

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 8:04 a.m., Wednesday, January 27, 2010, 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
Denise Link, PhD, WHCNP, FNAP, Vice President
Kathy Scott, RN, MPA, PhD, FACHE, Secretary
Theresa (Terri) Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
E. Gary Gum, MSN, RN, FCN, Member
Patricia Johnson, LPN, Member
M. Hunter Perry, 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
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 8:04 a.m., Wednesday, January 27, 2010.

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

Busby arrived at the meeting at 8:05 a.m.

Malloch presided.

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

VI. RN/LPN/CNA Investigative Reports

VII.L.1. David Harold Wermuth RN08000; CRNA0095; LP026257 (Rappoport)

Attorney Teresa Sanzio was present and available for questions. Scott moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 60 months probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

VII.L.2. Karen Jenkins Kavena RN042920; AP0297 (Rappoport)

Rappoport addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Kavena was present and available for questions. Busby moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VII.L.12. Randy Jay Bowen Compact TX (RN257571) (Rappoport) (aka: Randy J. Bowen)

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

VI.P.4. Janet Barkley Coyne RN151236 (Twigg) (aka: Barkley)

Perry knows Teresa Griffith but shows no bias. Coyne was present and addressed the Board. Attorney Anthony Fernandez was present and available for questions. Johnson moved, Scott seconded, and after discussion, it was unanimously carried to issue a Letter of Concern for failing to assess or assure a registered nurse assessed a resident who was pushed to the floor by another resident resulting in the resident sustaining injuries and subsequently died on June 21, 2008, while working as the Director of Nursing at Desert Life & Rehabilitation Center in Tucson, Arizona.

VI.P.9. Elizabeth Adriene Short LP043305; CNA1000010475 (Twigg)

Attorney Stephen Weiss was present telephonically and addressed the Board. Scott moved, Berrigan seconded, to issue an Interim Order for a neuropsychological evaluation to be completed by a Board approved psychologist and to include any additional testing deemed necessary by the evaluator, and a substance abuse evaluation by a Board approved PhD prepared psychologist, to be 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. After discussion the motion carried unanimously.

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

After discussion, Perry moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.P.9. Busby moved, Perry seconded, and it was unanimously carried to rescind prior Board decision. Scott moved, Gum seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological and substance abuse evaluation, completed by a Board approved PhD prepared psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

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

VI.D.6. Eddie Morgan RN056003; LP018305; AP019 (Dahn)

Attorney Kelly McDonald and Morgan were present and addressed the Board. Johnson moved, Scott seconded, to issue a Letter of Concern for ordering additional testing or follow-up that may not have been medically necessary November 2008 through March 2009, while working at Prescott Women’s Clinic in Prescott, Arizona. The motion carried with seven in favor and one opposed.

**VI.L.12. Randy Jay Bowen Compact TX (RN257571) (Rappoport)
(aka: Randy J. Bowen)**

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.L.12. for the purpose of allowing complainant Dr. John Raniolo to address the Board. Bowen was present telephonically, Johnson moved, Gum seconded, and it was unanimously carried to reaffirm prior Board decision to dismiss the complaint.

VI.P.10. Kathryn Shaw Ustic RN028397 (Twigg)

Attorney Teresa Sanzio was present and addressed the Board. Ustic was present and available for questions. Scott moved, Link seconded, to issue a Letter of Concern for failing to clearly document her observation/assessment of a client/resident at 0800, her decision that C.M. needed to be seen by the physician for an evaluation, and when the client/resident was not seen by the physician what signs and symptoms related to the changes in client/resident’s condition were reported to the physician on or about August 6, 2007, while working at the Arizona Training Program in Coolidge, Arizona. The motion carried with six in favor and two opposed.

VI.G.1. Dorothy Antic RN131989 (Midkiff)

Perry moved, Johnson seconded, and it was unanimously carried to table Agenda Item VI.G.1. to allow time for respondent and her attorney to arrive at this meeting.

VI.O.1. Shae Yolande Zalomski LP044842 (Torrez)

Busby moved, Perry seconded, and it was unanimously carried to table Agenda Item VI.O.1. to allow time for respondent to arrive at this meeting.

VI.M.9. Heidi Ann Rediker CNA1000012979 (Sage)

Attorney Jim Ledbetter was present and addressed the Board. Johnson moved, Perry seconded, and it was unanimously carried to dismiss the complaint.

The meeting recessed at 9:19 a.m. and reconvened at 9:30 a.m.

VI.M.10. Debra A. Hagel CNA853908687 (Sage)

Sage addressed the Board with a technical correction to the investigative report. Attorney Jim Ledbetter was present and addressed the Board. Perry moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.G.1. Dorothy Antic RN131989 (Midkiff)

Scott moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.G.1. Perry knows Sue Oberton but shows no bias. Midkiff addressed the Board with additional information. An attempt was made to contact Dr. Samuel Balk telephonically. Antic and attorney Craig Marlin were present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for calling in a prescription without prior physician authorization for Xanax on or about March 15, 2009, for patient C.G.

VI.D.1. Sheila Diane Crenshaw RN034205; AP0446 (Dahn)

Crenshaw was present and addressed the Board. Johnson moved, Scott seconded, to issue a Letter of Concern for admitting to making comments perceived as threatening to coworkers in or about August 2009, while working at the Arizona Department of Corrections. The motion carried with seven in favor and one opposed.

VI.D.2. Britani Kay Hamilton RN137760; AP3220 (Dahn)

Dahn addressed the Board with additional information. Complainants Drs. Richard Demir and Greg Marchand were present and addressed the Board. Attorney Dee Dee Armor Holden and Hamilton were also present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 18 months probation, including the amended stipulations to include: stamping of license, course work to include nursing ethics, documentation and 20 hours continuing education in advanced practice pharmacology in the area certified to prescribe and to be completed within the first six months of probation, notification of practice settings, quarterly performance evaluations, direct supervision for the first 9 months and on site for the remaining 9 months, registry/travel/on call prohibited, chart review 50% the first nine months by a Board certified obstetrician and the remaining 9 months by a Board certified nurse midwife or current Board certified obstetrician, with review focus on appropriate diagnosis, treatment plan, patient education and documentation. If not signed within 30 days, issue Notice of Charges.

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

VI.D.3. Cynthia Laabs RN057704 (Dahn)

Malloch and Scott recused themselves to avoid the appearance of impropriety and left the meeting at 10:14 a.m. Link presided. Laabs was present and addressed the Board. Johnson moved, Busby 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	6	X	X			X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	2			X	X				

Malloch and Scott returned to the meeting at 10:17 a.m.

VI.D.4. Tracy Arney RN124308; AP1811 (Dahn)

Arney was present and available for questions. Complainant Todd McPherson was present and addressed the Board. Busby moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

VI.D.5. Anna Marie Bricker RN039809; AP0002; AP00052 (Dahn)

Link knows Eric Widemark but shows no bias. Attorney Teresa Sanzio was present and addressed the Board. Scott moved, Johnson seconded, for complaint #1, to rescind previous Board decision and issue an Interim Order for a skills assessment to evaluate competence in the diagnosis and treatment of chronic pain issues due to inappropriate and documentation of assessment, diagnosis and medical plan of a chronic pain patient, to be completed by a Board approved licensed pain management specialist with the same educational degree or higher, physician or nurse practitioner, and to include any additional testing deemed necessary by the evaluator, to be completed within 60 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; and for complaint #2, to dismiss. The motion carried with seven in favor and one opposed.

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

VI.E.4. Helene Nolan Ives RN104435 (Hill)

Malloch knows Lynn Billingsly but shows no bias. Hill addressed the Board with additional information. Ives and attorney Lauren Weinzwieg were present and addressed the Board. Johnson moved, Berrigan seconded, and it was unanimously carried, to issue a Letter of Concern for failing to adequately educate and in-service the staff with regards to their direct transfer policy on or about May 24, 2009, at Trillium Specialty Hospital in Phoenix, Arizona.

VI.E.5. Susan Ann Phipps RN149596 (Hill)

Complainant Cheryl Groves was present and addressed the Board. Attorney Karen Owens and Phipps were present and addressed the Board. Busby moved, Scott seconded, and after discussion it was unanimously carried to dismiss the complaint.

VI.E.6. Cheryl Rose Reale RN106246 (Hill)

Hill addressed the Board with additional information. Complainant Jeffrey Saul was present and addressed the Board. Attorney Lisa Gervase and Reale were present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation for professional boundaries, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.I.8. Barbara Lavonne Woodward RN140542 (S. Nelson)

Attorney Teresa Sanzio was present and addressed the Board, and Woodward was present and available for questions. Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for appearing impaired by displaying slurred speech, and an impaired gait while on duty in or about May 2008, and for failing to document or provide accurate documentation for patients assigned to her care in or about May 2008, and June 2008, while working at Scottsdale Healthcare Osborn in Scottsdale, Arizona.

VI.O.1. Shae Yolande Zalomski LP044842 (Torrez)

Busby moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.O.1. Scott and Malloch know Debra Krmptic but show no bias. Torrez addressed the Board and confirmed receipt of additional information. Attorney Teresa Sanzio was present and addressed the Board, and Zalomski was present and available for questions. Busby moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

VI.I.6. Curt Brandon Howard RN112908 (S. Nelson)

Attorney Blaine Gadow was present and addressed the Board. 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 6 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

VI.I.9. Shamie Michelle Slusser RN140542 (S. Nelson)

Attorney Teresa Sanzio was present and addressed the Board. Johnson moved, Scott seconded, and after discussion it was unanimously carried to rescind prior Board decision to continue the investigation to request respondent meet with board staff within 15 days for the purposes of the investigative interview, and issue an Interim Order for a substance abuse evaluation, completed by a Board approved, minimum PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VII.10. Lorna Angela West RN144551; CNA1000000003 (S. Nelson)

Attorney Teressa Sanzio was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried to rescind prior Board decision to continue the investigation to request respondent meet with Board staff within 15 days for the purpose of the investigative interview, and issue an Interim Order for a substance abuse evaluation, completed by a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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 11:36 a.m. and reconvened at 11:46 a.m.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Glendale Community College and University of Phoenix Nursing Students regarding Board functions, policies and procedures. Questions were asked on the process enforced by the Board prior to revocation, and clarification of terms such as direct supervision, stamping of license, Decree of Censure, Interim Order, and recusal.

VI. RN/LPN/CNA Investigative Reports

VI.N.1. Eileen Burgos LP025864 (Schettler)

Attorney Teressa Sanzio was present and addressed the Board. Johnson moved, Scott seconded, to rescind previous Board decision and issue an Interim Order for a neuropsychological and substance abuse evaluation, completed by a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	6	X	X	X	X		X	X	
NO	2					X			X
ABSTAIN	0								
ABSENT	0								

VI.N.2. Bernadine Huff RN137071 (Schettler)

Johnson is affiliated with Banner Thunderbird Medical Center but shows no bias. Attorney Teresa Sanzio was present and addressed the Board. Scott moved, Johnson seconded, and after discussion it was unanimously carried to dismiss the complaint.

