtain a Chemical Dependency Evaluation by a Board approved evaluator within 30 days, and return to the Board. If not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.B.9.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.1. Lashawn L. Brisbon CNA Endorsement Applicant (Olson)

O'Connor moved, Ogden seconded, and after discussion, it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.C.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.2. Amber J. Duncan CNA Exam Applicant (Olson)

Malloch moved, O'Connor seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.C.2.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.3. Alesha A. Cope Recertification by Exam; CNA292926197 (Olson) (aka: Trosclair)

Campbell moved, Malloch seconded, and it was unanimously carried to grant certification upon signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms offered at this meeting.

IV.C.3.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.4. Julie A. Cowan CNA Exam Applicant (Olson)

O'Connor moved, Ogden seconded, and it was unanimously carried to deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.C.4.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.5. Shelly D. Ford CNA Endorsement Applicant (Olson)

Ogden moved, Campbell seconded, and it was unanimously carried to grant certification upon signing a Consent Agreement for an Indefinite Suspension to include the standard terms and pending completion of all court requirements. If not signed within 30 days, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.C.5.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.6. Barbara M. Haas CNA Exam Applicant (Olson)

Malloch moved, O'Connor seconded, to grant certification upon meeting all requirements with a Letter of Concern for the December 12, 1991 conviction of possession of marijuana, a class 6 undesignated offense in Maricopa County Superior Court in Phoenix, Arizona, which has since been dismissed and

for which the judgment of guilt vacated on July 28, 2000, and for the November 24, 1993 conviction of DUI in Phoenix City Court in Phoenix, Arizona. After discussion, the motion carried with five in favor and one opposed.

IV.C.7. Danny Hernandez CNA Exam Applicant (Olson)

Hernandez was present and addressed the Board. Malloch moved, Campbell seconded, and it was unanimously carried to grant certification upon signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.C.7.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.8. Teresa A. Quihuis CNA Exam Applicant (Olson)

Quihuis was present and addressed the Board. O'Connor moved, Ogden seconded, and after discussion, it was unanimously carried to continue the investigation to allow Quihuis the opportunity to obtain a Chemical Dependency Evaluation by a Board approved addictionist within 30 days, and return to the Board. If not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.C.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.9. Annette G. Mackey CNA Exam Applicant (Olson)

Malloch moved, O'Connor seconded, and it was unanimously carried to continue the investigation to allow Mackey the opportunity to obtain a Relapse/Recovery Evaluation by a Board approved evaluator within 30 days, and return to the Board. If not completed, deny certification based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

IV.C.9.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.10. Sharon N. Miller CNA Exam Applicant (Olson)

Miller was present, telephonically, and addressed the Board. Malloch moved, O'Connor seconded, to continue the investigation to allow Miller to successfully complete a 16 hour DUI Level II Education Class and a MADD Victim Impact Panel, to be completed within 60 days, or deny certification. If the 16 hour DUI Level II Education Class and MADD Victim Impact Panel are completed within 60 days, grant certification with a Letter of Concern for the May 26, 1995 conviction of possession of marijuana in Coconino County Superior Court in Flagstaff, Arizona, and for the March 2, 1999 conviction of

driving with a BAC of .10% or more in Mohave County Justice Court in Moccasin, Arizona. After discussion, Malloch amended the motion to include: request Miller to complete a urine drug screen by 5 p.m. this day, January 22, 2004. O'Connor concurred. After discussion, the motion failed with three opposed and three in favor.

IV.C.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	3			X			X	X	
NO	3		X		X	X			
ABSTAIN	0								
ABSENT	2	X							X

Gagnaire moved, O'Connor seconded, and it was unanimously carried to continue the investigation to allow Miller to successfully complete a 16 hour DUI Level II Education Class and a MADD Victim Impact Panel, to be completed within 60 days, and a random urine drug screen to be completed within 30 days at Board request, or deny certification. If the 16 hour DUI Level II Education Class and MADD Victim Impact Panel are completed within 60 days, grant certification with a Letter of Concern for the May 26, 1995 conviction of possession of marijuana in Coconino County Superior Court in Flagstaff, Arizona, and for the March 2, 1999 conviction of driving with a BAC of .10% or more in Mohave County Justice Court in Moccasin, Arizona.

IV.C.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

The meeting recessed at 10:07 a.m. and reconvened at 10:20 a.m.

Ogden returned to the meeting at 10:22 a.m.

III.E.2. Gerald Clark CNA999992580 (Ball)

O'Connor moved, Malloch seconded, and it was unanimously carried to reopen Agenda Item III.E.2. Ball addressed the Board and offered an additional Board option. Clark was present and addressed the Board. Malloch moved, O'Connor seconded, to rescind prior Board motion for Notice of Charges, and issue an Interim Order for an Addiction Evaluation to be scheduled within 30 days and completed within 60 days, or adopt the amended Notice of Charges to include the factual allegation and alleged violation for failure to comply with the Interim Order, and to delete #6, page 2 and delete alleged violation item 21 on the Notice of Charges. The motion carried with five in favor and one abstained.

III.E.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X		X	X	
NO	0								
ABSTAIN	1					X			
ABSENT	2	X							X

IV.D.1. Patrick F. Corona CNA337280103 (Ball)

Ball addressed the Board with additional information. Corona was present and addressed the Board. Campbell moved, O'Connor seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty, or proceed to hearing.

IV.D.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.D.2. Barbara Lynn Brown CNA999992459 (Ball)
(aka: Bagby)

Ball addressed the Board with additional information. Malloch moved, O'Connor seconded, and it was unanimously carried to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved addictionist and to include any additional testing deemed necessary by the evaluator, to be scheduled within 30 days and completed within 60 days, and return to the Board.

IV.D.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.D.3. Rebecca L. Kelly CNA999947745 (Ball)

Malloch moved, Campbell seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty, or proceed to hearing.

IV.D.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.D.4. Julia Espino Leonardo CNA999988656 (Ball)

Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty, or proceed to hearing.

IV.D.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.D.5. Mattop Akok Wieu CNA999993375 (Ball)

O'Connor moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a Psychological Evaluation to assess anger issues, to be completed by a Board approved evaluator and to be scheduled within 30 days and completed within 60 days, and return to the Board.

IV.D.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.E.1. Lee Ann Billie CNA515397803 (B. Nelson)

Malloch moved, O'Connor seconded, and it was unanimously carried to issue an Interim Order for a Psychological and Sexual Misconduct Evaluation to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled within 30 days and completed within 60 days, and return to the Board. If the Interim Order is not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

IV.E.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.E.3. Kwameshia Michelle Ford CNA999996984 (B. Nelson)

Ford was present and addressed the Board. Campbell moved, Malloch seconded, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, adopt the attached Notice of Charges. After discussion, the motion failed with four opposed and two in favor.

IV.E.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	2				X			X	
NO	4		X	X		X	X		
ABSTAIN	0								
ABSENT	2	X							X

Malloch moved, Ogden seconded, to issue a Letter of Concern for an inappropriate interaction with a patient on or about October 2, 2003, which resulted in termination of employment from Freedom Manor in Phoenix, Arizona. The motion carried with five in favor and one opposed.

IV.E.4. MaElna Rodriquez CNA234731033 (B. Nelson)

Malloch moved, O'Connor seconded, to offer a Consent Agreement for an Indefinite Suspension pending compliance with the attached stipulation to provide the Board with a valid Social Security Number, to be signed within 30 days, or adopt the attached Notice of Charges. After discussion, Malloch withdrew the motion. Ogden moved, Campbell seconded, and it was unanimously carried to adopt the attached Notice of Charges.

IV.E.5. Alvin B. Wallace CNA073704353 (B. Nelson)

B. Nelson addressed the Board and confirmed receipt of additional information. Campbell and Malloch know Alice Carrigan, but show no bias. Campbell moved, Malloch seconded, and after discussion, it was unanimously carried to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved addictionologist and to include any additional testing deemed necessary by the evaluator, to be scheduled within 30 days and completed within 60 days, and return to the Board. If the Interim Order is not completed, adopt the attached Notice of Charges and include additional factual allegations from the information presented at this meeting and the alleged violation for failure to comply with the Interim Order.

