

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:00 a.m., Wednesday, November 18, 2009, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Malloch, PhD, MBA, RN, FAAN, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Malloch, PhD, MBA, RN, FAAN, President
Patricia Johnson, LPN, Vice President
M. Hunter Perry, Secretary
Kathryn L. Busby, JD, Member
Theresa (Terri) Berrigan, LPN, Member
E. Gary Gum, MSN, RN, FCN, Board Member
Denise Link, PhD, WHCNP, FNAP, Member
Kathy Scott, RN, MPA, PhD, FACHE, Member

LEGAL COUNSEL:

Seth Hargraves, Assistant Attorney General
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
Stoney Blair, Senior Investigator
Tammi Bymers, RN, MSN, Nurse Practice Consultant
Frank Curatola, Senior Investigator
Janeen Dahn, MSN, FNP, Nurse Practice Consultant/Advanced Practice
Amy Foster, Senior Investigator
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Connie Linck, RN, MN, Nurse Practice Consultant/CANDO
Patricia Midkiff, RN, MN, Nurse Practice Consultant
Michelle Mills, RN, MA, Nurse Practice Consultant/Monitoring
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., MSN, Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Mary Rappoport, RN, MN, Nurse Practice Consultant
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
V. Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Nancy Twigg, RN, MSN, Nurse Practice Consultant
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:00 a.m., Wednesday, November 18, 2009.

The following Board members were present: Malloch, Johnson, Perry, Berrigan, Link, Gum, Scott, and Busby.

Malloch presided.

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

VI. RN/LPN/CNA Investigative Reports

VI.I.9. Augustin Harelimana RN161452 (S. Nelson)

Nelson addressed the Board with additional information. Attorney Susan McClellan was present and addressed the Board. Harelimana was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.L.14. Ernest Constantine Didde-Esteban RN133038; LP030781 (Rappoport)

Scott moved, Link seconded, and it was unanimously carried to table Agenda Item VI.L.14. to allow time for respondent’s attorney to arrive at the meeting.

VI.G.1. Elisa Ballesteros LP041068; CNA397088103 (Midkiff)

Attorney John Checkett addressed the Board with a request to table to allow time for respondent to arrive at the meeting. Perry moved, Gum seconded, and it was unanimously carried to table Agenda Item VI.G.1.

VI.G.2. Demetria Cabanilla LP043827; CNA990143761 (Midkiff)

Attorney John Checkett and Cabanilla were present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.G.3. Charles Idemudia LP039775; CNA999952641 (Midkiff)

Attorney John Checkett was present and addressed the Board. Idemudia was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.G.5. Jacqueline Gay LP044052 (Midkiff)

Midkiff addressed the Board with additional information. Attorney John Checkett was present and addressed the Board. Gay was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to obtain complete assessment data on resident D.P. and document findings on or about April 18, 2008, while employed at Royal Oaks Retirement Center in Arizona.

VI.L.14. Ernest Constantine Didde-Esteban RN133038; LP030781 (Rappoport)
 Busby moved, Link seconded, and it was unanimously carried to reopen Agenda Item VI.L.14. Rappoport addressed the Board with additional information. Attorney Lem Carlos was present and addressed the Board. Didde-Esteban was present and available for questions. Busby moved, Perry seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.G.1. Elisa Ballesteros LP041068; CNA397088103 (Midkiff)
 Johnson moved, Gum seconded, and it was unanimously carried to reopen Agenda Item VI.G.1. Attorney John Checkett was present and addressed the Board. Ballesteros was present and available for questions. Johnson moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for failing to obtain complete assessment data on resident D.P. and document findings on or about April 17, 2008, while employed at Royal Oaks Retirement Center in Arizona.

VI.G.4. Diana Carbajal LP039365; CNA070953641 (Midkiff)
 Attorney John Checkett and Carbajal were present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for failing to obtain and document nursing assessment data for resident D.P. on April 18, 2009, while employed at Royal Oaks Care Center in Arizona.

VI.G.6. Martha Casas LP043157 (Midkiff)
 Attorney John Checkett and Casas were present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.P.9. Kathryn Shaw Ustic RN028397 (Twigg)
 Twigg addressed the Board and confirmed receipt of additional information. Attorney Teresa Sanzio was present and addressed the Board. Ustic was present and available for questions. Scott moved, Gum seconded, and it was unanimously carried to continue the investigation and request Ustic meet with Board staff within 15 days for the purpose of an investigative interview. If Ustic does not participate in the investigative interview, and based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.P.15. Amanda Jain Mossman-Bonnette RN149990 (Twigg)
 Twigg addressed the Board with additional information. Attorney Scott King and Mossman-Bonnette were present and addressed the Board. Johnson moved, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. No second, motion failed.

After discussion, Busby moved, Scott seconded, and after further discussion the motion carried unanimously, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the following stipulations: stamping of license, abstain from unauthorized drugs, proof of prescription, one prescriber, monthly random drug screens for the first six months, notification of practice settings, quarterly performance evaluations, and on site supervision with current registry in block assignments of no less than 16 weeks.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.D.1. Marianne Janice Rosati RN110781; AP1183 (Dahn)

Rosati was present and addressed the Board. Attorney Harry Mitchell was present and available for questions. Link moved, Johnson seconded, and after discussion it was unanimously carried to issue a Letter of Concern for failing to maintain minimum standards of nursing practice and failing to follow policies and procedures of the nurse’s employer designated to safeguard the patient, including unauthorized dispensing of medications while working at Mayo Clinic Hospital in Phoenix, Arizona in or about 2005 to November 2008.

VI.D.2. Anna Marie Bricker RN039809; AP0002; AP00052 (Dahn)

Link knows Dr. Widemark but shows no bias. Dahn addressed the Board and confirmed receipt of additional information. Attorney Teressa Sanzio was present and available for questions. Scott moved, Johnson seconded, and it was unanimously carried to continue the investigation to request Bicker meet with Board staff within 15 days for the purpose of investigative interview. If Bricker does not participate in the investigative interview, and based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.D.3. Theresa Kelso RN095337; AP2247; LP013228 (Dahn)

Dahn addressed the Board and confirmed receipt of additional information. Attorney Teressa Sanzio was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for violating HIPAA laws by disclosing individually identifiable health information in a public forum on or about September 30, 2008, while employed at Priority Care in Phoenix, Arizona.

VI.O.1. Jeffrey William Henschel RN067326 (Torrez)

Torrez addressed the Board and confirmed receipt of additional information. Attorney Charlie Hover and Henschel were present and addressed the Board. Busby moved, Johnson seconded, to issue a Letter of Concern for being perceived as treating resident P.P. in a rough manner when putting her to bed on or about February 20, 2008, while assigned by All About Medical Staffing Nursing Registry to work at Clear Lake Regional Medical Center in Webster, Texas. After discussion, the motion failed with four in favor and four opposed.

Link moved, Scott seconded, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After further discussion the motion failed with four in favor and four opposed.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	4	X	X				X	X	
NO	4			X	X	X			X
ABSTAIN	0								
ABSENT	0								

After further discussion, Busby moved, Johnson seconded, to issue a Letter of Concern for being perceived as treating resident P.P. in a rough manner when putting her to bed on or about February 20, 2008, while assigned by All About Medical Staffing Nursing Registry to work at Clear Lake Regional Medical Center in Webster, Texas. The motion carried unanimously.

VI.O.2. Luz Mascarina Greenwood RN072492 (Torrez)

Attorney Teresa Sanzio was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, continue the investigation to request Greenwood meet with Board staff within 15 days for the purpose of an investigative interview. If Luz does not participate in the investigative interview, and based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.O.4. Anne Mari Guerin RN144465; CNA999999339 (Torrez)

Perry knows Debra Kruger but shows no bias. Attorney Teresa Sanzio was present and addressed the Board. Busby moved, Johnson seconded, and after discussion it was unanimously carried based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.O.11. Lashun Franchelle McSwain LP045043 (Torrez)

Perry moved, Gum seconded, and it was unanimously carried to table Agenda Item VI.O.11. to allow time for McSwain to arrive at the meeting.

The meeting recessed at 10:00 a.m. and reconvened at 10:14 a.m. Busby returned to the meeting at 10:15 a.m.

VI.L.12. David Harold Wermuth RN080000; CRNA0095; LP026257 (Rappoport)

Attorney Teresa Sanzio was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried, based upon new investigative information, extend the Interim Order until November 20, 2009, to allow respondent to complete the ordered psychological evaluation and return to the January 2010 Board meeting.

VI.N.9. Bernadine Huff RN137071 (Schettler)

Johnson is affiliated with Banner Thunderbird Medical Center, and Malloch, Johnson and Scott know Sally Diamond but show no bias. Attorney Teresa Sanzio was present and addressed the Board. Perry moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges. After discussion Johnson rescinded her second to the motion. Busby seconded the motion. The motion failed with six opposed and two in favor. Johnson moved, Berrigan seconded, and it was unanimously carried, continue the investigation to request Huff meet with Board staff within 15 days for the purpose of an investigative interview. If Huff does not participate in the investigative interview, and based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.N.13. Eileen Burgos LP025864 (Schettler)

Attorney Teresa Sanzio was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to continue the investigation to request Burgos meet with Board staff within 15 days for the purpose of an investigative interview. If Burgos does not participate in the investigative interview, and based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.I.12. Curt Brandon Howard RN112908 (S. Nelson)

Nelson addressed the Board with additional information. Attorney Blaine Gadow was present and addressed the Board. Howard was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried to, issue an Interim Order for a substance abuse evaluation, completed by a Board approved, minimum PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the

Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.I.13. Lorna Angela West RN144551 (S. Nelson)

Nelson addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to continue the investigation to request West meet with Board staff within 15 days for the purpose of an investigative interview. If West does not participate in the investigative interview, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.I.15. Shamie Michelle Slusser RN140542 (S. Nelson)

Malloch knows Kim Wilson but shows no bias. Attorney Teresa Sanzio was present and addressed the Board. Scott moved, Berrigan seconded, and after discussion it was unanimously carried, to continue the investigation to request Slusser meet with Board staff within 15 days for the purpose of an investigative interview. If Slusser does not participate in the investigative interview, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.I.16. Barbara Lavonne Woodward RN081820 (S. Nelson)

Nelson addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Woodward was present and available for questions. Scott moved, Gum seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 30 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.J.15. Janet E. Dunker RN059953 (Olson)

Attorney Kelly McDonald was present and addressed the Board. Dunker was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the multiple arrests, citations, or charges related to a 2008 Order of Protection against her by her ex-husband, resulting in the January 21, 2009, conviction of aggravated harassment, a misdemeanor, after initially being charged as a felony, in Maricopa County Superior Court in Maricopa County, Arizona; her August 24, 2009, conviction of interfering with judicial proceedings, a misdemeanor, the Dreamy Draw Justice Court in Phoenix, Arizona; her Jun 25, 2009, diversion program for the misdemeanor charge of failure to comply with a court order in the Scottsdale Justice Court in Scottsdale, Arizona; ; October 28, 2009, deferred sentencing for the misdemeanor charge of interference with judicial

proceedings/domestic violence, in the Peoria Municipal Court in Peoria, Arizona, and for her failure to report to the Board, being charged with a felony within 10 days of the charge being filed.

