

# *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 8:30 a.m., Friday, November 30, 2007, in the Board of Nursing Board Room, Suite 200, 4747 N. 7<sup>th</sup> Street, Phoenix, Arizona, with Karen Hardy, RN, MSN, President, presiding.

### **BOARD MEMBERS PRESENT:**

Karen Hardy, RN, MSN, President (telephonic)  
Theresa Crawley, CRNA, MSHSA, Vice-President  
Patricia Johnson, LPN, Secretary  
Kathryn L. Busby, JD, Member  
Denise Link, DNS, WHCNP, FNAP, Member  
Kathy Malloch, PhD, MBA, RN, FAAN, Member (telephonic)  
Steve Robertson, LPN, Member

### **BOARD MEMBERS ABSENT:**

M. Hunter Perry, Member  
Constance G. Woulard, RN, MSN, Member

### **LEGAL COUNSEL:**

Kim Zack, Assistant Attorney General  
Nina Zimmerman, Assistant Attorney General

### **STAFF:**

Joey Ridenour, RN, MN, FAAN, Executive Director  
Judy Bontrager, RN, MN, Associate Director of Operations  
Pamela Randolph, RN, MSN, Associate Director of Education and Evidence Based Regulation  
Valerie Smith, RN, MS, Associate Director of Investigations  
Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings  
Sydney Munger, RN, MS, Nurse Practice Consultant  
Mary Rappoport, RN, MN, Nurse Practice Consultant  
Barbara Melberg, Legal Secretary

**I. Call to Order**

The meeting was called to order at 8:30 a.m., Friday, November 30, 2007.

The following Board members were present: Hardy, Crawley, Johnson, Link, Malloch, and Robertson.

Hardy presided telephonically.

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

**V.A. Board Discussion and Decision Regarding RN/LPN Investigative Reports**

**V.A.1. Julie Lura Hogen RN144582; AP2696 (Rappoport)  
(aka: Johnson)**

Attorney Kimberly Kent and Hogan were present and addressed the Board. Rappoport addressed the Board with additional information. Malloch moved, to grant P&D authority upon meeting all requirements and accepting the signed Consent Agreement for a \$400 Civil Penalty. The motion failed for lack of a second to the motion. After discussion, Johnson moved, Robertson seconded, and it was unanimously carried to grant P&D authority upon meeting all requirements and accepting the signed Consent Agreement for a \$400.00 Civil Penalty.

	<b>VOTE</b>	<b>Busby, Kathryn Member</b>	<b>Malloch, Kathy Member</b>	<b>Perry, Hunter Member</b>	<b>Johnson, Patricia Secretary</b>	<b>Hardy, Karen President</b>	<b>Crawley, Theresa Vice Pres</b>	<b>Woulard, Constance Member</b>	<b>Link, Denise Member</b>	<b>Robertson, Steve Member</b>
YES	<b>6</b>		X		X	X	X		X	X
NO	<b>0</b>									
ABSTAIN	<b>0</b>									
ABSENT	<b>3</b>	X		X				X		

**III.A. Board Discussion and Decision Regarding RN Investigative Report, Summary Suspension pursuant to A.R.S. §§ 41-1064(C), 41-1092.11(B) and/or Acceptance of a Consent Agreement and or Adoption of Complaint & Notice of Hearing**

**III.A.1. Lydeana Lorene Wade RN106685 (Zimmerman)**

The proceeding began at 8:59 a.m., with the following Board members present: Johnson, Robertson, Crawley, Malloch, Hardy, and Link. The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

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

Zimmerman addressed the Board with a revision to the findings of fact #9, second sentence, to strike the words: “one day”. Munger addressed the Board with a brief summary of the case and Smith provided an oral update.

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

**VII.A.1.a.**

Link moved, Crawley seconded, and it was unanimously carried to accept proposed preliminary Findings of Fact and Conclusions of Law of the Findings of Public Emergency and Order of Summary Suspension.

Busby arrived at the meeting at 9:08 a.m.

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

Johnson moved, Link seconded, to summarily suspend professional license #RN106685.

	<b>VOTE</b>	<b>Busby, Kathryn Member</b>	<b>Malloch, Kathy Member</b>	<b>Perry, Hunter Member</b>	<b>Johnson, Patricia Secretary</b>	<b>Hardy, Karen President</b>	<b>Crawley, Theresa Vice Pres</b>	<b>Woulard, Constance Member</b>	<b>Link, Denise Member</b>	<b>Robertson, Steve Member</b>
YES	<b>6</b>		X		X	X	X		X	X
NO	<b>0</b>									
ABSTAIN	<b>1</b>	X								
ABSENT	<b>2</b>			X				X		

It was therefore ordered that the license of Lydeana Lorene Wade be suspended effective with the service of the written Order, and that Wade will immediately cease practice as a nurse. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32.1664.

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

**VI.A Executive Director’s Report**

**VI.A.5. Update on Potential Statute Changes 2008/2009 – Randolph/Ridenour**

Ridenour and Randolph addressed the Board with a brief summary of concerns relating to the timing and process of submitting statute changes this legislative session. The Board provided direction to staff in the matter of potential statute changes 2008/2009.

**VII. 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).

**IX. Adjournment**

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

The meeting adjourned at 9:32 a.m., Friday, November 30, 2007.

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Karen Hardy, RN, MSN, President