VI.N.3. Nancy J. Riggs RN110618 (Schettler)

Attorney Frank Mead was present telephonically and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 18 months probation, including the attached stipulations amended to include: on site supervision. If not signed within 30 days, issue Notice of Charges.

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

VI.B.2. Lisa Block-Wieser RN110507; AP1056 (Bymers)

An attempt was made to contact attorney Michael Vingelli telephonically and a message was left that the Board would move ahead with the case. Perry moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.B.5. Barbara Ann Hoffman RN127786 (Bymers)

Bymers addressed the Board with additional information. Hoffman was present and addressed the Board. Johnson moved, Perry seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges. After discussion Johnson withdrew the motion. Busby moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

VI.B.6. Karl Anthony Theis LP023849 (Bymers)

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

**VI.B.8. Donna Marie Mazur LP043959 (Bymers)
(aka: Donna M’rie Marco)**

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

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

VI. RN/LPN/CNA Investigative Reports

VI.B.1. Gayle Goldman Belshe RN024898 (Bymers)

Scott knows Carolyn Catton and Susan Nick but shows no bias. Belshe was present and addressed the Board. Johnson moved, Link seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation including the attached stipulations, amended to include: 6 months direct supervision and 12 months on site supervision. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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 12:42 p.m. and reconvened at 1:17 p.m.

VI.G.2. Trina Lorraine Harvey RN145055 (Midkiff)

An attempt was made to contact Respondent telephonically and a message was left that the Board would move ahead with the case. Midkiff 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 Notice of Charges.

II.A. Administrative Law Judge (ALJ) Recommendations

II.A.1. Jane Louise Hughes RN087419 Hargraves

Busby recused herself to avoid the appearance of impropriety and left the meeting at 1:22 p.m. The proceeding began at 1:22 p.m. with the following Board members present: Malloch, Link, Scott, Berrigan, Gum, Johnson, and Perry.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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

Attorney Terry Hall was present and addressed the Board, and Hughes was present and available for questions.

Hargraves addressed the Board.

Gum returned to the meeting at 1:30 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, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 39, and Conclusions of Law the alleged violations in Paragraphs 1 through 7, as modified by the State, rule 403.26 & 403(B)(1).

Johnson moved, Perry seconded, and it was unanimously carried to issue an Order of stayed suspension probation for 12 months to include the attached conditions, to include an amendment to delete from the

ALJ’s recommendation for early termination for the reason that 12 months probation is necessary to be certain respondent is on the right course. After discussion, Johnson amended the motion to delete from #9, “automatically suspend” and include “suspend after Board conducts an evidentiary hearing in the matter”. Perry concurred. The motion carried with six in favor and one abstained.

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

Busby returned to the meeting at 1:44 p.m.

II.A.2. S. Renee Porter RN047044 Hargraves

The proceeding began at 1:44 a.m., with the following Board members present: Malloch, Link, Scott, Berrigan, Busby, Gum, Johnson, and Perry.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

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

Porter was present and addressed the Board.

Hargraves addressed the Board.

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 7, and Conclusions of Law the alleged violations in Paragraphs 1 through 3.

Johnson moved, Scott seconded, and after discussion it was unanimously carried to accept the Administrative Law Judge’s recommended Order to dismiss the applicant’s appeal and that prior denial of Porter’s application for registered nurse be upheld and affirmed.

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

II.A.3. Dawn Marie Reeves LP042368 Zimmerman

The proceeding began at 1:54 p.m., with the following Board members present: Malloch, Link, Scott, Berrigan, Busby, Gum, Johnson, and Perry.

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.

Reeves 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.

Scott moved, Johnson seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 12, and modified Conclusions of Law the alleged violations in Paragraphs 1 through 5.

Johnson moved, Scott seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to revoke practical nurse # LP042368 issued to Reeves.

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

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

II.H.1. Ruth Elaine Spatz-Herman LP043492 Schettler

The proceeding began at 2:09 p.m., with the following Board members present: Malloch, Link, Scott, Berrigan, Busby, Gum, Johnson, and Perry.

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

Schettler addressed the Board with a brief summary of the case.

Spatz-Herman was not present and was not represented by legal counsel.

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

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

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

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, make a finding that public health, safety and welfare imperatively require emergency action and issue the attached Order summarily suspending the license of Ruth Spatz-Herman pending further hearing. The hearing shall be promptly instituted and determined.

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

It was therefore ordered that the license of Ruth Elaine Spatz-Herman be suspended effective with the service of the written Order, and that Spatz-Herman will immediately cease practice as a nurse. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32-1664.

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

II.B.1. Carla Marie Cuen CNA100002062 Hargraves

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

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

Hargraves addressed the Board.

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

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

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

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

II.C. Settlement Conference Cases and Proposed Consent Agreements

II.C.1. Julie Browne CNA Exam 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.

Browne was present telephonically and addressed the Board.

Link moved, Scott seconded, and it was unanimously carried to rescind prior Board vote denying certification, and instead grant applicant certification upon meeting all requirements, and issue a Letter of Concern for the April 2007 arrest and outstanding warrant.

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

AGENA	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.D.1.	Leandra Leonar Berumen	CNA1000001602	Revocation	Zimmerman
II.D.2.	Daniel Tineo Campos	CNA1000004232	Revocation	Zimmerman
II.D.3.	Monica R. Connors	CNA214441116	Revocation	Zimmerman
II.D.4.	Michael Stephen Costa	CNA999995785	Revocation	Zimmerman
II.D.5.	Andrew Phillip Dagenet	LP043330; CNA1000005034	Revocation	Zimmerman
II.D.7.	Bonnie Marie Demlong	RN101123	Revocation	Zimmerman
II.D.8.	Nataliya V. Didenko	CNA1000003283	Revocation	Zimmerman
II.D.9.	Jessica Renee Dorame	CNA999999661	Revocation	Zimmerman
II.D.10.	Abdulrahman M. Elturk	CNA1000016690	Revocation	Zimmerman
II.D.11.	Maria Cecilia Garcia	CNA1000016256	Revocation	Zimmerman
II.D.12.	Carolyn S. Gilbert	CNA999951215	Revocation	Zimmerman
II.D.13.	Tamara Gonzalez	LP031633	Revocation	Zimmerman
II.D.14.	Chichi Nicole Hoskins	CNA999994104	Revocation	Zimmerman
II.D.15.	Karen Ann Jesmer	RN101521	Revocation	Zimmerman
II.D.16.	Danette Lee Johnson	RN154190	Revocation	Zimmerman
II.D.17.	Natasha Kouri	CNA1000013394	Revocation	Zimmerman
II.D.19.	David Aaron Mills	CNA1000000641	Revocation	Zimmerman
II.D.20.	Shannon Marie McGuire	CNA999996770	Revocation	Zimmerman
II.D.21.	Jose Luis Ortiz	CNA183496953	Revocation	Zimmerman
II.D.22.	Julie Pringle	RN078420; LP023383; CNA384032103	Revocation	Zimmerman
II.D.23.	Virginia Elizabeth Schulz	CNA1000000062	Revocation	Zimmerman
II.D.24.	Raksmey Chan Seng	CNA1000011512	Revocation	Zimmerman
II.D.25.	Clifford Odel Tomlin	CNA999998119	Revocation	Zimmerman
II.D.26.	Meagan Darielle Villalovos	CNA1000016338	Revocation	Zimmerman
II.D.27.	Pleasure J. Zowa	RN081826	Revocation	Zimmerman
II.D.29.	Marcia Lee Chapman	RN046798	Revocation	Hargraves
II.D.30.	Jennie Swan Cohagen	RN052003	Revocation	Hargraves
II.D.31.	Gary Dunn	RN143011	Revocation	Hargraves
II.D.32.	Amy Marie Garcia	RN139882; LP041195	Revocation	Hargraves
II.D.34.	Emma Malazarte Hayes	LP030036	Revocation	Hargraves
II.D.35.	Gilsomena Marie Norton (aka:	RN104729	Decree of	Hargraves

	Gilsomena Mara Johnson)		Censure	
II.D.36.	Angela Marie Elizabeth Simpson	CNA999990236	Revocation	Hargraves
II.D.37.	Anna Elizabeth Straus	RN115969	Revocation	Hargraves
II.D.39.	Teresa Lynn Waldo	RN131096	Revocation	Hargraves
II.D.40.	Ann Weichbrodt	LP043173	Revocation	Hargraves
II.D.41.	David Wayne Wilson	RN147929	Revocation	Hargraves
II.D.42.	Sandra Kay Wilson	RN124309	Revocation	Hargraves

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

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

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 as Findings of Fact and Alleged Violations as Conclusions of Law from the Notice of Charges.

Link moved, Busby seconded, and it was unanimously carried to accept the State's recommended discipline for Agenda Items II.D.1-5, 7-17, 19-27, 29-32, 34-37, and 39-42.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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.28. Ramey Saint Angelo CNA028023803 Hargraves

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

Angelo was present and addressed the Board.

Hargraves addressed the Board.

Busby moved, Link seconded, and it was unanimously carried to table Agenda Item II.D.28.

**II.D.33. Mary Grayeske RN142741 Hargraves
(aka: Marion Grayeske)**

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

Grayeske was present telephonically and addressed the Board.

Hargraves addressed the Board.

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

Busby moved, Scott 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, Link seconded, and after discussion it was unanimously carried to issue an Order for indefinite suspension to include terms offered in the original Consent Agreement offer.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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.28. Ramey Saint Angelo CNA028023803 Hargraves

Perry moved, Busby seconded, and it was unanimously carried to reopen Agenda Item II.D.28.

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

Angeleo was present and available for questions.

Hargraves addressed the Board and withdrew the motion to deem to allow the matter to proceed to hearing.

II.D.38. Terica Catherine Wacker LP038028 Hargraves

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

Attorney Kelly McDonald was present telephonically and addressed the Board. Wacker was present and addressed the Board. Martha Brandon was present and available for questions.

Hargraves addressed the Board.

Busby moved, Perry seconded, and it was unanimously carried to table Agenda Item II.D.38.

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

II.F.1. James Hyatt RN109959 Hargraves

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

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

Hargraves addressed the Board.

Busby moved, Perry seconded, and it was unanimously carried to adopt the signed Consent Agreement for a \$250 Civil Penalty for the 2006 complaint.

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

ABSENT	0								
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**II.F.2. Shelly Ann Rodriguez RN094734; CNA892113353 Hargraves
(aka: Shelly Kay O’Dell)**

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

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

Hargraves addressed the Board.

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

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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. Pauline Martha Longanbach RN125765 Hargraves

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

Attorney Teresa Sanzio was present and addressed the Board.

Hargraves addressed the Board.

Busby moved, Berrigan seconded, and it was unanimously carried to rescind prior Board decision to accept attorney Sanzio’s request to issue a Letter of Concern for practicing nursing without a current license from 1997 to 2004 and making false or misleading statements related to nursing employment or credentials on an August 2005 employment application.