VI.G.8. Jewell Mahaphon Carroll LP030059 (Midkiff)

Attorney Kelly McDonald was present and addressed the Board. Carroll was present telephonically and available for questions. Johnson moved, Scott seconded, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. The motion carried with seven in favor and one opposed.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X		X	X	X	X	X
NO	1			X					
ABSTAIN	0								
ABSENT	0								

VI.C.19. Sharon Louise Harrison RN098555 (Curatola)

Attorney Teresa Sanzio was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.M.22. Andrea Kay Robertson CNA1000001896 (Sage) (aka: Prill; Strothman)

Sage addressed the Board with additional information. Attorney Richard Klauer and Robertson were present and available for question. Busby moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for brushing a resident's teeth too aggressively on March 16, 2009, while employed as a CNA at Weyrich Healthcare in Scottsdale, Arizona.

VI.M.25. Maria Tupiken CNA999988926 (Sage)

Attorney Mary Judge Ryan and Tupiken were present and addressed the Board. Perry moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.C.8. Robyn Michelle Knowlton RN000099163; LP031853; CNA136875403(Curatola) (aka: George)

Attorney Melanie Balestra and Knowlton were present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations

identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

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

VII.C. President’s Report – Malloch

VII.C.2. Appointment of Board Member to Attend Midyear Meeting on March 7-10, 2010 in Chicago, IL & Annual Meeting on August 10-12, 2010, in Portland, OR & Selection of Two Delegates for Delegate Assembly – Malloch/All

After discussion Johnson moved, Perry seconded, and it was unanimously carried for the following appointments for Board members to attend NCSBN midyear and annual meetings:

Midyear – March 7-10, 2010

Gum

Link

Alternate – Johnson

2nd Alternate – Berrigan

Annual – August 10-12, 2010

Busby

Scott

Alternate – Perry

2nd Alternate – Berrigan

Delegates for Annual Meeting

Busby and Ridenour

VII.C.1. Board Discussion Annual Nomination/Election of AzBN Officers for CY 2010 – Malloch/All

Nominations and election of AzBN Board officers for Calendar Year 2010 were as follows:

President:

Malloch was nominated and elected for President.

Vice President:

Link, Busby and Scott were nominated for Vice President. Link was elected.

Secretary:

Scott and Perry were nominated for Secretary. Scott was elected.

Elected officers for CY 2010: Malloch – President, Link – Vice President, Scott – Secretary.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Maricopa Skills Center and Grand Canyon University Nursing Students regarding Board functions, policies and procedures. Questions were asked on investigative procedures once Notice of Charges are issued, reasons that interviews with respondents are not completed prior to meetings, time limit for respondents to be interviewed, percentage of substance abuse cases, how Notice of Charges affects a career.

The meeting recessed at 12:03 p.m. Busby left for the remainder of the meeting at 12:03 p.m.

The meeting reconvened at 1:00 p.m.

II.A. Administrative Law Judge Recommendations

II.A.1. Joseph Estrada CNA Applicant Hargraves

The proceeding began at 1:01 p.m. with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott and Gum.

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 Christopher Munns, Assistant Attorney General, Division of Solicitor General. Seth Hargraves, Assistant Attorney General, represented the State.

Hargraves addressed the Board.

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

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

Gum moved, Johnson seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 4, and Conclusions of Law the alleged violations in Paragraphs 1 through 4.

Link moved, Scott 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 Estrada’s application for nursing assistant certification be upheld and affirmed.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.A.2. Karen Lynn Murphy RN Applicant Hargraves

The proceeding began at 1:05 p.m. with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott and Gum.

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 Christopher Munns, Assistant Attorney General, Division of Solicitor General. Seth Hargraves, Assistant Attorney General, represented the State.

Hargraves addressed the Board.

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

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

Perry moved, Scott seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 3, and Conclusions of Law the alleged violations in Paragraphs 1 through 4.

Perry moved, Link 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 Murphy’s application for professional nurse licensure be upheld and affirmed.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.E. Rehearing Requests or Review of Board Decision

II.E.1. Anna Tyson LP027054 Zimmerman

The proceeding began at 1:08 p.m. with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott and Gum.

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

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

Zimmerman addressed the Board.

Johnson moved, Scott seconded, and it was unanimously carried to deny request for rehearing/reconsideration.

II.E.2. Patricia Louise Speers RN108159 Zimmerman

The proceeding began at 1:11 p.m. with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott and Gum.

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Speers was not present but was represented by legal counsel, Teressa Sanzio who addressed the Board.

Zimmerman addressed the Board.

Link moved, Berrigan seconded, and it was unanimously carried to Order respondent to deny request for rehearing/reconsideration.

II.H. APRN/RN/LPN Investigative Report/Summary Suspension pursuant to A.R.S. §§ 41-1092.11(B) and/or Acceptance of a Consent Agreement and or Adoption of Complaint & Notice of Hearing

II.H.1. Annette L. Acosta RN085264; LP019407 Zimmerman

The proceeding began at 1:15 p.m. with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott and Gum.

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Berrigan knows Tara Mockabee but shows no bias.

Nelson addressed the Board with additional information.

Acosta was present and available for questions.

Scott moved, Gum seconded, and it was unanimously carried to accept the signed Consent Agreement for indefinite suspension with stipulations to include addictionologist evaluation to be completed within 6 months and treatment recommendations from the evaluation to be completed within 12 months of the Order, twice per month drug testing, abstain from alcohol, abstain from unauthorized drug use, one medical provider and one pharmacy profile. If not completed professional nurse license number RN085264 and licensed practical nurse license number LP019407 will be revoked.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.H.2. Brian Keith Estavillo RN079722; CRNA0411 Dahn

The proceeding began at 1:19 p.m. with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott and Gum.

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Dahn addressed the Board with a brief summary of the case. The Board was provided with revised Findings of Fact which included a positive urine drug screen for opiates and benzodiazepines.

Estavillo was not present but was represented by legal counsel, Teresa Sanzio who addressed the Board.

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.

Johnson moved, Link seconded, and it was unanimously carried, based on the information presented at this meeting and the findings of fact and statute/rule violations identified in the investigative report, to accept proposed preliminary Findings of Fact and Conclusions of Law of the Findings, as amended, of Public Emergency and Order of Summary Suspension.

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).

Perry moved, Link seconded, and it was unanimously carried to summarily suspend professional license RN079722 and certificate CRNA0411.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

It was therefore ordered that the license and certificate of Brian Keith Estavillo be suspended effective with the service of the written Order, and that Estavillo 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.

II.B. Motion to Deem Allegations Admitted for Failure to Respond to Complaint and Notice of Hearing & Recommended Discipline

AGENA #	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.B.1.	Michelle Ann Alvarez	CNA999999078	Revocation	Hargraves
II.B.2.	Ashley Forrest	RN132742	Revocation	Hargraves

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Seth Hargraves, Assistant Attorney General, represented the State.

The above listed were not present and were not represented by legal counsel.

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

Johnson moved, Perry seconded, and it was unanimously carried to accept the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

Perry moved, Scott seconded, and it was unanimously carried to accept the State’s recommended discipline.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.C. Settlement Conference Cases and Proposed Consent Agreements

II.C.1. Matthew James Capistran CNA Applicant Zimmerman

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Zimmerman addressed the Board.

Capistran was present and available for questions.

Perry moved, Berrigan seconded, and it was unanimously carried to rescind the August 2009 decision denying certification and based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 18 months stayed revocation, including the attached stipulations, grant certification. If not signed within 30 days, deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.C.2. Paulette Diana Wright RN124982; AP1846 Mills

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Assistant Attorney General, Nina Zimmerman represented the State.

Mills addressed the Board.

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

Perry moved, Scott seconded, and it was unanimously carried to reaffirm Sept 23, 2009 motion, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation including the attached amended stipulations. If not signed within 30 days, issue Notice of Chargers based upon the information contained in the investigative report.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.D. Motion to Deem Allegations Admitted for Failure to Respond to Notice of Charges & Recommended Discipline

AGENA	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.D.1.	Felicia Michelle Anderson	CNA999991250	Revocation	Hargraves
II.D.2.	Phyllis L. Baker	RN086584	Revocation	Hargraves
II.D.3.	Brandy Lynette Didley	CNA999952491	Revocation	Hargraves
II.D.4.	Donna Elaine Godwin (aka: Pruett)	RN122585	Revocation	Hargraves
II.D.5.	Diane Ruth Griswold	CNA1000000075	Revocation	Hargraves
II.D.6.	Carolyn Jannice Huffman	CNA1000000030	Revocation	Hargraves
II.D.7.	David B. Kasper	CNA999999804	Revocation	Hargraves
II.D.9.	Latanya T. Moore	CNA1000006086	Revocation	Hargraves
II.D.10.	Veronica R. Moreno	CNA999994983	Revocation	Hargraves
II.D.11.	Bao Quoc Nguyen	CNA1000007053	Revocation	Hargraves
II.D.12.	Luis A. Qrtiz	CNA285720103	Revocation	Hargraves
II.D.13.	Amanda Ann Pryor	CNA1000008302	Revocation	Hargraves

II.D.14.	Bonnie Angelene Schroeder	CNA999991083	Revocation	Hargraves
II.D.15.	Crystal L. Spicer	CNA999998226	Revocation	Hargraves
II.D.16.	Garie Maurice Thompson	CNA1000007412	Revocation	Hargraves
II.D.17.	Rick Andrew Vandyke	RN127623	Revocation	Hargraves
II.D.18.	Alvin Rosario Baltazar	CNA1000011829	Revocation	Zimmerman
II.D.19.	John Christopher Casillas	CNA999952129	Revocation	Zimmerman
II.D.20.	Rebecca Lynn Dipoli	RN113915; LP036048	Revocation	Zimmerman
II.D.21.	Candelario Hernandez	CNA999951153	Revocation	Zimmerman
II.D.22.	Marilyn Lee	CNA740058353	Revocation	Zimmerman
II.D.23.	Justin Duane Longtin	CNA999997209	Revocation	Zimmerman
II.D.24.	Dorine Faye Palmer	CNA999991919	Revocation	Zimmerman
II.D.25.	Caitlin Collette Randall	RN145377	Revocation	Zimmerman
II.D.26.	Hillary Marie Rhymes	CNA1000002775	Revocation	Zimmerman
II.D.27.	Ronda L. Schilousky	CNA999995144	Revocation	Zimmerman
II.D.28.	Ofelia Solis	CNA999995144	Revocation	Zimmerman
II.D.29.	Connie Wilkinson	RN035992	Revocation	Zimmerman
II.D.30.	Jacqueline Blunt	RN101903	Revocation	Hargraves
II.D.31.	Linda Rae Fehrenbacher	CNA999996366	Revocation	Hargraves
II.D.32.	Teresa Bose Lowe	LP006247	Revocation	Hargraves

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman and Seth Hargraves, Assistant Attorney General's, represented the State.

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

Scott moved, Perry seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations Admitted.

Johnson moved, Perry 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.

