

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., Wednesday, September 23, 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
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 8:01 a.m., Wednesday, September 23, 2009.

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

Malloch presided.

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

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

VI.A. Executive Directors Report – Ridenour

VI.A.10. Welcome & Introduction of Kathy Apple, NCSBN CEO & Kathy Thomas, NCSBN Board of Directors/ED Texas Board of Nursing; Updates from NCSBN & Comments on Board Governance – Malloch/Board Members/Ridenour

Malloch welcomed visitors Kathy Apple, NCSBN CEO, and Kathy Thomas, NCSBN Board of Directors/Executive Director Texas Board of Nursing to this meeting.

V. RN/LPN/CNA Investigative Reports

V.G.1. Donald Patrick Vonderau RN144294 (Midkiff)

Attorney Jay Ryan was present and addressed the Board. Vonderau was present and available for questions. Midkiff addressed the Board with additional information. 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 12 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges. Johnson amended the motion to include: respondent allowed to complete terms of Consent Agreement in the State of Indiana based on approval of the Indiana Board. Scott concurred. The motion carried unanimously.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

The meeting recessed at 8:19 a.m. and reconvened at 8:26 a.m. due to technical difficulties.

V.D.1. Karen Watts RN059345; AP416 (Dahn)

Watts was present and available for questions. Johnson moved, Busby seconded, and it was unanimously carried to dismiss the complaint.

V.D.2. Kim Kabbech RN067021; AP0152 (Dahn)

Complainant Sheryl Dusch was present telephonically and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

V.D.3. Suzanne Salem RN034491; AP047 (Dahn)

Gum recused himself to avoid the appearance of impropriety. Attorney Teressa Sanzio was present and addressed the Board. Scott moved, Busby seconded, based on the findings of fact and statute/rule violations identified in the investigative report, to issue a Notice of Charges.

Busby moved, Scott seconded, and it was unanimously carried to go into Executive Session on Agenda Item V.D.3. for the purpose of reviewing confidential documents and to obtain legal advice. Executive Session convened at 8:40 a.m. and adjourned at 8:45 a.m.

The motion made for Notice of Charges, prior to Executive Session, was carried with five in favor, two opposed and one abstained.

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

IV.C.1. Bernadette Bergin RN090633; LP029045; CNA201201189 (Mills)

Bergin was present and addressed the Board. Busby moved, Scott seconded, and after discussion it was unanimously carried, based upon the information contained in the investigative report, to amend current offered Consent Agreement, to allow direct supervision instead of a preceptor, the attached stipulations, and may work 24 hours per week. If not signed, continue current Order of Suspension.

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

V. RN/LPN/CNA Investigative Reports

V.M.26. Samantha Victoria Thacker CNA Exam (Sage)

Sage addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried, based on 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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								

V.P.5. Diane Kubala RN097291 (Twigg)

Perry and Berrigan recused themselves to avoid the appearance of impropriety and left the meeting at 8:58 a.m. Attorney Kathleen Pagels and Cindy Leach, and attorney Teressa Sanzio were present and addressed the Board. Kubala was present and available for questions. Link moved to issue a Letter of Concern for continuing patient care issues while employed as Director of Nursing at Waverly Park in Tucson, Arizona from on or about July 2006 to November 2006. After discussion the motion failed for lack of a second. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

Berrigan returned to the meeting at 9:24 a.m.

V.M.17. Cindy L. Pickett CNA621608177 (Sage)

Sage addressed the Board with additional information. Pickett 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, to be completed by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 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			

V.O.13. Michele Lynn Coleman RN1033444 (Torrez)
Attorney Susan Mclellan and Coleman were present and addressed the Board.

Perry returned to the meeting at 9:27 a.m.

Scott moved, Johnson seconded, based on the findings of fact and statute/rule violations identified in the investigative report, 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 abstained.

	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	1					X			
ABSENT	0								

V.K.7. Frankie Ard McNeill RN061402; CRNA0122 (Parlin)

Attorney Teresa Sanzio was present and addressed the Board. Busby moved, Johnson seconded, based on the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges. After discussion the motion carried with six in favor and two opposed.

	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	5	X	X	X			X	X	X
NO	2				X	X			
ABSTAIN	0								
ABSENT	0								

V.B.13. Kevin Jordan RN094997 (Bymers)

Bymers addressed the Board and confirmed receipt of additional information. Attorney Teresa Sanzio was present and addressed the Board. Jordan was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried to affirm the August 2009 Board decision to issue an Interim Order for a psychological evaluation by a Board approved PhD level psychologist, with focus on professional boundaries and ethics, and to include any additional testing deemed necessary by the evaluator to be completed within 30 days of this meeting and then return to the Board. If the Interim Order is not completed, based on 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

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

IV.D.1. Roseanna C. Bennett RN026399 (Hurtado)

Attorney Jeffrey Jacobson was present telephonically and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to approve a request to terminate the Consent Agreement and Order No. 0512086-NUR entered into on April 2, 2008.

V. RN/LPN/CNA Investigative Reports

V.N.11. Elizabeth Bence-Ortega RN060933 (Schettler)

Attorney Scott King was present and addressed the Board. Bence-Ortega was present and available for questions. Busby moved, Perry seconded, and it was unanimously carried, for complaint #1, to issue a Letter of Concern for failing to administer a bolus dose of Magnesium Sulfate to patient S.M. in a timely manner, and restarting the intravenous (IV) pump without a second RN to confirm the infusion rate; for failing to follow hospital policy for hanging intravenous (IV) Pitocin, while employed at Chandler Regional Medical Center in or about May 2008; and for complaint #2, dismiss.

V.L.14. Geoffrey Lloyd Godfrey RN106981; AP2098 (Rappoport)

Malloch knows Kathy Kenny but shows no bias. Rappoport addressed the Board with additional information. Godfrey was present and addressed the Board. Attorney Kraig Marten was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to monitor patient B.L. who was receiving anti-coagulant therapy for approximately six months, while employed as a family nurse practitioner at Maryland Gardens in Phoenix, Arizona.

**V.Q.1. Jeanne Fulcher RN037765; AP0022 (Smith)
(aka: Noreen T. Partridge)**

Attorney Mel McDonald was present and addressed the Board. 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 12 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges. After discussion Johnson amended the motion to include the stipulation that a professional health care ethics course be taken in person and not an online course. Scott concurred. The motion carried with seven in favor and one opposed.

	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	1								X
ABSTAIN	0								
ABSENT	0								

The meeting recessed at 10:06 a.m. and reconvened at 10:23 a.m.

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

- | | | |
|------------------------------------|---------------------------|---------------------------|
| 1. Dresden Roy Decena | CNA1000007680 | September 23, 2009 |
| 2. Amber Dawn Durfield | LP040482 | September 23, 2009 |
| 3. Julie Lenore Gregory | RN133671; LP039776 | September 23, 2009 |
| 4. Kathryn L. Showalter | RN137358 | October 06, 2009 |
| 5. Jennifer Johnson-Belisle | RN086576 | October 16, 2009 |
| 6. Amy Rebecca Howard | RN143340 | November 07, 2009 |

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

Perry returned to the meeting at 10:25 a.m.

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

IV.C.2. Sandra Allen RN118216 (Mills)

Mills addressed the Board with a technical correction to the investigative report. Scott moved, Link seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for 18 months stayed revocation/probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report. The motion carried with seven in favor and one abstained.

	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	1					X			
ABSENT	0								

IV.C.3. Paulette Wright RN124982; AP1846 (Mills)

Mills addressed the Board with additional information. Wright was present telephonically and addressed the Board. Johnson 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/probation to include 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

IV.C.6. Katherine Kirkpatrick RN055871 (Mills)

Busby 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 18 months stayed revocation/probation, followed by 18 months probation to include 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

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

IV.D.2. Linda M. Brooks CNA104993803 (Hurtado)

Johnson moved, Perry seconded, and it was unanimously carried to lift suspension and terminate Consent Agreement and Order No. 0512085 entered into on December 5, 2007.

IV.D.3. Elizabeth A. MacDonald CNA100003581 (Hurtado)

MacDonald was present telephonically and addressed the Board. Perry moved, Link 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 12 months stayed revocation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.D.4. Simon M. Munoz RN120517 (Hurtado)

Hurtado addressed the Board with additional information. 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 18 months stayed revocation/probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

IV.D.5. Debra A. Sciandra LP037818 (Hurtado)

Perry recused himself to avoid the appearance of impropriety. Hurtado addressed the Board and confirmed receipt of additional information. Sciandra and Barbara Ruben were present and addressed the Board. Busby moved, Link seconded, to approve a request to terminate the Consent Agreement and Order No. 0509120-NUR entered into on May 14, 2008. The motion carried with seven in favor and one abstained.

IV.E. Adopt Notice of Charges for RN/LP/CNA Noncompliance

IV.E.1. Shirley G. Austin LP026550 (Hurtado/Mills)

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

IV.E.2. Danette L. Johnson RN154190 (Hurtado/Mills)

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 issue a Notice of Charges.

IV.F. CANDO Eligibility/Noncompliance & Investigative Reports

IV.F.1. Julie Pringle RN078420: LP023383; CNA384032103 (Linck)

Malloch and Scott know Karen Tossey but show no bias. Linck addressed the Board with additional information. Busby moved, Perry seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue a Notice of Charges.

IV.F.2. Karey Lee Yates RN133937 (Linck)

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 24 months stayed revocation with the license suspended during the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation to include the attached stipulations. If not signed within 30 days, to issue Notice of Charges based upon information contained in the investigative report.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

III. Board Discussion/Decision Regarding Case Disposition/Summary Letter of Concern Lists, Lapsed Licenses, Licensure & Compact Licensure Decisions

III.G. RN/LPN Compact Investigative Cases

III.G.1. Dawn Patricia Reimers RN101424 (Iowa) Rappoport

An attempt was made to contact Respondent telephonically and a message was left that the Board would move ahead with the case. Rappoport addressed the Board with additional information and requested the Board to disregard fact #7 on page four of the investigative report. Scott moved, Johnson seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation to be completed by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days. If the Interim Order is not completed, based upon the findings of fact and statute and rules 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V. RN/LPN/CNA Investigative Reports

V.B.2. Paola Ivette Camarena LP044294; CNA999999933 (Bymers)

Camarena was present and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for inappropriately accessing the laboratory records of E.L. while working for Dependable Nursing and working at Cigna Health Care, which is a violation of the policy and procedures of Cigna Health Care.

V.C.7. Raquel Lyn Dartt RN126959; LP038616 (Curatola)

Dartt was present and addressed the Board. Link moved, Scott seconded, to issue an Interim Order for a psychological evaluation, to include a substance abuse 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 45 days 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 Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order. After discussion the motion carried with five in favor and three opposed.