IV.E.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.F.1. Jeremy Wayne Burns CNA/LP Exam Applicant (Sage)

Burns was present and addressed the Board. Campbell moved, Crawley seconded, to continue the investigation and request that Burns obtain a Psychological Evaluation by a Board approved evaluator, to be scheduled within 30 days and completed within 60 days, and return to the March 2004 Board meeting. After discussion, the motion carried with five in favor and one opposed.

IV.F.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X		X	X	X	X	
NO	1			X					
ABSTAIN	0								
ABSENT	2	X							X

IV.F.2. Mary Lou Carbone CNA638866803 (Sage)

Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator, to be completed within 30 days. If the Interim Order is not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

IV.F.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.F.3. Laura Lynn Haupert CNA999996489 (Sage)

Campbell moved, Ogden seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty to be signed within 30 days, or proceed to hearing.

IV.F.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.F.4. Crystal Hunt CNA058341034 (Sage)

Hunt was present and addressed the Board. Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to issue an Interim Order for a Psychiatric Evaluation to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled within 30 days and completed within 60 days. If the Interim Order is not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

IV.F.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.G.5. Veronica Cooper CNA999993477 (Pavlina)
(aka: Brashear; Pate)

Cooper was present and available for questions. Malloch moved, O'Connor seconded, to offer a Consent Agreement for a 24 month Stayed Suspension pending successful completion of at least 24 sessions of psychological counseling and to include the attached stipulations, or proceed to hearing. After discussion, Malloch amended the motion to delete, "pending successful completion of at least 24 sessions of psychological counseling" and include, "until successful completion"; and delete stipulation: night shift prohibited. O'Connor concurred. The motion carried unanimously.

IV.G.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.G.6. Scott Fensler CNA231005803 (Pavlina)

Fensler was present and addressed the Board. Malloch moved, O'Connor seconded, to offer a Consent Agreement for a \$50 Civil Penalty, or proceed to hearing. After discussion, the motion carried with four in favor and two opposed.

IV.G.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	4		X	X			X	X	
NO	2				X	X			
ABSTAIN	0								
ABSENT	2	X							X

IV.G.11. Vickie F. Kirk CNA999951039 (Pavlina)

Pavlina addressed the Board and confirmed receipt of additional information. Kirk was present and addressed the Board. Campbell moved, O'Connor seconded, to issue a Letter of Concern for speaking rudely to patients in February 2003, while employed by Friendship Village of Tempe in Tempe, Arizona. After discussion, the motion carried with five in favor and one opposed.

IV.H.1. Sharon P. Joseph CNA593027803 (Bauer)
(aka: Pablo)

Joseph was present and addressed the Board. Malloch moved, Ogden seconded, to offer a Consent Agreement for a 6 month Stayed Suspension to include the attached stipulations, or proceed to hearing. Bauer addressed the Board with updated stipulations. Malloch amended the motion with stipulations to read: relapse/recovery evaluation after 6 months, biological fluid testing once per month for 6 months, abstain from drugs, proof of prescription, notification of practice settings, quarterly performance evaluations, registry/traveling nurse/float pool/home health work prohibited, and Dr. McCabe or a Board approved evaluator to re-evaluate after 6 months. Ogden concurred. The motion carried unanimously.

IV.H.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

The meeting recessed at 11:54 a.m. and reconvened at 1:00 p.m.

IV.F.5. Freda L. Johnson CNA913293803 (Sage)

Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty to be signed within 30 days, or proceed to hearing.

IV.F.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	0								
ABSENT	3	X						X	X

Campbell returned to the meeting at 1:03 p.m.

IV.F.7. Megan M. Leyva CNA375218999 (Sage)

(aka: Hilgers)

Moore moved, O'Connor seconded, to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator. If not completed within 30 days, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order. After discussion, the motion carried with five in favor and one abstained.

IV.F.7.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	1							X	
ABSENT	3	X							X

IV.F.8. Mary M. Lundin CNA155053529 (Sage)

Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a Stayed Suspension with the attached stipulations to be signed within 30 days, or proceed to hearing.

IV.F.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.F.9. Donna Moore CNA982353756 (Sage)

Malloch knows Janet Mela but shows no bias. Malloch moved, Campbell seconded, and after discussion, it was unanimously carried to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator within 30 days. If the not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

IV.F.9.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.F.10. Jennifer Pablo CNA827837103 (Sage)

(aka: Jenifer Pablo; Karen Pablo; Jennifer Janice Pablo)

Malloch moved, O'Connor seconded, to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator within 30 days. If not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order. The motion carried with five in favor and one opposed.

IV.F.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X		X	X	
NO	1					X			
ABSTAIN	0								
ABSENT	2	X							X

IV.F.11. Francine Marie Pedrego CNA999996731 (Sage)

O'Connor moved, Malloch seconded, and it was unanimously carried to issue a Letter of Concern for taking a medication (Darvon) for which she had no prescription and testing positive for propoxyphene on a pre-employment drug screen on January 12, 2003.

**IV.F.12. Artemisa Pichardo CNA999988802 (Sage)
(aka: De Montoya)**

Malloch moved, O'Connor seconded, and it was unanimously carried to issue a Letter of Concern for reportedly being rough in a resident's care on August 22, 2003 while employed as a CNA at Life Care Center of Yuma.

**IV.F.13. E. C. Shabazz CNA640605207 (Sage)
(aka: E. Charles Cheatham; E. Charles Cheatham Shabazz)**

Malloch moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a Stayed Suspension with stipulations to continue until the Board is satisfied with progress of ongoing treatment at V.A. Hospital. If not signed within 30 days, proceed to hearing.

IV.F.13.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.F.14. Diane Whitney CNA451529803 (Sage)

Gagnaire recused herself to avoid the appearance of impropriety.

Malloch presiding.

O'Connor moved, Campbell seconded, to offer a Consent Agreement for an Indefinite Suspension to include the attached stipulations, or proceed to hearing. The motion carried with five in favor and one abstained.

IV.F.14.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X		X	X	X	
NO	0								
ABSTAIN	1				X				
ABSENT	2	X							X

Gagnaire presiding.

IV.G.1. Che M. Marshall CNA999952275 (Pavlina)

Pavlina addressed the Board with additional information. Campbell moved, O'Connor seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for an Indefinite Stayed Suspension pending successful completion of a Chemical Dependency Education Class to include the attached stipulations, or proceed to hearing.

IV.G.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.G.2. Benjamin Holloway Molina Jr. CNA999992519 (Pavlina)

Pavlina addressed the Board with additional information. Ogden moved, Campbell seconded, and it was unanimously carried to offer a Consent Agreement for a Stayed Suspension pending 6 months of negative urine drug screens to include the attached stipulations, or proceed to hearing.

IV.G.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.G.3. Eve C. Resendes CNA838162803 (Pavlina)

Pavlina addressed the Board with technical corrections to the Investigative Report. Malloch moved, Campbell seconded, and it was unanimously carried to issue a Letter of Concern for reportedly being inappropriate verbally and physically with a resident between June 9, 2003 and June 13, 2003 while employed by Evergreen Sun City Health and Rehabilitation Center in Sun City, Arizona.

IV.G.8. Kathleen M. Donegan CNA999993817 (Pavlina)

O'Connor moved, Ogden seconded, and it was unanimously carried to issue an Interim Order for a Psychological Evaluation to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled within 30 days and completed within 60 days, and return to the Board. If the Interim Order is not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

IV.G.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.G.10. Timothy A. Parker CNA718058173 (Pavlina)

O'Connor moved, Ogden seconded, and it was unanimously carried to issue an Interim Order for a Psychological Evaluation to include sexual misconduct to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled within 30 days and completed within 60 days, and return to the Board. If the Interim Order is not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

IV.G.10.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.H.2. Alvera Rose Gomez CNA999989905 (Bauer)
(aka: Stoudt; Rose; High Elk)

Malloch moved, Ogden seconded, and it was unanimously carried to offer a Consent Agreement for Voluntary Surrender, or proceed to hearing.

IV.H.2.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.H.3. Toni M. Demara CNA335617441 (Bauer)
(aka: Manzenido)

Malloch moved, O'Connor seconded, and it was unanimously carried to adopt the attached Notice of Charges.