II.G. Hearing Department Investigative Reports

II.G.1. Phyllis Miller LP032030 Foster

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

Foster addressed the Board.

Attorney Teresa Sanzio was present and addressed the Board.

Busby moved, Perry seconded, and it was unanimously carried to rescind prior Board decision for an Interim Order, and issue Complaint and Notice of Hearing.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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.2. Bryan Allen

RN081433

Foster

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

Hargraves addressed the Board.

Attorney Teresa Sanzio was present and addressed the Board.

Johnson moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for 24 months probation, including the attached stipulations. If not signed within 30 days, issue Complaint and Notice of Hearing. The motion carried with six in favor and two opposed.

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

The meeting recessed at 3:26 p.m. and reconvened at 3:42 p.m.

II.D.38. Terica Catherine Wacker

LP038028

Hargraves

Busby moved, Link seconded, and it was unanimously carried to reopen Agenda Item II.D.38.

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

Attorney Kelly McDonald was present telephonically and addressed the Board. Wacker was present and addressed the Board.

Smith addressed the Board.

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

Link moved, Scott seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact and Alleged Violations as Conclusions of Law from the Notice of Charges.

Scott moved, Johnson seconded, and it was unanimously carried to accept the State’s recommended discipline for revocation of practical nurse license #LP038028 issued to Terica Wacker.

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

Gum returned to the meeting at 3:55 p.m.

VI. RN/LPN/CNA Investigative Reports

VI.P.1. Rodolfo Ernesto Benitez LP032280; CNA201450441 (Twigg)

Perry knows Teresa Griffith but shows no bias. Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.P.2. Rebecca Ellen Cole LP044841 (Twigg)

Cole was present and available for questions. Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 12 months stayed suspension/probation, followed by 24 months probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

**VI.P.3. Ellyn Marie Dancil LP042108 (Twigg)
(aka: Higley)**

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

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

VI.P.5. Louise McHenry Boone LP024380 (Twigg)

Perry knows Teresa Griffith but shows no bias. Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to report a resident stated he didn't want to be in the room with another resident on or about June 10, 2008, to the director of nursing, while working at Desert Life Rehabilitation and Care Center in Tucson, Arizona. The resident subsequently was involved in an altercation with his roommate resulting in the resident sustaining injuries and his death on June 26, 2008.

**VI.P.6. Jean Ellen Connes LP038061; CNA999949845 (Twigg)
(aka: Sargent)**

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

VI.P.7. Fred Wayne Eastes LP027501 (Twigg)

Perry knows Teresa Griffith but shows no bias. Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for failing to completely and accurately document an evaluation of a resident who was pushed to the floor by another resident on or about June 12, 2008, resulting in the resident sustaining injuries and subsequently died on June 21, 2008, while working at Desert Life Rehabilitation & Care Center in Tucson, Arizona.

VI.P.8. Jackie Lee Owens RN088518 (Twigg)

Twigg addressed the Board with a technical correction to the investigative report. Owens was present and available for questions. Scott moved, Gum seconded, and it was unanimously carried, to issue an Interim Order for a neuropsychological evaluation, completed by a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, and an addiction evaluation, completed by Board approved addictionologist (physician), 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.P.11. Pamela A. Weinstein RN147720 (Twigg)

Weinstein was present telephonically and addressed the Board. Scott moved, Busby seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an indefinite suspension pending the completion of a neuropsychological evaluation and a substance abuse evaluation, to be completed within 12 months, followed by 36 months probation, including the attached stipulations. If the evaluations are not completed during the 12 month indefinite suspension, revoke license.

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

**VI.P.12. Shauna Lee Maas RN138226; LP039117; CNA999948393 (Twigg)
(aka: Markinkovich)**

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

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

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

VII.A. Executive Directors Report – Ridenour

VII.A.9. Recognition of Retirement of Nan Twigg & 28 Years in Nursing Regulation – Malloch/Ridenour

Malloch and Ridenour recognized Nan Twigg for 28 years of service in nursing regulation and Malloch presented her with a gift of appreciation.

IV.D. Recommended Applicants for Licensure

IV.D.2. Michael Pfeiffer RN Exam Bontrager

Gum knows Regina Clute but shows no bias. Pfeiffer was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to grant licensure when all requirements are met except the requirement for completion of a refresher course.

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Mary Quinones RN095540 (Mills)

Quinones was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried, upon meeting all requirements, and signing a Consent Agreement for 18 months stayed revocation/probation, including the attached stipulations, grant licensure for RN refresher course only. Upon successful completion of RN refresher course grant RN licensure under applicable terms. If not signed within 30 days, deny licensure based upon the findings of fact and statute/rule violations identified in the investigative report

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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.3. John Lewis RN141117; LP040989 (Mills)

Lewis was present and addressed the Board. Busby moved, Link seconded, to dismiss the complaint. After discussion Busby withdrew the motion. Gum moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, by a Board approved evaluator, 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.

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

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

V.D.2. Claudine A. Mora RN123991 (Hurtado)

Mora was present and addressed the Board. Link moved, Busby seconded, and it was unanimously carried to approve request to terminate Consent Agreement and Order No. 0605080 entered into on May 14, 2008.

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.1. Renee Elaine Amaya RN133880 (Linck)

Linck addressed the Board with additional information. Amaya was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to issue an Interim Order for a health professional panel hair analysis, to be completed within 10 days by a Board approved laboratory to

identify unauthorized use of controlled substances, and then return to the Board. If the Interim Order is not completed, based on the findings of fact and statute/rule violations in the investigative report, issue Notice of Charges and include factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Perry, Hunter</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Berrigan, Terri</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.F.3. Shawn Swayn Erdman RN143958 (Linck)

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

	VOTE	<u>Johnson, Patricia</u> Member	<u>Perry, Hunter</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Berrigan, Terri</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.F.4. Barbara A. From RN141138 (Linck)

From was present and addressed the Board. Scott moved, Malloch seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 24 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report. After discussion the motion failed with five opposed and three in favor.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Perry, Hunter</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Berrigan, Terri</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	3			X	X	X			
NO	5	X	X				X	X	X
ABSTAIN	0								
ABSENT	0								

Busby moved, Perry seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation, followed by 24 months standard probation, including the attached stipulations amended to include: evaluation to be completed by a PhD prepared evaluator and completed within 45 days, participation in relapse prevention therapy, AA and NA, 1 meeting per day for 90 days followed by 3 meetings per week, abstain from alcohol, drug testing minimum 2 times per month for the first 24 months and one time per month thereafter, abstain from unauthorized use of drugs, proof of prescription, notification of practice settings, quarterly performance evaluations, on site supervision, access to drugs limited for the first 6 months of return to practice, registry/traveling/night shift prohibited and with present place of employment only. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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. Louella Rose Garnette RN141867 (Linck)

Linck addressed the Board with additional information. Garnette was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, approve entry into CANDO and accept the signed CANDO Stipulated Agreement.

VI. RN/LPN/CNA Investigative Reports

VI.C.3. Anthony James Giambrone RN111796 (Curatola)

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

VI.C.5. Kamara Anne Hill LP Exam; CNA1000018544 (Curatola)

Smith addressed the Board with additional information. Hill was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, grant licensure. If not signed within 30 days and payment not received within 60 days, deny licensure and issue Notice of Charges for CNA1000018544.

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

VI.C.9. Ross William Lubic RN Endorsement (Curatola)

Lubic moved, Busby seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for a felony conviction for attempted burglary on October 8, 1998, in Clark County, Nevada, and for the revocation of Nevada nursing assistant certificate on February 21, 2002, for failure to comply with specific terms and conditions of probation of the Nevada certificate.

VI.C.7. Lynmarie Lee Huckaby RN150936 (Curatola)

Huckaby was present and available for questions. Scott moved, Link seconded, and it was unanimously carried, to issue an Interim Order for a psychological evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be

scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.C.8. Theresa Ann Krukowski RN113574 (Curatola)

Smith addressed the Board with additional information. Krukowski, Robert Meager, and Sharon Drukowski were present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

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

VI.C.10. Andy Michael Meyer RN Exam (Curatola)

Meyer was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, and signing a Consent Agreement for a \$250 Civil Penalty, to grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure.

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

VI.C.17. Raquel Lyn Dartt RN126959 (Curatola)

Dartt was present and addressed the Board. Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.C.23. Elyse Ann Forshee CNA Exam (Curatola)

(aka: Menefee)

Olson addressed the Board with additional information. Forshee was present and addressed the Board. Berrigan moved, Gum seconded, based on the findings of fact and statute/rule violations identified in the investigative report, to deny certification. After discussion the motion failed with four opposed and four in favor.

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

Link moved, Scott seconded, to continue the investigation to allow applicant to obtain a psychological evaluation to include anger management and substance abuse evaluations with a Board approved licensed psychologist, 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 upon the findings of fact and statute/rule violations identified in the investigative report, deny certification. After discussion the motion carried with seven in favor and one opposed.

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

VI.C.29. Alexandria Julie Fraiberg CNA Exam (Curatola)

Fraiberg was present and available for questions. Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all certification requirements and signing a Consent Agreement for 24 months stayed revocation, to include a \$100 Civil Penalty, including the attached stipulations, grant certification. If not signed within 30 days, or payment not received within 60 days, deny certification.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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 Reports Regarding Executive Director/Designee Delegated Duties: Cases Dismissed, Letters of Concern, Cases Closed Through Settlement, Imposters and Court Ordered Revocations

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

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

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

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

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

IV.A. Lapsed Licenses & Certificate Administrative Penalty

Agenda	Name	License/Certificate #	Staff
IV.A.1.	LindseyMarie Christiansen	LP Endorsement	Rappoport
IV.A.2.	Bonnie Rose Esquerra	RN Endorsement (RN160857)	Rappoport
IV.A.3.	Deana Jean Coppock	RN Endorsement (RN160878)	Rappoport
IV.A.4.	Shellie Marie Coddaira	LP Endorsement (LP046203)	Rappoport
IV.A.5.	Josephine Long	CNA466569803	Driver
IV.A.6.	Derrick Posthumas	CNA356840641	Driver
IV.A.7.	Kayla Reeder	CNA1000008303	Driver
IV.A.8.	Erin Hummel	LP041321	Driver
IV.A.9.	Racquel Marshall	RN113853	Driver
IV.A.10.	Mary Neal	LP015455	Driver
IV.A.11.	Carol Cifelli	RN053355	Driver
IV.A.12.	Deborah Hansen	LP024004	Driver

Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, accept signed Consent Agreement for an Administrative Penalty for Agenda Items IV.A.1-4.

Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for an Administrative Penalty for working on an expired license/certificate, if not signed, issue Notice of Charges. Once signed, if the Administrative Penalty is not paid within 6 months of the effective date of the Order, issue Notice of Charges. Referral of the employers will be made to Department of Health Services for licensees/certificate holders working on a lapsed license/certificate for three months or greater for Agenda Items IV.A.5-12.