	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	5	X		X	X		X	X	
NO	3		X			X			X
ABSTAIN	0								
ABSENT	0								

V.J.3. Tricia Kay Crabtree LP027007 (Olson)

Crabtree was present and available for questions. Link moved, Johnson seconded, and it was unanimously carried, upon meeting all requirements, to issue a temporary license for refresher course only. Upon successful completion of the refresher course, grant licensure.

**V.J.4. Janet E. Dunker RN059953 (Olson)
(aka: Janet Haston Dunker)**

Dunker was present and addressed the Board. Scott moved, Gum seconded, to issue an Interim Order for a psychological evaluation, to include an 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 45 days 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 Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order. The motion carried with six in favor and two opposed.

	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	6	X	X	X	X		X	X	
NO	2					X			X
ABSTAIN	0								
ABSENT	0								

V.N.9. Tiffany De la Pena RN136060 (Schettler)

DelaPena was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.N.10. Melissa Riccoboni RN140065 (Schettler)

Link moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for taking a photograph of another nurse and patient while working for American Mobile Registry and assigned at St. Joseph’s Hospital and Medical Center in Phoenix, Arizona.

V.P.6. Amanda Jain Mossman-Bonnette RN149990 (Twigg)

Twigg addressed the Board with additional information. Mossman-Bonnett was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to continue the investigation to the November 2009 Board meeting.

**V.P.1. Sunshine Chadwick RN119575; LP033382; CNA076321903 (Twigg)
(aka: Heath; Teck)**

Twigg addressed the Board with additional information. Busby 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 12 months probation to include stipulations for a nurse ethics course to be completed within the first 3 months of the probationary period, notification of practice settings, quarterly performance evaluations, direct supervision, no registry/travel pool, and night shift prohibited. If not signed issue Notice of Charge.

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

**V.P.2. Janetrose DeMarino LP040504 (Twigg)
(aka: Boettner)**

Johnson moved, Gum seconded, to issue a Letter of Concern for using language and a tone of voice that is perceived as being bossy, intimidating, grouchy, argumentative, and opinionated by co-workers and residents, while working at Manor Care Health Services and Devon Gables Health Care Center in Tucson, Arizona. After discussion the motion failed with seven opposed and one in favor.

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

V.P.3. Yvonne M. Escobar RN117967; LP035571 (Twigg)

Twigg addressed the Board with additional information. Busby moved, Perry 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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								

**V.P.4. Melinda Kay Garza LP037068 (Twigg)
(aka: Melina Kay Salas)**

An attempt was made to contact Respondent telephonically. Twigg addressed the Board with additional information. Busby moved, Johnson seconded, and it was unanimously carried, for complaint #1, dismiss the complaint.

Busby moved, Scott seconded, and it was unanimously carried, for complaint #2, to issue a Letter of Concern for an arrest for domestic violence/disorderly conduct and domestic violence/criminal damage on December 30, 3008, in Douglas, Arizona.

Busby moved, Link seconded, and it was unanimously carried, for complaint #3, to continue to the November 2009 Board meeting to allow for further investigation.

V.P.7. Sarah Rebecca Robinson LP043702 (Twigg)

Twigg addressed the Board with additional information. Busby moved, Scott seconded, and after discussion it was unanimously carried, to issue an Interim Order for an addiction evaluation, to be completed by a Board approved addictionologist (physician), and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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								

V.C.11. Laura Jeanne Mundell CNA Exam (Curatola)

Mundell was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried to continue the investigation to allow applicant the opportunity to obtain a psychological evaluation, to be completed by a Board approved evaluator, to be scheduled and completed within 45 days and then 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.

The meeting recessed at 12:03 p.m. and reconvened at 1:01 p.m.

II.A. Administrative Law Judge Recommendations

II.A.1. Patricia Louise Speers RN108159 Zack

The proceeding began at 1:03 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. Nina Zimmerman, Assistant Attorney General, represented the State.

Zimmerman addressed the Board.

Attorney Teresa Sanzio was present and addressed the Board.

Busby returned to the meeting at 1:24 p.m.

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.

Johnson moved, Scott seconded, to accept as Findings of Fact the allegations contained in Paragraphs 1 through 37, and Conclusions of Law the alleged violations in Paragraphs 1 through 14. The motion carried with seven in favor and one abstained.

Johnson moved, Scott seconded, to accept the Administrative Law Judge’s recommended Order for a \$250 Civil Penalty to be paid within 10 days of the Final Order issued. The motion carried with six in favor, one opposed and one abstained.

	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	6	X	X	X	X		X	X	
NO	1					X			
ABSTAIN	1								X
ABSENT	0								

II.A.2. Anna Tyson LP027054 Zack

The proceeding began at 1:47 p.m. with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott, Gum and Busby.

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. Nina Zimmerman, Assistant Attorney General, represented the State.

Zimmerman addressed the Board.

Tyson 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.

Johnson moved, Scott seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 48, and Conclusions of Law the alleged violations in Paragraphs 1 through 10.

Perry moved, Johnson seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order for revocation of practical nurse license No. LP027054 issued to Anna Tyson.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**II.G. Hearing Department Investigative Reports
II.G.2. Bryan Allen RN081433 Hargraves**

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

Attorney Teresa Sanzio was present and addressed the Board.

Foster addressed the Board with additional information.

Scott moved, Link seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, issue an Interim Order for a re-evaluation to focus on substance abuse and anger management to be completed by a Board approved psychologist. If not scheduled within fifteen days and completed within forty-five days, issue Complaint and Notice of Hearing.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

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

VI.A. Executive Directors Report – Ridenour

VI.A.12. Response Regarding Investigative Cases Opened Prior to 2009 & Board Direction

Smith summarized a response letter sent to attorney Teresa Sanzio with copies to Board members. Smith stated that all 2007 cases were on this Board Agenda, which predated Sanzio’s letter. Regarding additional cases from the list provided by Sanzio, one case was brought before the Board in May 2008 with a Board decision and is now in the hearing department; the additional seven cases in question were pending additional documents. Smith stated they would be on the November 2009 Board Agenda assuming that all documents were received by Board staff. Smith further stated that some cases were not yet brought to the Board because Sanzio declined staff interview of the respondent. Smith also stated, in response to the letter received by Sanzio that the Board’s assistant attorney generals would respond to some of the citations.

Sanzio addressed the Board with further explanation of her concerns about information given to the public by Board staff when a phone inquiry is made. Sanzio stated that the reason given for the complaint was not descriptive and might cause problems for respondents in obtaining employment. Assistant attorney general Nina Zimmerman stated that information provided to the public when calls are made to the Board, stated by Sanzio at this meeting, was not part of the letter being discussed at this meeting and therefore not part of the discussion agenda.

Malloch stated, in efforts to bring cases before the Board within 6 months or less, the Board and staff would follow up on what was agreed to and continue to work together to bring cases through the system in a timely manner.

Ridenour stated that the requirements set forth in a 2002 audit of the Board, regarding a public records request, if someone asks about a complaint, staff are required to give a general category for the complaint. The complaint is the first portion that is provided for access to the public. When the Board looks at a complaint and decides there is probable cause, the complaint is released as an investigation.

II.B. Consent Agenda - 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.	Traci Lynn Duff	CNA100004447	Revocation	Zimmerman
II.B.2.	Pamela Ann Molyneaux	RN122335	Revocation	Zimmerman

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

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

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

Busby moved, Link 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.

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

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.D. Consent Agenda – 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.	Winnie Jackson Bartling	RN049060	Revocation	Zimmerman
II.D.2.	Jonathan William Crittenden	CNA999987191	Revocation	Zimmerman
II.D.3.	Luis G. Mejorado	CNA952426417	Revocation	Zimmerman
II.D.5.	Oscar Alfredo Santos-Flores	CNA1000013929	Revocation	Zimmerman
II.D.7.	Renee Danison	CNA648499173	Revocation	Zack
II.D.8.	Daniel De La Garza	CNA1000012063	Revocation	Zack
II.D.9.	Joy E. Dockendorf	CNA806973641	Revocation	Zack
II.D.10.	Alverta M. Gorman	CNA992283103	Revocation	Zack
II.D.12.	Kenneth Scott Machado	RN095016	Revocation	Zack
II.D.14.	Dolores A. McCloskey	LP033089	Revocation	Zack
II.D.15.	Bobbie Anne Shelton	RN076446	Revocation	Zack
II.D.16.	Theodore O. Taylor	LP013692	Revocation	Zack
II.D.17.	David Orville Ward	LP040185	Revocation	Zack

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.

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

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

Busby moved, Johnson 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.

Busby moved, Scott seconded, and it was unanimously carried to accept the State’s recommended discipline for Agenda Items II.D.1-3, 5, and 7-17.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.D.4. Kimberly L. Petraglia RN092440 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.

Petraglia was present telephonically and addressed the Board.

Busby moved, Johnson seconded, and it was unanimously carried to grant the State’s Motion to Deem

Busby moved, Johnson 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.

Busby moved, Scott seconded, and it was unanimously carried to accept the State’s recommended discipline for revocation of professional registered license #RN092440 issued to Kimberly L. Petraglia.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.D.6. Shirley Thornton Williams LP024903 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 present and addressed the Board.

Zimmerman addressed the Board.

Busby moved, Johnson seconded, and it was unanimously carried to grant the State’s Motion to Deem

Busby moved, Johnson 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.

Busby moved, Scott seconded, and it was unanimously carried to accept the State’s recommended discipline for revocation of practical nurse license number LP024903 issued to Shirley Thornton Williams.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.E. Request for Rehearing or Review of Board Decision

II.E.1. Barbara J. Pfeil-Doherty LP018321 Zack

The proceeding began at 2:37 p.m., with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott, Gum and Busby.

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

Pfeil-Doherty was present and addressed the Board.

Zimmerman addressed the Board.

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

**II.E.2. Khor Lukuach Malual CNA999995846 Zimmerman
(aka: Santino Knol Nhial)**

The proceeding began at 2:44 p.m., with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott, Gum and Busby.

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

Malual was present and addressed the Board.

Zimmerman addressed the Board.

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

II.E.3. Nancy Marie Richie LP013835 Hargraves

The proceeding began at 2:50 p.m., with the following Board members present: Malloch, Johnson, Perry, Link, Berrigan, Scott, Gum and Busby.

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

Richie was present and addressed the Board.

Hargraves addressed the Board.

Busby moved, Berrigan seconded, and after discussion it was unanimously carried to deny request for rehearing/reconsideration.

The meeting recessed at 2:57 p.m. and reconvened at 3:14 p.m.