Scott moved, Johnson seconded, and it was unanimously carried to accept the State's recommended discipline for Agenda Items II.D.1-7, & 9-32.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1							X	

II.D.8. Lucy Evangiline Marsi LP043680 Hargraves

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Seth Hargraves, Assistant Attorney General, represented the State.

Marsi was present and addressed the Board.

Hargraves addressed the Board.

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

Perry moved, Gum 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.

Link moved, Johnson seconded, and it was unanimously carried to accept the State’s recommended discipline for revocation of licensed practical nurse number LP043680 issued to Lucy Marsi.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.F. Request to Rescind Prior Board Decision to Consider Alternative Action

II.F.1. Kaifai Gardiner CNA999993663 Hargraves

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Seth Hargraves, Assistant Attorney General, represented the State.

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

Hargraves addressed the Board.

Johnson moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, rescind the Board’s prior vote to issue a Notice of Charges, and accept the signed Consent Agreement for a \$50 Civil Penalty.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.F.2. Maria Howard CNA999948222 Hargraves

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Seth Hargraves, Assistant Attorney General, represented the State.

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

Hargraves addressed the Board.

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact, rescind prior Board vote to issue a Notice of Charges, and accept the signed Consent Agreement for a \$150 Civil Penalty.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.F.3. Velvet Nicole Williams CNA1000006102 Zimmerman

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

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

Zimmerman addressed the Board.

Perry moved, Link seconded, and it was unanimously carried to rescind prior Board decision and accept the attached signed Consent Agreement for a Decree of Censure.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.F.4. Kimberly Ann Allen RN090269 Barber
(aka: Alston)

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Seth Hargraves, Assistant Attorney General, represented the State.

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

Foster addressed the Board.

Johnson moved, Link seconded, and it was unanimously carried to rescind prior Board decision of September 20, 2007, to accept a Consent Agreement for 24 months probation with and ethics course or counseling, and accept the signed Consent Agreement for a Decree of Censure.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.G. Hearing Department Investigative Reports

II.G.1. Francesca Agnes CNA Exam Zack/Foster

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General.

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

Foster addressed the Board.

Johnson moved, Scott seconded, and it was unanimously carried to allow applicant to withdraw her application for certification as a certified nursing assistant.

II.G.2. Phyllis D. Miller LP032030 Foster

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General.

Miller was not present but was represented by legal counsel, Teressa Sanzio, who addressed the Board.

Foster addressed the Board.

Scott moved, Berrigan seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, completed by a Board approved, minimum PhD prepared psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 30 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Complaint and Notice of Hearing and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

II.G.3. Christina A. Dippel

RN099674

Foster

The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General.

Dippel was not present but was represented by legal counsel, Teressa Sanzio, who addressed the Board.

Foster addressed the Board.

Scott moved, Berrigan seconded, and it was unanimously carried to continue and to request Dippel meet with Board staff within 30 days for the purpose of an investigative interview. If Dippel does not participate in the investigative interview, and based upon the findings of fact and statute/rule violations identified in the investigative report, issue Complaint and Notice of Hearing.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

The meeting recessed at 2:36 p.m. and reconvened at 2:50 p.m.

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

VII.D.1. Executive Session to Obtain Legal Advice Pursuant to A.R.S. §38-431.03(A) (3): Investigative Interviews, Procedures & Enforcement – Monty Lee/Hargraves/Zimmerman

Perry moved, Scott seconded, and it was unanimously carried to go into Executive Session on Agenda Item VI.D.1. for the purpose of obtaining legal advice. Executive Session convened at 2:58 p.m. and adjourned at 3:25 p.m.

VII.B. Educational Reports and Rules – Randolph

VII.B.1. CNA Spanish Written Exam Option

Johnson moved, Scott seconded, to delete the provision to offer a written exam in Spanish from the RFP for a CNA exam vendor, and add translational dictionaries. After discussion the motion carried with five in favor and two opposed.

VII.B.2. Substantive Policy for Out of State Nursing Programs Seeking Limited Preceptorship Placement

Scott moved, Johnson seconded, and it was unanimously carried to approve substantive policy for Out of State Nursing Programs Seeking Limited Preceptorship Placement.

VII.B.3. Central Arizona College Investigative Report

Mary Jan Keel and Julian Easter, representatives from Central Arizona College were present and available for questions. Perry moved, Johnson seconded, and it was unanimously carried to issue notice of deficiency for violation of R4-19-201 (I), Systematic Evaluation Plan with 18 months to correct and file a report on or before January 31, 2010 on potential violations related to curriculum and completed evaluation of all faculty.

VII.B.4. East Valley Institute of Technology - Update

Program Director Cecilia Fleming and student Mirinda Betrah, from East Valley Institute of Technology (EVIT) were present and addressed the Board. Scott moved, Gum seconded, and after discussion it was unanimously carried to issue Notice of Deficiency for violation of R4-19-206 (B) with 60 days to correct and cease admissions to the PN nursing program at EVIT until full approval is granted by the Board. Johnson moved, Perry seconded, and it was unanimously carried to remove current deficiency related to NCLEX.

VII.B.5. Application for Proposal Approval Brown-Mackie Phoenix RN AD Program

Gum recused himself to avoid the appearance of impropriety. All Board members know Gary Gum but show no bias. Gary Gum, Gilda Taylor, and Sue Rhodes, representatives from Brown-Mackie Phoenix RN AD Program were present and available for questions. Gum thanked Randolph and the Education Committee for their guidance and feedback. Scott moved, Johnson seconded, to grant proposal approval to Brown Mackie Phoenix with the following conditions: That admissions are limited to 80 new students per calendar year; students may be admitted more frequently than every other quarter; and proposal approval expires if an application for provisional approval is not received within 1 year of granting of proposal approval. The motion carried with six in favor and one abstained.

VII.B.6. Application for Program Change – Increasing Length-Grand Canyon University

Scott moved, Link seconded, and it was unanimously carried to approve the Grand Canyon University application for program change increasing the length of the program.

VII.B.8. NCLEX Third Quarter 2009 Reports

NCLEX third quarter 2009 reports were provided to the Board.

VII.B.9. Request to Lift Deficiency Status – University of Phoenix LPN to BSN Program

Johnson moved, Link seconded, and it was unanimously carried to remove the deficiency status from University of Phoenix.

VII.B.10. Notice of Program Closure – Baptist Health Systems School of Health Professions

Information was provided to the Board regarding Baptist Health System School of Health Professions completion of the planned teach out of three remaining students enrolled in the program at the Phoenix classroom and clinical sites.

VII.B.11. Notice of Change in Nursing Program Administrator – Brookline College

Information was provided to the Board regarding the appointment of Dr. Carol Kleinman, Executive Dean of Nursing, as the Program Administrator for the Nursing Program of the Phoenix Campus of Brookline College.

VII.B.12. Cease and Desist Carlos Training Center

A cease and desist letter was sent to Carlos Training Center on October 27, 2009

VII.B.13. List of NATCEP New and Renewal Programs Approved by the Executive Director

The Board was provided with a list of NATCEP new and renewal programs approved by the Executive Director.

VII.B.12. Cease and Desist Carlos Training Center

Link moved, Scott seconded, and it was unanimously carried to reopen Agenda Item VII.B.12. for the purpose of allowing Carlos Barthelemy to address the Board.

VII.B.14. 2009 Annual Statewide Educators Conference Report

The Board was provided with a report on the 2009 Annual Statewide Educators Conference held October 16, 2009 at the Black Canyon Conference Center in Phoenix, Arizona.

V.B. Applicants for Reissuance & Investigative Reports

V.B.4. Les Parker RN/LP Reissuance (Mills)

Mills addressed the Board and noted a technical correction to the stipulations: AA 3 times per month to read 3 times per week. Parker was present and available for questions. Johnson moved, Scott seconded, upon meeting all requirements and signing a Consent Agreement for 36 months stayed revocation/probation including the attached amended stipulations, to grant licensure for RN Refresher Course only. Upon successful completion of RN Refresher Course, grant RN licensure under applicable terms. If not signed within 30 days, deny licensure based upon the information contained in the investigative report. After discussion the motion carried with six in favor and one opposed.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6	X	X	X	X	X	X		
NO	1							X	
ABSTAIN	0								
ABSENT	1								X

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.2. Cheryl Lynn Buckler RN128378 (Linck)

Linck addressed the Board with additional information. Buckler was present and addressed the Board. Link moved, Berrigan seconded, and it was unanimously carried, based upon the finding of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation followed by 24 months standard probation, including the attached stipulations amended to delete restriction to narcotics; and the terms of the Consent Agreement may be completed in the State of California with the approval of the California Board of Nursing. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

V.F.10. William Russell Neal RN097393 (Linck)

Neal was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI. RN/LPN/CNA Investigative Reports

VI.A.11. Cynthia Sue Grange CNA Exam (Blair)

Grange was present and addressed the Board. Johnson moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation including the attached stipulations, to grant certification. If not signed within 30 days, deny licensure.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

**VI.C.4. Bethany Ann Downing RN Endorsement (Curatola)
(aka: Toepfer; Salvig; Skeel)**

Curatola addressed the Board with additional information. Downing was present and addressed the Board. Perry moved, Link seconded, and it was unanimously carried to table Agenda Item VI.C.4.

VI.C.5. Alexandria Julia Fraiberg CNA Exam (Curatola)

Curatola addressed the Board with additional information. Fraiberg was present and addressed the Board. Scott moved, Johnson seconded, and after discussion it was unanimously carried to continue the investigation to allow applicant the opportunity to obtain a psychological evaluation with emphasis on dishonesty and substance abuse, by a licensed psychologist, and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and return to the Board. If not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.9. Veronica L. Martinez CNA384999817 (Curatola)

Martinez was present and addressed the Board. Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report,

to offer a Consent Agreement for a \$100 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.11. Todd Alan Reade CNA Exam (Curatola)

Reade was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a relapse prevention/recovery evaluation with a Board approved evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.4. Bethany Ann Downing RN Endorsement (Curatola)
(aka: Toepfer; Salvig; Skeel)

Perry moved, Link seconded, and it was unanimously carried to reopen Agenda Item VI.C.4. Smith addressed the Board with an updated Board option. Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 24 months probation including the attached stipulations, to grant licensure. If not signed within 30 days, deny licensure.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.12. Christine Alexandra Rowley CNA Exam (Curatola)

Rowley was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, and signing a Consent Agreement for a \$50 Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.P.1. Kathleen Rebekah Fellows RN084895 (Twigg)

Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.P.2. Sharon Johnson Gala RN08663; AP0159; LP017503 (Twigg)

Gala was present telephonically and addressed the Board. Scott moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for allegedly failing to adequately assess, document the assessment and respond appropriately to patient R.P.’s changing condition on or about December 26, 2007, while working at Palo Verde Behavioral Hospital in Tucson, Arizona.