IV.B. Felony Bar Cases

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

IV.B.1.a. Marla McCuller CNA Endorsement Lester

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

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

IV.B.2. Felony Bar Cases

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

IV.B.2.a. Belia M. Lopez CNA210079641 B. Nelson

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

IV.C. Recommended Notice of Charges

IV.C.1. Belinda Darlene Kastigar RN112850 Foster

IV.C.2. Marquita Valkaire Williams CNA1000008710 B. Nelson

Johnson moved, Link seconded, and unanimously carried to adopt the attached Notice of Charges for Agenda Items IV.C.1&2.

IV.D. Recommended Applicants for Licensure

IV.D.1. Angela Anderson RN Endorsement Bontrager

Busby moved, Scott seconded, and it was unanimously carried to accept applicants' education to meet the education requirement for licensure in Arizona. Grant license for RN that is "Valid in AZ only", when all requirements are met.

VI. RN/LPN/CNA Investigative Reports

VI.L.14. Vivian Deatrich Bethea LP Endorsement (Rappoport)
(aka: Williams)

Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations in the attached Order, deny licensure and adopt the attached Order of Denial.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.6. Samantha J. Ramers RN133834 (Linck)

Linck addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for stayed revocation indefinite suspension pending the completion of a substance abuse evaluation by a Board approved PhD level evaluator, and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that respondent is safe to practice; to be followed by 12 months stayed revocation/probation, followed then by 24 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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.7. Carla Rene Richards RN105873 (Linck)

Link 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 Notice of Charges.

V.F.8. Joy L. Stillwell RN046480 (Linck)

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

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

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

V.E.1. Sandra L. Detty RN097800 (Hurtado)

V.E.2. Sarah R. Kemmer RN046605 (Hurtado)

Busby moved, Link seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges for Agenda Items V.E.1&2.

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

VII.A. Executive Directors Report – Ridenour

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

VII.A.1.a. November 18 & 19, 2009 Regular Board Meeting Minutes

Busby moved, Scott seconded, and it was unanimously carried to approve minutes of November 18 & 19, 2009 regular Board meeting.

VII.A.1.b. November 18, 2009 Executive Session Minutes

Busby moved, Link seconded, and it was unanimously carried to approve minutes of November 18, 2009 Executive Session.

VII.A.1.c. November 24, 2009 Special Board Meeting Minutes

Busby moved, Link seconded, and it was unanimously carried to approve minutes of November 24, 2009 special Board meeting.

VII.A.1.d. Correction to September 2009 Board Meeting Minutes

Busby moved, Link seconded, and it was unanimously carried to accept the correction of September minutes, Agenda Item VI.A.14.

VII.A.3. Recommended Approval of Report to Governor’s Regulatory Review Council Five Year Rule Review of Title 4, Chapter 19, Articles 2, 3, & 8 – Randolph/Smith/Bontrager

Busby moved, Link seconded, and it was unanimously carried to approve Report to the Governor’s Regulatory review Council Five Year Review of Title 4, Chapter 19, Articles 2, 3 & 8.

VII.A.4. Recommended Approval NCSBN Data Integrity Funding Proposal – Henriksen/Bontrager

Busby moved, Link seconded, and it was unanimously carried to approve NCSBN Data Integrity Funding Proposal.

VII.C. President’s Report – Malloch

VII.C.1. 2010 Board Retreat: Suggested Dates & Topics – Malloch/All

The Board discussed changes to the March and May Board meeting and gave direction to Ridenour. The 2010 Board Retreat was scheduled for March 22, 2010 from 8:00 a.m. to 1:00 p.m.

The meeting recessed at 5:58 p.m., Wednesday, January 27, 2010.

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 8:05 a.m., Thursday, January 28, 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
Denise Link, PhD, WHCNP, FNAP, Vice President
Kathy Scott, RN, MPA, PhD, FACHE, Secretary
Theresa (Terri) Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
E. Gary Gum, MSN, RN, FCN, Member
Patricia Johnson, LPN, Member
M. Hunter Perry, 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
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 8:05 a.m., Wednesday, January 28, 2010.

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

Malloch presided.

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

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

Name	RN/LP/CNA Number	Termination Date
1. Erica L. Finefrock	RN149703	January 27, 2010
2. Barry H. Latimer	RN038469	January 27, 2010
3. Michelle A. Lohof	RN116964	January 27, 2010
4. Gail L. Shepherd	RN068928	January 30, 2010
5. Stephanie A. Rascon	CNA999991015	February 5, 2010
6. Angela Sosa Nunez	CNA1000015171	February 5, 2010
7. Kari K. Latam	LP031500	February 27, 2010
8. Lita S. Bahe	RN063487	March 7, 2010
9. Barbara J. Raetz	LP022736	March 10, 2010
10. Colleen F. Kelly	RN059428	March 12, 2010
11. Pamela A. Renteria	CNA1000018011	March 15, 2010
12. Antoinette L. Jezewski	RN122766	March 19, 2010

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

V.B. Applicants for Reissuance & Investigative Reports

V.B.2. Gail Lucchesi CNA515341609 (Mills)

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

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

V.C.1. Brian Estavillo RN079722; CRNA0411 (Mills)

Busby moved, Link seconded, and it was unanimously carried to amend the current Consent Agreement and Order No. 0906047 to reflect the attached revised stipulations.

V.C.3. Jillian Greer RN152545; CNA999999543 (Mills)

Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for stayed revocation/indefinite suspension pending the successful completion of an evaluation with a Board approved addictionologist, successful completion of a refresher course and the attached stipulations, to be then followed by 12 months stayed revocation/probation, and then 12 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

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

V.D.1. Dorothy L. Donnelly CNA1000018194 (Hurtado)

Link moved, Berrigan seconded, and it was unanimously carried to approve the request to amend Consent Agreement and Order No. 0803092 entered into on December 8, 2008, to allow Donnelly the ability to work any shift.

V.D.3. Henrietta J. Yazzie RN117739 (Hurtado)

Berrigan moved, Gum seconded, and it was unanimously carried to approve request to terminate Consent Agreement and Order No. 0604160 entered into on September 8, 2006.

V.D.4. David M. Cota RN114848; LP034555 Hurtado

Hurtado addressed the Board with additional information. Perry moved, Scott seconded, and after discussion it was unanimously carried to offer a Consent Agreement for 12 months probation, including the attached stipulations. If not signed within 30 days, continue suspension for an additional 12 month with the current stipulations in Consent Agreement and Order No. 0504128.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.2. Ellen Jane Beyerlein RN122412 (Linck)

Linck addressed the Board and confirmed receipt of additional information. Beyerlein was present telephonically and addressed the Board. Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for an indefinite suspension pending completion of an out patient intensive treatment program, followed by 12 months stayed revocation/probation followed by 24 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

VI. RN/LPN/CNA Investigative Reports

VI.A.1. Carl Alesi ENA Exam (Blair)

Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant certification with a Letter of Concern for an arrest by Gosh Police Department (West Chester, Pennsylvania) on December 17, 1992, and an arrest by Norwood Police Department (Norwood, Pennsylvania) on May 21, 2008, for DUI.

VI.A.2. Clarissa Ami CNA Exam (Blair)

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

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

VI.A.3. Frank Chee CNA999991965 (Blair)

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

VI.A.4. Sherilyn Horvatich CNA Exam (Blair)

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

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

VI.A.5. Lynda Hubler CNA Endorsement (Blair)

Scott moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification. After discussion the motion failed with four opposed and four in favor.

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

Busby moved, Link seconded, and after discussion it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation to include a substance abuse evaluation with a Board approved psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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.

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

VI.A.6. Florentino Jimenez CNA1999915225 (Blair)

Jimenez was present and addressed the Board. Scott moved, Gum seconded, to issue an Interim Order for a boundary evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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 seven in favor and one opposed.

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

VI.A.7. Gary Jose CNA Exam (Blair)

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

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

VI.A.8. Michelle Leon CNA1999912189 (Blair)

Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for a misdemeanor criminal damage/domestic violence conviction on January 21, 2002, and September 29, 2008, in Tucson City Court in Tucson, Arizona.

VI.A.9. Kimberly Miller CNA Exam (Blair)

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

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

VI.A.10. Christina Moreno-Vargha CNA Exam (Blair)

Busby moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, grant certification with a Letter of Concern for a misdemeanor conviction for using a false identification to gain access into a licensed establishment on March 27, 2009, in Phoenix City Court, Phoenix, Arizona.

VI.A.11. Terrie Reyes CNA999996103 (Blair)

Link moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for a misdemeanor driving under the influence (DUI) conviction on September 5, 2008, in Yuma County Justice Court in Yuma, Arizona.

VI.A.12. Bruce Stanley CNA Exam (Blair)

Busby moved, Scott seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for a misdemeanor conviction of person under twenty-one with spirituous liquor in body, on October 5, 2009, in Gilbert Municipal Court, Gilbert, Arizona, and a misdemeanor conviction of person under twenty-one and driving with spirituous liquor in body on April 24, 2008, in University Lakes Justice Court, Tempe, Arizona.

VI.B.3. Joann Calhoun RN133530 (Bymers)

Malloch, Perry and Scott know Debra Pendergast, and Johnson, Malloch and Scott know Vicky Buchda but show no bias. Calhoun was present and addressed the Board. Scott moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. after discussion the motion carried with seven in favor and one opposed.

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

VI.B.4. Linda Carlisle Dunne RN049124 (Bymers)

An attempt was made to contact Respondent telephonically and a message was left that the Board would move ahead with the case. Johnson moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

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

VI.B.7. Tammy Elizabeth Manganeli RN118422; AP3222 (Bymers)

Bymers addressed the Board with additional information. Busby moved, Perry seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation with stipulations to include stamping of license, psychological evaluation with emphasis on boundaries and anger management, nursing ethics course, communications course, refresher course at the advanced practice level, notification of practice settings, quarterly performance evaluations, direct supervision for the first 6 months and on site supervision for the remaining 6 month, registry/traveling prohibited, and \$500 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges. After discussion Busby withdrew the motion. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for 12 months probation with a \$500 Civil Penalty, including the attached stipulations, amended to include: psychological evaluation with focus on boundaries violations and anger management, to be completed within 60 days, nursing ethics course, communications class, notification of practice settings, quarterly performance evaluations, six months direct supervision followed by 6 months on site supervision, registry/traveling/float pool/home health/on call prohibited. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Perry, Hunter</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Berrigan, Terri</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								
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VII.D. A.A.G. Report – Zack

VII.D.1. Board Reports for Discussion, Information, Staff Direction and/or Decision Executive Session to Obtain Legal Advice Pursuant to A.R.S. §38-431.03(A)(3): Investigative Interviews, Procedures & Enforcement; CRNA Prescriptive Authority – Monty Lee/Hargraves/Zimmerman

Johnson moved, Perry seconded, and it was unanimously carried to go into Executive Session on Agenda Item VII.D.1. for the purpose of obtaining legal advice. Executive Session convened at 9:08 a.m. and adjourned at 9:23 a.m.