VI.A. Executive Directors Report – Ridenour

VI.A.2. Update on 2009 Legislative Session & Legislative Agenda for 2010 – Greg Harris

Harris offered an update on the implementation of some of the issues regarding the legislature's adoption of the re-write of the Nurse Practice Act. Harris noted there was a meeting scheduled for September 29, 2009 to work on the next steps of the Med Tech Pilot program. Harris stated there would be continued discussions with the CRNA group about whether changes in the Nurse Practice Act are appropriate, and to close gaps that may have been identified in the code. Harris stated that due to this year's difficult legislative session, and expectations of next year being at least a difficult, diligence would be needed in terms of making certain both the need for legislation, and sponsor's support could provide compelling reason's for legislation to move forward.

Malloch requested more clarification regarding the CRNA issues. Ridenour stated that the rule making that occurred in prescribing, overreached what the Board had the statutory authority to do. Attempts were made this year to remedy that, but language agreement with the CRNA's could not be reached. Malloch requested this topic be placed on the November 2009 Agenda for follow-up.

Harris commented on the OBRA federal law that was passed in 1987, regarding the ability of the states ability to impose a licensing fee for CNA's. Harris stated that nurses are bearing the brunt of the CNA program, which is creating issues for the Board. Consideration should be made at the federal level about how to deal with the prohibition that affects Arizona and other states. Harris stated that it would possibly take a coalition of interested states to work toward a common solution for removing the moratorium set in 1987.

Kathy Apple commented that the State Boards of Nursing went forward in the late 1980's, as a result of the nursing home care reform act recognizing that the practice of a CNA was the practice of nursing. If a Board of Nursing was charged with regulating the practice of nursing, it legitimately fell within the purview of a Board of Nursing. The complicating factor has always been the confluence with the federal regulations. Apple reported that NCSBN Directors had sent a letter to President Obama relating some items of interest that the Board wanted to express in terms of its relationship to all the work of healthcare reform. It included some language for consideration, re-looking at the federal laws related to nursing assistants. Apple felt it is legitimate to have dialogue about whether State Boards should continue to be in the business of what they do, based on the 1987 OBRA law. Apple stated that the reason Boards of Nursing continue to regulate nursing assistants, is that it protects the public better than the federal law. Apple indicated there are a number of Boards of Nursing who have an interest in regulating nursing assistants but question if they can afford the resources needed to do a good job.

V. RN/LPN/CNA Investigative Reports

**V.L.10. Guadalupe Elizabeth Woodson RN032589; AP0857 (Rappoport)
(aka: Beck)**

Link knows Woodson but shows no bias. An attempt was made to contact Respondent telephonically and a message was left that the Board would move ahead with the case. Rappoport addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

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

VI.B. Educational Reports and Rules – Randolph

VI.B.1. Nurse Assistant Programs – Approvals (List available in Board office)

Perry moved, Scott seconded, and it was unanimously carried to adopt the Nurse Assistant Program Survey Recommendation for 2 year approval for new and renewal programs.

VI.B.2. Fortis College Application for Provisional Approval

Judith Hightower was present and available for questions. Link knows Hightower but shows no bias. Busby moved, Johnson seconded, and it was unanimously carried to grant provisional approval with a report 12 months after the admission of students followed by a site visit. The report shall contain information regarding the differences between program implementation plan and actual implementation, and one year results of the program evaluation plan.

VI.B.3. SEVEN Healthcare Academy RN and PN Refresher Program Renewal

Busby moved, Link seconded, and it was unanimously carried to renew the approval of SEVEN Academy RN and PN Refresher Programs.

VI.B.4. Pima Community College CTD RN Refresher Program Renewal

Link moved, Berrigan seconded, and it was unanimously carried to renew the approval of the Pima Community College CTD RN Refresher Program.

VI.B.5. Pima Community College CTD PN Refresher Program Initial Approval

Link moved, Scott seconded, and it was unanimously carried to grant approval of the Pima Community College CTD PN Refresher Program.

VI.B.6. Eastern Arizona College Remedy of Potential Deficiencies

Johnson moved, Gum seconded, and it was unanimously carried to approve the program for a period of 3 years.

VI.B.7. Coconino Community College Resolution of Deficiencies

Busby moved, Scott seconded, and it was unanimously carried to remove the deficiency notice status from the program's provisional approval.

VI.B.8. NCLEX Quarterly Reports 2009, Quarter 2

NCLEX quarterly reports 2009, Quarter 2, were provided to the Board.

VI.B.9. Brookline College Consent Agreement

Busby moved, Scott seconded, and it was unanimously carried to offer the proposed Consent Agreement and replace the deficiency status with "admissions closed per Board Order" in its place upon signing of the Consent Agreement.

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

**II.F.1. Rowena Aquino Faulkner RN128701 Zimmerman
(aka: Aquino; Patay; Raquiza)**

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

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

Zimmerman addressed the Board.

Busby moved, Link seconded, and it was unanimously carried to rescind prior Board decision, and accept the signed Consent Agreement for 36 months stayed revocation probation to include the attached stipulations

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.F.2. Victoria Lee Martinez RN101237 Zimmerman

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

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

Zimmerman addressed the Board.

Johnson moved, Scott seconded, and it was unanimously carried to rescind prior Board decision, and accept the signed Consent Agreement for a stayed revocation/indefinite suspension pending an evaluation and documentation from a primary care provider and neurologist or psychiatrist with expertise in addiction that respondent is safe to practice nursing and comply with any treatment recommended, followed by 36 months standard probation with terms and conditions.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.F.3. April Lynn Cobia RN117544 Hargraves

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

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

Hargraves addressed the Board.

Busby moved, Gum seconded, and it was unanimously carried to rescind prior Board decision, and adopt the signed Consent Agreement for 12 months probation with attached stipulations.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.F.4. Naomi A. Contreras RN104084 Hargraves

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

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

Foster addressed the Board.

Busby moved, Perry seconded, and it was unanimously carried to adopt the signed Consent Agreement for a \$250 Civil Penalty.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.F.5. Sheila A. Bennett RN137215 Zack

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

Zimmerman addressed the Board.

Bennett was present telephonically and addressed the Board.

Busby moved, Scott seconded, and after discussion it was unanimously carried to affirm the prior Board decision and deny the request to rescind voluntary surrender of license.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

II.G.1. Francesca G. Agnes CNA Applicant Zack

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

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

Foster addressed the Board.

Busby moved, Perry seconded, and it was unanimously carried to rescind prior Board decision, and continue the investigation to allow respondent to successfully complete the manual portion of the CNA exam.

II.G. Hearing Department Investigative Reports

II.G.3. Cody Lee Halford RN145093 Zimmerman

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

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

Foster addressed the Board.

Busby moved, Perry seconded, and it was unanimously carried to rescind prior Board decision and, based on the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for a \$250 Civil Penalty.

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

After discussion, Busby moved, Perry seconded, and it was unanimously carried to reopen Agenda Item II.G.3. Busby moved, Perry seconded, and it was unanimously carried amend prior Board decision and include: If not signed within 30 days and payment not received within 60 days, issue Complaint and Notice of Hearing.

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

II.I. Review & Decision on Compliance with Motion to Deem Board Orders

II.I.1. Carie Lynn Kirkpatrick RN144135 Zimmerman

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

Zimmerman addressed the Board.

Kirkpatrick was present and available for questions.

Busby moved, Perry seconded, and it was unanimously carried to issue a Compliance Order for 12 months probation to include the attached stipulations

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

V. RN/LPN/CNA Investigative Reports

V.I.4. Sheryl A. McGearry RN139963 (S. Nelson)

McGearry was present and addressed the Board. Johnson 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 24 months probation to include 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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								

V.I.5. Dena Marie Monehen LP042701 (S. Nelson)

Monehen was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for medication errors made and for failing to follow policy when verifying liquid narcotic medications while working at Avalon Shadow Mountain in Scottsdale, Arizona.

V.I.11. Angela Pietraszewski RN146638 (S. Nelson)

Pietraszewski was present and addressed the Board. 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 an indefinite suspension pending the completion of psychiatric evaluation by a Board approved psychiatrist and to include any additional testing deemed necessary by the evaluator, and return to the Board. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**V.J.7. Christina M. Hancock RN Endorsement (Olson)
(aka: Barrett; Leroux)**

Hancock was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for the March 21, 2001 conviction pursuant to a guilty plea of receiving stolen property, a felony of the 5th degree in Huron County Court of Common Pleas, in Huron County, Ohio, which was the subject of the stayed suspension of her Ohio RN license in 2006 and 2007.

V.N.5. Elaine Margaret Bridgewater RN103649; LP033988 (Schettler)

Bridgewater 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 an indefinite suspension pending the successful completion of treatment or further recommendations resulting from the evaluation on August 13, 2009, by Jacquelyn St. Germaine, PhD, with the attached stipulations; followed by 36 months probation to include the attached stipulations, or hearing. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.B.8. Michelle Polikoff RN126809 (Bymers)

Polikoff was present and addressed the Board. 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 12 months probation with the attached stipulations amended with include: performance evaluations one time per month for first six months and quarterly thereafter. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

The meeting recessed at 4:51 p.m., Wednesday, September 23, 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 8:00 a.m., Thursday, September 24, 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
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
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 8:00 a.m., Thursday, September 24, 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.

V. RN/LPN/CNA Investigative Reports

V.B.3. Judith Ann Gricol RN096175 (Bymers)

Bymers addressed the Board with additional information. Attorney Ashley Adams and Gricol were present and addressed the Board. Busby moved, Perry 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 12 months probation with the attached stipulations amended to change direct supervision to on site supervision. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.B.9. Edie L. Schlemmer RN121530 (Bymers)

Malloch, Scott and Johnson know Colleen Hallberg, and Scott and Gum know Larry Volkmer but show no bias. Schlemmer and attorney James Fresbie were present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for inappropriately touching a co-worker and making verbal and written remarks on or about January 8, 2008 for a fellow co-worker.

III. Board Discussion/Decision Regarding Case Disposition/Summary Letter of Concern Lists, Lapsed Licenses, Licensure & Compact Licensure Decisions

III.A. Consent Agenda - Board Discussion and Decision Regarding Case Disposition List

III.A.1. RN/LPN Endorsement Applicants

III.A.2. RN/LPN Examination Applicants

III.A.3. RN/LPN Renewal Applicants

III.A.4. CNA Endorsement/Examination Applicants

III.A.5. CNA Renewal Applicants

III.A.6. AP/RN/LPN/CNA Respondents

Johnson moved, Busby seconded, and it was unanimously carried to approve the applicants on the list to be dismissed by case disposition criteria and to grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state licensure, receipt of negative state and federal criminal history, and including all licensure/certification requirements.

