

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The special meeting of the Arizona State Board of Nursing convened at 1:07 p.m. Thursday, September 10, 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
Kathryn L. Busby, JD, Member

BOARD MEMBERS PRESENT TELEPHONICALLY:

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

BOARD MEMBERS ABSENT:

M. Hunter Perry, Secretary

LEGAL COUNSEL:

Seth Hargraves, Assistant Attorney General
Nina Zimmerman, Assistant Attorney General

STAFF:

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
Mary Rappoport, RN, MN, Nurse Practice Consultant
Lila Wiemann, Administrative Secretary to the Executive Director

I. Call to Order

The meeting was called to order at 1:07 p.m., Thursday, September 10, 2009.

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

Malloch presided.

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

II. Board Discussion and Decision Regarding RN Investigative Reports

II.A.1. David Harold Wermuth RN080000; CRNA0095; LP026257 (Rappoport)

Rappoport addressed the Board with additional information to include the addition to the investigative report, violations of statutes/rules R4-19-403 (17&18). Attorney Teresa Sanzio was present and addressed the Board. Sanzio informed the Board that the licensee, who was not present, has not worked in nursing following the complaint having been received by the Board and, does not oppose undergoing an evaluation and releasing his prior treatment records to the evaluator. 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 an Interim Order for a psychological evaluation to be completed by a Board approved psychologist (PhD) with an expertise in substance abuse and to include any additional testing deemed necessary by the evaluator to be completed within 45 days and return to the Board. If the evaluation is not completed within 45 days issue Notice of Charges, and include the violations of failure to comply with the Interim Order. The Board also Requests that Respondent sign a Board release/authorization form within 5 business days from the effective date of the Interim Order, to allow release of his medical/substance abuse treatment records from St. Luke’s Behavioral Health, in Phoenix, Arizona, to the Board.

	VOTE	Link, Denise Member	Berrigan, Terri Member	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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			

Ms. Sanzio informed the Board that she had recently sent correspondence to the Ombudsman identifying the names of 9 cases represented by her and which are over 1 and 2 years. Ms. Sanzio agreed to provide these names to the agency for further follow up. Valerie Smith informed the Board that all remaining open 2007 cases are scheduled to be on the September 23 -24, 2009 agenda. Additionally, the agency is actively reviewing early 2008 cases for processing to the Board. Overall investigative cycle times are approximately 7.6 months.

II.B.1. Sharon Louise Harrison RN098555/SN0337/LP031818 (Curatola)

Attorney Teresa Sanzio was present and addressed the Board and confirmed receipt of additional information. Johnson moved, Scott seconded, and it was unanimously carried to affirm the Board’s August 2009 decision to issue an Interim Order for a psychological evaluation, to include a substance abuse, and anger management evaluation, to be completed by a Board approved psychologist, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 30 days of this Board meeting and then 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 a 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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			

III.A. President’s Report – Kathy Malloch

III.A.1. Welcome New Board Members

Malloch welcomed newly appointed Board members, Gum and Berrigan.

IV. Call to the Public

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

V. Adjournment

Link moved, Johnson seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 1:40 p.m. Thursday, September 10, 2009.

Kathy Malloch, PhD, MBA, RN, FAAN, President