Busby and Perry returned to the meeting at 9:24 a.m.

VI. RN/LPN/CNA Investigative Reports

VI.B.9. Shalissa Liane Reed RN144081 (Bymers) (aka: “Shelly”; Chiaromonti; Fisher; Garvin)

Scott moved, Johnson seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. The motion carried with six in favor and two abstained.

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

VI.B.10. Jill M. Whetstone RN120035 (Bymers)

Malloch and Gum know Ellen Poole and Malloch and Scott know Julie Ward but show no bias. Whetstone was present and available for questions. 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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion the motion carried with six in favor and two opposed.

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

VI.B.11. Naoma D. Williams RN100766 (Bymers)

Bymers addressed the Board with additional information. Williams was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to properly dispense, properly return and document narcotics per Policy and Procedure, resulting in one to three ten-packs (10-30 tablets) of Vicodin that have been unaccounted for, while working at Indian Health Services at Whiteriver Hospital on or about November 14-16, 2009.

VI.B.12. Mignonne Amoret Nyce RN126227 (Bymers)

Nyce was present telephonically and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved psychologist, 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.B.13. Mardi Lee Weber RN120667 (Bymers)

Scott moved, Johnson seconded, and after discussion it was unanimously carried to issue a Letter of Concern for unauthorized removal of medication from a patient’s home for the stated purpose of disposal, which is against the policy of Yuma County Health Department, and not within the job description.

Busby left the meeting at 9:46 a.m.

VI.C.1. Karen Luper Aunquoe RN083176 (Curatola) (aka: Linn)

Smith addressed the Board with an amendment to finding of fact #1 to add: The DUI related to alcohol while taking prescribed controlled substances. Perry moved, Scott seconded, and it was unanimously carried, to issue an Interim Order for a neuropsychological evaluation with emphasis on substance abuse, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board. If the Interim Order is not completed, based upon the amended 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.2. Shari Lyne Evans LP040410 (Curatola) (aka: Valenzuela; Drummond)

Scott moved, Johnson seconded, and it was unanimously carried, to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.4. Geraldine Arce Greer RN132404 (Curatola)

Perry moved, Johnson seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.6. Rachele Lynn Hotard RN154127 (Curatola)

Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for driving under the influence arrest and conviction that occurred in November 2008, in Huntington Beach, California.

VI.C.11. Kris L. Muller RN Endorsement (Curatola)

Kris moved, Johnson seconded, and it was unanimously carried to allow Muller to withdraw his application.

**VI.C.12. Andrea Parker-Salazar RN117458 (Curatola)
(aka: DeLos Angeles; Orgeta-Salazar)**

Johnson moved, Scott seconded, and it was unanimously carried, to issue an Interim Order for a psychological evaluation with emphasis on substance abuse, completed by a Board approved licensed psychologist, 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.C.13. Susan McShane Ronn RN038921 (Curatola)

Gum recused himself to avoid the appearance of impropriety and left the meeting at 9:52 a.m. Scott moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

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

Gum returned to the meeting at 9:54 a.m.

VI.C.14. Billie Michelle-Stevens RN148053 (Curatola)
(aka: Beaulieu; Wise)

Johnson moved, Link seconded, and after discussion it was unanimously carried to issue a Letter of Concern for the October 29, 2008, conviction of DUI, a misdemeanor, in the San Diego County Superior Court in San Diego County, California.

VI.C.15. Michael Scott Toosley LP045056 (Curatola)

Scott moved, Berrigan seconded, and after discussion it was unanimously carried to issue an Interim Order for a psychological evaluation with emphasis on substance abuse, completed by a Board approved licensed psychologist, 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

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

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

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

VI.C.18. Lorraine Lynn Boone CNA Exam (Curatola)
(aka: White; Maskal)

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

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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 10:02 a.m.

VI.C.19. Joshua Alan Michael Chavez CNA Exam (Curatola)

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

VI.C.20. Raelee Cornelius CNA Exam (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 deny certification.

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

**VI.C.21. Deborah Dean Deaver CNA Exam (Curatola)
(aka: Kirkpatrick; Bray; Fraun; White)**

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

**VI.C.22. Cheryl Jean Eguizabal CNA1000008104 (Curatola)
(aka: Dressler)**

Olson addressed the Board with an additional finding of fact that a warrant was issued in incident #2 on January 20, 2010. Link moved, Berrigan seconded, and it was unanimously carried, based upon the amended findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

**VI.C.24. Laverne Ann Opitz CNA Exam (Curatola)
(aka: Porter)**

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 deny certification.

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

VI.C.25. Rhett Scott Savage 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 deny certification.

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

VI.C.26. Yolanda Olivia Serrato CNA100008439 (Curatola)
(aka: Espinoza)

Link moved, Scott seconded, and it was unanimously carried to dismiss the original complaint against Serrato, and issue a Letter of Concern for being charged with a crime on March 5, 2006, in San Luis, Arizona, and for failing to notify the Board of the criminal charge within ten days as required by statute and rule.

VI.C.27. Arlim Velasco Estrada CNA Endorsement (Curatola)

Olson addressed the Board with additional information. Busby moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 24 months stayed revocation, including the attached stipulations, grant certification. If not signed within 30 days, deny certification.

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

VI.C.28. Laura Jeanne Mundell CNA Exam (Curatola)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, and signing a Consent Agreement for a \$100 Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

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

VI.C.30. Todd Alan Reade CNA Exam (Curatola)

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

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X

NO	0								
ABSTAIN	0								
ABSENT	0								

VI.E.3. Jonathan Michael Fish RN146292 (Hill)

Scott recused herself to avoid the appearance of impropriety and left the meeting at 10:11 a.m. Hill addressed the Board with additional information. Fish was present and addressed the Board. Gum moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for practicing outside nursing scope of practice on Jun 14, 2009, by performing a needle-inserted thoracostomy under the guidance of the physician, while employed at Banner Gateway Medical Center in Mesa, Arizona.

Scott returned to the meeting at 10:17 a.m.

VI.F.1. Danny Gonzalez CNA Exam (Lester)

Gonzalez was present and addressed the Board. Link moved, Busby seconded, and it was unanimously carried, upon meeting all requirements, grant certification with a Letter of Concern for the arrests, citations and charges from 1992 to 2003 in Los Angeles County, California.

VI.F.5. Maria A. Kuku CNA1000012567 (Lester)

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

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

VI.F.7. Regina M. Perryman CNA Endorsement (Lester)

Perryman was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to grant certification upon meeting all requirements.

VI.F.8. Scott Z. Zornek RN Endorsement (Lester)

Zornek was present and available for questions. Johnson moved, Scott seconded, upon meeting all requirements, grant licensure and issue a Letter of Concern for being an adjudicated juvenile by the court on April 13, 1999, for an offense involving unlawful sexual behavior where the terms and conditions of the sentence related to the offense was completed, in Larimer County Justice Court, in Fort Collins, Colorado. After discussion Johnson withdrew the motion. Busby moved, Scott seconded, and it was unanimously carried to grant licensure upon meeting all requirements.

VI.G.4. Andrew Iwuajoku RN139004; LP037511; CNA546264441 (Midkiff)

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

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X

NO	0								
ABSTAIN	0								
ABSENT	0								

VI.G.5. Sara Michelle Nixon RN144240 (Midkiff)

Scott knows Susan Nick but shows no bias. Midkiff addressed the Board with additional information. Nixon was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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>Johnson, Patricia</u> Member	<u>Perry, Hunter</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Berrigan, Terri</u> Member	<u>Gum Gary</u> Member	<u>Busby, Kathryn</u> Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.G.6. Ezekiel Tolu Opuroku RN Exam; LP036460 (Midkiff)

Opuroku was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and upon signing a Consent Agreement, issue a refresher course only license, subject to all terms and conditions in the Consent Agreement. Following successful completion of the refresher course, issue a permanent license with a stayed revocation 12 month probation, followed by 12 months probation, including the attached stipulations. If not signed within 30 days, deny licensure.

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

The meeting recessed at 10:49 a.m. and reconvened at 11:15 a.m.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Glendale Community College and University of Phoenix Nursing Students regarding Board functions, policies and procedures. Questions were asked on how to acquire a position on the Board, the difference between Letter of Concern and Decree of Censure, the definition of endorsement, the role of the consultant staff and Board member nursing backgrounds.

VI. RN/LPN/CNA Investigative Reports

VI.H.2. Audriana Aurelia Anaya CNA1000015078 (B. Nelson)

Perry and Berrigan know Barbara Brown but show no bias. Anaya was present and available for questions. Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

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

VI.H.3. Jessica Ann Atkinson CNA Exam (B. Nelson)

Perry and Berrigan know Barbara Brown but show no bias. Atkinson was present and available for questions. Link moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, and signing a Consent Agreement for a \$50 Civil Penalty, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

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

**VI.I.2. Julie A. Leckrone RN092413 (S. Nelson)
(aka: Engen; Snydergaard)**

Nelson addressed the Board with additional information. Leckrone was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 60 months probation including the attached stipulations, amended to include: on call permitted with current employer only. If not signed within 30 days, issue Notice of Charges.

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

**VI.I.3. Yvette Marina Mayo RN117146; CNA567971614 (S. Nelson)
(aka: Henratty)**

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

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

VI.I.4. Lynnette Anne Porter LP040933 (S. Nelson)

Nelson addressed the Board with additional information. Porter was present and addressed the Board. Scott moved, Johnson seconded, to issue an Interim Order for a relapse evaluation, minimum PhD prepared evaluator, 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	6	X		X	X	X	X	X	
NO	2		X						X
ABSTAIN	0								
ABSENT	0								

VI.J.3. Barbara Ann DeElena RN Exam (Olson)
(aka: Bowers)

De Elena was present and addressed the Board. Busby moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days, deny licensure.

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

VI.J.4. Allison Di Cola RN Exam (Olson)

Di Cola was present and addressed the Board. Busby moved, Gum seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation, to include an anger management and substance abuse evaluation, with a Board approved licensed psychologist, 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.

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

VI.O.4. Mark Dwight Blocker RN130134 (Torrez)

Perry knows Kristy Smith but shows no bias. Blocker was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

VI.K.4. Brett Steven Stempel CNA Exam (Parlin)

Stempel was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried continue the investigation to allow applicant to obtain a substance abuse evaluation with a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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.

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

VI.K.5. Cathy Michele Gau RN036393; AP1135 (Parlin)

Gau was present and available for questions. Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the March 11, 2009, arrest for misdemeanor DUI in Surprise, Arizona, and for failure to report being charged within 10 days of the charges being filed.

VI.M.6. Laura L. Kroener CNA999947208 (Sage)

Malloch, Johnson and Scott know Michelle Winters but show no bias. Kroener was present and addressed the Board. Link moved, Busby seconded, and after discussion it was unanimously carried to issue a Letter of Concern for failing to accurately document intake/output on four patients on April 16, 2008, for arguing with a supervisor on July 29, 2008, and for walking off her shift without giving report on her patients on August 28, 2009, resulting in termination of her employment as a CNA at Banner Del Webb Medical Center in Sun City West, Arizona.