III.B. Consent Agenda - Board Discussion and Decision Regarding Letter of Concern Summary List

III.B.1. RN/LPN Endorsement Applicants

III.B.4. CNA Endorsement/Examination Applicants

III.B.6. AP/RN/LPN/CNA Respondents

Busby moved, Link seconded, and it was unanimously carried to issue the Letters of Concern submitted and grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state of licensure, receipt of negative state and federal criminal history, and including all licensure/certification requirements.

III.C. Consent Agenda - Lapsed Licenses Investigative Reports for Administrative Penalty

Agenda	Name	License/Certificate #	Amount
III.C.1.	Ann Hilton	CNA1000007099	\$25
III.C.2.	Sean Smith	CNA1000006953	\$25
III.C.3.	Karen Thompson	CNA999992386	\$25
III.C.4.	Vanessa Vensor	CNA1000012564	\$25
III.C.5.	Marjorie Wade	CNA735515969	\$25
III.C.6.	Chase Wright	CNA1000012955	\$25
III.C.7.	Kassie Hesson	CNA999998938	\$25

Busby moved, Link seconded, and it was unanimously carried 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.

III.D. Consent Agenda - Felony Bar Cases

III.D.1. Order of Denial

III.D.1.a. Lydia Lynn Stevens CNA Applicant Blair

Busby moved, Link seconded, and it was unanimously carried to adopt the attached Order of Denial.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

III.D.2. Notice of Charges

III.D.2.d. Carolyn S. Gilbert CNA999951215 Blair

III.D.2.e. Chichi Nicole Hoskins CNA999994104 Blair

III.D.2.f. Tamara Gonzalez LP031633 Blair

III.D.2.g. Leandra Berumen CNA1000001602 Blair

III.D.2.h. Jessica Dorame CNA999999661 Blair

III.D.2.i. Michael Costa CNA999995785 Blair

Busby moved, Scott seconded, and it was unanimously carried to adopt the attached Notice of Charges for Agenda Items III.D.2.a-c.

- III.E. Consent Agenda - Investigative Reports Decision to Adopt Notice of Charges**
III.E.a. Jacqueline Blunt RN101903 Foster
III.E.b. Linda Rae Fehrenbacher CNA999996366 Foster
III.E.c. Teresa Bose Lowe LP006247 Foster

Busby moved, Scott seconded, and unanimously carried to adopt the attached Notice of Charges.

- III.H. Imposters, Cease & Desist Orders & Court Revocations**
1. Gregory Dale Kamens RN128911 Grady

A cease and desist letter was mailed to the above listed person.

- IV.C. Non-Compliance/Compliance with Board Orders**
IV.C.4. Kristi McPheron LP044186 (Mills)

Mills addressed the Board with additional information. McPheron was present telephonically and addressed the Board. Busby moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for stayed revocation/suspension pending psychological evaluation and clearance to return to work, followed by 18 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report. After discussion Busby amended the motion to include that respondent is allowed to complete the terms of Consent Agreement in the State of Ohio. Scott concurred. The motion carried unanimously.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

- V. RN/LPN/CNA Investigative Reports**
V.B.1. Regina E. Beaudry RN084182 (Bymers)
 Scott moved, Link seconded, and it was unanimously carried dismiss the complaint.

- V.B.4. Linda Ann Kapinos RN078654; AP1762 (Bymers)**
 Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for diagnosing, treating and prescribing as an Adult Nurse Practitioner, without certification as an Adult Psychiatric and Mental Health Nurse Practitioner from on or about January 2009 to present.

- V.B.6. Roxanna Smith Markin LP020035 (Bymers)**
 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 issue a Notice of Charges.

- V.B.10. Carol Jane Scoe RN140100 (Bymers)**
 Byemers addressed the Board with additional information. Perry moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, to be completed by a Board approved evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return 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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.A.1. Michelle McNair CNA Exam (Blair)

Scott moved, Link seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to grant certification upon signing a Consent Agreement for 24 months stayed revocation, to include the attached stipulations. If not signed within 30 days, deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.A.2. Briana Scudder CNA Exam (Blair)

Perry moved, Link 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V.A.3. Arturo Marquez CNA Exam (Blair)

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 deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.A.4. Julie Brown CNA Exam (Blair)

Scott moved, Link 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V.C.2. Ana Rebecca Almada CNA100010715 (Curatola)

Scott moved, Link 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 \$100

Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.C.3. Letonya Begay CNA1000011484 (Curatola)

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 \$100 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.C.4. Ashley Marie Beuerle CNA Endorsement (Curatola)

Perry moved, Busby 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V.C.5. Carol Jean Chambers CNA Endorsement (Curatola)

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 deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

The meeting recessed at 8:52 a.m. and reconvened at 9:02 a.m.

V.C.6. Apryl Lynn Daniels CNA Exam (Curatola)

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 deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.C.8. Arlim Bethzaida Estrada-Velasco CNA Endorsement (Curatola)

Johnson moved, Scott seconded, and it was unanimously carried, to continue the investigation to allow applicant the opportunity to obtain a psychological evaluation with emphasis on substance abuse by a Board approved evaluator who is at minimum Phd prepared and has expertise in substance abuse, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board. If the evaluation is not completed, based on 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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								

V.C.9. Calli Jade Kieffer CNA Exam (Curatola)

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 \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, deny certification.

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

V.C.10. Ana Megan McCormack LP044670 (Curatola)

Busby moved, Scott seconded, and it was unanimously carried, issue an Interim Order for a psychological evaluation to include a substance abuse evaluation, to be completed by a Board approved evaluator who is at minimum PhD prepared and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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								

V.C.12. Jeramy Duane Schmidt RN155329 (Curatola)

Johnson moved, Link 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 \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

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

V.C.13. Virginia Elizabeth Schulz CNA100000062 (Curatola)

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

V.C.14. Tera Lynn Schweitzberger LP Exam (Curatola)

Busby moved, Johnson seconded, based on the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, to grant licensure. If not signed within 30 days and payment not received within 60 days, deny licensure as a practical nurse and issue a Notice of Charges for CNA1000005375. After discussion the motion failed with four opposed and four in favor.

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

Scott moved, Perry seconded, to issue an Interim Order for a psychological evaluation with emphasis on substance abuse, to be completed by a Board approved evaluator who is at minimum PhD prepared and with expertise in substance abuse and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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, deny licensure as a practical nurse, and issue Notice of Charges for CNA1000005375, and include the factual allegations and alleged violations for failure to comply with the Interim Order. The motion carried with seven in favor and one opposed.

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

V.C.15. Wilma Theresa Thomas CNA704099803 (Curatola)

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 \$100 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

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

V.C.16. Terry M. Smith RN129935 (Curatola)

Johnson moved, Scott seconded, to issue an Interim Order for a psychological evaluation to include a substance abuse 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 45 days 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 Notice of Charges and include the

factual allegations and alleged violations for failure to comply with the Interim Order. The motion carried with seven in favor and one opposed

	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	1								X
ABSTAIN	0								
ABSENT	0								

**V.B.5. Judith Ann Kress RN080999; AP1257 (Bymers)
(aka: Winslow)**

Bymers addressed the Board and confirmed receipt of additional information. Johnson knows Drs. Wilkie and Phillips but shows no bias. Complainant Melody Trudell and her attorney Melanie McBride, complainant Lynnette Patrick and her attorney Larry Cohen, attorney for Kress, and Susan McLellan were present and addressed the Board. Kress was present telephonically and addressed the Board. Busby moved, Link seconded, to continue the investigation to refer this matter to an outside consultant, with expertise in women’s health, for review of the entire case and interviews with respondent, complainants, and necessary physicians, and report back to the November 2009 Board meeting. After discussion the motion carried unanimously.

**V.L.15. Charlotte Ruth Peake RN111072; AP1616 (Rappoport)
(aka: Heitmann)**

Attorney Susan McClellan was present and available for questions. Johnson moved, Link seconded, and it was unanimously carried, to dismiss complaints #1 and #2.

V.L.16. Deborah Joanne Bernard RN095259 (Rappoport)

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

V.D.5. John Allen CRNA Prescribing Authority (Dahn)

Allen was present and available for questions.

Busby moved, Link seconded, and it was unanimously carried to go into Executive Session on Agenda Item V.D.5. for the purpose of obtaining legal advice. Executive Session convened at 10:12 a.m. and adjourned at 10:20 a.m.

Busby moved, Scott seconded, to deny the request to prescribe medications for chronic pain management patients due to the current Arizona Statutes and Rules; direct staff to establish a new CRNA Advisory Committee to identify potential legislation for a legislative session including the upcoming 2010 session, to remedy the statutory gaps and remove barriers regarding the practice of CRNA’s in Arizona; if necessary to write rules for conducting pilot programs with public safety for innovative programs in nursing, education and regulation. CRNA prescribing for chronic pain management may be a program considered as a pilot program. After discussion the motion failed with five opposed and three in favor.

Link moved, Johnson seconded, based on Mr. Allen’s didactic and clinical experience in the field of chronic pain management, to approve the request to prescribe medications, and requested that potential language to be presented to the Board for consideration in the 2010 Legislative Session. After discussion Link amended the motion to read: based on Mr. Allen’s didactic and clinical experience in the field of chronic pain management, approve the request to prescribe medications for chronic pain management. Johnson concurred. The motion carried with seven in favor and one opposed.

The meeting recessed at 10:33 a.m. and reconvened at 10:42 a.m.

V.E.1. Candice Wikoff LP035642 (Hill)

Hill addressed the Board with additional information. Wikoff was present and addressed the Board. Johnson moved, Perry seconded, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges. After discussion Johnson amended the motion to change the probation length from 24 months to 12 months. Perry concurred. The motion carried unanimously.

	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

V.G.2. Steven Campise RN083833 (Midkiff)

Campise was present and addressed the Board. Link moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

V.G.6. Lori S. Wood RN053359 (Midkiff)

Wood was present and addressed the Board. Link moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a chemical dependency evaluation with a PhD level Board approved evaluator, to be completed within 30 days. If not completed, issue Notice of Charges.

	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

Busby returned to the meeting at 10:56 a.m.

Link left the meeting at 10:56 a.m.

