

**SPECIAL BOARD MEETING
ARIZONA STATE BOARD OF NURSING**

The special meeting of the Arizona State Board of Nursing convened at 2:07 p.m., Wednesday, June 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 (telephonically)
Beverly Ogden, Secretary
Trista Campbell, R.N., B.S.N., Member (telephonically)
Theresa Crawley, C.R.N.A., M.S.H.S.A., Member (telephonically)
Gregory Harris, Member (telephonically)
Sharon M. Molleo, L.P.N., Member (telephonically)
Marla Moore, R.N., B.S.N., M.A., Member (telephonically)

BOARD MEMBERS ABSENT:

Kathy Malloch, Ph.D., M.B.A., R.N., Vice-President
Barbara O'Connor, L.P.N., Member

LEGAL COUNSEL:

Daniel Christl, Assistant Attorney General
Melissa Cornelius, Assistant Attorney General
Michelle L. Wood, 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 2:07 p.m., Wednesday, June 23, 2004.

The following Board members were present: Ogden, and telephonically: Gagnaire, Crawley, Harris, Molleo, and Moore.

Gagnaire presiding.

II. Board Discussion and Decision Regarding RN Investigative Report and Potential Summary Suspension pursuant to A.R.S. § 41-1092.11(B), 32-1601(D)(G)(H)(J), A.A.C. R4-19-402(1)(2)(3)(5)(24a)(25) and Potential Adoption of Complaint & Notice of Hearing 0205036

II.A. Jude Nnamenyelum Nwosu RN114528; CNA999989630 (Barber)

The proceeding began at 2:08 p.m. with the following Board members present: Moore, Crawley, Gagnaire, Ogden, Molleo, and Harris.

Barber and Midkiff addressed the Board with a brief summary of the case, and Barber made technical corrections to include: page 2 and throughout Investigative Report, in paragraph 17 of the Summary Suspension Order, and paragraph 17 of the Complaint and Notice of Hearing: date Nwosu was evaluated by Dr. Selby to be changed from October 3, 2004, to October 3, 2003; page 5, 2 paragraphs that give an interview date with Sherri Cohen and an attempt to contact Marilyn Polizma as June 23, 2004, to be changed to June 16, 2004.

Nwosu was present and available for questions. Richard Strohm, attorney, was present and addressed the Board on behalf of Nwosu.

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

Campbell arrived at the meeting (telephonically) at 2:52 p.m.

Ogden moved, Moore seconded, to accept proposed preliminary Findings of Fact the allegations contained in Paragraphs 1 through 24 and Conclusions of Law the alleged violations in Paragraphs 1 through 13 of the Findings of Public Emergency and Order of Summary Suspension. After discussion, Ogden amended the motion to include changes to the Summary Suspension Order as follows: page 2, delete paragraph 5 of findings of fact; paragraph 7, delete the last 5 words of first sentence; page 6, paragraph 20, replace “lever” with “level”; page 7, paragraph 22 and 23, the name, Marilyn Poladema to be listed in place of “caretaker” and “caregiver”. Moore concurred. The motion carried unanimously.

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

Moore moved, Ogden seconded, to summarily suspend professional license No. RN114528, and certified nursing assistant certificate No. CNA999989630 issued to Jude Nnamenyelum Nwosu. After discussion, Campbell recused herself from all voting on Agenda Item II.A., for the reason that she was not present at this meeting from the beginning of this case. Board members verbally re-voted on all

previous voting, with six in favor and one abstained. The motion for summary suspension carried with six in favor and one abstained.

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

It was therefore ordered that the license and certificate of Jude Nnamenyelum Nwosu be suspended effective with the service of the written Order, and that Nwosu will immediately cease practice as a nurse and 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 A.R.S. § 32-1664.

III. 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**

Moore moved, Campbell seconded, 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. The motion carried with six in favor and one abstained.

IV. Call To The Public

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. Members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(G).

V. Adjournment

Ogden moved, Molleo seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 3:10 p.m.

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