VI.A. Board Discussion Regarding RN/LPN/CNA Termination of Previously Issued Board Orders After Full Compliance (List Available In Board Office)

Anthony S. Brown	RN085307 (S. Nelson)	Immediately
Marie Carothers-Taylor	RN092425 (S. Nelson)	Immediately
Guadalupe S. Orozco	CNA911235103 (S. Nelson)	Immediately
Erica M. Wilson	CNA999998946 (S. Nelson)	Immediately
Cynthia I. Navarro	RN121804 (S. Nelson)	February 4, 2004
Kelly A. McCormick	RN121929; LP037484	February 19, 2004

Ogden moved, O'Connor seconded, and it was unanimously carried to approve the full compliance list to terminate Board Order on the dates listed for individuals listed above if no evidence of non-compliance with Board Order/Consent Agreement exists.

VI.B. Board Discussion & Decision Regarding Non-Compliance/Compliance with Board Orders

VI.B.2. Carl F. Fenzel LP036868 (S. Nelson)

Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to deny request to terminate Probation and offer an Amended Consent Agreement for 12 months Probation with terms and conditions. If not signed within 30 days proceed to non-compliance hearing.

VI.B.2.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.B.5. Jackie L. Owens RN088518 (S. Nelson)

S. Nelson addressed the Board with additional information. Campbell moved, O'Connor seconded, and it was unanimously carried to continue with the terms and conditions of Consent Agreement and Order No. 0009029 signed March 8, 2002.

VI.B.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.B.6. Janice L. Remmers LP029569; CNA464112103 (S. Nelson)

S. Nelson addressed the Board with additional information. Ogden moved, O'Connor seconded, and it was unanimously carried to adopt the attached Notice of Charges.

VI.B.7. Lucy S. Tarango LP008527 (S. Nelson)

Campbell moved, Ogden seconded, and it was unanimously carried to amend Consent Agreement signed April 19, 2002, to allow Tarango to work a total of 96 hours per 14 days period.

VI.B.7.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.A.8. Theresa F. Ritten LP Endorsement Applicant (S. Smith)

Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for a 12 month Probation. If not signed within 30 days, deny licensure. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement offered at this meeting.

V.A.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.A.9. Nora Jane Tarlton RN Endorsement Applicant (TRN122153) (S. Smith)

Malloch recused herself to avoid the appearance of impropriety. Gagnaire knows Herb Geary but shows no bias. S. Smith addressed the Board and confirmed receipt of additional information. O'Connor moved, Ogden seconded, to deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application. The motion carried with five in favor and one abstained.

V.A.9.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X		X	X	X	X	
NO	0								
ABSTAIN	1			X					
ABSENT	2	X							X

V.A.10. Laine Cie Tiedemann RN Endorsement Applicant (TRN114978) (S. Smith)

S. Smith addressed the Board with additional information. Ogden moved, O'Connor seconded, to deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application. After discussion, the motion failed with four opposed and two in favor.

V.A.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	2					X	X		
NO	4		X	X	X			X	
ABSTAIN	0								
ABSENT	2	X							X

Malloch moved, Crawley seconded, and after discussion, it was unanimously carried to grant licensure upon signing a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement offered at this meeting.

V.A.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.A.11. Kathleen Marie Urban LP Endorsement Applicant (S. Smith)

S. Smith addressed the Board with additional information. Malloch moved, Campbell seconded, and it was unanimously carried to continue the investigation and request applicant to obtain a Psychological Evaluation by a Board approved psychologist within 30 days, or deny licensure.

V.A.11.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

The meeting recessed at 2:06 p.m. and reconvened at 2:18 p.m.

IV.G.9. Alvin A. Greenberg Jr. CNA137969903 (Pavlina)

Greenberg was present and available for questions. Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a Stayed Suspension for 12 months to include the attached stipulations, amended to include: successful completion of counseling by a professional who specializes in drug and alcohol abuse counseling with completion to be determined by the counselor, or proceed to hearing.

IV.G.9.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.B.2. Irwin Faulkner RN Endorsement Applicant (Ball)

O'Connor moved, Campbell seconded, and it was unanimously carried to deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

V.B.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

**V.B.4. Jeannine Lewis LP Endorsement Applicant (Ball)
(aka: Roy; Rines)**

Malloch moved, Crawley seconded, and after discussion, it was unanimously carried to grant licensure upon signing a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.

V.B.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.B.5. Gary Randall Libak RN Endorsement Applicant (Ball)

Malloch moved, O'Connor seconded, to grant licensure upon signing a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application. After discussion, the motion carried with five in favor and one opposed.

V.B.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X		X	X	X	
NO	1				X				
ABSTAIN	0								
ABSENT	2	X							X

V.B.6. Owen James Jackson RN Endorsement Applicant (Ball)

Campbell moved, to grant licensure upon meeting all requirements with a Letter of Concern for the misdemeanor conviction for DUI in 1971 in Morgan City, Louisiana; the April 23, 1971 misdemeanor arrest in Franklin County, Louisiana; and the November 14, 1989 misdemeanor arrest in Big Horn County, Wyoming. Motion failed. Malloch moved, Crawley seconded, to continue the investigation to allow Jackson the opportunity to obtain a Psychological Evaluation to assess anger, to be scheduled within 30 days and completed within 60 days, or deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application. After discussion, the motion carried with five in favor and one opposed.

V.B.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	1							X	
ABSTAIN	0								
ABSENT	2	X							X

V.F.4. Rebecca S. Rodriguez RN098772 (Brown)
(aka: Harris; Hallock)

Malloch recused herself to avoid the appearance of impropriety. O'Connor moved, Crawley seconded, to offer a Consent Agreement for 12 months Probation to include the attached stipulations, or proceed to hearing. The motion carried with five in favor and one abstained.

V.F.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X		X	X	X	X	
NO	0								
ABSTAIN	1			X					
ABSENT	2	X							X

V.G.1. April M. Jackson LP033263; CNA063985103 (Munger)

Munger addressed the Board with additional information. Malloch moved, Crawley seconded, to offer a Consent Agreement for a Decree of Censure with a \$500 Civil Penalty, or proceed to hearing. After discussion, the motion carried with five in favor and one opposed.

V.G.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	1							X	
ABSTAIN	0								
ABSENT	2	X							X

V.G.2. Linda Rosa Mahmoud RN094858 (Munger)

Malloch recused herself to avoid the appearance of impropriety. O'Connor moved, Ogden seconded to offer a Consent Agreement for a Decree of Censure, or proceed to hearing. After discussion, the motion carried with five in favor and one abstained.

V.G.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X		X	X	X	X	
NO	0								
ABSTAIN	1			X					
ABSENT	2	X							X

V.G.3. John Robert Majewski LP038295; CNA796875389 (Munger)

Malloch moved, Crawley seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a 36 month Probation to include the attached stipulations amended to allow Majewski to work night shift at present work setting/position, only.

V.G.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.G.4. Carol Hansen Jones RN031353 (Munger)

O'Connor knows Linda Vance and Penny Iles, but shows no bias. Campbell moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a Psychological Evaluation to be started within 30 days and completed within 60 days and to include any additional testing deemed necessary by the evaluator, and return to the Board.

V.G.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.G.6. Steven Joe McCall LP028910; CNA769933803 (Munger)

Campbell recused herself to avoid the appearance of impropriety. Malloch and O'Connor know Linda Maschner, but show no bias. Malloch moved, O'Connor seconded, to issue an Interim Order for a Psychological and Chemical Dependency Evaluation to be completed by Board approved evaluators and to include any additional testing deemed necessary by the evaluators within 30 days, and return to the Board. If not completed, adopt the attached Notice of Charges and include the factual allegation and alleged violation for failure to comply with the Interim Order. The motion carried with five in favor and one abstained.

V.G.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X	X	X		
NO	0								
ABSTAIN	1							X	
ABSENT	2	X							X

The meeting recessed at 2:59 p.m. and reconvened at 3:13 p.m.

Malloch left the meeting at 2:59 p.m.

VIII.B. Educational Reports and Rules

VIII.B.1. Nurse Assistant Programs – Approvals (List available in Board office)

Campbell moved, O'Connor seconded, and after discussion, it was unanimously carried to adopt the Nurse Assistant Program Survey Recommendation for 2 year approval for new and renewal programs.