V.G.7. Eric Christian Sweet RN142676 (Midkiff)

Midkiff addressed the Board with an addition to the findings of fact #3: On July 15, 2009, Sweet underwent a chemical dependency relapse and psychological evaluation by Dr. Lett. Dr. Lett recommended Sweet participate in and complete six months of bi-weekly psychotherapy sessions with a provider who specializes in stress and anger management and psychoactive substance abuse, and continue recovery program participation. Sweet was present and addressed the Board. 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 6 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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							

V.G.11. Brandon Ray Rader RN128305 (Midkiff)

Midkiff addressed the Board and confirmed receipt of additional information. Rader 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 12 months stayed suspension/probation followed by 12 months probation, to include 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.1. Crystal L. Baker CNA Exam (Lester)

Baker was present and available for questions. Busby moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for the six misdemeanor conviction of theft, forgery and possession of controlled substance, from 1992 through 2000 in Van Nuys Courthouse, Van Nuys, California.

**V.F.7. Laura A. Pough CNA1000014364 (Lester)
(aka: Southerland)**

Pough was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the misdemeanor conviction of DUI on June 20, 2008, with Phoenix Municipal Court in Phoenix, Arizona, and for not disclosing the DUI to the Board within 10 days.

V.I.7. Fredrica Rena Sauls LP041686; CNA999997591 (S. Nelson)

Nelson addressed the Board with additional information. Sauls 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.I.12. Karen Kusmierz Williamson RN069359 (S. Nelson)

Nelson addressed the Board with additional information. Attorney Dee Dee Holden was present and addressed the Board. Williamson was present telephonically 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 12 months probation to include the attached stipulations, amended to allow the respondent to work night shift. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.K.5. Desiree Amber Sorensen CNA Exam (Parlin)

Sorensen was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.K.14. Nichole Maureen Zehendner RN Exam (Parlin)

Zehendner was present and addressed the Board. Busby moved, Gum seconded, and it was unanimously carried, upon meeting all requirements, to grant licensure and issue a Letter of Concern for DUI convictions in 2002 and 2005 in the state of Indiana.

V.L.1. Diann Lynn Casper RN155368 (Rappoport) (aka: Phillips; Mayer)

Rappoport addressed the Board with additional information. Casper was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried to continue the investigation to obtain additional documents and return to the November 2009 Board meeting.

V.N.6. Kathy Maria Deal-Sharp LP012527 (Schettler)

Schettler addressed the Board with additional information. Deal-Sharp was present and available for questions. Busby moved, Johnson seconded, based on the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for 12 months probation to include the attached amended stipulations: indirect supervision allowed in current job position only. If not signed within 30 days, issue a Notice of Charges. After discussion the motion carried with five in favor and two opposed.

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

V.L.8. Michelle Lynn Hammarbeck TRN157243 (Rappoport) (aka: Pool)

Rappoport addressed the Board and confirmed receipt of additional information. Hammerbeck was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, to offer a Consent Agreement for 12 months probation to include the attached amended stipulation for drug testing two times per month the first six months and monthly thereafter, and night shift permitted.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.M.2. Deborah Ann Biel CNA950492803 (Sage)

Biel was present and available for questions. Busby moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for a first time DUI on March 23, 2009.

V.M.5. Ciara Darby CNA1000016591 (Sage)

Darby was present and addressed the Board. Johnson moved to issue a Letter of Concern for reportedly using profanity in reference to a resident on February 11, 2009, while employed as a CNA at Mountain View Manor in Prescott, Arizona. The motion failed for lack of a second. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

**V.M.19. Shirley Jean Robbins LP034190 (Sage)
(aka: Rhoton)**

Robbins was present and available for questions. Busby moved, Scott seconded, and after discussion it was unanimously carried to issue a Letter of Concern for sending the wrong medication and profile of a resident who was transferred to another facility, being reported for being rude and abrupt while employed as an LPN at Odyssey Healthcare on Jun 28, 2005, and for reportedly being responsible for a resident who was not changed in a timely manner while employed as an LPN at Hacienda Townley House on June 12, 2009.

V.N.2. Pamela Robin Brookman LP042515 (Schettler)

Brook was present and addressed the Board. 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 an indefinite suspension pending the completion of a refresher course, to be followed by 24 months probation, to include the attached stipulations, or hearing. If not signed within 30 days, issue Notice of Charges.

	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							

Perry left the meeting at 11:33 a.m. and returned at 11:34 a.m.

V.N.7. Rita Moore RN063898; LP021121 (Schettler)

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

	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	6		X	X	X		X	X	X
NO	0								
ABSTAIN	1					X			
ABSENT	1	X							

V.O.1. Amanda Christine Provencio RN121669 (Torrez)

Provencio was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

V.O.2. Chanel Helene Woitel RN147882 (Torrez)
(aka: Martin)

Malloch, Johnson and Scott know Colleen Hallberg but show no bias. Woitel was present and addressed the Board. Perry moved, Gum seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue an Interim Order for a substance abuse evaluation, to be completed by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 30 days 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, to issue Notice of Charges based on the findings of fact and statute/rule violations identified in the investigative report,

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.O.7. Sylvia R. Ebuén RN088219 (Torrez)

Ebuén was present and addressed the Board. Scott moved, Berrigan seconded, to issue an Interim Order for a substance abuse evaluation, to be completed by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 Notice of Charges.

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

Link returned to the meeting at 11:46 a.m.

V.O.10. Sandra M. Draxler RN133203 (Torrez)

Torrez addressed the Board with additional information. Draxler was present and addressed the Board. Busby moved, Link 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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								

V.O.12. Jacqueline Mazna RN150723 (Torrez)

Torrez addressed the Board with additional information. Mazna 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 24 months stayed revocation/probation, followed by 24 months standard probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.O.14. Julie Marie Poupard RN142710 (Torrez)

Scott knows Darlene Freedman but shows no bias. Poupard was present and available for questions. Link moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for failing to maintain an accurate medical record from on or about March 2009, September 2008, and November 2008, while employed by Banner Heart Hospital in Mesa, Arizona.

V.O.16. Linda M. Staley LP005510 (Torrez)

Staley was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for giving co-worker D.O. a Percocet from her personal prescription on or about April 1, 2009, while employed at Los Ninos Hospital in Phoenix, Arizona.

Busby left the meeting at 11:55 a.m. and returned at 11:58 a.m.

VIII. Dialogue with Nursing Students

The Board members and staff dialogued with Glendale Community College Nursing Students regarding Board functions, policies and procedures. Questions were asked about nurse support groups, temporary licenses, who appears before the Board, guidelines for probation, and how to acquire a position on the Board.

The meeting recessed at 12:08 p.m. and reconvened at 1:00 p.m.

V.G.3. Roxanne Hutchinson RN085568 (Midkiff)

Perry moved, Johnson seconded, and it was unanimously carried to issue Notice of Charges.

V.G.4. Linda Kay McFarland RN088232 (Midkiff)

Perry moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for failing to properly waste two doses of morphine sulfate on September 26, 2008, while employed at St. Joseph's Hospital and Medical Center in Phoenix, Arizona.

V.G.5. Terica Catherine Wacker LP038028 (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 issue Notice of Charges.

V.G.8. Nancy Dale Edidin RN086012 (Midkiff)

Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to confirm proper labeling of a blood specimen on November 14, 2008 that resulted in an unnecessary blood draw on Baby M, while employed by Banner Desert Medical Center.

V.G.10. Angelique Helen Bennett LP040529 (Midkiff)

Perry knows Michael Macenberg and Maureen Purvis but shows no bias. An attempt was made to contact Respondent telephonically and a message was left that the Board would proceed with the case. Midkiff addressed the Board with additional information. Link 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 an indefinite suspension, to complete a chemical dependency and psychological evaluation with a Board approved PhD level evaluator, and return to the Board for further action.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.G.9. Penny Ellen Cummings LP035975 (Midkiff)

Perry knows Allen Beal but shows no bias. Midkiff addressed the Board with additional information. Link 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>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.G.12. Brenda Rae Bertsch RN088670 (Midkiff)
(aka: Rostermundt)

Scott, Gum and Malloch know Mike Kofield but show no bias. Bertsch was present telephonically and available for questions. Midkiff addressed the Board to clarify of the stipulations. Johnson moved, Scott seconded, and after discussion it was unanimously carried, upon meeting all requirements and signing an amended Consent Agreement for 12 months probation including the attached stipulations amended to include: to grant licensure for RN refresher course only, supervision while on probation, performance evaluations once per month for six months and quarterly thereafter. Upon successful completion of RN refresher course, grant RN licensure. If not signed within 30 days, deny licensure, based on the findings of fact and statute/rule violations identified in the investigative report,

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.E.4. Deborah Young RN132924 (Hill)

Young was present and available for questions. Link 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 a Notice of Charges based on findings of fact and statute/rule violations.

	VOTE	<u>Link, Denise</u> Member	<u>Berrigan, Terri</u> Member	<u>Johnson, Patricia</u> Vice Pres	<u>Malloch, Kathy</u> President	<u>Perry, Hunter</u> Secretary	<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.H.2. Shannon Maurice Kelly CNA1000005568 (B. Nelson)

Kelly was present and addressed the Board. Link 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 \$100 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	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

V.I.3. Barbara Makela RN127061 (S. Nelson)

Link recused herself to avoid the appearance of impropriety and left the meeting at 1:21 p.m. Malloch knows Linda Model, and Johnson is affiliated with Banner Thunderbird Hospital and knows Ellie McMaster but show no bias. Complainant Linda Model, Lorraine Halley and Makela were present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried to dismiss the complaint.

Link returned to the meeting at 1:41 p.m.

V.N.3. Delora Jean Quinn LP042649 (Schettler)

Quinn was present and addressed the Board. 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 an indefinite suspension pending the completion of a psychiatric evaluation by a Board approved psychiatrist, the successful completion of treatment recommendations resulting from the evaluation and confirmation that respondent is safe to return to practice, to be followed by 24 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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

V.D.4. Holly Linda Todd RN075083; AP0241 (Dahn)

Link moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for treating male patients, which is outside the scope of a Women’s Health Nurse Practitioner, from on or about January 2009 to July 2009 while working at Phoenix Pain Management in Phoenix, Arizona.

V.E.2. Suzanne Moskal RN149770 (Hill)

Link moved, Scott seconded, and it was unanimously carried, complaint #1, to issue a Letter of Concern for inappropriately touching another individual without his consent on or about May 12, 2009, while employed at West Valley Hospital in Goodyear, Arizona.

Link moved, John seconded, for complaint #2, 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 12 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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

V.E.3. Sandra Brinkley RN093547 (Hill)

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 based on findings of fact and statute/rule violation.

	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

Busby returned to the meeting at 1:49 p.m.

V.E.5. Rebekah Arens LP042246 (Hill)

Johnson moved, Scott seconded, to issue an Interim Order for an evaluation to be completed by a Board approved evaluator with a minimum Phd, specializing in professional boundaries with potential sexual misconduct and to include testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days and then return to the Board. If the Interim Order is not completed, based on 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. The motion carried with seven in favor and one abstained.