**VI.P.3. Tameria Lee Harrington RN103861 (Twigg)
(aka: Lassle)**

Harrington was present and addressed the Board. Johnson moved, Link seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. The motion carried with six in favor and one opposed.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6	X	X		X	X	X	X	
NO	1			X					
ABSTAIN	0								
ABSENT	1								X

VI.P.4. Christy Lee Hawks TX68901 (Compact) (Twigg)

Twigg addressed the Board with additional information, which included that Hawks has applied for Arizona licensure and declared Arizona as primary state of residence. Additional findings of fact verbally noted were: Fact #4: On or about July 5, 2009, Christy Lee Hawks appeared to be impaired while working at Devon Gables Healthcare in Tucson, Arizona. Hawk’s speech was slurred and she was making “incoherent statements that could not be understood.” In her possession were three Ativan, signed out but not administered to residents; Fact #5: On or about October 9, 2009, Christy Lee Hawks admitted she pre-poured medications, including controlled substances on or about July 5, 2009; Fact #6: Hawks is prescribed several medications which have potential for. Hawks was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation and substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges against the Privilege and include the factual allegations and alleged violations for failure to comply with the Interim Order, and deny licensure.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.F.9. Iskradel R. Harris CNA Exam (Lester)

Harris was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for a misdemeanor conviction for driving under the influence (DUI), on June 28, 2008, in Tempe Municipal Court, Tempe, Arizona.

VI.J.12. Michael E. Tanner RN093151 (Olson)

Tanner was present and addressed the Board. Scott moved, Perry seconded, and it was unanimously carried, to issue an Interim Order for a psychological and sexual misconduct evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

**VI.P.5. Judith Ann Lage RN129454 (Twigg)
(aka: Brokaw; Courtney; Campbell; Kline)**

Link moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

**VI.P.6. Lorna Lee Lynn RN111082 (Twigg)
(aka: Belt; Gregerson)**

Twigg addressed the Board with additional information. Scott moved, Johnson seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 60 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.P.7. Kelly Anne McMurtrey RN141471 (Twigg)
(aka: Cunningham; Wymire)

Link moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.P.8. April Diane Moon RN071493 (Twigg)

Link moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.P.10. Gina Marie Smith LP040356; CNA1000003301 (Twigg)
(aka: Acuna)

Johnson moved, Link seconded, and it was unanimously carried to issue an Interim Order for a professional boundary violation evaluation, completed by a Board approved licensed psychologist with expertise in professional sexual misconduct and boundary violations, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.P.11. Katherine Spirk LP033501 (Twigg)

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.P.13. Lorraine Helen Bowers LP029856 (Twigg)

Perry moved, Link seconded, and it was unanimously carried to adopt Notice of Charges.

VI.P.14. Melinda Kay Garza LP037068 (Twigg)
(aka: Salas)

Perry moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.P.12. Craig Clark Stockstill LP043583 (Twig)

Stockstill was present telephonically and addressed the Board. Link moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for changing a Duragesic (Fentanyl) patch ordered to be changed every 72 hours within 24 hours, failing to discard a Duragesic patch according to standard or have the wastage witnessed on or about February 28, 2008, and for failing to document that a resident refused a Duragesic patch on or about February 27, 2008, while working at Devon Gables Healthcare Center in Tucson, Arizona.

The meeting recessed at 6:00 p.m., Wednesday, November 18, 2009.

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:01 a.m., Thursday, November 19, 2009, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Malloch, PhD, MBA, RN, FAAN, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Malloch, PhD, MBA, RN, FAAN, President
Patricia Johnson, LPN, Vice President
M. Hunter Perry, Secretary
Kathryn L. Busby, JD, Member
Theresa (Terri) Berrigan, LPN, Member
E. Gary Gum, MSN, RN, FCN, Board Member
Denise Link, PhD, WHCNP, FNAP, Member (telephonic for one case only)

BOARD MEMBERS ABSENT:

Kathy Scott, RN, MPA, PhD, FACHE, Member

LEGAL COUNSEL:

Seth Hargraves, Assistant Attorney General
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
Stoney Blair, Senior Investigator
Tammi Bymers, RN, MSN, Nurse Practice Consultant
Frank Curatola, Senior Investigator
Amy Foster, Senior Investigator
Janeen Dahn, MSN, FNP, Nurse Practice Consultant/Advanced Practice
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Connie Linck, RN, MN, Nurse Practice Consultant/CANDO
Patricia Midkiff, RN, MN, Nurse Practice Consultant
Michelle Mills, RN, MA, Nurse Practice Consultant/Monitoring
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., MSN, Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Mary Rappoport, RN, MN, Nurse Practice Consultant
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
V. Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Nancy Twigg, RN, MSN, Nurse Practice Consultant
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:01 a.m., Thursday, November 19, 2009.

The following Board members were present: Malloch, Johnson, Perry, Berrigan, and Gum.

Scott arrived at the meeting at 8:03 a.m.

Malloch presided.

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

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

VII.A. Executive Directors Report – Ridenour

VII.A.1. Discuss/Amend and/or Approve Board Minutes

VII.A.1.a. September 23 & 24, 2009 Regular Board Meeting Minutes

VII.A.1.b. September 23 & 24, 2009 Executive Session Minutes

VII.A.1.c. October 5, 2009 Special Board Meeting

Perry moved, Johnson seconded, and it was unanimously carried to approve minutes of September 23 & 24, 2009 regular Board meeting; September 23 & 24, 2009 Executive Session; and October 5, 2009 special Board meeting.

VII.A.3. Update on Hearing Department Cycle Times – Barber/Smith/Zack/Hargraves/ Zimmerman/Foster

An update on Hearing Department cycle times was provided to the Board. Zimmerman commented that cycle times continue to decrease. Ridenour commended the assistant attorney generals for their efforts while AAG Zack is on leave.

VII.A.4. Update on Budget Deficit & Impact on Board of Nursing; Letter Sent to Governor Regarding 15% Reduction in Expenditures; Update on Lawsuit Regarding Fund Sweeps & Potential Cash Flow Issues in FY 2010 – Orchard/Bontrager/Ridenour

Ridenour stated that the Governor would be holding three special sessions and the impact on the Board, of the 15% potential reduction, would not be understood until January 2010. Scott inquired if there had been a response from ADHS regarding the proposal to return the CNA program to that agency. Ridenour indicated that, at this time, our proposal would probably not be a high priority for ADHS. Ridenour reported that she met with the Governor's staff twice on the budget reductions. If budget reductions are required, Ridenour requested considerations be made such as not holding the Sunset Review as scheduled and more immunity for the Board if there were not sufficient staff to do the investigations.

VII.A.5. Annual Licensure/Fee Structure Recommendations & Changes for FY 2010 – Orchard/Bontrager/Randolph

Ridenour stated there are no license/fee structure recommendations / changes for FY 2010. The reason the renewal date was changed from June to April was to avoid a fee increase for RN/LPN renewals.

VII.A.6. Board Member Educational Session & Policy Recommendations: Release of Public Records Information – Bontrager/Smith/Randolph/Ridenour

Scott moved, Johnson seconded, and it was unanimously carried to approve the policy recommendation: Release of Public Records Information.

VII.A.7. Recommend Approval of White Paper on Registered Nurse Practitioner (RNO) Practicing in an Acute Care Setting – Link/Randolph/Dahn/Grady

Scott moved, Johnson seconded, and it was unanimously carried to approve and adopt the White Paper on Registered Nurse Practitioner Practicing in an Acute Care Setting.

VII.A.8. Recommend Approval of Substantive Policies Related to Enactment of Senate Bill 1105 on October 14, 2009 – Smith/Ridenour

Smith gave a brief overview of the recommended substantive policies related to the enactment of Senate Bill 1105 as well as minor changes from the first draft brought to the Board at the September, 2009, meeting. Scott moved, Berrigan seconded, and it was unanimously carried to approve the Guidelines and Criteria for Executive Director or Designee to close complaints meeting Case Disposition and Letters of Concern Submitted by Summary Report.

Smith also recommended revised Guidelines and Criteria for Executive Director or Designee Closing of Complaints Resolved through Settlement. After discussion, Perry moved, Gum seconded, and it was unanimously carried to table Agenda Item VII.A.8. until additional changes are added to the draft policy and returned to the Board later in this meeting.

VII.A.2. Update on Implementation of Senate Bill 1105 Effective October 14, 2009; Potential Legislation for 2010; Potential Language for Certified Medication Technicians – Greg Harris/Ridenour/Randolph/Smith

Ridenour stated that this was our opportunity to explore any challenges experienced with the implementation of Senate Bill 1105. One of the issues is to better understand the Board's ability to issue subpoenas. Ridenour invited the Board to dialogue and offer suggestions for changes to the Nurse Practice Act.

Legislative Liaison, Greg Harris, reported on the potential language for Certified Medication Technicians. Harris noted the need for the proposed language to articulate what was contemplated as the outcome of the pilot. Harris voiced the need to obtain input from the community before moving forward and seeking the bill's introduction. Harris noted the Board would need to address how the program would be funded, by purposing the cost of services associated with the issuing a license and regulation. Harris further stated that, with the deficit the State faces, the Board must not lose sight of the fact that asking for this licensing fee would create challenges. Harris indicated he was optimistic that, persons in attendance at a meeting held in Oct, 2009, were motivated to get the job done.

Malloch asked if the fee structure would be part of that dialogue with the community at large. Harris stated it would be. There are two levels to the fees. One level relates to how much the Board needs for licensing fees. That issue is separate because there may be a consensus that the fee is reasonable for the profession, for those who support the profession, and in relation to fees that other Board assess. Harris stated that this analysis is different from the analysis of how to succeed in obtaining Legislative approval.

Scott inquired if there were any objections, specifically the Pharmacy Board, to the med tech role.

Randolph responded that the Pharmacy Board was instrumental in the pilot and had representatives at most of the meetings. Points of concern about the Med Tech role were made by the Nurse's Association, and attempts are being made to craft language that would address those concerns.

Ridenour responded that the remaining concerns were in the initial pilot, but no supporting evidence could be found.

Harris stated the Board's view was that the proponents of the Med Tech program had been the nursing home communities. He noted that there are two different nursing home associations who have sought/collaborated on the development of the pilot. The legislative effort was an outgrowth of the pilot program they enacted in 2004, and they should be the ones to take the lead. The Board would be prepared to inform the legislature that an analysis has been undertaken and that the measure would be a safe/ effective method of carrying out the pilot in the statute. Harris stated that legislation must be clear

enough to address if the language proposed translates into what the pilot presented, if it has been adequately communicated to the nursing community, the public, and to the institution responsible for this part of the delivery of care.

Harris reported on legislation involving CRNA's. He stated that a meeting was scheduled with the incoming president of the CRNA Association on December 18, 2009, Discussion will continue regarding CRNA's scope of practice, and the need for increased clarity and alignment between the statutes and rules.

VII.A.9. Update on Nurse Licensure Compact Administrators & Election of Executive Committee – Ridenour/Malloch

Ridenour reported that she has accepted to a two year assignment on the Nurse Licensure Compact Administrators (NLCA) committee. Ridenour noted that Missouri was added to the compact this year, bring the total to 24 states. Ridenour reported the Society of Case Managers of America, with approximately 11,000, members are eager for more states to participate in the compact. More grass roots efforts are taking place in some of the states but particular Board's of Nursing are not supportive of the compact. Ridenour stated that in 1998 the American Nurse's Association (ANA) had fourteen points of concern relating to the nurse licensure compact, which are now reduced to seven. A meeting is scheduled in January, 2010 to attempt to reduce that number further. The Super Unions (SU), representing 29 states, are meeting in December to discuss fourteen points of concern, with some similarities between the issues raised, between ANA and SU. Ridenour pointed out that the concerns in 1998 are not the real issues being dealt with today. Today's concerns involve making sure that states are holding each other accountable for the lawful contract with each other, and to work together in investigations. Ridenour stated that this is not like all other policies developed by National Council over the last 30 years, which gave Boards an option to either adopt and put into law or not. Compact states must be accountable to each other in order to keep from putting each other at risk.

