

Arizona State Board of Nursing

Janet Napolitano
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The special meeting of the Arizona State Board of Nursing convened at 11:33 a.m., Wednesday, September 20, 2006, in the Board of Nursing Board Room, Suite 210, 1651 East Morten Avenue, Phoenix, Arizona, with Karen Hardy, RN, MSN, Secretary, presiding telephonically.

BOARD MEMBERS PRESENT:

Karen Hodges Hardy, RN, MSN, Secretary (telephonic)
Kathryn L. Busby, JD, Member
Patricia Johnson, LPN, Member (telephonic)
M. Hunter Perry, Member
Denise Link, DNS, WHCNP, FNAP (telephonic)
Steve Robertson, LPN, Member

BOARD MEMBERS ABSENT:

Kathy Malloch, PhD, MBA, RN, FAAN, President
Theresa Crawley, CRNA, MSHSA, Vice-President
Judy Rich, RN, Member

LEGAL COUNSEL:

Daniel Christl, Assistant Attorney General

STAFF:

Joey Ridenour, RN, MN, Executive Director
Judy Bontrager, RN, MN, Associate Director
Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings
Debra Blake, Paralegal/Hearing Department
Stephanie Nelson, RN, MSN, Nurse Practice Consultant
Cory Polak, Senior Investigator
Pamela Randolph, RN, MSN, Nurse Practice Consultant/Education
Mary Rappoport, RN, MN, Nurse Practice Consultant
Barbara Ritenour, Legal Secretary

I. Call to Order

The meeting was called to order at 11:33 a.m., Wednesday, September 20, 2006.

The following Board members were present: Johnson (telephonic), Hardy (telephonic), Busby, Perry, Robertson and Link (telephonic).

Hardy presiding.

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

III.B.1. Amarie Celeste Bertussi RN Exam (Polak)

Hardy is employed by Yuma Medical Center but shows no bias. Bertussi was present, telephonically, and addressed the Board. Link moved, Busby seconded, and it was unanimously carried grant licensure upon meeting all requirements, and issue a letter of concern for a misdemeanor arrest on July 24, 2005 and for not disclosing a previous healthcare employer in the previous 5 years on an application for licensure in Arizona.

	VOTE	Johnson, Patricia Member	Robertson, Steve Member	Crawley, Theresa Vice Pres	Malloch, Kathy President	Hardy, Karen Member	Perry, Hunter Member	Busby, Kathryn Member	Rich, Judith Member	Link, Denise Member
YES	6	X	X			X	X	X		X
NO	0									
ABSTAIN	0									
ABSENT	3			X	X				X	

II. Board Discussion and Decision Regarding RN Investigative Report and Potential Summary Suspension pursuant to A.R.S. §§ 41-1064(C), 41-1092.11(B); and/or Acceptance of a Consent Agreement A.R.S. § 41-1092.07(F)(5); and Violations 32-1601(D)(E)(J), A.A.C. R4-19-403 (12)(25)

II.A.1. Rochelle Lee Stayer LP040346 Christl

The proceeding began at 11:41 a.m., with the following Board members present: Johnson, Robertson, Hardy, Perry, Busby, and Link.

Christl addressed the Board with additional information. S. Nelson addressed the Board with a brief summary of the case.

Stayer was present and available for questions. Sanzio, attorney was present and addressed the Board.

Johnson moved, Robertson seconded, to Offer a Consent Agreement for an indefinite suspension, pending completion of a neuropsychological evaluation, to be signed within 48 hours, or return to the Board for the issuance of a summary suspension. After discussion, the motion failed with four opposed and two in favor.

	VOTE	Johnson, Patricia Member	Robertson, Steve Member	Crawley, Theresa Vice Pres	Malloch, Kathy President	Hardy, Karen Member	Perry, Hunter Member	Busby, Kathryn Member	Rich, Judith Member	Link, Denise Member
YES	2	X	X							
NO	4					X	X	X		X
ABSTAIN	0									
ABSENT	3			X	X				X	

Johnson moved, Hardy seconded, to accept proposed preliminary Findings of Fact and Conclusions of Law of the Findings of Public Emergency and Order of Summary Suspension. The motion failed with four opposed and two in favor.

Busby moved, Perry seconded, to issue an Interim Order for a neuropsychological evaluation to be completed by a Board approved evaluator, to be scheduled within 10 days and completed within 30 days. If not completed, return to the Board for the issuance of a summary suspension. Stayer is not to practice nursing until this Board has taken further action. The motion carried with five in favor and one opposed.

	VOTE	Johnson, Patricia Member	Robertson, Steve Member	Crawley, Theresa Vice Pres	Malloch, Kathy President	Hardy, Karen Member	Perry, Hunter Member	Busby, Kathryn Member	Rich, Judith Member	Link, Denise Member
YES	5	X	X				X	X		X
NO	1					X				
ABSTAIN	0									
ABSENT	3			X	X				X	

III. Board Discussion and Decision Regarding RN/LPN Investigative Reports

III.A.1. Jennifer Lynn Winters RN123841 (Rappoport)

Rappoport addressed the Board and confirmed receipt of additional information. Busby moved, Perry seconded, and it was unanimously carried to accept signed Consent Agreement for 12 month stayed revocation suspension and 12 month probation, followed by 24 month standard probation, to include the attached stipulations.

	VOTE	Johnson, Patricia Member	Robertson, Steve Member	Crawley, Theresa Vice Pres	Malloch, Kathy President	Hardy, Karen Member	Perry, Hunter Member	Busby, Kathryn Member	Rich, Judith Member	Link, Denise Member
YES	6	X	X			X	X	X		X
NO	0									
ABSTAIN	0									
ABSENT	3			X	X				X	

IV. Board Discussion & Decision Regarding License/Certificate Decisions and Reinstatements

IV.A.1. Davey Ellison TRN138935 (Bontrager/Randolph)

Ellison and Diane Drexler were present and addressed the Board. Busby moved, Robertson seconded, and it was unanimously carried to grant an RN license that is “Valid in Arizona Only,” upon meeting all requirements except graduation from an approved program.

	VOTE	Johnson, Patricia Member	Robertson, Steve Member	Crawley, Theresa Vice Pres	Malloch, Kathy President	Hardy, Karen Member	Perry, Hunter Member	Busby, Kathryn Member	Rich, Judith Member	Link, Denise Member
YES	6	X	X			X	X	X		X
NO	0									
ABSTAIN	0									
ABSENT	3			X	X				X	

V. 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).

VI. Adjournment

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

The meeting adjourned at 12:19 p.m., Wednesday, September 20, 2006.

Kathy Malloch, PhD, MBA, RN, F.A.A.N., President