	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	1								X
ABSENT	0								

V.F.2. Nicole A. Bellesia CNA Exam (Lester)

Lester 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 an indefinite suspension pending the completion of a psychotherapy course by a Board approved evaluator who is at minimum, master's prepared and who specializes in treating behavioral and substance use issues, and upon meeting all requirements, to grant certification, followed by 12 months stayed suspension to include the attached amended stipulations amended to include: surrender of certificate. If not signed within 30 days, deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.F.3. Jessica D. Coles CNA1000011666 (Lester)

Lester addressed the Board with additional information. 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 36 months stayed revocation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**V.F.4. Diana L. Davis CNA Endorsement (Lester)
(aka: Vacek)**

Scott moved, Link 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V.F.5. Megan R. Murphy CNA1000008638 (Lester)

Lester addressed the Board with additional information. Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for the July 19, 2007 misdemeanor conviction for dogs at large in Huachuca City Municipal Court in Huachuca City, Arizona, and for the July 9, 2008 misdemeanor conviction for minor with alcohol in system in Marana Municipal Court in Marana, Arizona.

V.F.6. Jeri Mazanec CNA Exam (Lester)

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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V.F.8. Kaytie L. Price CNA Exam (Lester)

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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V.F.9. Lucia D. Rivera CNA Exam (Lester)

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 deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.F.10. Danis K. Rondon CNA Endorsement (Lester)

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 deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.F.11. James Yazzie CNA Exam (Lester)

Lester addressed the Board with a technical correction to the investigative report. 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 deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.F.12. Jennifer R. Young CNA Exam (Lester)

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

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.F.13. Scott R. Parone CNA Exam (Lester)

Lester addressed the Board with an amendment to the stipulations. 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 12 month stayed suspension to include the

attached amended stipulations amended: on site supervision. If not signed within 30 days, deny certification.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.H.1. Carolyn J. Falcon CNA552913677 (B. Nelson)
(aka: Lipperd; Mayfield; Yargee)

Perry knows Wendy Gores but shows no bias. Nelson addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological and substance abuse evaluation, to be completed by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.H.3. Myrna J. Miller CNA031312803 (B. Nelson)

Link moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological and boundary evaluation, to be completed by a Board approved evaluator, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.H.4. David Aaron Mills CNA1000000641 (B. Nelson)

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

V.H.5. Stephanie Auburn Pierce CNA1000010472 (B. Nelson)

Nelson addressed the Board with additional information. Link moved, Scott seconded, to issue an Interim Order for a substance abuse evaluation, to be completed by a Board approved evaluator, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 Notice of Charges and include

the factual allegations and alleged violations for failure to comply with the Interim Order. After discussion the motion carried with six in favor and two opposed.

	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	6	X	X	X	X		X	X	
NO	2					X			X
ABSTAIN	0								
ABSENT	0								

V.H.6. Clara A. Quarterman CNA359754803 (B. Nelson)

Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for neglecting to provide appropriate care to a resident at Desert Haven in or about May 2007, and for placing a rolled up wash cloth in a resident’s mouth to prevent him from biting while being transferred in or about July 2007, while employed at North Mountain Medical Center in Phoenix, Arizona.

V.H.7. Kenneth P. Wyldes CNA834345757 (B. Nelson)

Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

V.H.8. Tammy Lynn Cantrell CNA1000007956 (B. Nelson)

Nelson addressed the Board with additional information. Johnson moved, Link seconded, based on the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges. After discussion Johnson amended the motion to include as finding of fact #5: “The arrest in December of 2007, according to Mesa City Court case #2007095425, Cantrell was convicted on January 18, 2008 per guilty plea of shoplifting. The other 2 shoplifting incidents in 2008 and 2009 are still pending court resolution”. Link concurred. The motion carried unanimously.

V.H.9. Raymond Edward Beltran CNA1000001369 (B. Nelson)

Nelson addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for using inappropriate communication in a resident’s room in our about August 2007, while employed at Desert Life Rehabilitation and Care Center, for failing to notify the Board of a change of address and failing to complete and return an investigative questionnaire to the Board during the investigation.

V.I.1. Jennie Swan Cohagen RN052003 (S. Nelson)

Gum knows Lorraine O’Roust but shows no bias. 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 issue a Notice of Charges.

**V.I.2. Karen Ann Jesmer RN101521 (S. Nelson)
(aka: Elliott; Minette)**

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

V.I.6. Stephan Philip RN146512 (S. Nelson)

Nelson addressed the Board and requested the deletion of rule 25 (a) from the statute rule violations. 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 issue a Notice of Charges.

V.I.8. Jody Gail Spinuzzi LP043771 (S. Nelson)

Johnson moved, Scott seconded, to issue an Interim Order for a psychological evaluation, to be completed by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days 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 Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order. The motion carried with seven in favor and one opposed.

	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	1								X
ABSTAIN	0								
ABSENT	0								

V.I.9. Sheila Isom LP030493 (S. Nelson)

Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

V.I.10. Kathryn Thompson LP036337 (S. Nelson)

Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

V.J.1. Robert T. Alexander RN Exam (Olson)

Perry moved, Link seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for the March 7, 1997 conviction, pursuant to a guilty plea, of theft, a class 6 undesignated offense in Maricopa County Superior Court in Maricopa County, Arizona, which was reduced to a misdemeanor when Alexander was discharged from probation on March 8, 2000, and dismissed on March 11 2009.

V.J.2. Tammy S. Choat RN124125 (Olson)
(aka: Weir; Garrett; Faulkner)

Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, to include a substance abuse 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 45 days 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 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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.J.5. Victoria Wendy Galletano TRN155375 (Olson)
(aka: Okrah)

Johnson moved, Link seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for Decree of Censure, to grant licensure. If not signed within 30 days, deny licensure.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.J.6. Joyce L. Hall RN Endorsement (Olson)

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 deny licensure.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**V.J.8. Tamara Hanna RN Endorsement (Olson)
(aka: Amara Nader Hanna)**

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 deny licensure.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

**V.J.9. Mary E. Jacobson RN149329 (Olson)
(aka: Jesse)**

Olson addressed the Board with additional information. Scott moved, Link seconded, issue an Interim Order for a psychological evaluation, including a substance abuse 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 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. The motion carried with seven in favor and one opposed.

	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	1								X
ABSTAIN	0								
ABSENT	0								

**V.J.10. Rachel A. Mendelsohn CNA999992319 (Olson)
(aka: Roemke)**

Link moved, Scott seconded, issue an Interim Order for a psychological evaluation, to include a substance abuse evaluation, to be completed by a Board approved psychologist, and including 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. The motion carried with seven in favor and one opposed.

	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	1								X
ABSTAIN	0								
ABSENT	0								

V.J.11. Timothy A. Welsh LP Exam (Olson)

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 licensure.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.J.12. Walid Taman TLP044423 (Olson)

(aka: Walter Hassan Taman; Walid Hassan Taman)

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

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.J.13. Natalie M. Peguero RN139267 (Olson)

(aka: Morales)

Johnson moved, Link seconded, and it was unanimously carried, to issue an Interim Order for a psychological evaluation including a substance abuse evaluation and an 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 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violation 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

The meeting recessed at 2:27 p.m. and reconvened at 2:44 p.m.

Scott returned to the meeting at 2:45 p.m.

V.K.1. Amanda Beth Schultz LP044050 (Parlin)
 Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the November 10, 2008, misdemeanor convictions for criminal damage and disorderly conduct in Yuma, Arizona.

V.K.2. Arlene Laura Kersnowski LP044050 (Parlin)
 Perry moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the December 20, 2008, arrest for shoplifting in Casa Grande, Arizona.

V.K.3. Crystal Joy Hill RN051171 (Parlin)
 Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the November 25, 2008, DUI conviction in Mesa, Arizona, and for failing to report the DUI charge to the Board within 10 days.

V.K.4. Danielle Denise Reeves RN128705 (Parlin)
 Perry moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for the October 1, 2004, DUI arrest in Tucson, Arizona and for failing to report the DUI charge to the Board within 10 days.

V.K.6. Enrique Carbajal Rivera RN Endorsement (Parlin)
 Parlin addressed the Board with additional information. Perry moved, Johnson seconded, and it was unanimously carried to continue the investigation.

V.K.8. Jacqueline Louise Horner CNA Endorsement (Parlin)
 Perry moved, Link seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern for the 1991, prostitution conviction in Los Angeles, California and for the 1993 criminal impersonation conviction in King County, Washington.

V.K.9. Jeffrey S. Fogelson CNA536790803 (Parlin)
 Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

V.K.10. Jodell Dorothy Juen RN111816 (Parlin)
 Perry moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for the September 24, 2008, DUI conviction in Gilbert, Arizona and for failing to report the DUI charge to the Board within 10 days.

V.K.11. Jody Wayne Lavy RN Endorsement (Parlin)
 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 deny licensure.

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

V.K.12. Kristy Ann Grant RN Exam (Parlin)

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

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.K.13. Lisa M. Rodgers RN096051 (Parlin)

Perry moved, Link seconded, and it was unanimously carried, to issue a Letter of Concern for the June 8, 2004, DUI conviction in Chandler, Arizona, and for failing to report the DUI charge to the Board within 10 days.

V.K.15. Susan Koepf RN037706 (Parlin)

Parlin addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the May 19, 2008, arrest for fraudulent schemes in Globe, Arizona and for allegedly having alcohol on her breath at work while employed at Gila County Division of Health and Community Services on May 12, 2008.

V.K.16. Carol Ann Barth RN050612 (Parlin)

Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for the May 9, 2007, extreme DUI conviction in Coconino County, Arizona and for failing to report the DUI charges to the Board within 10 days.

V.M.1. Julieta Barajas CNA999995089 (Sage)

Perry moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for allegedly interrupting two conversations between a resident and his daughter and for reportedly neglecting the care of residents L.S. and L.L. in or about 2008 and 2009 while employed as a CNA at Plaza Del Rio.

V.M.3. Cipriano Cota CNA1000018098 (Sage)

Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for reportedly telling a resident if he hit her again she would punch the resident in the face, in or about December 2008, while employed as a CNA at Kachina Point Health Center in Sedona, Arizona.

V.M.4. Liliya Borosovna Cuevas CNA1000013408 (Sage)
(aka: Gross; Kalenchuk)

Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for reportedly telling a resident on December 4, 2007, to go to the kitchen and get his own coffee, and for asking an LPN to give a resident some medicine “to shut her up” on February 25, 2009, while employed as a CNA at Sunbridge Estrella in Avondale, Arizona.

Malloch left the meeting at 2:58 p.m. Johnson presided.