Scott asked if the issues from ANA and SU collaborated. Ridenour responded that they were separate issues.

Ridenour noted that States not in the compact tend to feel they do not have access to information, which creates a challenge to keep them from feeling disenfranchised.

VII.A.10. Update on Contract Extension for Arizona State Board of Nursing Regulatory Journal CY 2010 – Ridenour/Wiemann

Ridenour stated that the contract for the Arizona State Board of Nursing Regulatory Journal would go from four editions to three editions per year, based on budget constraints. Ridenour reiterated that people are encouraged to use the AzBN website for information. Statistics indicate that the numbers continue to be high. With electronic access, hard copy information is not as necessary today as it has been in the past.

VII.A.11. NCSBN Committee Reports: Advanced Practice – Busby; Chemical Dependency – Smith; CORE – Ridenour; Continued Competency – Kathy Scott; Awards - Bontrager

Committee members gave reports on NCSBN Committees for Advanced Practice, Chemical Dependency, CORE, Continued Competency and Awards.

VII.A.12. Discussion of NCSBN Uniform Core Requirement Committee Recommendations Regarding Uniform Licensure Requirements & Potential Changers to AzBN Applications – Randolph/Bontrager/Smith/Ridenour

Perry moved, Scott seconded, and it was unanimously carried to approve NCSBN Uniform Core Requirements committee recommendations regarding Uniform Licensure Requirements.

VII.A.13. Recommend Approval of Policy: Requirements for Certified Nursing Assistant to Challenge the CNA Exam – Bontrager/Randolph

Perry moved, Scott seconded, and it was unanimously carried to accept applicants for certification by exam if one of the three proposed waivers is met.

VII.A.14. Update on Personnel Changes; Investigative Cycle Times & Information Related to Sunset Review – Bontrager/Smith/Randolph/Ridenour

Smith reported the retirement of staff member Nan Twigg in January 2010, Bontrager reported the resignation of Cristina Oates effective November 20, 2009, Ridenour reported investigative cycle times remain between 6 and 7 months, and offered an update on Sunset Review.

VII.E. Committee Reports

VII.E.1. Scope of Practice: Discuss/Amend & Approve Advisory Opinions – Bontrager/Johnson/Scott

VII.E.1.a. Advisory Opinion – Draft Abandonment of Patients

Johnson moved, Scott seconded, and it was unanimously carried to approve advisory opinion Abandonment of Patients.

VII.E.1.b. Advisory Opinion – Draft Fetal Scalp Electrodes

Perry moved, Scott seconded, and it was unanimously carried to approve the advisory opinion on Fetal Scalp Electrodes.

VII.E.1.c. Advisory Opinion – Draft Amniotomy

Johnson moved, Scott seconded, and it was unanimously carried to approve the advisory opinion on Amniotomy.

VII.E.1.d. Advisory Opinion – Draft Intra Osseous Cannulation

Scott moved, Johnson seconded, and it was unanimously carried to approve the advisory opinion on Intra Osseous Cannulation.

VII.E.1.e. Advisory Opinion – Draft Intrauterine Pressure Catheters

Perry moved, Gum seconded, and it was unanimously carried to approve advisory opinion Intrauterine Pressure Catheters.

VII.E.1.f. Advisory Opinion – Draft Pacemaker Wires, Removal of Temporary Wires

Gum moved, Berrigan seconded, and it was unanimously carried to approve the advisory opinion on Pacemaker Wires, Removal of Temporary Wires.

VII.E.1.g. Advisory Opinion – Draft Lumbar Puncture

Scott moved, Johnson seconded, and it was unanimously carried to approve the advisory opinion on Lumbar Puncture.

VII.E.1.h. Advisory Opinion – Draft Suture Mediated Closure Devices

Scott moved, Johnson seconded, and it was unanimously carried to approve the advisory opinion on Suture Mediated Closure Devices.

VII.E.1.i. Advisory Opinion – Draft Central Line Insertion by RN - NEW

Scott moved, Johnson seconded, and it was unanimously carried to approve the new advisory opinion on Central Line Insertion by RN.

VII.E.1.j. Advisory Opinion – Insertion/Removal of Laminaria Sponge RETIRE

Scott moved, Johnson seconded, and it unanimously carried to approve the retirement of the advisory opinion on Insertion/Removal of Laminaria Sponge.

VII.E.1.k. Advisory Opinion – Medication Carrying by Licensed Nurses RETIRE

Scott moved, Johnson seconded, and it unanimously carried to approve the retirement of the advisory opinion on Medication Carrying by Licensed Nurses.

VII.E.1.l. Advisory Opinion – Foley Catheter: Use of Instrumentation to Deflate a Malfunctioning Foley Catheter Balloon RETIRE

Scott moved, Johnson seconded, and it unanimously carried to approve the retirement of advisory opinion Foley Catheter: Use of Instrumentation to Deflate a Malfunctioning Foley Catheter Balloon.

VII.E.2. Education – Randolph

VII.E.2.a. Draft Minutes

Education Committee meeting draft minutes of October 30, 2009 were provided to the Board.

VII.E.3. Advanced Practice - Grady

VII.E.3.a. Draft Minutes

Advanced Practice Committee meeting draft minutes of October 2, 2009 were provided to the Board.

VII.E.3.b. Appointment of New Member

Scott moved, Johnson seconded, and it was unanimously carried to approve the appointment of applicant Marci Farquhar-Snow to the Advanced Practice Committee.

The meeting recessed at 9:24 a.m. and reconvened at 9:40 a.m.

III. Board Reports Regarding Executive Director/Designee Delegated Duties: Cases Dismissed, Letters of Concern, Cases Closed Through Settlement, Imposters and Court Ordered Revocations

III.A. Board Information Regarding Cases Dismissed Pursuant to ARS 32-1605.01 (C) 1

Information was provided to the Board regarding cases dismissed pursuant to ARS 32-1605.01 (C) 1

III.B. Board Information Regarding Letters of Concern Issued Pursuant to ARS 32-1605.01 (C) 4

Information was provided to the Board regarding Letters of Concern issued pursuant to ARS 32-1605.01 (C) 4.

III.C. Cases Closed Through Settlement

**III.C.1. Jeanne D. Fulcher RN037765; AP0022 Smith
(aka: Noreen T. Partridge)**

Scott moved, Gumm seconded, and it was unanimously carried to accept in settlement, the signed Consent Agreement allowing Fulcher to work any shift via her employment at Mesa Integrated Health System (MIHS), including assignments involving 24 hour coverage.

IV. Lapsed Licenses & Certificates, Felony Bar Cases, Notice of Charges, Applicants for Licensure

IV.A. Lapsed Licenses & Certificate Administrative Penalty

IV.A.1. Marni Beth Seidman RN Applicant Rappoport

IV.A.2. Sharon Elizabeth Hoffman RN Applicant Rappoport

(aka: Davidson)

IV.A.3.

Jill Lynn Paugh

LP Applicant

Rappoport

(aka: Walker; Feaster)

Agenda #	Name	License/Certificate #	Penalty	Staff
IV.A.4.	Kristen Powdrell	CNA1000011825	\$25	Driver
IV.A.5.	Sussie Gray	CNA1000014430	\$25	Driver
IV.A.6.	Johnathan Alar	CNA1000012630	\$25	Driver

Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for \$100 administrative penalty. If not signed within 30 days and payment not received within 60 days, issue an Order of Denial for Agenda Item IV.A.1.; based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$ 100 Civil Penalty. If not signed within 30 days, deny licensure for Agenda Item IV.A.2; based upon the findings of fact and statute/rule violations identified in the investigative report, to accept the signed Consent Agreement for a \$200 administrative penalty, and grant licensure for Agenda Item IV.A.3.; and based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an Administrative Penalty in the amount stated for working on an expired license/certificate, if not signed, issue Notice of Charges. Once signed, if the Administrative Penalty is not paid within 6 months of the effective date of the Order, issue Notice of Charges. Referral of the employers will be made to Department of Health Services for licensees/certificate holders working on a lapsed license/certificate for three months or greater for Agenda Items IV.A.4-6.

IV.B. Felony Bar Cases

IV.B.1. Recommended Adopt Order of Denial for Applicants

Agenda #	Name	License/Certificate #	Staff
IV.B.1.a.	Starlett Monique Davis	CNA Applicant	Olson
IV.B.1.b.	Amanda Dawn O’Ross	CNA Applicant	Olson
IV.B.1.c.	Teresa Joselyn Quiver	RN Applicant	Olson

Johnson moved, Scott seconded, and it was unanimously carried to adopt the attached Order of Denial for Agenda Items III.D.1.a.-c.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.B.2. Felony Bar Cases

IV.B.2. Recommended Notice of Charges for RN/LPN/CNA

Agenda #	Name	License/Certificate #	Staff
IV.B.2.a.	Monica R. Connors	CNA214441116	Olson
IV.B.2.b.	RaksmeY Chan Seng	CNA1000011512	Olson
IV.B.2.c.	Meagan Darielle Villalovos	CNA1000016338	Olson
IV.B.2.d.	Angela Maria Elizabeth Simpson	CNA999990236	Curatola
IV.B.2.e.	Ebony Aileen Akemon	CNA999951042	Blair
IV.B.2.f.	Leona A. Baldwin	CNA175142803	Blair
IV.B.2.g.	Dionte Lakisha Bates	CNA999990896	Blair

IV.B.2.h.	Malissa Dale	CNA999989111	Blair
IV.B.2.i.	Catherine Viola Hodgeson	CNA999996674	Blair
IV.B.2.j.	Brandi Donnelle Maples	CNA1000002219	Blair
IV.B.2.k.	Jamie Michelle Wylie	LP04598	Blair
IV.B.2.l.	Verlyn R. Ingram	CNA837249266	Blair

Perry moved, Johnson seconded, and unanimously carried to adopt the attached Notice of Charges for Agenda Items IV.B.2.a-l.

IV.C. Recommended Notice of Charges

Agenda #	Name	License/Certificate #	Staff
IV.C.1	Stephanie Pierce	CNA1000010472	B. Nelson
IV.C.2.	Colleen Booth	LP036438	Foster
IV.C.3.	Shanon Tyrah Dekalb	RN147472	Foster
IV.C.4.	Bonnie Marie Demlong	RN101123	Foster
IV.C.5.	Jose Luis Espinoza	RN086932	Foster
IV.C.6.	Teresa Lynn Waldo	RN131096	Foster
IV.C.7.	Dawn Suzanne Woolley	TRN149727	Foster

Scott moved, Berrigan seconded, and unanimously carried to adopt the attached Notice of Charges for Agenda Items IV.C.1.-7.