VI.M.14. Sandy Ann Watters CNA999950233 (Sage)

Sage addressed the Board with technical corrections to the investigative report and amendment to the stipulations. Watters was present and available for questions. Busby moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation, including the attached stipulations, amended to include: psychiatric treatment to continue until such time as psychiatrist determines treatment is no longer needed. If not signed within 30 days, issue Notice of Charges.

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

VI.N.8. Anamarie K. Moran RN057618 (Schettler)

Schettler addressed the Board with additional information. Moran was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to table Agenda Item VI.N.8.

VI.N.10. Lynda Louise Peralta RN139111 (Schettler)

Schettler addressed the Board with additional information. Peralta was present and addressed the Board. Johnson moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for failing

to perform routine skin assessments for hospice patient F.S., from on or about March 2008 to April 2008, while working at Hospice of the Valley in Phoenix, Arizona.

The meeting recessed at 12:18 p.m. and reconvened at 1:22 p.m.
 Busby left the meeting at 12:18 p.m.

II.A. Administrative Law Judge Recommendations

II.A.1. Jane Louise Hughes RN087419 Hargraves

Perry moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item II.A.1.

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

Attorney Terry Hall was present and addressed the Board. Hughes was present telephonically.

Hargraves addressed the Board.

Perry moved, Scott seconded, and it was unanimously carried to go into Executive Session on Agenda Item II.A.1. for the purpose of obtaining legal advice. Executive Session convened at 1:28 p.m. and adjourned at 1:38 p.m.

Malloch requested this case be returned to the March 2010 Board meeting for review consideration based an irregularity according to 608(D).

VI. RN/LPN/CNA Investigative Reports

VI.O.2. Mary Frances Lopez RN119733 (Torrez)

Lopez was present and addressed the Board. Torrez addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation, followed by 24 months standard probation, including the attached stipulations, amended to delete documentation course requirement and include: able to function as a charge nurse at present place of employment only. If not signed within 30 days, issue Notice of Charges.

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

VI.O.5. Sylvia R. Euben RN088219 (Torrez)

Torrez addressed the Board with additional information. Euben was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 36 months probation, including the attached stipulations amended to include: nurse recovery, AA, drug testing 2 times per month for the first 18 months and 1 time per month thereafter, on site supervision, one pharmacy. If not signed within 30 days, issue Notice of Charges.

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

VI.O.6. Jennifer Ann McKeen LP034236 (Torrez)

Torrez addressed the Board with additional information. McKeen was present and addressed the Board. Perry moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.O.9. Amy Dillingham RN128060; LP038933; CNA999991641 (Torrez)

Scott and Malloch know Deb Krmptic but show no bias. Torrez addressed the Board with additional information. Dillingham was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

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

VI.N.8. Anamarie K. Moran RN057618 (Schettler)

Johnson moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.N.8. Schettler addressed the Board with a technical correction to the investigative report. Moran was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, by a Board approved evaluator, PhD prepared, 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri 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 2:19 p.m.

VI.J.17. Michael E. Tanner RN093151 (Olson)

Tanner was present and addressed the Board. Scott moved, Johnson seconded, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges. The motion carried with seven in favor and one abstained.

	VOTE	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	

NO	0								
ABSTAIN	1								X
ABSENT	0								

Perry left the meeting at 2:13 p.m.

VI.F.6. Irene R. Nunez CNA1000004027 (Lester)

Nunez was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried issue an Interim Order for a substance abuse evaluation, completed by a Board approved, minimum PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X		X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1		X						

VI.F.2. Christine E. Harms CNA Exam (Lester)

Lester addressed the Board with additional information and an amendment to the finding of fact to delete #6, and add fact #9: The applicant answered no on her employment application for having been convicted, pled guilty to misdemeanors or felonies, at Fry’s and Basha’s food stores. 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X		X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	1		X						

VI.F.3. John T. Henry CNA921873639 (Lester)

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

**VI.F.4. Cher A. Jordan CNA Exam (Lester)
(aka: Davis)**

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

ABSENT	1		X						
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Perry returned to the meeting at 2:29 p.m.

VI.F.9. Argel Araballo CNA1000012878 (Lester)

Lester addressed the Board with additional information. Scott moved, Johnson seconded, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 6 months stayed suspension, including the attached stipulations amended to allow nite shift at present place of employment only. If not signed within 30 days, issue Notice of Charges. The motion carried with seven in favor and one abstained.

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

**VI.F.10. Roseann Vitollo CNA Exam (Lester)
(aka: Schuyler)**

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

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

VI.F.11. Amanda Tooloze CNA999951506 (Lester)

Lester addressed the Board with technical corrections to the stipulations and an amendment to include: nite shift allowed at present place of employment only. Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

VI.O.3. Elizabeth Marie Bartram RN057874 (Torrez)

Torrez 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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

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

ABSTAIN	0								
ABSENT	0								

VI.O.7. Amy Elizabeth Scott RN091418 (Torrez)

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

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

VI.O.8. Erick Christopher Branham RN128741 (Torrez)

Scott and Malloch know Deb Krmptic but show no bias. Link moved, Berrigan seconded, and it was unanimously carried, based on the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

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

VI.O.10. Carey Jean Bender LP022599 (Torrez)

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

**VI.O.11. Beverly Brister Omoth LP040471 (Torrez)
(aka: Peterson)**

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 a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

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

Recommendation that The Meadows be referred to Department of Health Services (DHS)

VI.O.12. Miloslava Somerlik LP031393; CNA02452143 (Torrez)

Torrez addressed the Board with additional information, and an amendment to add findings of fact #6 regarding the police report. Link moved, Berrigan seconded, and it was unanimously carried, based upon the amended findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.O.13. Tammy Jo Stevenson LP041980 (Torrez)

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

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

VI.O.14. Julie Jean Oppenheim RN154757 (Torrez)

Torrez addressed the Board with an addition to violations, R-419-308(B). Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and amended statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.O.15. Jason Kent McGraw RN156778 (Torrez)

Torrez addressed the Board with an addition to violations, R-419-308(B). Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and amended statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.O.16. Phyllis Ayden Inman RN126093 (Torrez)

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

VI.O.17. Rita Ann Lyons LP044275 (Torrez)

Torrez addressed the Board with a technical correction to the investigative report, and the addition of finding of fact #6. Scott moved, Johnson seconded, and it was unanimously carried, based upon the amended findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges.

VI.E.1. Rebekah Sunshine Arens LP042446 (Hill)

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

VI.E.2. Kathy Lynn Barger RN090512 (Hill)

Johnson is affiliated with Banner Thunderbird Medical Center but shows no bias. 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.G.3. Gina Carol Cooper RN128425 (Midkiff)

Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to appropriately document medication withdrawals and administration and/or wastages between September 2008 and October 2008, while employed at Kingman Regional Medical Center in Arizona.

VI.G.7. Rhonda Marie Seibert RN101780 (Midkiff)

Busby moved, Berrigan seconded, and it was unanimously carried to issue an Interim Order for a psychological and boundary evaluation, completed by a Board approved psychiatrist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 60 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.G.8. Mary Bartlett Stanford RN076792 (Midkiff)

Midkiff addressed the Board with additional information. Scott moved, Johnson seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological and substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X	X	X
NO	0								
ABSTAIN	0								
ABSENT	0								

VI.G.9. Sandor Szabo RN100748 (Midkiff)

Midkiff addressed the Board with additional information. Busby moved, Scott seconded, to issue a Letter of Concern for transfusing one unit of blood to patient A.B. without a physician's order on or about December 9, 2008, while employed at Arizona Heart Hospital. After discussion the motion carried with seven in favor and one opposed.

VI.G.10. Lisa Jenine Wakefield RN149161 (Midkiff)

Scott moved, Busby seconded, to issue a Letter of Concern for writing an order for a chest x-ray for patient G.R. without a physician authorization on November 28, 2008, while employed at Maricopa Medical Center in Phoenix, Arizona. After discussion the motion carried with five in favor and three opposed.

VI.G.12. Angelique Helen Bennett LP040529 (Midkiff)

Midkiff addressed the Board with additional information, and to include finding of fact #16. Busby moved, Scott seconded, and it was unanimously carried to adopt the attached amended Notice of Charges.

The meeting recessed at 2:58 p.m. and reconvened at 3:08 p.m.

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

VII.B. Educational Reports and Rules – Randolph

VII.B.1. Brookline College Proposal for Accelerated BSN Program

Link moved, Berrigan seconded, and it was unanimously carried to grant proposal approval to Brookline College. Proposal approval expires if a complete application for provisional approval is not received within 1 year of the granting of proposal approval.

VII.B.2. Proposed NCLEX PN Test Plan Feedback

Link moved, Gum seconded, and it was unanimously carried to submit feedback form to NCSBN as written.

VII.B.3. Medication Technician Article

Information was provided to the Board regarding the acceptance of a Medical Technician article for publication in the Journal of Gerontological Nursing.

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

Information was provided to the Board regarding the changes in Practical Nursing Instructor at East Valley Institute of Technology.

VII.B.5. Continuing Approval Mesa Community College RN Program

Johnson moved, Scott seconded, and it was unanimously carried to continue approval with a report within 6 months evidencing remedying of all potential deficiencies. If a report is not received or does not provide sufficient evidence remedying the potential deficiency, return to the Board for a determination of status.

VII.B.6. Continuing Approval Phoenix College RN Program

Link moved, Scott seconded, and it was unanimously carried to continue approval with a report within 6 months evidencing remedying of all potential deficiencies. If a report is not received or does not provide sufficient evidence remedying the potential deficiency, return to the Board for a determination of status.

VII.B.7. Continuing Approval Estrella Mountain Community College RN Program

Busby moved, Scott seconded, and it was unanimously carried to continue approval with a report within 6 months evidencing remedying of all potential deficiencies. If a report is not received or does not provide sufficient evidence remedying the potential deficiency, return to the Board for a determination of status.

VII.B.8. Continuing Approval GateWay Community College RN Program

Busby moved, Johnson seconded, and it was unanimously carried to continue approval with a report within 6 months evidencing remedying of all potential deficiencies. If a report is not received or does not provide sufficient evidence remedying the potential deficiency, return to the Board for a determination of status.

VII.B.9. New Administrator Chamberlain College

Information was provided to the Board regarding the appointment of Kimberly LaMar as program administrator at Chamberlain College.

VII.B.10. NCSBN CRE Grant Update “Measuring Competency with Simulation Phase”

Randolph reported on work being done on the NCSBN CRE grant, timelines, and progress.

VII.B.11. Grand Canyon University Acute Care NP Program Application for Approval

Busby moved, Link seconded, and it was unanimously carried to approve the Acute Care Nurse Practitioner Program at Grand Canyon University.

VII.B.12. List of NATCEP New and Renewal Programs Approved by the Executive Director

The list of NATCEP New and Renewal Programs approved by the executive director was provided to the Board.