V.M.6. Abdulrahman M. Elturk CNA1000016690 (Sage)

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 issue a Notice of Charges.

V.M.7. Alta Jaspe Engs LP042885 (Sage)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for not carrying out a doctor's orders on February 22, 2009, and for tying a plastic bag around a broken wheelchair brake on June 1, 2009, while employed as an LPN at North Mountain Medical and Rehab Center.

V.M.8. Maria Cecelia Garcia CNA1000016256 (Sage)

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 issue Notice of Charges.

**V.M.9. Eva Louella Gerson CNA1000003716 (Sage)
(aka: Boatright; Taylor)**

Perry moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for violating facility policy by getting a resident up in a Hoyer lift without assistance on December 17, 2008, and for reportedly causing a resident to wait two hours to be changed on June 15, 2009, while employed as a CNA at Silver Ridge Village in Bullhead City, Arizona.

**V.M.10. Rosa Araceli Jacobson CNA1000012015 (Sage)
(aka: Juarez; Lopez)**

Perry moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for reportedly letting a resident wait two hours to be changed while employed as a CNA at Silver Ridge Village on June 15, 2009.

V.M.11. Sally Goe CNA999948720 (Sage)

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

V.M.12. Estella Irene Hernandez CNA Exam (Sage)

Sage addressed the Board with a technical correction to the overview. Link moved, Scott seconded, and it was unanimously carried to deny certification and adopt the attached Order of Denial.

	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				

**V.M.13. Geneva Hill CNA32695247 (Sage)
(aka: Davidson)**

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 18 months stayed revocation with terms to include a \$50 Civil Penalty to be signed within 30 days, or issue Notice of Charges.

	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				

V.M.14. Martha Hinojosa CNA1000012566 (Sage)
(aka: Zepeda)

Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for using a resident’s phone to make calls to Mexico on May 14 & 15, 2009, while employed as a CNA at Life Care Center of Yuma in Yuma, Arizona.

V.M.15. Jagbir Khari CNA1000010841 (Sage)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to communicate appropriately with a patient during September 2008, causing her emotional distress, and for failing to reconnect a patient to a cardiac monitor in a timely manner on April 30, 2009, while employed as a CNA at Gilbert Mercy Hospital.

V.M.16. Margaret A. Meinhardt CNA1000006126 (Sage)
(aka: Soden; Maggie Meinhardt)

Perry knows Deb Henry but shows no bias. Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to change 2 residents the entire shift on January 24, 2006, for failing to place an alarm on a resident on November 7, 2008, and for failing to report 2 episodes of alleged abuse on December 26 & 27, 2008, while employed as a CNA at Hacienda Rehab and Care Center in Sierra Vista, Arizona.

V.M.18. Mary Lynette Powell CNA999992085 (Sage)
(aka: Clubb)

Busby moved, Link 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 \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	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				

V.M.20. Marina R. Robinson CNA200151627 (Sage)

Perry moved, Link 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 18 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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				

V.M.21. Evelyn Jinnah Sawyer CNA1000012654 (Sage)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for residents’ perception that she was rough in their care while employed as a CNA at Angela’s Assisted Living in April 2009, in Tucson, Arizona.

V.M.22. Gina Scroggins CNA999950112 (Sage)

Sage addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved evaluator who is at minimum PhD prepared, and 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	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				

V.M.23. Amber C. Torres CNA999994159 (Sage)
(aka: Roberts)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for a misdemeanor driving under the influence (DUI) conviction on May 23, 2008, in Chandler, Arizona Municipal Court, and for reportedly walking off her job without notifying an appropriate supervisor on September 2, 2008, while employed as a CNA at Springdale West in Mesa, Arizona.

V.M.24. Maria Tupiken CNA999988926 (Sage)

Sage addressed the Board and confirmed receipt of additional information. Busby moved, Perry seconded, and it was unanimously carried to continue the investigation.

V.M.25. Louisa C. Yazzie CNA999953581 (Sage)
(aka: Esplain; Louise C.E. Seschillie)

Link moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for accepting a rental car from a private client on July 11, 2007, and for making an inappropriate remark to a supervisor on December 22, 2006, while employed as a CNA at Infinia at Flagstaff in Flagstaff, Arizona.

V.L.2. Heather Lynn Wood RN100912; CNA451885103 (Rappoport)
(aka: Heather Lynne Wood; Heather Lynn Montoya)

Rappoport addressed the Board with additional information. Perry moved, Link 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 48 months stayed revocation/probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	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				

V.L.3. Thomas Edward Leitelt RN146398 (Rappoport)

Rappoport addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to comply with the policy and procedures designed to safeguard a suicidal patient; failing to protect confidential patient care information; and

acting in an unprofessional and unethical manner when allegedly asking a patient to threaten a former co-worker at Northern Michigan Hospital, in Petoskey, Michigan, which resulted in 18 months probation, on or about November 2, 2005, which was successfully completed on or about May 2, 2007.

V.L.4. Kristien Marie Jones LP039044 (Rappoport)
(aka: Kristein Marie Renken; Kristen Marie Jones)

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

V.L.5. Debbo Margaret Duclos LP Exam; RN159355 (Rappoport)
(aka: Dodge Duclos; Dodge Rice; Dodge Dow)

Perry moved, Scott seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, and upon meeting all requirements and accepting the signed Consent Agreement for a \$300 Civil Penalty, to grant licensure.

	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				

V.L.6. Greg Schwalm LP041968 (Rappoport)

Link moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, completed by a Board approved evaluator who is at minimum PhD prepared with expertise in substance abuse and to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days 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	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				

V.L.7. Carol Sue Kleinman RN Endorsement (Rappoport)
(aka: Gaspin; Rosenfarb)

Rapp addressed the Board with additional information. 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 accept a signed Consent Agreement for a \$300 Civil Penalty and grant licensure

	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				

V.L.9. Lisa Michelle Stephens TRN159626 (Rappoport)
(aka: Davis)

Scott moved, Perry seconded, and it was unanimously carried, upon meeting all requirements and accepting the signed Consent Agreement for a \$100 Civil Penalty, to grant licensure.

	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				

V.L.12. Norton Maria Gilsomena RN104729 (Rappoport)
(aka: Johnson)

Perry knows Atta Buton but shows no bias. Scott moved, Link 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	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				

V.L.13. Ernest Constantine Esteban RN133038 (Rappoport)
(aka: Didde-Esteban)

Rappoport addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue a Notice of Charges. Assistant Attorney General Zimmerman requested the case be reopened. Perry moved, Scott seconded, and it was unanimously carried to reopen Agenda Item V.L.13. Zimmerman addressed the Board. Busby moved, Link seconded, and it was unanimously carried to include as finding of fact #9: This respondent, in 2008, submitted his LPN renewal application and listed he received an advanced nursing degree in the past five years. He listed receiving a doctorate from a school, which on its website, indicated it's not a degree granting institution; and Finding of Fact #10: On respondent's March 2009 RN renewal application he completed a Master's degree in nursing from a school that does not exist; and include both Findings of Fact in the corresponding violation.

V.N.1. Pamela Baker RN137030 (Schettler)

Busby moved, Perry seconded, and after discussion it was unanimously carried, to adopt the attached Notice of Charges.

The meeting recessed at 3:23 p.m. and reconvened at 3:26 p.m.

V.L.11. Jacqueline Ray Bylsma RN070197; LP016400 (Rappoport)
(aka: Shultz)

Perry recused himself to avoid the appearance of impropriety. An attempt was made to contact Respondent telephonically. Rappoport addressed the Board with additional information. Busby moved, Scott seconded, to dismiss the complaint. The motion carried with six in favor and one abstained.

V.N.4. Karen Susan Schubert RN118109 (Schettler)

Perry recused himself to avoid the appearance of impropriety. Busby moved, Scott seconded, to dismiss the complaint. The motion carried with six in favor and one abstained.

V.N.8. Kelli Jo Kennedy RN155970 (Schettler)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for medication and/or documentation errors made while working for Truststaff staffing agency and assigned to the Western Arizona Regional Medical Center in Bullhead City, Arizona, from on or about January 20, 2009 to February 27, 2009.

Malloch returned to the meeting at 3:41 p.m.

V.O.3. Bernadette Rosaria LaForest RN091417 (Torrez)

Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to maintain an accurate medical record for several patients during August 2008, and September 2008, while employed at Sunrise Home Care in Tucson, Arizona.

V.O.4. Emma Malazarte Hayes LP030036 (Torrez)

Torrez addressed the Board with additional information and noted the addition of (h) to the Potential Violation of Laws and (2) to the Potential Violation of Rules in the investigative report. Busby moved, Link seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to issue a Notice of Charges.

V.O.5. Faith Hope Lester RN129649; CNA212878353 (Torrez)

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

V.O.6. Vallerie Lax Gardner RN069104; LP020567 (Torrez)

Torrez addressed the Board with additional information and noted the addition of findings of fact #5 to the potential violations of law in the investigative report. Perry moved, Scott seconded, and it was unanimously carried, for complaint #1, to continue the investigation and issue an Interim Order for a psychological evaluation, completed by a Board approved evaluator who is at minimum PhD prepared, 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.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

Perry moved, Johnson seconded, and it was unanimously carried, for complaint #2, to issue a Letter of Concern for leaving a message on the phone for R.S., the home owners director, on or about August 1, 2008, telling R.S. that if she were ever a patient at Banner Desert Hospital where Gardner worked and it was a life or death decision, Gardner would treat R.S. the way she was treated when R.S. had Gardner's care towed from the apartment complex because the care was illegally parked.

Perry moved, Scott seconded, and it was unanimously carried, for complaint #3, continue the investigation and issue an Interim Order for a psychological evaluation, completed by a Board approved evaluator who is at minimum PhD prepared, 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.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

V.O.8. Margaret Ruby Clampitt LP001630 (Torrez)

Link 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

V.O.9. Jennifer Marie Thrower RN149801 (Torrez)

Torrez addressed the Board with additional information. Johnson moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for failing to maintain an accurate medical record from on or about July 1, 2008 to August 13, 2008, November 1, 2008 to December 10, 2008, and December 17, 2008 to January 2009, while employed at Banner Desert Medical Center in Mesa, Arizona.

V.O.11. Judi Ray Johnson RN078787 (Torrez)

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

V.O.15. Vickie Rae Gessner LP032303 (Torrez)

Torrez addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried, for complaint #1, 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. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

	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	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

Johnson moved, Scott seconded, and it was unanimously carried, for complaint #2, 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	Johnson, Patricia Vice Pres	Malloch, Kathy President	Perry, Hunter Secretary	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								

The meeting recessed at 3:54 p.m. and reconvened at 4:01 p.m.