IV.D. Recommended Applicants for Licensure

IV.D.1. Adalaide Johnson CNA Endorsement Bontrager

Perry moved, Berrigan seconded, and it was unanimously carried grant CNA certification when all requirements are met except active listing on a nursing assistant register by another state.

IV.D.2. Audrey Verge LP Endorsement Bontrager

Scott moved, Berrigan seconded, and it was unanimously carried to accept applicant’s education to meet the educational requirement for licensure in Arizona. Grant a license for LPN that is “Valid in AZ Only”, when all requirements are met.

IV.D.3. Melinda Stinski RN Endorsement Bontrager

Johnson moved, Gum seconded, and it was unanimously carried to require applicant to complete the Capstone program, an intensive 90 hour clinical course through Maricopa Community College District. Grant licensure when all requirements are met.

IV.D.4. Marianne O’Brien RN Endorsement Bontrager

Perry, Malloch, Johnson, Scott and Gum know Karen Hardy but show no bias. Scott moved, Johnson seconded, and it was unanimously carried to grant temporary license for a maximum of 6 months, until applicant passes the NCLEX exam. If applicant does not pass the NCLEX on the first attempt, inactivate the temporary license.

V.A. RN/LPN/CNA Termination of Previously Issued Board Orders after Full Compliance – (Hurtado)

Name	RN/LP/CNA Number	Termination Date
1. Amber A. Canez	RN138589	November 18, 2009
2. Dianne L. Harris	RN101685	November 18, 2009
3. Martha M. Vazques	CNA1000010048	November 18, 2009
4. Jeanette A. Reavis	RN045402	November 19, 2009

- | | | |
|-------------------------|--------------------|-------------------|
| 5. Jacqueline A. Green | LP038412 | November 21, 2009 |
| 6. Jennifer A. Kreger | RN156655; LP045102 | November 25, 2009 |
| 7. Lisa Maffei | RN102575 | December 01, 2009 |
| 8. Ana Alvarez | CNA524899103 | December 03, 2009 |
| 9. Amri Tam | CNA1000018172 | December 10, 2009 |
| 10. Heidi S. R. Clouser | RN155662 | December 19, 2009 |
| 11. Carmen M. Wall | CNA703712897 | December 30, 2009 |
| 12. Keith Thompson | CNA925401024 | December 31, 2009 |
| 13. Melinda L. Dahl | RN123635 | January 02, 2010 |
| 14. Stephen M. Kelly | RN083407 | January 03, 2010 |
| 15. Sherri Ulibari | RN058001 | January 09, 2010 |
| 16. Patricia A. White | RN097209; AP1776 | January 16, 2010 |

Scott moved, Perry seconded, and it was unanimously carried to approve the full compliance list to terminate Board Order on the individual(s) listed above on dates given, if no evidence of non-compliance with Board Order/Consent Agreement exists.

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Kim Strege LP Reissuance (Mills)

Perry moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny application for reissuance of practical nurse license.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.B.2. Payton Wheatley CNA Reissuance (Mills)

Scott moved, Perry seconded, and it was unanimously carried to grant certification upon meeting all requirements.

V.B.3. Edward Hair RN Endorsement (Mills)

Hair was present telephonically and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements and signing a Consent Agreement for 12 months probation including the attached stipulations, to grant licensure for RN Refresher Course only. Upon successful completion of RN Refresher Course, grant RN licensure under applicable terms. If not signed within 30 days, based on the information contained in the investigative report, deny licensure.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.B.5. Norman LaCambra LP030186; CNA563162573 (Mills)

Mills addressed the Board with an amendment to the stipulations. Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations amended to include AA meetings 3 times per week. If not signed within 30 days, based on

the findings of fact and statute/rule violations identified in the investigative report, issue a Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.C. Non-Compliance/Compliance with Board Orders

V.C.1. Elsa Sipperley RN087205; LP028366 (Mills)

Sipperley was present telephonically and available for questions. Mills addressed the Board with additional information. Scott moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months stayed revocation/probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges. The motion carried with five in favor and one opposed.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	5		X	X	X	X	X		
NO	1							X	
ABSTAIN	0								
ABSENT	2	X							X

V.C.2. Randi Armijo RN146421; LP042646; CNA1000003391 (Mills)

Johnson moved, Scott seconded, and it was unanimously carried to based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$500 Civil Penalty and 12 months stayed revocation/probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.C.3. David Winikates RN117796 (Mills)

Johnson moved, Scott seconded, and after discussion it was unanimously carried, based upon the finding of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for stayed revocation/indefinite suspension followed by 18 months stayed revocation/probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon the information contained in the investigative report.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.C.4. Karen Jorgensen RN131691 (Mills)

Mills addressed the Board with an amendment to the stipulations. Johnson moved, Scott seconded, and it was unanimously carried to accept a Consent Agreement for indefinite suspension pending successful completion of residential treatment for both substance abuse and psychiatric illness, followed by 18

months stayed suspension/probation followed by 18 months standard probation with amended stipulations to include AA one time per week.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.D. Non-Compliance/Compliance with Board Orders

IV.D.1. Brienna L. Balmer RN141825 (Hurtado)

Perry moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

V.D.2. Mary A. Freeman RN140595 (Hurtado)

Johnson moved, Scott seconded, and it was unanimously carried to approve request to amend Consent Agreement and Order No.0803098 entered into on December 23, 2008, to allow Freeman to work under on-site supervision through the duration of the Order.

V.E. Notice of Charges for RN/LP/CNA Noncompliance

V.E.2. Kristian K. Anderson RN082958 (Hurtado/Mills)

V.E.3. Thomas A. Baxter RN071722 (Hurtado/Mills)

V.E.4. Linda K. Bigler CNA233089103 (Hurtado/Mills)

V.E.5. Marla N. Bluestein RN000099181 (Hurtado/Mills)

V.E.6. Jennifer R. Carter RN120243 (Hurtado/Mills)

V.E.7. Marcia L. Chapman RN046798 (Hurtado/Mills)

V.E.8. Karen R. Cooper RN040746 (Hurtado/Mills)

V.E.9. Veronica Cooper CNA999993477 (Hurtado/Mills)

V.E.10. Susan A. Costal LP026576 (Hurtado/Mills)

Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges for Agenda Items V.E.2-10.

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.1. Sheryl Ashcroft RN091566 (Linck)

Linck addressed the Board with additional information. Scott moved, Gum seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$500 Civil Penalty and 12 months stayed revocation/probation including a PhD level substance abuse evaluation to be completed within 30 days followed by 24 months standard probation including the attached stipulations; terms of the Agreement may be completed in the State of New Mexico with the approval of the New Mexico Board of Nursing. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.F.4. Susan Ann Clouse RN076271 (Linck)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to accept the signed Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation including the attached stipulations. The effective date for the stayed revocation suspension to be the date the Agreement was signed by respondent.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.F.5. Lisa Kay Garrett RN093124 (Linck)

Scott moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation, followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. Terms of the Agreement may be completed in the State of Washington with the approval of the Washington Board of Nursing.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.F.6. Karen Marie Hanish RN010396 (Linck)

Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.F.7. Marie Amy Harris RN118277 (Linck)

Harris was present telephonically and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation to include a neuropsychological evaluation to be completed within 60 days and including the attached stipulations, followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VF.8. Paula Christine Kratz LP Endorsement (Linck)

Linck addressed the Board with additional information. Perry moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report and information obtained at this meeting, to deny licensure.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.F.9. Samantha Vivian Monson LP038946; CNA999987997 (Linck)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation, followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.F.11. Deirdre Lynn Warnken RN Endorsement (Linck)

Perry moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report and upon meeting all requirements, to grant licensure and accept the signed CANDO Stipulated Agreement.

VI. RN/LPN/CNA Investigative Reports

V.I.E.4. Susie Jean Thayer RN143203 (Hill)

Attorney Ann Fulton-Cavett was present and addressed the Board, and Thayer was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.B.6. Carol Scoe RN140100 (Bymers)

Bymers addressed the Board with additional information. Attorney Lisa Gervase was present and addressed the Board. Scott moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation

including the attached stipulations. If not signed within 30 days, issue Notice of Charges. After discussion Scott withdrew the motion. Scott moved, Perry seconded, and it was unanimously carried to table Agenda Item VI.B.6.

VI.N.10. Nancy J. Riggs RN110618 (Schettler)

Attorney Frank Mead was present and available for questions. Perry moved, Gum seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.B.1. Lisa Block-Wieser RN110507; AP1056 (Bymers)

Bymers addressed the Board with additional information. Attorney Michael Vingelli was present telephonically and addressed the Board, and Block-Weiser was present telephonically and available for questions. Scott moved, Gum seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.3. Guy Caraffa RN063537 (Reissuance) (Linck)

Linck addressed the Board with an amendment to the stipulations Attorney John Doyle was present and addressed the Board, and Caraffa was present and available for questions. Scott moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation/probation followed by 24 months standard probation including the attached stipulations, amended to include: on site supervision when Caraffa is working as a CRNA supervision may be provided by one physician, either surgeon or anesthesiologist; random urine drug testing 4 times per month for the first 12 months, all urine drug testing to include testing for Fentanyl with random EtG testing to occur once a month; access to narcotics permitted, and grant reissuance of licensure. If not signed within 30 days, deny licensure. As part of the Board decision, finding of fact #1 and potential violation #13(j) was deleted from the investigative report.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

The meeting recessed at 11:36 a.m. and reconvened at 11:45 a.m.

VI. RN/LPN/CNA Investigative Reports

VI.O.11. Lashun Franchelle McSwain LP045043 (Torrez)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.O.11. Perry knows Maureen Purvis but shows no bias. Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.B.2. Donna Mazur LP043959 (Bymers) (aka: Donna M'Rie Marco)

Bymers addressed the Board with additional information. Perry moved, Scott seconded, and it was unanimously carried to continue the investigation to allow time for attorney to review the case and return to the January 2010 meeting.

VI.E.1. Pauline Cake RN111837; CNA999948686 (Hill)

Cake was present and addressed the Board. Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.E.2. Jeanette Letrece Calhoun RN149759 (Hill)

Calhoun was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.G.10. Ophelia Ratcliffe LP037371 (Midkiff)

Ratcliffe was present and addressed the Board. Sally Goe was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed suspension/probation, followed by 12 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.G.15. Ezekiel Tolu Opuroku RN Exam; LP036460 (Midkiff)

Midkiff addressed the Board with additional information. Opuroku was present and addressed the Board. Johnson moved, Scott seconded, and after discussion it was unanimously carried to continue the investigation to allow applicant to obtain a substance abuse and anger management evaluation with a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny licensure.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.H.6. Myrna J. Miller CNA031312803 (B. Nelson)

Nelson addressed the Board with an amendment to the stipulations to include: educational requirement can be met either through a Board approved course or counseling, and remove the requirement for the treating professional to have an expertise in substance abuse. Miller was present and addressed the Board. Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months stayed revocation including the attached amended stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.I.6. Edith Marie Gline RN105744; LP029828; CNA214783433 (S. Nelson)

Nelson addressed the Board with additional information. Gline was present and addressed the Board. Scott moved, Gum seconded, and after discussion it was unanimously carried to issue a Letter of Concern for ordering and administering a narcotic without a physician order and for failing to document the medication on the medication administration record given on or about March 6, 2009, while working at St. Joseph’s Medical Center in Phoenix, Arizona.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Maricopa Skills Center Nursing Students regarding Board functions, policies and procedures. Questions were asked on the difference between Letter of Concern and Decree of Censure.