VIII.B.7. MCCDNP Change in Program Administrator

Information was provided to the Board regarding Margaret Souders appointment to the Maricopa Community College District Nursing Program Administrator as of January 1, 2004.

Harris arrived at the meeting at 3:16 p.m.

VIII.B.8. NCLEX-RN Passing Standard

Information was provided to the Board regarding changing of the NCLEX-RN passing standard effective April 2004.

VIII.B.9. Report of CNA Educator Retreat

Information was provided to the Board regarding the evaluation results of the CNA educator retreat held November 21, 2003.

VIII.B.10. Rulemaking Process

Ogden moved, O'Connor seconded, and it was unanimously carried to approve revised rulemaking process with time frames.

VIII.B.11. Docket Opening Article 2

Randolph noted technical corrections to the notice of rulemaking docket opening. Harris moved, Campbell seconded, and it was unanimously carried to approve the notice of rulemaking docket opening, as amended.

VIII.B.12. NCLEX-PN Test Plan

Campbell moved, Ogden seconded, and it was unanimously carried for Board staff forward the enclosed feedback on the NCLEX-PN proposed test plan to the National Council State Boards of Nursing and include any modifications, additions or amendments recommended by the Education Committee at their February 13, 2004 meeting, by March 8, 2004.

VIII.B.13. Maricopa Skill Center Change in Start Dates

Information was provided to the Board regarding Maricopa Skill Center change in starting dates for Nursing Program.

VIII.B.14. Grand Canyon University Request for Program Change

Ogden moved, O'Connor seconded, and it was unanimously carried to approve the request by Grand Canyon University to increase enrollment.

VIII.B.15. Cochise College Request for Program Change

Ogden moved, Campbell seconded, and it was unanimously carried to approve request by Cochise College Nursing Program to add geographic locations and increase the student enrollment capacity by more than 20%.

VIII.B.16. MCCDNP Report of Program Change

A program change report from Maricopa Community College District Nursing Program was provided to the Board.

VIII.B.17. Rulemaking Docket Opening Article 5 and R4-19-403

Randolph provided a summary of proposed amendments to the Notice of rulemaking Docket Opening. Harris moved, O'Connor seconded, and it was unanimously carried to approve the Notice of Rulemaking Docket, as amended.

VIII.B.18. Draft Article 5 and R4-19-403

Information regarding Draft Article 5 and R4-19-403 was provided to the Board.

VIII.E.5. Certified Nursing Assistant

VIII.E.5.a. Draft Minutes of December 5, 2003

Draft minutes for the CNA Advisory Committee of December 5, 2003 were provided to the Board.

VIII.E.5.b. New Committee Member Applications

Ogden moved, Crawley seconded, and it was unanimously carried to table Agenda Item VIII.E.5.b.

IV.E.2. David W. Blair

CNA723074333 (B. Nelson)

B. Nelson addressed the Board with additional information. Ogden moved, Harris seconded, and it was unanimously carried to adopt the attached Notice of Charges, and open a case on Tamara R. Blair, RN088673.

IV.E.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

VIII.E. Committee Reports

VIII.E.1. Scope of Practice

VIII.E.1.a. Minutes of December 2, 2003 Meeting – not yet approved by committee

Draft minutes of December 2, 2003 Scope of Practice meeting were provided to the Board.

VIII.E.1.b. Advisory Opinion for Board Approval

VIII.E.1.b.1. Advisory Opinion Process

O'Connor moved, Campbell seconded, and it was unanimously carried to approve the Advisory Opinion Process.

VIII.E.2. Chemical Dependency

VIII.E.2.a. Guidelines for CANDO Participants to be Permitted to Work Extra Hours – V. Smith/Brown

Campbell moved, O'Connor seconded, and it was unanimously carried to accept the guidelines for CANDO participants to be permitted to work extra hours.

VIII.E.2.b. Consent Agreement Changes Related to Shifts and On-Call Work Status – S. Nelson

Harris moved, Ogden seconded, and it was unanimously carried to approve Consent Agreement changes related to shifts and on-call work status.

VIII.E.3. Education

VIII.E.3.a. Draft Minutes of January 16, 2004

Campbell moved, Harris seconded, and it was unanimously carried to table Agenda Item VIII.E.3.a. and bring back to the March 2004 Board meeting.

VIII.E.4. Advanced Practice

VIII.E.4.a. Draft Minutes of January 9, 2004

Draft minutes of the January 9, 2004 Advance Practice meeting were provided to the Board.

VIII.E.5.b. New Committee Member Applications

Harris moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item VIII.E.5.b. O'Connor moved, Campbell seconded, and it was unanimously carried to approve the recommended CNA Committee Members.

VIII.E.6. Laws & Rules

VIII.E.6.a. Draft Minutes of October 8, 2003

Draft minutes of October 8, 2003 Laws & Rules Committee were provided to the Board.

VIII.E.6.b. New Committee Member Applications

Ogden moved, Harris seconded, and after discussion, it was unanimously carried to approve recommended committee member, Kelsey B. Lundy.

The meeting recessed at 3:52 p.m., Thursday, January 22, 2004.

**BOARD MEETING
ARIZONA STATE BOARD OF NURSING**

The regular meeting of the Arizona State Board of Nursing convened at 8:31 a.m., Friday, January 23, 2004, in the Board of Nursing Board Room, Suite 210, 1651 East Morten Avenue, Phoenix, Arizona, with Alice Gagnaire, R.N., M.H.S.A., President, presiding.

BOARD MEMBERS PRESENT:

Alice Gagnaire, R.N., M.H.S.A., President
Kathy Malloch, Ph.D., M.B.A., R.N., Vice-President
Beverly Ogden, Secretary
Trista Campbell, R.N., B.S.N., Member
Theresa Crawley, C.R.N.A., M.S.H.S.A., Member
Gregory Harris, Member
Marla Moore, R.N., B.S.N., M.A., Member
Barbara O'Connor, L.P.N., Member

LEGAL COUNSEL:

Melissa Cornelius, Assistant Attorney General
Michelle L. Wood, Assistant Attorney General
Daniel Christl, Assistant Attorney General

STAFF:

Joey Ridenour, R.N., M.N., Executive Director
Judy Bontrager, R.N., M.N., Associate Director
Valerie Smith, R.N., M.S., Associate Director
Jeanne Bauer, Senior Investigator
Susan Barber, R.N., M.S.N., Nurse Practice Consultant/Hearings
Lorraine Brown, Senior Investigator
Vicky Driver, Administrative Assistant
Karen Grady, R.N., M.S., C.S., F.N.P., Nurse Practice Consultant/Advanced Practice
Vicki Johansen, Senior Investigator
Patricia Midkiff, R.N., M.N., Nurse Practice Consultant
Sydney Munger, R.N., M.S., Nurse Practice Consultant
Betty Nelson, R.N., M.S., Nursing Assistant Consultant
Stephanie Nelson, R.N., M.S.N., Nurse Practice Consultant/Monitoring
Kirk Olson, Senior Investigator
Patricia Pavlina, R.N., B.S., Senior Investigator
Pamela Randolph, R.N., M.S.N., Nursing Practice Consultant/Education
Mary E. Rappoport, R.N., M.N., Nurse Practice Consultant
Jeanine Sage, R.N., M.S.N., Nursing Assistant Consultant
Suanne Smith, R.N., M.S., Nurse Practice Consultant/CANDO
Patricia Staten, M.S.R.N., Nurse Practice Consultant
Sister Rachel Torrez, R.N., M.S., Nurse Practice Consultant
Nancy Twigg, R.N., M.S.N., Nurse Practice Consultant
Melissa Vannier, Paralegal
Barbara Ritenour, Legal Secretary

I. Call To Order

The meeting was called to order at 8:31 a.m., Friday, January 23, 2004.

The following Board members were present: Moore, Crawley, Malloch, Gagnaire, Ogden and O'Connor.

Harris arrived at the meeting at 8:33 a.m.

Gagnaire presiding.

Campbell arrived at the meeting at 8:36 a.m.