VI. Board Reports for Discussion, Information, Staff Direction and/or Decision
VI.A. Executive Directors Report – Ridenour
VI.A.1. Discuss/Amend and/or Approve Board Minutes and Executive Session Minutes
VI.A.1.a. Regular Board Meeting August 4&5, 2009
VI.A.1.b. Executive Session from August 5, 2009
VI.A.1.c. Special Session Board Meeting September 10, 2009

Busby moved, Johnson seconded, and it was unanimously carried to approve minutes of the regular Board meeting from August 4 & 5, 2009.

Busby moved, Johnson seconded, and it was unanimously carried to approve Executive Session minutes from August 5, 2009.

Johnson moved, Scott seconded, and it was unanimously carried to approve Special Session Board meeting minutes from September 10, 2009.

VI.A.3. Hearing Department Report & Cycle Times – Barber/Smith/Asst. AG's
Hearing Department Report & Cycle times were provided to the Board.

VI.A.4. Draft Policy on NA Training Programs Initial and Renewal Approval Process – Randolph

The draft policy on NA Training Programs Initial and Renewal Approval Process was provided to the Board.

VI.A.5. Update on CORE Report & Process Improvement Recommendations – Ridenour/Smith/Bontrager/Randolph

VI.A.5.a. CORE Report Dashboard

VI.A.5.c. Report on Phone System Data Elements & Planned Changes – Bontrager/Davitt/Ridenour

Bontrager and Smith reported on four areas of the CORE report they are focusing on based on an overall assessment of where service improvements are needed for each of their particular areas.

Bontrager stated that tracking capabilities relating to phone service are now in place.

Areas that are being tracked include the number of calls presented verses the number that are actually answered, the number of hours staff are logged into the phone system, and the percent of calls that are abandoned after 2 or 5 minutes. The tracking indicates that more calls are being answered. The number of times a caller is transferred and the reason for the transfer is also being tracked and efforts are being made to direct calls to the person in which the caller needs to speak. This has been done by revising the phone scripts which direct the callers to the right person. Bontrager noted an extra receptionist has been added to the front desk area during peak hours. Another area being tracked is communication with the Board for non-practice issues. A high percentage of calls to the Board are questions related to the status of an application and not related to practice issues. Bontrager stated that Arizona's rating is lower than the aggregate and the goal is to improve that rating by at least 10%. This goal will be addressed by education to the applicant on the use of the internet to get answers to their frequently asked questions, and adding more clarity to the application instructions. More information has also been added to the status field in which the applicant is able to access the progress of their application from the Board website.

Ridenour noted that Bontrager and Davitt have been working for over 4 years to improve the gathering of telephone data . With the installation of the new phone system in June 2009, data collection reports

are now available. Ridenour reported that according to CORE reports, phone systems are the lowest rated area for every state and is not peculiar to Arizona.

Bontrager reported that there was a decrease in the RN/LPN online renewals this year. She felt this may be due to the need for the renewal applicant to submit citizenship documentation, and they decided instead to submit a paper application. There are still some nurses who renewed online last year, but failed to submit citizenship documentation. Their license has not been renewed. Bontrager stated that efforts are being made to notify licensees of this concern, as well as notify all nurses that renewal dates have been changed from June 30 to April 1, beginning in 2010. Bontrager further stated that efforts are being made to notify people to send citizenship documentation to the Board now and not wait until their renewal year to submit. Early submission of the citizenship document would make the online renewal process more efficient when the license is due for renewal.

Bontrager reported that the perception of the renewal process is another important area for improvement. It is felt that the citizenship/lawful presence requirement will continue to be a dissatisfier until the four year cycle is completed in 2011.

Smith stated her recommendations for process improvement in the investigation and compliance departments were to review the current triage criteria policy for recommendation, looking at the Board's prior decisions and outcomes and look for areas of expanding the "do not open" criteria. Staff is reviewing the current case disposition/summary letter of concern policy and plans are in place to bring criteria of expansion to the Board for approval at a future date. One of the new statutes and policies, effective October 2009, is Executive Director's ability to sign off on certain items and then bring to the Board as "information only". Another area of focus is the one hundred oldest cases being distributed to staff for special attention as well as the newer incoming high harm/high risk cases. Staff is looking at expanding and developing additional investigative frequently asked questions for placement on the Board website to make information more assessable to the public while decreasing the number of calls to the agency. Another area of focus is the development of the online complaint process to facilitate the early receipt of source documents.

VI.A.5.b. NCSBN 2009 Midyear CORE Report

Ridenour reported that Randolph provided detailed information at the statewide educator group's midyear meeting. Randolph developed a manual for new program directors to assist them in understanding what is required and the areas of focus during site visits by Board staff. Randolph will also be working with the Board information technology staff to develop an online complaint submission form for educators. This will be similar to the online process being used for other complaints. Malloch suggested documenting key performance indicators on a one page summary, which legislators or the public could have access. This could also be placed on the website. Ridenour responded that two years ago when the CORE report was received, a summary went to all legislatures and was placed in the Journal. She stated the upcoming Journal's theme would be the most recent CORE report, with comparisons between this report and the 2007 CORE report. Ridenour stated that a program summary is in place on the Board's website but making it more assessable and easier to locate could be managed.

VI.A.6. Program Summary Report FY 2009 – Ridenour/Smith/Bontrager/Randolph

Ridenour stated the program summary report FY 2009 was another way to look at how the Board is doing overall. This document goes into the blueprint report by the Governor, which is a public document. It indicates performance measures for RN/LPN/CNA's, with more detail than typically offered in other reports.

VI.A.7. Board Policies Related to 2009 Senate Bill 1105 Legislation Effective October 2009 – Ridenour/Bontrager/Smith

VI.A.7.a. Policy – License/Certificate Renewal Request for Citizenship Documentation

VI.A.7.b. Policy – RN/LPN Renewal of License & CNA Renewal of Certificate Late Fees

VI.A.7.c. Policy – Temporary Prescribing & Dispensing Privileges for Nurse Practitioners

VI.A.7.d. Policy – Retirement Status: RN and LPN

VI.A.7.e. Substantive Policy – Guidelines for Requesting Respondent’s Medical Records & Medical Information via Subpoena

VI.A.7.f. Substantive Policy – Guidelines & Criteria for Executive Director or Designee Closing of Complaints Meeting Case Disposition & Summary Letters of Concern

VI.A.7.g. Substantive Policy – Administrative Penalty for Working without a License

Ridenour stated that the Board policies provided to the Board (relating to Senate Bill 1105) were intended to give the Board some policy statements, both substantive and regular. She requested the Board’s thoughts and input at the next scheduled Board meeting.

VI.A.8. Update on Public Records Request from Christine Cassetta Regarding Budget Requests Submitted to JLBC Since 2000 – Orchard/Ridenour

VI.A.8.a. FY2000-2010 Appropriation Request & Approval Comparison

Information was provided to the Board regarding the public records request from Christine Cassetta, requesting budget information submitted to JLBC since 2000. This relates to the lawsuit initiated by several organizations who are suing the State, the Governor and the Treasurer over sweeping of funds last year.

VI.A.9. Update on Diligent & Recommendation from IT Regarding Board Member Laptops – Davitt/Ridenour

Davitt requested feedback from Board members on the Diligent software and encouraged recommendations for improvement. Board issued laptops was also discussed and Davitt noted that updates could be made between Board meetings and be ready for use if Board Members left the laptop at the Board office.

VI.A.10. Welcome & Introduction of Kathy Apple, NCSBN CEO & Kathy Thomas, NCSBN Board of Directors/ED Texas Board of Nursing; Updates from NCSBN & Comments on Board Governance – Malloch/Board Members/Ridenour

Kathy Apple and Kathy Thomas offered comments on their visit to this meeting.

VI.A.11. Banner Simulation Medical Center Tour/Education Regarding Commitment to Patient Safety, Friday, September 25, 2009, starting at 8:00 a.m. – Kathy Scott

Scott offered an invitation to tour the Banner simulation medical center tour/education regarding commitment to patient safety on September 25, 2009.

VI.A.14. Exemption to Rulemaking Moratorium – New Rules for Innovation – Randolph/Ridenour

Busby moved, Perry seconded, and it was unanimously carried to approve the request for an exception to the rulemaking moratorium.

VI.A.13. Update 2010-2011 FY Budget – Orchard/Bontrager/Ridenour

Ridenour offered an update on the 2010-2011 FY budget with information provided to the Board for review. Ridenour requested the Board offer feedback on what associate directors may consider in efforts to reach the requested budget cut of \$623,000, with a deadline for submission to the Governor's office the week of October 5, 2009. Ridenour stated that attempts have been made over the last 10 years to find a way to obtain a revenue stream from the CNA program without answers so far. Ridenour asked the Board to consider changing the regulatory requirements for the CNA program and turn it back to the Department of Health to avoid compromising the quality of RN/LPN/AP management. Other areas for consideration in decreasing the budget were to cancel the contract with TMG licensing database, renegotiate the rental agreement, quarterly Board meetings as opposed to bi-monthly, reduction in staff and in AAG staff.

A special Board meeting was set for October 5, 2009 at 8:00 a.m.

VI.C. President's Report – Malloch

VI.C.3. Review Remaining 2009 Board Dates – All

Board members agreed to leave the remaining 2009 Board meeting dates as previously scheduled.

VI.C.2. Proposed Calendar Year 2010/2011 Board Meeting Dates - All

Perry moved, Link seconded, and it was unanimously carried to approve proposed calendar year 2010/2011 Board meeting dates.

VI.C.4. Discuss & Decide Appointment of Board Members to Committee Chairs/Co-Chairs: Education; Scope of Practice; LPN Advisory; Other Potential Committees – Malloch/All

Link moved, Perry seconded, and it was unanimously carried to approve Berrigan as Co-Chair for LPN Advisory Committee.

Busby left the meeting at 5:27 p.m.

VI.E. Committee Reports

VI.E.1. Scope of Practice – Bontrager

VI.E.1.a. Scope of Practice September 2009 Minutes

Minutes for the September 2009 Scope of Practice Committee meeting were provided to the Board.

VI.E.2. Education – Randolph

VI.E.2.a. Draft Minutes of August 28, 2009

Education Committee meeting draft minutes of August 28, 2009 were provided to the Board.

VI.E.4. LPN Advisory Committee - Ridenour

VI.E.4.a. Draft Minutes of July 22, 2009

LPN Advisory Committee meeting draft minutes of July 22, 2009 were provided to the Board.

VII. Call to the Public

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

IX. Adjournment

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

The meeting adjourned at 5:28 p.m., Thursday, September 24, 2009.

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