The meeting recessed at 12:31 p.m. and reconvened at 1:18 p.m.

VI.B.6. Carol Scoe RN140100 (Bymers)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.B.6. Byemers gave an overview of the updated violations and facts provided to the Board as handouts. Attorney Lisa Gervase was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, based upon the amended findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations, amended to include: in person or classroom setting nursing ethics class or ethics counseling; notification of practice settings; monthly performance evaluations for first 6 months by the immediate supervisor to assess the judgment, accuracy, and decision making, and quarterly thereafter; direct supervision if employment changes; registry/traveling/float pool/home health/on call prohibited; psychological treatment with licensed psychologist. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.I.7. Anobel Marie Gutierrez RN122376 (S. Nelson)

Nelson addressed the Board with additional information. Gutierrez was present and available for questions. Perry moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for falling asleep while on duty on or about December 26, 2008, while working at Scottsdale Healthcare.

VI.I.17. Marlene Rivkin Hyman RN086981 (S. Nelson)

Nelson addressed the Board with additional information. Hyman was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.K.6. Debra Ann Merriam CNA Exam (Parlin)

Merriam was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the 2008, driving under the influence (DUI) arrest in Tucson, Arizona.

VI.I.14. Senaida Uribe Salas-Kanitsch RN107361; LP033881; CNA049097803 (S. Nelson)

Johnson recused herself to avoid the appearance of impropriety. Board member Link was present at the meeting by telephone in order to make a quorum, for Agenda Item VI.I.14., only. Nelson addressed the Board with additional information. Complainant Scott Alfred was present and addressed the Board. Salas-Kanitsch was present and addressed the Board. Scott moved, Gum seconded, to dismiss the complaint. The motion carried with six in favor and one abstained.

VI.K.10. Gregory Donall Johnson CNA Applicant (reissuance) (Parlin)

Johnson was present and available for questions. Scott moved, Gum seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with a Board

approved licensed psychologist with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.K.20. Travis Lloyd Burkhalter RN112921; CNA999949638 (Parlin)

Burkhalter was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.L.2. Jacqueline Kay Leeper RN130483; CNA594635803 (Rappoport)

Rappoport addressed the Board with additional information. Leeper was present and available for questions. Scott moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an indefinite suspension pending the successful completion of a neuropsychological evaluation and confirmation from the evaluator that respondent is safe to practice, completed by a Board approved, minimum PhD evaluator with expertise in substance abuse, to be followed by 36 months probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.L.11. Dennis Alan Tarter RN Applicant (KY Compact 1072752) (Rappoport)

Tarter was present and available for questions. Perry moved, Johnson seconded, and it was unanimously carried to grant licensure upon meeting all requirements, and issue a Letter of Concern for prior disciplinary action by the Kentucky Board of Nursing which was successfully completed on or about July 2000.

VI.L.13. Nancy Lynn Rommel RN062341; AP0230 (Rappoport) (aka: Gintz)

Complainant Anita LaVee was present and addressed the Board. Rommel was present telephonically and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried to issue a

Letter of Concern for providing inadequate medical management for patient A.L., from on or about May 4, 2006, to in or about May 2007.

VI.M.9. Daniel Jones CNA233878943 (Sage)

Berrigan knows Linda Sage but shows no bias. Jones was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.N.1. Kim Stephanie Arnold LP030854 (Schettler)

Arnold was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.N.2. Jo A. Bounds RN097382 (Schettler)

Schettler addressed the Board with additional information. Bounds was present and addressed the Board. Johnson moved, Berrigan seconded, and it was unanimously carried to table Agenda Item VI.N.2.

The meeting recessed at 3:09 p.m. and reconvened at 3:27 p.m.

VI.N.2. Jo A. Bounds RN097382 (Schettler)

Perry moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.N.2. Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation with the attached amended stipulations. The completion of a neuropsychological and substance abuse evaluation by a Board approved evaluator who is at minimum, PhD prepared, to be completed within the first 60 days and licensee to release prior psychiatric treatment records to the evaluator. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.N.3. Maria Theresa Urbanita Calubaquib RN127164 (Schettler)

Calubaquib was present and addressed the Board. Scott moved, Johnson seconded, to issue a Letter of Concern related to incomplete documentation about diastolic blood pressure readings from on or about

July 14, 2008 to July 15, 2008, while working as a staff nurse at University Medical Center in Tucson, Arizona. After discussion the motion carried with four in favor and two opposed.

VI.N.6. Nakisha Fletcher RN138497 (Schettler)

Scott knows Julie Nunley but shows no bias. Fletcher was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.N.7. Robin Lynn Hansen RN132403; LP038227 (Schettler)

Complainant Paul White was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.N.12. Sandra Felicia Barnes RN109121 (Schettler)

Malloch knows Kim Wilson but shows no bias. Barnes was present and addressed the Board. Johnson moved, Gum seconded, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion the motion failed with three opposed and three in favor.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	3				X	X		X	
NO	3		X	X			X		
ABSTAIN	0								
ABSENT	0	X							X

Scott moved, Perry seconded, to issue a Letter of Concern for failing to assess change of shift vital signs and patient M.B.'s status on or about June 30, 2008 while employed at Mercy Gilbert Medical Center. The motion carried with five in favor and one opposed.

VI.O.5. Nancy Wohltman Clark RN078727 (Torrez)

Torrez addressed the Board with additional information. Clark was present and addressed the Board. Johnson moved, Scott seconded, and after discussion it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.O.7. Catherine Ann Alexander RN115414; LP05913 (Torrez)

Torrez addressed the Board with additional information. Alexander was present and addressed the Board. Scott moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.O.10. Chanel Helene Woitel RN147882 (Torrez) (aka: Martin)

Torrez addressed the Board with additional information. Woitel was present and addressed the Board. Scott moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.K.3. David Thomas Sayle RN134260; AP2873 (Parlin)

Perry knows Teresa Griffith but shows no bias. Sayle was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, completed by a Board approved licensed psychologist with expertise in anger management, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.O.3. Paula Lenore Toman LP036984 (Torrez)

Perry knows Suzie Link but shows no bias. Perry moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for documenting in the medical record that resident W.T. was breathing and had a faint pulse, and also for providing false information to the paramedics regarding the resident's condition when the 911 call was made on or about November 6, 2008, while employed at Apache Junction Health Care Center in Apache Junction, Arizona.

VI.O.6. Sharon Oestreich Nissen LP018634 (Torrez)

Perry knows Kathy Lochiter but shows no bias. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to notify the physician that resident J.O. had not received Lisinopril and Zoloft during April 2009, and also for failing to review the Medication Administration Record (MAR) for resident E.B. who subsequently received Metoprolol Succinate twice a day instead of the ordered once a day for 24 days, while employed at Christian Care Center in Phoenix, Arizona.

VI.O.8. Nicolette Irene Parton RN092241; CNA224805457 (Torrez)

Perry moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.O.9. Elizabeth Terry Drew RN117517 (Torrez)

Torrez addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation including the attached stipulations. If not signed within 30 days, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.O.12. Jessica Lee Gaul LP045043; CNA999948145 (Torrez)

Torrez addressed the Board with updates and requested the following amendments to the investigative report: add finding of fact #6, on November 6, 2009 Gaul told Board staff she used methamphetamines two weeks prior; violation of Law: add fact 5 & 6 to (j); and violation of rules: add fact 6 to 16, and 6 to 31; add ARS 32-3208 (A), and R4-19-402 (28). Torrez also noted stipulations changes as follows: delete PhD substance abuse evaluation and instead add Board approved IOP program in 7 days and show evidence of completion during the stayed revocation/suspension period; delete rehabilitation program during the probationary period. Perry moved, Berrigan seconded, and it was unanimously carried, for complaints #1 and #2, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/suspension, followed by 24 months probation, including the attached amended stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.O.13. David D. Webster LP035528; CNA012712803 (Torrez)
 Johnson moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

VI.A.1. Amy Sandra Arthur CNA Exam (Blair)

Perry moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.A.2. Courtney Brimhall CNA Exam (Blair)

Perry moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.A.3. Gayle Curry RN Endorsement (Blair)

Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.A.4. Stephanie M. Davem CNA999988123 (Blair)

Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$ 50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.A.5. Melissa Anne Edwards CNA Exam (Blair)

Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for a misdemeanor conviction for driving under the influence (DUI) on June 11, 2005, in Phoenix Municipal Court in Phoenix, Arizona, and a misdemeanor conviction for DUI on August 25, 2008, in San Marcos Maricopa County Justice Court in Chandler, Arizona, and for testing positive for marijuana on July 15, 2004, during a random employment drug screen at Rinker Materials in Phoenix, Arizona.

VI.A.6. Jessica Ann Laos CNA Exam (Blair)

Perry moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.A.7. Marion Lent CNA Endorsement (Blair)

Scott moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.A.8. Chester Benjamin Marks CNA Exam (Blair)

Johnson moved, Perry seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.A.9. Alicia Payne CNA Exam (Blair)

Scott moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.A.10. John Peper CNA Exam (Blair)

Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, and signing a Consent Agreement for a \$50 Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X						X	

VI.B.3. Kristen Nagel LP041595 (Bymers)
(aka: Romack; Morgan)

Bymers addressed the Board with additional information. Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an indefinite suspension pending the completion of a substance abuse evaluation by a Board approved evaluator who is, at minimum, PhD prepared, and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that respondent is safe to practice, followed by 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.B.4. Shalisaand Reed RN144081 (Bymers)
(aka: Shelly Reed; Chiaramonti; Fisher; Garvin)

An attempt was made to contact Respondent telephonically and a message was left that the Board would move ahead with the case. Perry moved, Johnson seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.B.5. Lisa Rollins RN093062 (Bymers)

Bymers addressed the Board with additional information. Rollins was present telephonically and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.1. Cindra Lynn Bigley RN Endorsement (Curatola)

Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny respondent’s request to withdraw her application for licensure, and deny licensure.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.2. Nadia Crabtree CNA1000018420 (Curatola)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.3. Lynette Marie Dawson LP Endorsement (Curatola) (aka: Davis; Albert; Pries)

Scott moved, Johnson seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a relapse/recovery evaluation by a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny licensure.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.6. George Edward Gardner CNA Exam (Curatola)

Scott moved, Perry seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.7. Cassandra Elena Gonzalez CNA1000001197 (Curatola)

Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$100 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.10. Cheryl A. Little CNA100006870 (Curatola)

Perry moved, Berrigan seconded, and it was unanimously carried, issue an Interim Order for a psychological evaluation with emphasis on substance abuse completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.13. Cora Leann Simpson RN152709 (Curatola)

Scott moved, Gum seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.14. Karen Louise Waring RN143143 (Curatola) (aka: Roper)

Johnson moved, Scott seconded, and it was unanimously carried, issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.15. Elizabeth Williams RN052867 (Curatola)

Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.16. Ardith Maurie Willie CNA1000015095 (Curatola)

Scott moved, Gum seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.17. Greg Alan Tidrick RN065483 (Curatola)

Curatola addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a addiction evaluation, completed by a Board approved addictionologist (physician) evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.18. Paul Carlos Lamas CNA Exam (Curatola)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, and signing a Consent Agreement for a \$50 Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

IV.C.20. Ana Megan McCormack LP044670 (Curatola)

Johnson moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.C.21. Tera Lynn Schweitzer LP Exam; CNA100005375 (Curatola)

Scott moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all licensure requirements and signing a Consent Agreement for 18 months probation including the attached stipulations, grant licensure. If not signed within 30 days, deny licensure as a licensed practical nurse, and issue a Notice of Charges for CNA1000005375.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.E.3. Mae Honkala Fahmer LP018691 (Hill)

Scott moved, Gum seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.1. Argel Arballo CNA1000012878 (Lester)

Link addressed the Board with additional information. Perry moved, Berrigan seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.2. Osaginwen K. Ayayi RN156071; LP043635; CNA1000010928 (Lester)

Lester addressed the Board with additional information and the addition to the investigation report of finding of fact #3 to read: Ayayi was involuntarily terminated at Maxim Healthcare Services, MGA Healthcare Staffing, and Supreme Home Care, for no call/no show. At Maximum Healthcare respondent was extremely unreliable, rarely on time, and on several occasions would not show up for scheduled shifts. At Supreme Home Care respondent was listed as abandoning patients while working at home registry and had four or five patients and never showed or called in. Perry moved, Gum seconded, and it was unanimously carried, based upon the amended findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.F.3. Daniel R. Block CNA Exam (Lester)

Scott moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with emphasis on substance abuse with a Board approved licensed psychologist with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

**VI.F.4. Montoyia Board Watson CNA Endorsement (Lester)
(aka: Montoyia S. Watson)**

Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.5. Lashawnda D. Bryant CNA Endorsement (Lester)

Lester addressed the Board with additional information. Johnson moved, Perry seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.6. Shirley M. Cabanila CNA Exam (Lester)

Lester addressed the Board and confirmed receipt of additional information and technical correction to the investigative report in finding of fact #4, the conviction date changed to October 13, 1998. Scott moved, Berrigan seconded, and it was unanimously carried, based on the amended findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.7. Erica M. Dennis CNA Exam (Lester)

Scott moved, Gum seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.8. Melissa A. Doty CNA Endorsement (Lester)

Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, to grant licensure and issue a Letter of Concern for failure to comply with Court Orders in Maricopa County Superior Court, Phoenix, Arizona.

VI.F.10. Dale Houle CNA999949781 (Lester)

Johnson moved, Berrigan seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation with emphasis on substance abuse, completed by a Board approved licensed psychologist with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.11. Brandy L. Jimerson CNA Endorsement (Lester)

Perry moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.F.12. Sara E. Riddle CNA100004288 (Lester)

Lester addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.F.13. Amanda M. Toolooze CNA999951506 (Lester)

Perry moved, Berrigan seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, completed by a Board approved licensed psychologist with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

**VI.F.14. Roseann S. Vitollo CNA Exam (Lester)
(aka: Schuyler)**

Johnson moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a comprehensive psychological and neuropsychological evaluation with emphasis on substance abuse, with a Board approved evaluator who is at minimum PhD prepared with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.G.7. Barbara Callan LP011358 (Midkiff)

Johnson moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.G.9. Rosalind Lewin Fleetwood RN052609 (Midkiff)

Perry moved, Johnson seconded, to issue a Letter of Concern for failing to contact the physician and document in the medical record patient D.B.'s complaint of palpitations and elevated heart rate on November 26, 2008, while employed at Mountain View Manor in Prescott, Arizona. After discussion the motion failed with three opposed and three in favor.

Perry moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.G.11. Julia Dres Bulosan RN150550 (Midkiff)

Midkiff addressed the Board with additional information. Perry knows Kristy Smith but shows no bias. Perry moved, Gum seconded, and it was unanimously carried to dismiss the complaint.

VI.G.12. Lori Ann Mitchell LP036552 (Midkiff)

Midkiff addressed the Board with additional information. Perry moved, Johnson seconded, and it was unanimously carried to accept the signed Consent Agreement for an indefinite suspension, not to exceed 12 months, followed by 36 months probation including the attached stipulations.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.G.13. Caitlyn Jean Tomkiewicz RN137885; LP040473; CNA999994259 (Midkiff)

Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.G.14. Lorie S. Wood RN053359 (Midkiff)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months

stayed revocation/chemical dependency probation, followed by 24 months chemical dependency probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.H.1. Delbert Wayne Bizzell CNA100003591 (B. Nelson)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.H.2. Tamina D. Chintankwa CNA999950485 (B. Nelson)

Perry knows Teresa Griffith but shows no bias. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.H.3. Melissa Esquer CNA1000011602 (B. Nelson)

Perry knows Teresa Griffith but shows no bias. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.H.4. Melissa Guzman CNA999991988 (B. Nelson)

Perry knows Karen Mitchell but shows no bias. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.I.11. Katherine Arnette Myers CNA10000012510 (S. Nelson)
(aka: Katherine Hendricks; Katherine A. Hendricks)

Perry knows Karen Mitchell but shows no bias. Scott moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.I.18. Victoria Harris RN037477 (S. Nelson)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for indefinite suspension pending completion of neurological evaluation and confirmation that Harris is safe to return to nursing practice, and return to the Board to determine license status which may include continued suspension or continued monitoring. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.I.19. Sheryl A. McGeary RN139963 (S. Nelson)

McGeary was present telephonically and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to amend the proposed Consent Agreement offered on September 23, 2009, to allow McGeary to work for Yuma Regional Medical Home Health Care, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.1. Sheena A. Bower RN147352 (Olson)

Olson addressed the Board with additional information. Perry moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.2. Violet S. Maloney RN150824 (Olson)

Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.3. Patricia Ann Coleman RN081223 (Olson)

Scott moved, Berrigan seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, to include a professional boundaries evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.4. Gloria Lucio CNA Exam (Olson)

Scott moved, Perry seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.5. Emily M. Rasmusson CNA Exam (Olson)

Perry moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.6. Orlando Murray RN148153 (Olson)

Malloch, Johnson and Scott know Colleen Hallberg but show no bias. Murray was present telephonically and addressed the Board. Scott moved, Johnson seconded, and it was unanimously

carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.7. Jami Alison Remien RN146804; AP2767 (Olson)
(aka: Jami Lukas; Jeanette Lukas)

Johnson moved, Scott seconded, and it was unanimously carried, to issue an Interim Order for a psychological evaluation, to include a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.J.8. Randall W. Riggs LP036326 (Olson)

Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

VI.J.9. Erick Torres RN133818 (Olson)

Olson addressed the Board with additional information. Torres was present telephonically and addressed the Board. Scott moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges. After discussion the motion carried with five in favor and one opposed.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	5		X	X		X	X	X	
NO	1				X				
ABSTAIN	0								
ABSENT	2	X							X

VI.J.10. Cory Blaine Tremain RN132249 (Olson)

Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the January 30, 2008 conviction, pursuant to a no contest plea of shoplifting, a misdemeanor, in the Bullhead City Justice Court in Bullhead City, Arizona, which was later dismissed when Tremain was discharged from probation on September 11, 2009, and for failure to report the shoplifting charge to the Board within 10 days of the charge being filed.

VI.J.11. Phillip M. Alexander RN099624 (Olson)

Perry moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, to issue Notice of Charges. The motion carried with four in favor and two opposed.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	4			X	X	X		X	
NO	2		X				X		
ABSTAIN	0								
ABSENT	2	X							X

VI.J.13. Jeffrey Alan Caseau RN Endorsement (Olson)

Scott moved, Perry seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for Caseau’s arrests, citations and charges from 1974 to 1985, in Massachusetts, Washington D.C., and New Mexico.

VI.J.14. Elizabeth Lively RN126055 (Olson)

Scott moved, Johnson seconded, and it was unanimously carried affirm prior issued Interim Order for a psychological evaluation to include a substance abuse evaluation, completed by a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 90 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.K.1. Andrea Ann Graham CNA999953240 (Parlin)

Perry moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.K.2. Dannie Lee Rowan CNA Endorsement (Parlin)

Perry moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.K.4. Deanna Lynn McGee CNA Exam (Parlin)

Perry moved to grant licensure upon meeting all requirements and issue a Letter of Concern for the November 15, 1993, conviction for misdemeanor failure to report physical abuse of a child in Pima County, Arizona, and for the November 20, 2006, conviction for misdemeanor escort service code violations in Phoenix, Arizona. There was no second, the motion failed.

Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, and signing a Consent Agreement for a \$50 Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.K.5. Debbie Nunes LP031808 (Parlin)

Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.K.7. Dinah Lucy Felihkatubbe CNA Endorsement (Parlin)

Johnson moved, Scott seconded, and it was unanimously carried continue the investigation to allow applicant to obtain a substance evaluation with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Perry, Hunter Secretary	Malloch, Kathy President	Johnson, Patricia Vice Pres	Scott, Kathy Member	Gum Gary Member	Busby, Kathryn Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.K.8. Fabiola Sosa CNA Exam (Parlin)

Scott moved, Johnson seconded, and it was unanimously carried to grant certification upon meeting all requirements and issue a Letter of Concern for the January 23, 2008, misdemeanor conviction for minor with alcohol in system while driving, in Show Low, Arizona.

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

VII.A. Executive Directors Report – Ridenour

VII.A.8. Recommend Approval of Substantive Policies Related to Enactment of Senate Bill 1105 on October 14, 2009 – Smith/Ridenour

Perry moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VII.A.8. Perry moved, Scott seconded, and it was unanimously carried to adopt the recommended Substantive Policies statement, as amended.

VI. RN/LPN/CNA Investigative Reports

VI.L.3. Christy Lyn Lewis RN Applicant (Rappoport)
(aka: Stichter)

Perry moved, Scott seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for prior disciplinary action taken by the Iowa Board of Nursing on or about March 3, 2005.

VI.L.7. Joy Gayle Abazeid-Cogar RN Applicant (Rappoport)
(aka: Abazied; Cogar; Hemphill)

Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, grant licensure upon meeting all requirements and signing a Consent Agreement for minimum 6 month probation, including the attached stipulations. If not signed within 30 days, deny licensure.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Perry, Hunter</u> Secretary	<u>Malloch, Kathy</u> President	<u>Johnson, Patricia</u> Vice Pres	<u>Scott, Kathy</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	6		X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	2	X							X

VI.L.9. Rommel Pompa RN Exam (Rappoport)

Johnson moved, Scott seconded, and it was unanimously carried to grant licensure upon meeting all requirements, and issue a Letter of Concern for testing positive for THC (cannibinoids) on a pre-requisite drug screen for GateWay Community College in or about September 2006.

VIII. 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).

X. Adjournment

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

The meeting adjourned at 6:21 p.m., Thursday, November 19, 2009.

Kathy Malloch, PhD, MBA, RN, FAAN, President