V. Board Discussion and Decision Regarding RN/LPN Investigative Reports and Consent Agreements

V.A.1. Patricia Ann Boe LP Endorsement Applicant (S. Smith)

Malloch moved, O'Connor seconded, to grant "refresher course only" upon meeting all requirements with a Letter of Concern for altering a LPN license to read RN, working as a RN in Dr. Tedrick's office and presenting a RN license to Empire Nursing service which resulted in revocation of practical nurse license by the Washington State Board of Practical Nursing in 1992. Upon successful completion of the refresher course, grant permanent license. The motion carried with seven in favor and one abstained.

V.G.2. Linda Rosa Mahmoud RN094858 (Munger)

Malloch moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item V.G.2. Malloch and Harris recused themselves to avoid the appearance of impropriety.

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

Mahmoud was present and addressed the Board. O'Connor moved, Ogden seconded, and after discussion, it was unanimously carried to reaffirm prior Board motion for a Decree of Censure.

V.G.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6	X	X		X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2			X					X

Malloch and Harris returned to the meeting at 8:52 a.m.

V.A.2. Valeria Anne Cuccia LP Exam Applicant (S. Smith)

Cuccia was present and addressed the Board. S. Smith addressed the Board with an amendment to the stipulation sheet, to delete "pharmacy profiles". Campbell moved, O'Connor seconded, and after discussion, it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for a 12 month Probation to include the attached stipulations, as amended. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement offered at this meeting.

V.A.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.A.3. Jennifer Anne Edwards RN Endorsement Applicant (S. Smith)

Edwards was present and addressed the Board. Harris moved, Campbell seconded, to grant “refresher course only” license upon meeting all requirements and signing a Consent Agreement for a 12 month Stayed Suspension/Probation followed by a 24 month Probation to include the attached stipulations. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement offered at this meeting. After discussion, the motion carried with seven in favor and one opposed.

V.A.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	1	X							
ABSTAIN	0								
ABSENT	0								

V.A.4. Rhoda Susan Friedman RN Endorsement Applicant (S. Smith)

Friedman was present and addressed the Board. S. Smith addressed the Board with additional information. Malloch moved, Harris seconded, and after discussion, it was unanimously carried to grant “refresher course only” license upon meeting all requirements with a Letter of Concern for the 1978 misdemeanor convictions for theft and forged prescription in Dallas, Texas and the 1980 professional licensing disciplinary actions imposed against her licenses in the states of Texas, Minnesota and Oklahoma based upon her chemical dependency. Upon successful completion of the refresher course, grant permanent license.

V.A.5. Diana Tovey Heinzen RN055176 (S. Smith)

Heinzen was present and addressed the Board. S. Smith addressed the Board with technical corrections to the Investigative Report. Malloch moved, Ogden seconded, and it was unanimously carried to offer a Consent Agreement for a \$250 Civil Penalty, or proceed to hearing.

V.A.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

Moore left the meeting at 9:24 a.m.

V.A.6. Kamilah Khan RN Endorsement Applicant (S. Smith)

Khan was present and addressed the Board. Malloch moved, O'Connor seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for a 12 month Probation. If not signed within 30 days, deny licensure. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement offered at this meeting.

V.A.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

Moore returned to the Board at 9:29 a.m.

V.A.7. Craig Alan Morris RN Endorsement Applicant (S. Smith)

Morris was present and addressed the Board. Campbell moved, Moore seconded, and it was unanimously carried to continue the investigation and request Morris to obtain a Relapse/Recovery Evaluation by a Board approved addictionist within 30 days, or deny licensure.

V.A.7.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.B.3. William Wilson Gray LP Endorsement Applicant (Ball)

Gray was present and addressed the Board. Ball addressed the Board with additional information. Moore moved, Ogden seconded, to adopt the attached Order of Denial. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application. After discussion, Moore amended the motion to read: “deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the denial of the application.” After further discussion, the motion failed with five opposed and three in favor.

V.B.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	3	X		X		X			
NO	5		X		X		X	X	X
ABSTAIN	0								
ABSENT	0								

Harris moved, Campbell seconded, to continue the investigation and request Gray to obtain a Relapse/Recovery and a Psychological Evaluation by a Board approved evaluator within 30 days, and to return the arrest and conviction questionnaire within 30 days, or deny licensure. After discussion, Harris amended the motion to include: “evaluation to be scheduled within 30 days and completed within 60 days, and the arrest and conviction questionnaire to be returned within 5 days.” Campbell concurred. The motion carried with six in favor and two opposed.

V.B.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X	X		X	X	X
NO	2	X				X			
ABSTAIN	0								
ABSENT	0								

V.B.7. Richard Douglas Flynn LP Endorsement Applicant (Ball)

Flynn was present and addressed the Board. Malloch moved, Ogden seconded, and after discussion, it was unanimously carried to continue the investigation to allow Flynn the opportunity to submit requested documents to Board staff, and return to the March 2004 Board meeting.

V.B.8. Colleen Susan Ryan RN Endorsement Applicant (Ball)

Malloch moved, O'Connor seconded, and it was unanimously carried to grant a "refresher course only" license upon meeting all requirements and signing a Consent Agreement for a 36 month Probation to include the attached stipulations. Upon successful completion of refresher course, grant licensure. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement offered at this meeting.

V.B.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

The meeting recessed at 9:50 a.m. and reconvened at 10:04 a.m.

VII.A.4. Richard F. Jaskiewicz RN0024505; AP0042 Cornelius

Campbell recused herself to avoid the appearance of impropriety.

Campbell left the meeting at 10:05 a.m.

The proceeding began at 10:05 a.m. with the following Board members present: Moore, Crawley, Gagnaire, Malloch, Ogden, O'Connor and Harris. 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 Victoria Mangiapane, Assistant Attorney General, Division of Solicitor General. Melissa Cornelius, Assistant Attorney General, represented the State.

Cornelius addressed the Board. A technical correction was noted to the Findings of Fact, page 2, line 15, to read: for an attorney.

Jaskiewicz was not present. Attorney, D. Jay Ryan was present and addressed the Board on behalf of Jaskiewicz.

Based upon the hearing transcripts, the Administrative Law Judge's Findings of Fact, Conclusions of Law, Recommendation, and the information presented at this Board meeting, all Board members agreed that disciplinary action should be considered in this matter.

Moore moved, Ogden seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 59 as amended, and Conclusions of Law the alleged violations in Paragraphs 1 through 18.

Moore moved, Malloch seconded, and it was unanimously carried to accept the Administrative Law Judge's recommended Order to revoke professional nurse No. RN024505 and advanced practice certification No. AP0042 issued to Richard F. Jaskiewicz.

VII.A.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X	X	X		X
NO	0								
ABSTAIN	0								
ABSENT	1							X	

V.J.1. Diane Murray Goedecke RN044164; AP0136; AP0157; AP0298; AP0881 (Grady)
 Goedecke and D. Jay Ryan, attorney, were present and addressed the Board. Malloch moved, Harris seconded, and after discussion, it was unanimously carried to issue a Letter of Concern for inadequate communication with a patient and her family on or about August 26 and 28, 2002 while employed with Beal & Costantino in Tucson, Arizona.

V.J.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X	X	X		X
NO	0								
ABSTAIN	0								
ABSENT	1							X	

Campbell returned to the meeting at 10:31 a.m.

V.C.1. Nancy Wood Almeter RN073773 (Bauer)
 Almeter was present and addressed the Board. Malloch moved, Ogden seconded, and it was unanimously carried to issue a Letter of Concern for the September 29, 1998 misdemeanor DUI conviction in Mesa Justice Court in Mesa, Arizona and the guilty plea of November 21, 2001 to misdemeanor criminal mischief in January 1, 1998 in Fourth Judicial Circuit Court in Duval County, Florida.

V.D.6. Sandi Louise Lyons RN111185 (Midkiff)
 Malloch recused herself to avoid the appearance of impropriety.

Malloch left the meeting at 10:41 a.m.

Lyons and Barbara Celestina were present and addressed the Board. Midkiff addressed the Board and confirmed receipt of additional information, and noted a technical correction to the Investigative Report. Moore moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a 36 month Probation to include an Evaluation with a Board approved addictionologist to be scheduled within 30 days and completed within 60 days and to include the attached stipulations, or proceed to hearing.

V.D.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X		X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1			X					

Malloch returned to the meeting at 10:45 a.m.