VII.B.13. Case Disposition Excelsior College

Link and Gum know Dr. Jeanette Sasmor but show no bias. Jeanette Sasmor was present telephonically and addressed the Board. Perry moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VII.B.14. CNA Educator Workshop January 15, 2010

Randolph reported on the CNA Educator workshop held January 15, 2010, and stated there was record attendance and stellar evaluations.

VII.B.15. Testing Revisions to Nursing Assistant Exam

Busby moved, Link seconded, and it was unanimously carried to approve recommended changes to the CNA exam.

VII.A. Executive Directors Report – Ridenour

VII.A.5. Educational Session: Update on TERCAP & Arizona Specific Data – Randolph/Kathy Scott

Randolph and Scott provided the educational session on TERCAP & Arizona Specific Data.

Busby left the meeting at 3:41 p.m.

VI. RN/LPN/CNA Investigative Reports

VI.H.1. Hidig Nuur Abdi CNA1000002480 (B. Nelson)

Johnson moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.H.4. Geri-Lyn Hanneman LP037054 (B. Nelson)
(aka: Blackwell; Troutman)

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

VI.H.5. Theresa Anne LaBranche CNA Exam (B. Nelson)

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

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

VI.H.6. Cynthia Ann Catani CNA999990830 (B. Nelson)

Nelson addressed the Board with a technical correction to the investigative report. Link moved, Scott seconded, and it was unanimously carried issue an Interim Order for a substance abuse evaluation, completed by a Board approved, minimum PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.H.7. Carolyn J. Falcon CNA552913677 (B. Nelson)
(aka: Lipperd; Mayfield; Yargee)

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

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

ABSENT	1								X
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VI.I.1. Pamela Rivers Holt LP027631 (S. Nelson)

Perry knows Karen Mitchell but shows no bias. 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 issue Notice of Charges.

VI.I.5. Loretta Crawford Wellborn RN087581 (S. Nelson)

Wellborn *was present telephonically and available for questions. Scott moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.I.7. Jodi Gail Spinuzzi LP043771 (S. Nelson)

Nelson addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for verbally inappropriate language towards co-workers and for leaving the unit without returning the facility keys on or about September 13, 2008, while working at Parc Place in Chandler, Arizona.

VI.J.1. Carl R. Alberti RN074545 (Olson)

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 issue Notice of Charges.

**VI.J.2. Kori E. Bell RN106765 (Olson)
(aka: Kreiner)**

Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the January 23, 2009 arrest and charge of DUI, and DUI with a BAC of .08 or more, in the Dreamy Draw Justice Court in Oro Valley, Arizona, the failure to report being charged within 10 days of the charges being filed, and the subsequent April 30, 2009, conviction pursuant to a guilty plea of DUI, a misdemeanor.

VI.J.5. Lauren Gentilotti RN1466613 (Olson)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the arrest and charge on October 12, 2008, with DUI, and DUI with a BAC of .08 or more, in the Phoenix Municipal Court in Phoenix, Arizona, the failure to report being charged within 10 days of the charges being filed, and the subsequent January 23, 2009, conviction, pursuant to a guilty plea of DUI, a misdemeanor.

**VI.J.6. Trashunda Nykeisha Herrera CNA Exam (Olson)
(aka: Nykeisha Herrera; Trashunda Manos, Tha'Sunda Ny Manos)**

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

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

VI.J.7. Amber King CNA Exam (Olson)

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

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

**VI.J.8. Arturo Ramiro Pena CNA100002644 (Olson)
(aka: Avila)**

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 issue Notice of Charges.

**VI.J.9. Shannon Marie Selleck RN145401; LP042614; CNA848181103 (Olson)
(aka: Crawford; Lewis; Goss)**

Johnson moved, Scott seconded, and it was unanimously carried, to issue an Interim Order for a psychological evaluation, to include an ethics/boundary evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.J.10. Tirzah Dawn Silver LP035039 (Olson)

Scott moved, Johnson seconded, and it was unanimously carried, to issue an Interim Order for a psychological evaluation, to include a theft/dishonesty evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.J.11. Wendy Ann Smith CNA Exam (Olson)

Olson addressed the Board with additional information. Link moved, Berrigan seconded, and it was unanimously carried, to continue the investigation to allow applicant to obtain a psychological

evaluation, to include a substance abuse evaluation, with a Board approved licensed psychologist, 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 certification.

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

VI.J.12. Mary E. Jacobson RN149329 (Olson)

Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for the arrest and charge on September 29, 2008, with DUI, and DUI with a BAC of .08 or more, in Oro Valley Municipal Court in Oro Valley, Arizona, for failure to report being charged within 10 days of the charges being filed, and the subsequent conviction on January 6, 2009, of the amended charge of reckless driving, a misdemeanor, the sentence for which included substance abuse treatment, in Oro Valley Municipal Court in Oro Valley, Arizona.

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

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

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

VI.J.14. Tammy S. Choat RN124125 (Olson)

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

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

VI.J.15. Bricie Marciano LP030177 (Olson)

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

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

VI.J.16. Michael A. Lange LP026632 (Olson)

Lange was present telephonically and addressed the Board. Gum moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation to include an anger management evaluation, completed by a Board approved licensed psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.K.1. Alexander James Yates CNA Exam (Parlin)

Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the October 15, 2008, misdemeanor DUI conviction in Prescott, Arizona.

VI.K.2. Anthony Wayne Kline TRN57206 (Parlin)

Link moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the 1990 felony theft conviction in Lawrence County, Ohio, and for failing to disclose a felony conviction on application for licensure in April 2009.

VI.K.3. Barbara Ann Mostafa LP Endorsement (Parlin)

Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty, grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure.

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

VI.K.6. Enrique Carbajal Rivera RN Endorsement (Parlin)

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

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

ABSTAIN	0								
ABSENT	1								X

VI.K.7. Erin Elaine Ondimu CNA Endorsement (Parlin)

Parlin addressed the Board with additional information. Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification.

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

VI.K.8. Helga Zuehlke McKnight RN079894 (Parlin)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the April 1, 2009, misdemeanor DUI conviction in Cochise County, Arizona, and for failure to report being charged within 10 days of the charges being filed.

VI.K.9. Jessica Lee Ehlert CNA1000012550 (Parlin)

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 Notice of Charges.

VI.K.10. Jodi Lynn Wilder RN133338 (Parlin)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the October 6, 2008, misdemeanor DUI conviction in Mesa, Arizona, and for failure to report being charged within 10 days of the charges being filed.

VI.K.11. Julie Ann Bruce LP Endorsement (Parlin)

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

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

VI.K.12. Krista Lynne Tankersley CNA999998587 (Parlin)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the July 13, 2007, conviction for misdemeanor DUI in Glendale, Arizona, and for failure to report being charged within 10 days of the charges being filed.

VI.K.13. Kristen Yvonne Westrick CNA Exam (Parlin)

Link moved, Scott seconded, to continue the investigation to allow applicant to obtain a substance abuse and anger management evaluation with a Board approved licensed psychologist, 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 certification. The motion carried with six in favor and one opposed.

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

VI.K.14. Madison Geebli CNA Endorsement (Parlin)

Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the April 23, 2008, conviction for misdemeanor conduct after accident in Manchester, New Hampshire, and for the October 16, 2008, conviction for misdemeanor hindering apprehension or prosecution in Merrimack, New Hampshire.

VI.K.15. Randall Lee Johnson CNA1000007462 (Parlin)

Link moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation, completed by a Board approved, minimum PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board.

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

VI.K.16. Robert William Rybak RN Endorsement (Parlin)

Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the April 12, 2000, felony conviction for attempted aggravated assault in Lake County, Ohio.

VI.K.17. Roxanna Darlene Motta CNA1000012649 (Parlin)

Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the May 26, 2009, misdemeanor DUI conviction in Santa Cruz County, Arizona.

VI.K.18. Tonya Diane Bradford CNA1000017382 (Parlin)

Parlin addressed the Board with additional information. Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for the December 13, 2008, arrest for misdemeanor DUI in Tucson, Arizona.

VI.K.19. Ryan Cole RN142804 (Parlin)

Parlin addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation, completed by a Board approved, minimum PhD prepared forensic psychologist, to include any additional testing deemed necessary by the evaluator, and to include all testing recommended by Dr. Mahoney, to be scheduled within 15 days and completed within 45 days and then return to the Board.

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

**VI.L.6. Stephen Siegfryd Stewart CRNA Endorsement Prescribing Authority;
UT4957840-4406 (RN/APRN/CNNRA Compact)
(Rappoport)**

Stewart was present telephonically and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant prescribing authority and CRNA certificate and issue a Letter of Concern for past disciplinary action by the Utah Board of Nursing, which resulted in disciplinary action and probationary monitoring, which was successfully completed on or about January 8, 2009.

VI.L.7. Anjeanette Crandall RN086690; CNA491324423 (Rappoport)

Perry, Malloch and Scott know Sue Hanauer but show no bias. Crandall was present and available for questions. Scott moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for writing a fraudulent physician order for the insertion of a brachial arterial line, without consulting the patient's physician or receiving an actual order, on or about August 28, 2008, while employed as a CVICU nurse at John C. Lincoln, North Mountain Hospital in Phoenix, Arizona.

**VI.L.8. Carlena Harris RN Endorsement (Rappoport)
(aka: Parker; Carter)**

Perry moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for pleading guilty on or about June 29, 1989, in the Court of Common Pleas, the State of Ohio, Cuyahoga County, Ohio, to one count of felonious assault, for which she successfully completed Court ordered probation and prior disciplinary action taken by the Ohio Board of Nursing, based upon the June 29, 1989, Court conviction, which she successfully completed on or about November 18, 2005.

VI.L.9. Greg R. Schwalm LP041968 (Rappoport)

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

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

VI.L.10. Dawn Patricia Reimers Compact IA (RN101424) (Rappoport)

Link moved, Scott seconded, and it was unanimously carried to refer investigative case information including investigational documents to home state (Iowa) for review and further licensure determination.

**VI.L.11. Theresa Arlene McKee LP Endorsement (Rappoport)
(aka: Hammerle)**

Rappoport addressed the Board and confirmed receipt of additional information. Johnson moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny licensure.

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

VI.L.13. Kristina Jacqueline Shoek RN Endorsement (Rappoport)

Rappoport addressed the Board and confirmed receipt of additional information. Link moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the June 2008, disciplinary action by the Colorado State Board of Nursing.

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

VII.A. Executive Directors Report – Ridenour

VII.A.2. 2010 Legislative Session: Bills Impaction Nursing Regulation: Certified Medication Techs; Continuing Education Requirements for Nurses; CRNA’s; Others – Harris/Ridenour

Legislative liaison to the Board, Greg Harris, reported on the Certified Medication Techs Bill regarding and work being done on an amendment. He stated the bill introduced, making permanent the medication technician pilot program that was included in two pieces of legislation last year, was introduced on the documents that were worked out with all parties involved. Harris stated that, as often happens when bills are drafted, the translation is not always the same. Harris noted the Bill was scheduled for hearing February 3, 2010 and he has scheduled a meeting with a group from long term care to work on language, in light of issues raised by the Nurses Association, to help bring it into focus. Harris commented that Randolph and Ridenour had offered helpful input on drafting issues.