V.E.2. Anu L. Alexander RN107214 (V. Smith) (aka: Alexis Wheeler)

Alexander was present and addressed the Board. Campbell moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for an Indefinite Suspension pending 12 consecutive months compliance with the terms of Suspension to include: recovery/relapse evaluation, random drug screening, AA/NA, Nurse support group, biological fluid testing at 1 time per month minimum, abstain from alcohol and drugs, proof of prescription, followed by a 36 month Chemical Dependency Probation to include stipulations: stamping of license, nurse support group, AA, biological fluid testing 1 time per month, abstain from alcohol and drugs, proof of prescription, no access to narcotics for 12 months,

relapse prevention at 18 months, notification of practice setting, quarterly reports, on site supervision, registry/traveling nurse/float pool/home health work and night shift prohibited, or proceed to hearing.

V.E.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.F.6. Nicholas F. James RN103708 (Brown)

Gagnaire knows Dee Patrick, and Campbell knows Mitchell Gibson, but show no bias. James was present and addressed the Board. *Campbell moved, Moore seconded, and it was unanimously carried to go into Executive Session on Agenda Item V.F.6. for the purpose of reviewing confidential documents and to obtain legal advice. Executive Session convened at 10:55 a.m. and adjourned at 11:00 a.m.* Malloch moved, Campbell seconded, and it was unanimously carried to table Agenda Item V.F.6. to allow further review of documents.

V.G.7. Diana L. Jetson RN097629 (Munger)

Jetson was present and addressed the Board. Munger addressed the Board with a technical correction to the Investigative Report. Malloch moved, Ogden seconded, and it was unanimously carried issue a Letter of Concern for failing to contact the physician, obtain a physician orders, make an assessment of the patient with regard to suicide risk, or make an entry in the medical record on August 5, 2003 while working at Scottsdale Behavioral Health in Scottsdale, Arizona.

V.H.3. Sharon S. Blake CNA116743180 (Twigg)

Blake was present and addressed the Board. Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty, or proceed to hearing.

V.H.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**V.H.5. Frances A. Burns LP016073 (Twigg)
(aka: Andreaccio)**

Burns was present and addressed the Board. Twigg addressed the Board with additional information. Malloch moved, Crawley seconded, and after discussion, it was unanimously carried to dismiss the original complaint.

**V.H.6. Hannah L. Holladay RN118691 (Twigg)
(aka: Kramer)**

Twigg addressed the Board with additional information. Moore moved, Malloch seconded, and it was unanimously carried to table Agenda Item V.H.6. to allow the Board the opportunity to review additional documents.

V.I.10. Nancy Dayton RN067942 (Torrez)

O'Connor, Malloch and Harris recused themselves to avoid the appearance of impropriety.

Malloch and Harris left the meeting at 11:20 a.m. and Malloch returned to the meeting at 11:21 a.m.

Gagnaire knows Rhonda Anderson, but shows no bias. Campbell moved, Moore seconded, to offer a Consent Agreement for Indefinite Suspension to include the attached stipulations followed by a 36 month Standard Probation to include the attached stipulations, or proceed to hearing. The motion carried with five in favor and two abstained.

V.I.10.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5	X	X		X	X		X	
NO	0								
ABSTAIN	2			X			X		
ABSENT	1								X

Harris returned to the meeting at 11:31 a.m.

Ogden left the meeting at 11:34 a.m.

Moore left the meeting at 11:36 a.m. and returned at 11:39 a.m.

V.I.11. Elisa Kleinman Weisman RN065926 (Torrez)

Weisman was present and addressed the Board. Torrez addressed the Board with additional information. Malloch moved, Moore seconded, and after discussion, it was unanimously carried to dismiss the case.

VI.B.3. Cherie K. Foley-Perdue RN117240 (S. Nelson)

Foley-Perdue was present and addressed the Board. S. Nelson addressed the Board with updated information. Campbell moved, Malloch seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a 24 month Stayed Revocation Probation with the license Suspended for the first 12 months and on Probation for the second 12 months followed by 24 months Probation to include the attached stipulations, or proceed to hearing.

VI.B.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X		X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1					X			

S. Nelson addressed the Board and noted an amendment to the stipulations. Campbell amended the motion to delete stipulation: neuropsych evaluation. Malloch concurred. The motion carried unanimously.

VI.B.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X		X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1					X			

S. Nelson addressed the Board and noted an additional amendment, to the stipulations, to add: addictionist evaluation. Harris moved, Moore seconded, and it was unanimously carried to rescind prior Board motion. Campbell moved, Malloch seconded and it was unanimously carried to offer a Consent Agreement for a 24 month Stayed revocation Probation with the license Suspended for the first 12 months and on Probation for the second 12 months, followed by a 24 month Probation and to include the attached stipulations, amended to delete neuropsych evaluation and add addictionologist evaluation, or proceed to hearing.

VI.B.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X		X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1					X			

V.F.5. Robin L. Hagen LP032674 (Brown)
(aka: Lamb; Silliman)

Hagen was present and addressed the Board. Brown addressed the Board and confirmed receipt of additional information. Campbell moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a 36 month Chemical Dependency Probation to include the attached stipulations, or proceed to hearing.

V.F.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X		X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1					X			

V.E.3. Edward DeYoung RN051620 (V. Smith)

DeYoung was present and addressed the Board. V. Smith addressed the Board with additional information. Malloch moved, Moore seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for Stayed Revocation/Suspension for 12 months and Probation for 12 months, and upon successful completion, to be followed by 24 months Probation to include the attached stipulations. If not signed within 30 days, adopt the attached Notice of Charges.

V.E.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X		X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1					X			

V.J.6. Troy Scott McCarthy RN058925 (Grady)

Grady addressed the Board and stated that McCarthy and his attorney plan to attend this meeting. O'Connor moved, Campbell seconded, and it was unanimously carried to table Agenda Item V.J.6.

V.J.4. Joanne Barbanell RN022898; AP0054 (Grady)

Barbanell was present, telephonically, and addressed the Board. Laura Markey, complainant, was present and addressed the Board. Grady addressed the Board with additional information. Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a 24 month Practice Probation to include the attached stipulations, or proceed to hearing.

V.J.4.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X		X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1					X			

**VI.B.1. Joann C. Couch
(aka: Constatin)**

RN087159; LP028123 (S. Nelson)

Couch was present and addressed the Board, and Barrel Palmer was present and addressed the Board on behalf of Couch. S. Nelson addressed the Board with additional information. Campbell moved, Moore seconded, and it was unanimously carried to offer a Consent Agreement for a 12 month Stayed Revocation Probation followed by a 24 month Probation to include the attached stipulations. If not signed within 30 days, adopt the attached Notice of Charges.

VI.B.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7	X	X	X	X		X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1					X			

The meeting recessed at 12:18 p.m. and reconvened at 1:32 p.m.

Moore left the meeting at 12:18 p.m.

**V.H.6. Hannah L. Holladay
(aka: Kramer)**

RN118691 (Twig)

Malloch moved, Crawley seconded, and it was unanimously carried to reopen Agenda Item V.H.6. Holladay was present and addressed the Board. Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure, or proceed to hearing.

V.H.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X		X		X
NO	0								
ABSTAIN	0								
ABSENT	3	X				X		X	

V.F.6. Nicholas F. James

RN103708 (Brown)

Malloch moved, Harris seconded, and it was unanimously carried to reopen Agenda Item V.F.6. Brown addressed the Board with additional information. Malloch moved, O'Connor seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for an Indefinite Suspension pending the successful completion of any and all recommendations made by Dr. Mitchell Gibson, to be followed by a 36 month Probation to include the attached stipulations. If not signed within 10 days, adopt the attached Complaint and Notice of Hearing.

V.F.6.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X	X	X		X		X
NO	0								
ABSTAIN	0								
ABSENT	3	X				X		X	

Campbell returned to the meeting at 1:53 p.m.

V.J.2. Debra Ibarra Murphy

RN045136; AP1005 (Grady)

Crawley knows Debra Murphy and Dr. Shapker, but shows no bias. Carol Romano, attorney, and Murphy were present and addressed the Board. Malloch moved, O'Connor seconded, to offer a Consent Agreement for a Decree of Censure, or proceed to hearing. The motion carried with three in favor, two opposed and one abstained.

V.J.2.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	3			X	X		X		
NO	2		X					X	
ABSTAIN	1						X		
ABSENT	2	X				X			

Ogden returned to the meeting at 2:02 p.m.

V.J.3. Judith Moore Roberge RN059282; AP0466 (Grady)

Grady addressed the Board with additional information. Roberge, and Kathyrne Barnoski were present and addressed the board. Malloch moved, O'Connor seconded, to offer a Consent Agreement for a 6 month Stayed Suspension Probation followed by a 30 month Chemical Dependency Probation to include the attached stipulations, or proceed to hearing. After discussion, the motion carried with six in favor and one abstained.

V.J.3.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X	X		X	X	
NO	0								
ABSTAIN	1					X			
ABSENT	1	X							

V.J.6. Troy Scott McCarthy RN058925 (Grady)

Grady addressed the Board and confirmed receipt of additional information. O'Connor knows George and Tracy Miller, but shows no bias. T.J. Ryan, attorney, was present and addressed the Board on behalf of complainant. Craig Keller, attorney, was present and addressed the Board on behalf of McCarthy. McCarthy was present and available for questions. Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure, or proceed to hearing.

V.J.6.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	7		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.J.7. Sandra L. McCarthy RN103413 (Grady)

O'Connor knows George and Tracy Miller, but shows no bias. T.J. Ryan, attorney, was present and addressed the Board on behalf of the complainant. Craig Keller, attorney, was present and addressed the Board on behalf of McCarthy. Troy McCarthy, respondent's husband, was present and available for questions. Malloch moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure, or proceed to hearing.

V.J.7.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	7		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.C.3. Jayne Doliber Williams LP Endorsement Applicant (TLP038761)(Bauer)

Campbell moved, Harris seconded, and after discussion, it was unanimously carried to grant licensure upon meeting all requirements with a Letter of Concern for the misdemeanor theft conviction in Montana Fourth Judicial District Court in Missoula, Montana on May 2, 1997.

V.C.3.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.D.1. Christine Anderson Martz RN042942 (Midkiff)

O'Connor knows Mandi Wollmer, Tess Bache, and Susan Lancy, but shows no bias. Midkiff addressed the Board with additional information. Malloch moved, Harris seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for an Indefinite Suspension pending completion of an Evaluation by a Board approved addictionologist to be scheduled within 30 days and completed within 60 days and to include successful completion of any treatment recommendations resulting from the evaluation, to be followed by a 36 month Probation to include the attached stipulations. If Consent Agreement is not signed within 30 days, adopt the attached Notice of Charges.

V.D.1.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.D.5. Arlene Charlotte DeMattia LP037609 (Midkiff)

Malloch moved, Ogden seconded, and it was unanimously carried to issue an Interim Order for a Psychological and Chemical Dependency Evaluation by a Board approved addictionologist/MRO to be scheduled within 30 days and completed within 60 days, or proceed to hearing.

V.D.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.D.7. Josephine Rodriquez CNA602071803 (Midkiff)

Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a \$100 Civil Penalty, or proceed to hearing.

V.D.7.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.H.1. Rosalinda Barr RN082548 (Twig)

Ogden moved, Harris seconded, and after discussion, it was unanimously carried to dismiss the case.

**V.H.2. Jan Leigh Bice RN117230 (Twig)
(aka: Kirk)**

Malloch moved, Crawley seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a 24 month Probation to include the attached stipulations, or proceed to hearing.

V.H.2.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.H.4. Barbara Grace Catone RN050628 (Twigg)

Twigg addressed the Board with additional information. Malloch moved, Campbell seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure, or proceed to hearing.

V.H.4.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.H.7. Carol Ann Lause LP036145; CNA999988867 (Twigg)

Malloch moved, Harris seconded, and it was unanimously carried to adopt the attached Notice of Charges.

V.H.8. William H. Lear RN100353 (Twigg)

Malloch moved, O'Connor seconded, and it was unanimously carried to offer a Consent Agreement for a 12 month Probation related to Anger Management to include the attached stipulations, or proceed to hearing.

V.H.8.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

**V.H.9. Linda Evelyn Lester RN115200 (Twigg)
(aka: Wilson; Herrera; Mattli; Logan)**

Gagnaire recused herself to avoid the appearance of impropriety.

Gagnaire left the meeting at 2:47 p.m.

Malloch presiding.

Ogden moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved evaluator, to be scheduled within 30 days and completed within 60 days. If not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

V.H.9.	VOTE	Moore, <u>Marla</u> Member	Crawley, <u>Theresa</u> Member	Malloch, <u>Kathy</u> Vice-Pres	Gagnaire <u>Alice</u> President	Ogden <u>Beverly</u> Secretary	O'Connor, <u>Barbara</u> Member	Campbell <u>Trista</u> Member	Harris, <u>Greg</u> Member
YES	6		X	X		X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	2	X			X				

Gagnaire returned to the meeting at 2:49 p.m.

Gagnaire presiding.

V.H.10. Linda A. Meisse LP037981; CNA990279694 (Twigg)
(aka: Voulgarelis)

Harris moved, Crawley seconded, and after discussion, it was unanimously carried to adopt the attached Notice of Charges.

V.H.11. Jennifer L. Ostroski LP034986 (Twigg)
(aka: Trincherro; Alvarado)

Twigg addressed the Board with additional information. O'Connor moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved addictionologist to be scheduled within 30 days and completed within 60 days. If the Interim Order is not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

V.H.11.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.H.12. Brenda G. Revis LP036704; CNA999948392 (Twigg)
(aka: Dukes)

Campbell moved, Malloch seconded, and after discussion, it was unanimously carried to offer a Consent Agreement for a Decree of Censure, or proceed to hearing.

V.H.12.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

V.H.13. Rosemary Soto RN081766 (Twigg)

Malloch moved, Ogden seconded, and it was unanimously carried to dismiss the case.

IX. 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).

The meeting recessed at 2:58 p.m. and reconvened at 3:09 p.m.

VIII.B.5. Arizona State University Site Visit Report

Mary Killeen and Denise Link were present and available for questions. Malloch moved, Ogden seconded, to continue approval of the nursing program. After discussion, Malloch withdrew the motion. Harris moved, Ogden seconded, and it was unanimously carried to continue approval of the nursing program.

VIII.B.6. Arizona State University Post Masters Advanced Practice Programs

Mary Killeen and Denise Link were present and available for questions. Ogden moved, O'Connor seconded, and it was unanimously carried to approve a new listing of Approved Programs Document and include only the programs approved without a designation as to masters or post-masters level.

V.K.2. Mishel Leigh Orchard RN118619 (Rappoport) (aka:Leigh)

Gagnaire, Malloch, Campbell and O'Connor know Sue Hollabaugh, but show no bias. John Nicgorski, attorney, and Orchard were present and addressed the Board. Ogden moved, Crawley seconded, and after discussion, it was unanimously carried to offer a Letter of Concern for inconsistent pain medication documentation on four patient Medication Administration Records and administering a medication without a physician order, from on or about March 5, 2003 to on or about March 11, 2003 while employed by John C. Lincoln, North Mountain Hospital in Phoenix, Arizona.

V.I.1. Rhonda Lynn Burcham RN089313 (Torrez)

Teressa Sanzio, attorney, was present and addressed the Board. Burcham was present and available for questions. Torrez addressed the Board with additional information. Malloch moved, Ogden seconded, and after discussion, it was unanimously carried to dismiss complaints.

V.D.2. Shelley L. Russell LP014158 (Midkiff)

O'Connor knows Meredith Rivers, but shows no bias. Teressa Sanzio, attorney, and Russell were present and addressed the Board. Crawley moved, Ogden seconded, and it was unanimously carried to issue a Letter of Concern for taking Darvocet that was not prescribed for personal use on or about December 27, 2002 and for not declaring the use of Darvocet to the MRO in conjunction with a for cause urine drug screen while employed by Hospice of the Valley.

V.D.4. Leonard Floey Dineen RN097801 (Midkiff)

Teressa Sanzio, attorney, and Dineen were present and addressed the Board. Campbell moved, Harris seconded, to issue a Letter of Concern for making inappropriate comments to another employee while on duty at John C. Lincoln Hospital on or about May 26, 2002. After discussion, Campbell amended the motion to rescind prior Board motion for an Interim Order for a Psychological and Medical Evaluation. Harris concurred. After further discussion, the motion carried unanimously.