Joyce Benjamin, Executive Director of the Arizona Nurses Association (AzNA) commented that areas of concern regarding the term “acute” and “sub acute” services was an oversight and more clarity was needed, as it is a term not used by any long term care facility. The term is not included in the Nurse Practice Act or Department of Health Services statutes or the administrative code.

The potential submission of a Bill for Continuing Education Requirements for Nurses was discussed. Ridenour stated that Representative Matt Hines is the principle sponsor of this Bill, and she confirmed the Board’s receipt of a letter from AzNA stating their position.

Benjamin stated that Heinz staff is trying to schedule a meeting next week but the thought is that he would drop the Bill either way. Discussion ensued regarding meeting with Representative Heinz, Judy Rich, CEO of the Tucson Medical Center, and all parties involved.

Ridenour reported on the CRNA Bill which has been ongoing since September 2007 and has been the focus of CRNA’s to craft language that everyone was comfortable with. Ridenour stated the goal is to strengthen the statutory statements regarding the CRNA’s. Ridenour commented that work is being done with the CRNA group and talks have continued though officer and lobbyist changes have been made in that organization. Ridenour further stated that recent issues may negatively impact the ability to go forward with the language and the matter would be brought to the March 2010 Board meeting.

Harris reported on other legislation and stated there's a piece of legislation that's been introduced to stop rulemaking by agencies and support for that could be expected by the legislature. Harris stated that rulemaking is a necessary part of the Board's function. The emphasis of the legislature and the Governor has been to request that agencies hold back and that the request may become stronger if the bill becomes law.

Harris gave a brief summary of an additional bill introduced that requires, when complaints have been filed/dismissed against a professional license, the information about the complaint would be removed and not included in the professional's file. Harris mentioned the current timeframe for holding information on file is five years.

The meeting recessed at 5:00 p.m. and reconvened at 5:07 p.m.

VII.A.10. Update on Budget/Personnel/Performance Measures – Bontrager/Smith/Randolph/Ridenour

Smith offered appreciation and reported the resignation of Amy Foster, who will be going into private practice.

VI. RN/LPN/CNA Investigative Reports

VI.M.1. Amir Husamid-Deen Bilal CNA100007747 (Sage)

Link evaluator moved, Scott seconded, and it was unanimously carried issue an Interim Order for an evaluation for potential sexual misconduct by a Board approved PhD prepared evaluator with expertise in sexual abuse, 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.M.2. Kimberlee Denise Doherty CNA1000017425 (Sage)

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

VI.M.3. Maria Hansen CNA508433803 (Sage)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for reported verbal abuse on or about October 24, 2009, and for two episodes of insubordination while employed as a CNA at Glendale Care Center in Glendale, Arizona.

**VI.M.4. Lucretia Juca CNA1000005744 (Sage)
(aka: Lucy)**

Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for setting up medications on December 28, 2008, while employed as a CNA at Villa Home Care, in Scottsdale, Arizona.

VI.M.5. Susan Jane Kangas CNA1000001561 (Sage)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for poor care of a resident, using profanity in the presence of a resident, and being rough in her care on October 15, 2009, while employed as a CNA at La Colina Healthcare in Tucson, Arizona.

VI.M.7. Jessica Lynn Lopez CNA1000012316 (Sage)
(aka: Fraley)

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

VI.M.8. Vivian Mailboy CNA1000011881 (Sage)

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

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

VI.M.11. Tommy Stepp CNA1000019652 (Sage)

Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for abandoning residents and failing to return a lab book in a timely manner while employed as a CNA at Rum Country Health in Payson, Arizona on October 12, 2009.

VI.M.12. Joan Paleh Stevens CNA1000017801 (Sage)
(aka: Jo ann)

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

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

VI.M.13. Sunday Selest Veljkovic CNA1000015298 (Sage)

Link evaluator moved, Scott seconded, and it was unanimously carried, issue an Interim Order for a substance abuse evaluation, by a Board approved PhD prepared evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. If the 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	Johnson, Patricia Member	Perry, Hunter Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Berrigan, Terri Member	Gum Gary Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X	X	
NO	0								
ABSTAIN	0								
ABSENT	1								X

VI.N.5. Jennifer Lu Delay RN115347; LP027022; CNA274048869 (Schettler)
 Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations indentified in the investigative report, to offer a Consent Agreement for 12 months probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

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

VI.N.6. Ma Wilma Hernaez Bruna RN144884 (Schettler)
 Perry moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.N.7. Pamela Utulo Juanatas LP043450 (Schettler)
 Perry moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.N.11. Helena Margaret Schmalz RN138366 (Schettler)
 Johnson, Malloch and Scott know Coleen Hallberg but show no bias. Link moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.N.12. Michelle Kay Waldron RN140163 (Schettler)
 Malloch knows Julie LaBeche but shows no bias. Schettler addressed the Board with additional information. Perry moved, Scott seconded, and it was unanimously carried to continue the investigation to the March 2010 Board meeting.

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

VII.C. President’s Report – Malloch

VII.C.3. Debriefing on Board Processes & Suggested Changes; Proposed Change Regarding Handout Documents on Meeting Days and the Diligent Process - All

The Board discussed processes and suggested changes. Smith stated that in the future, orders from the Administrative Law Judge will be reviewed internally and stipulation sheets developed for the Board if monitoring is required.

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

VII.A. Executive Directors Report – Ridenour

VII.A.6. NCSBN Report on Nursing Alternative to Discipline Program Survey Results & NCSBN Forum April 27 & 28, 2010 to Develop Guidelines & Best Practices for Programs – Smith/Linck

Ridenour noted this Agenda Item would be discussed at the scheduled Board retreat.

VII.A.7. Journal of Nursing Administration Healthcare Law, Ethics & Regulation October-December 2009 Article: Identification of Core Competencies of Board of Nursing Investigators – Authors Karla Bitz & Val Smith

Smith noted this Agenda Item would be discussed at the scheduled Board retreat.

VII.A.8. Recommended Approval of Substantive Policy Related to Enactment of Senate Bill 1105 on October 14, 2009 Regarding A.R.S. § 32-1605.01(C)(5) – Smith/Ridenour; Proposed Revised Substantive Policy A.R.S. § 32-1605.01(B)(6) CANDO Eligibility – Linck/Smith

Scott moved, Link seconded, and it was unanimously carried to approve the substantive policy statement related to the Summary Suspension, using the alternative (#5) language. Smith noted that there needed to be clarity regarding the authority of the Executive Director and what is the Board's decision.

The Substantive Policy Statement regarding CANDO Eligibility and Admissions, implementing the change in statute to allow entry into CANDO after the initiation of an investigation, was presented by Linck. Changes to eligibility requirements were reviewed. Amendment was made to #3 of Eligibility Criteria and #3 of Admission Procedure to include an applicant seeking licensure by endorsement or examination. Scott moved, Perry seconded, and it was unanimously carried to approve the revised substantive policy statements regarding CANDO eligibility and admission policy, as amended to include exam applicants (#3).

VII.A.10. Update on Budget/Personnel/Performance Measures – Bontrager/Smith/Randolph/Ridenour

Smith reported that a senior investigator position had been offered to fill Curtola's position, and that Amy Foster is resigning to go into private practice.

Regarding performance measures: Malloch raised a question on the aging of investigative cases. Smith reported that there are no investigative cases remaining from CY2007. Malloch noted that 6.5 months for investigations to the Board is a goal that we need to maintain.

VII.A.11. The Executive Budget FY 2011 – Ridenour

Ridenour reported on the Executive Budget FY 2011 and stated there was a positive balance of \$116,000, due to reserves held by Department of Health Services (DHS), and given to the Board as compensation for the last 15 years of regulating the CNA program.

Ridenour reiterated the plan of action described at the November 2009 Board meeting if a 15% (\$623,000) reduction is called for by the Governor. She reported that we continue to hire as needed so the work load can be accomplished.

Ridenour reported on an error statement on the Executive Budget which indicated that this Board was involved in the litigation against the Governor regarding fund balance sweeps and noted the correction would be made on the website but some hard copies were sent out with the incorrect information.

VII.A.12. Update on Investigative and Hearing Department Cycle Times – Barber/Smith/Zack/Hargraves/Zimmerman/Foster

Information was provided to the Board regarding Hearing Department cycle times and Zimmerman reported this has been a challenging time for the department case loads, with illness and AAG staff cutbacks.

VII.A.13. Proposed Fees for Certified Medication Aides – Bontrager/Randolph/Orchard

Bontrager reported that recent survey results from seven of seventeen states who certify medication aides (CMA's) show that fees charged to CMA applicants range from no fee to \$50 for a two year period. Scott moved, Berrigan seconded, and it was unanimously carried to establish an initial certification fee of \$65 and renewal fee of \$65 for applicants seeking certification as a medication aide.

VII.E. Committee Reports

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

VII.E.1.a. Draft Scope of Practice December Minutes

Minutes of the December 1, 2009, Scope of Practice Committee meeting were provided to the Board.

VII.E.1.b. Draft Advisory Opinion Chronic Dialysis in an Outpatient Facility – SOP for LPN’s

Gum moved, Link seconded, and it was unanimously carried to approve the advisory opinion on Chronic Dialysis in an Outpatient Facility – SOP for LPN’s.

VII.E.1.c. Draft Advisory Opinion Cervical Ripening Agents & Prostaglandin Suppositories

Perry moved, Johnson seconded, and it was unanimously carried to approve the advisory opinion on Cervical Ripening Agents & Prostaglandin Suppositories.

VII.E.1.d. Draft Advisory Opinion Sigmoidoscopy Flexible Screening

Scott moved, Link seconded, and it was unanimously carried to approve the advisory opinion on Sigmoidoscopy Flexible Screening.

VII.E.1.e. Draft Advisory Opinion Suture Staple Removal – Role of LPN

Link moved, Scott seconded, and it was unanimously carried to approve the advisory opinion on Suture Staple Removal – Role of LPN.

VII.E.1.f. Draft Advisory Opinion Delegation of Nursing Assistant Tasks

Scott moved, Gum seconded, and it was unanimously carried to approve the advisory opinion on Delegation of Nursing Assistant Tasks.

VII.E.2. Education – Randolph

VII.E.2.a. Draft Minutes of December 9, 2009

Education Committee meeting draft minutes of December 9, 2009 were provided to the Board.

VII.C. President’s Report – Malloch

VII.C.3. Debriefing on Board Processes & Suggested Changes; Proposed Change Regarding Handout Documents on Meeting Days and the Diligent Process - All

Wiemann discussed the Diligent process with the Board and changes to improve the process.

VIII. Call to the Public

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

X. Adjournment

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

The meeting adjourned at 5:59 p.m., Thursday, January 28, 2010.

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