V.C.2. David Wallace Chadderdon RN Endorsement Applicant (TRN123146) (Bauer)

Harris and Malloch recused themselves to avoid the appearance of impropriety.

Harris and Malloch left the meeting at 3:50 p.m.

Teressa Sanzio, attorney, was present and addressed the Board. Campbell moved, Ogden seconded, and it was unanimously carried to offer a Consent Agreement for a 12 month Probation to include the attached stipulations, or proceed to hearing. If not signed within 30 days, deny licensure based upon information contained in the Investigative Report and updated information. If an informal settlement conference is requested, the authority to settle is limited to the terms of the Consent Agreement offered at this meeting.

V.C.2.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	5		X		X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	3	X		X					X

Harris and Malloch returned to the meeting at 4:06 p.m.

V.G.5. Christina Anita Vincent RN110387 (Munger)

Harris and Malloch recused themselves to avoid the appearance of impropriety.

Harris and Malloch left the meeting at 4:07 p.m.

David Ruben, attorney, and Vincent were present and addressed the Board. Munger addressed the Board with additional information. Campbell moved to offer a Consent Agreement for a 24 month Probation to include the attached stipulations, or proceed to hearing. Motion failed. O'Connor moved, Ogden seconded, to offer a Consent Agreement for a Decree of Censure with a \$500 Civil Penalty, or proceed to hearing. After discussion, the motion carried with four in favor and one opposed.

V.G.5.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	4		X		X	X	X		
NO	1							X	
ABSTAIN	0								
ABSENT	3	X		X					X

Harris and Malloch returned to the meeting at 4:28 p.m.

V.I.2. Patsy Radley RN094935 (Torrez)

Harris moved, O'Connor seconded, and it was unanimously carried to dismiss the case.

V.I.3. Vicki Lisa Kolmos RN096816 (Torrez)

Malloch moved, Crawley seconded, and it was unanimously carried to issue a Letter of Concern for failing to follow facility policy when wasting a Fentanyl patch on or about June 30, 2003 while employed at Yuma Rehabilitation Hospital in Yuma, Arizona.

V.I.4. Benny Davis RN086514; LP027588 (Torrez)

O'Connor recused herself to avoid the appearance of impropriety. Torrez addressed the Board with additional information. Malloch moved, Harris seconded, to dismiss the case. The motion carried with six in favor and one abstained.

V.I.5. Mary Okeeffe RN044787 (Torrez)

O'Connor recused herself to avoid the appearance of impropriety. Torrez addressed the Board with additional information. Malloch moved, Harris seconded, to dismiss the case. The motion carried with six in favor and one abstained.

V.I.6. Kay Swanberg RN087491 (Torrez)

O'Connor recused herself to avoid the appearance of impropriety. Torrez addressed the Board with additional information. Malloch moved, Harris seconded, to dismiss the case. The motion carried with six in favor and one abstained.

V.I.8. Mary Gail Wright LP0000033006 (Torrez)

Campbell moved, Ogden seconded, to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved addictionist and to include any additional testing deemed necessary by the evaluator within 60 days, and return to the Board. If not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the

Interim Order. After discussion, Campbell amended the motion to include resident's initials (G.S.) in the Notice of Charges, Finding of Fact 4, line 24. Ogden concurred. After further discussion, Campbell withdrew the motion. Harris moved, O'Connor seconded, and it was unanimously carried to adopt the attached Notice of Charges, as amended.

V.I.8.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	7		X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1	X							

Ogden left the meeting at 4:36 p.m. and returned at 4:37 p.m.

V.I.9. Gwen Helen Holmes RN107378 (Torrez)
(aka: Kriegel)

Gagnaire recused herself to avoid the appearance of impropriety.

Gagnaire left the meeting at 4:40 p.m. and returned at 4:43 p.m.

Malloch presiding.

Holmes was present, telephonically, and available for questions. Torrez addressed the Board with additional information. O'Connor moved, Campbell seconded, to issue an Interim Order for a Chemical Dependency Evaluation to be completed by a Board approved addictionist and to include any additional testing deemed necessary by the evaluator to be scheduled within 30 days and completed within 60 days, and return to the Board. The motion carried with six in favor and one abstained.

V.I.9.	VOTE	Moore, Marla Member	Crawley, Theresa Member	Malloch, Kathy Vice-Pres	Gagnaire Alice President	Ogden Beverly Secretary	O'Connor, Barbara Member	Campbell Trista Member	Harris, Greg Member
YES	6		X	X		X	X	X	X
NO	0								
ABSTAIN	1				X				
ABSENT	1	X							

Gagnaire presiding.

V.K.1. Dorina D. Davis RN095394 (Rappoport)
(aka: Edding)

Davis was present, telephonically, and addressed the Board. Rappoport addressed the Board with additional information. Malloch moved, O'Connor seconded, and it was unanimously carried to adopt the attached Notice of Charges.

V.K.4. Shirley Otsuwade LP020142 (Rappoport)

Malloch moved, Crawley seconded, and it was unanimously carried to issue a Letter of Concern for documenting potential misleading information on or about November 11, 2002, between respondent and the mother of a pediatric patient A.C., while employed at Los Ninos Hospital in Phoenix, Arizona, and for failure to document the scale used to weight patients on the pediatric unit from on or about October 25, 2002 to on or about October 27, 2002, while employed at Maricopa Medical Center in Phoenix, Arizona

VI.B.4. Danya C. Hand CNA999995245 (S. Nelson)

S. Nelson addressed the Board with additional information. Harris moved, O'Connor seconded, and it was unanimously carried to adopt the attached Notice of Charges, amended to include: Hand missed

urine drug screens on December 10, 2003 and January 6, 2004; missed an appointment with ASBN investigative staff member on January 14, 2004; and failed to submit information requested by ASBN.

V.C.2. David Wallace Chadderton RN Endorsement Applicant (TRN123146) (Bauer)
Ogden moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item V.C.2. Malloch and Harris recused themselves to avoid the appearance of impropriety. Campbell moved to amend prior Board motion to include: grant licensure. Ogden concurred. The motion carried with five in favor and two abstained.

VIII.A.7. Proposed ASBN Strategic Initiatives 2004-2006 – Ridenour/All
Harris moved, Campbell seconded, and it was unanimously carried to reopen Agenda Item VIII.A.7. Ridenour gave an overview of Board self-assessment results. Malloch moved, Harris seconded, and it was unanimously carried to adopt the revised strategic plan and initiatives based upon discussion at this Board meeting.

VIII.A.11. Update on New Phone System Installation/Channel 15 Investigative Report of ASBN/Investigative & Complaint Data/Personnel Changes – Smith/Bontrager/Ridenour
Ogden moved, O'Connor seconded, and it was unanimously carried to reopen Agenda Item VIII.A.11. Ridenour reported on channel 15 investigative report of ASBN, and progress being made to comply with requests for documents from channel 15.

VIII.C.7. Debriefing on Electronic Board Packet/Board Processes & Suggested Changes – All
Ogden moved, Harris seconded, and it was unanimously carried to reopen Agenda Item VIII.C.7.
Meeting times:
Board members agreed that the change from 2 ½ day meetings, to 3 days was a good choice, although Harris would prefer day one to begin at 10:00 a.m. instead of the present scheduled time of 9:00 a.m. Board members agreed that it will take at least one more meeting to realize if the first day start time should be adjusted.

Electronic Board packet:
Positive comments were made on the use of the electronic Board packet, although not all members are comfortable with it yet. Inquiries were made regarding the possibility of merging documents. Praise was offered for Becky Loar, Brent Cobb and Cory Davitt for their efforts on the electronic packet and help to Board members during this meeting. Board members expressed a desire to show their appreciation to Cobb and Davitt. Ridenour stated that final transition to the electronic Board packet would not be made until all Board members are ready. Harris inquired about the possibility of making transcripts, and all exhibits used in a case, more readily available to Board members.
Discussion regarding cost recovery from respondents.

X. Dialogue With Nursing Students
There were no nursing students in attendance at this meeting.

XI. Adjournment
Harris moved, Campbell seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 5:20 p.m., Friday, January 23, 2004

Alice Gagnaire, R.N., M.H.S.A., President