

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 8:03 a.m., Wednesday, July 21, 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
Terri Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
E. Gary Gum, MSN, RN, FCN, Member
Lori Gutierrez, BS, RN-C, RAC-CT, CBN
Patricia Johnson, LPN, Member

BOARD MEMBER ABSENT:

M. Hunter Perry, Member

LEGAL STAFF:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, 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
Tammi Bymers, RN, MSN, Nurse Practice Consultant
Tim Chafey, RN, Senior Investigator
Janeen Dahn, MSN, FNP, Nurse Practice Consultant/Advanced Practice
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Patricia Midkiff, RN, MN, Nurse Practice Consultant/CANDO
Michelle Mills, RN, MA, Nurse Practice Consultant/Monitoring
Linda Monas, Senior Investigator
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., MSN, Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Judy Pendergast, RN, JD, Nurse Practice Consultant
Mary Rappoport, RN, MN, Nurse Practice Consultant
Deborah Richards, JD, Senior Investigator
Bonnie Richter, MSW, Senior Investigator
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
V. Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:02 a.m., Wednesday, July 21, 2010.

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

Malloch presided.

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

VI.R.1. Mary Helen Ruddell RN083668; AP2412; LP027231 (Smith)

Ruddell 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, to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.I.4. Terrie Marie Frederick LP Endorsement (Olson) (aka: Burgoa; Van Brunt; Factor)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.P.1. Luke Joseph Edens RN109903 (Torrez)

Edens and attorney Scott King were present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.C.1. Heidi Pence RN087676; AP1318 (Dahn)

Dahn addressed the Board with additional information. Attorney Scott King was present and addressed the Board. Pence was present and available for questions. Busby moved, Gum seconded, and it was unanimously carried to table Agenda Item VI.C.1. for the purpose of allowing the Board the opportunity to review additional documents.

VI.C.2. Brittani Kay Hamilton RN137760; AP3320 (Dahn)

Complainant Dr. Greg Marchand was present and addressed the Board. Hamilton was present and addressed the Board. Diane Bajus, Hamilton's co-worker was present and available for questions. Busby moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.C.4. Jennifer Lynne Tjorhom RN096800; AP2440 (Dahn)

Attorney DeeDee Holden-Armor and Tjorhom were present and available for questions. Johnson moved, Busby seconded, and it was unanimously carried to dismiss the complaint.

VI.C.5. Kirsten E. Wister RN097845; AP2534 (Dahn)

Wister was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to table Agenda Item VI.C.5. for the purpose of allowing the Board to review additional documents.

VI.A.1. Ruth Victoria Cook RN116520 (Bymers)

Attorney Phillip Austin was present and addressed the Board. Cook was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.A.9. Adeline Romano Neri RN125545 (Bymers)

Neri was present telephonically and available for questions. Attorney Scott King was present and available for questions. Johnson moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue a Letter of Concern for failure to report episodes of emesis, change in patient M.R.’s condition to the physician, and failure to assess/recognize a complication resulting in M.R.’s death due to aspiration on or about December 7, 2004, while employed at Evergreen Mesa Health and Rehabilitation.

VI.A.11. Denise Seliquini RN063829; LP020621 (Bymers)

Attorney Scott King and Dr. Mahmood Kahn were present and addressed the Board. Morton was present and available for questions. 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 12 months probation including the attached stipulations, amended to include monthly performance evaluations for the first 6 months and quarterly thereafter; delete refresher course and continued education; and include notification of practice settings, on site supervision, registry/traveling/float pool/home health prohibited, and night shift allowed. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson,</u> <u>Patricia</u> Member	<u>Gutierrez,</u> <u>Lori</u> Member	<u>Gum,</u> <u>Gary</u> Member	<u>Scott,</u> <u>Kathy</u> Secretary	<u>Malloch,</u> <u>Kathy</u> President	<u>Link,</u> <u>Denise</u> Vice Pres	<u>Perry,</u> <u>Hunter</u> Member	<u>Berrigan,</u> <u>Terri</u> Member	<u>Busby,</u> <u>Kathryn</u> Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1						X			

VI.L.5. David Harold Wermuth RN080000; LP026257; CRNA0095 (Rappoport)

Rappoport addressed the Board with additional information. Attorney Teresa Sanzio and Wermuth were 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 rescind prior Board Order and offer a 12 month stayed revocation/suspension, followed by 24 months stayed revocation/probation, followed by 36 months probation. If the Consent Agreement is not signed within 15 days, issue a Complaint and Notice of Hearing. After discussion the motion carried with seven in favor and one opposed.

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

The meeting recessed at 9:32 a.m. and reconvened at 9:50 a.m.

VI.C.1. Heidi Pence RN087676; AP1318 (Dahn)

Scott moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.C.1. Attorney Scott King and Pence were present and addressed the Board. Busby moved, Link seconded, to issue a Letter of Concern for failure to refer a complex patient in light of excessive prescribing of Ambien from on or about December 9, 2008 to May 14, 2009. After discussion the motion carried with six in favor and two opposed.

VI.C.5. Kirsten E. Wister RN097845; AP2534 (Dahn)

Busby moved, Link seconded, and it was unanimously carried to reopen Agenda Item VI.C.5. Wister was present and addressed the Board. Busby moved, Johnson seconded, to amend the previous Board decision to offer a Consent Agreement for 12 months probation including the attached stipulations which include permitting Wister to work with on-site supervision by a Nationally Certified ACNP, physician of same, or higher educational level, *or a Director of Nursing – or their acting representative when they are not present (with directions to notify assigned supervisor if they have any concerns as to patient care provided)*. If not signed within 30 days, issue Notice of Charges. After discussion, Busby amended the motion to delete supervision from the stipulations. Johnson concurred. The motion carried unanimously.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.L.5. David Harold Wermuth RN080000; LP026257; CRNA0095 (Rappoport)

Scott moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.L.5. Rappoport addressed the Board with additional information. Scott moved, Link seconded, and it was unanimously carried to amend the stipulations to include: hair testing during the period of suspension to be submitted within the first 15 days, at 6 months and again just prior to the lifting of the suspension into probation, and quarterly during the terms of probation.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.K.1. Ian Robert Kirkpatrick LP042491 (Pendergast)

Attorney Donna McDaniel was present and addressed the Board. Kirkpatrick was present and available for questions. Scott moved, Gum 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 probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.D.2. Jean Crilly RN124252 (Hill)

Hill addressed the Board with additional information. Attorney Craig Martin was present and addressed the Board. Crilly was present and available for questions. Busby moved, Berrigan seconded, and it was unanimously carried to continue the investigation to the September 2010 Board meeting.

VI.D.3. Carolyn Woods-Pierce RN136476 (Hill)

Attorney Craig Martin was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to continue the investigation to the September 2010 Board meeting.

VI.H.3. Barbara Auer Garcia RN050610 (S. Nelson)

Nelson addressed the Board with additional information. Attorney Teressa Sanzio, co-worker Clinton Armor, and Garcia were present and addressed the Board. Scott moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for administering an H1N1 vaccine to student B.L. without parental consent on or about October 19, 2009, while working for Pinal County Public Health Services.

**VI.B.4. Renee Sawyer Anderson RN073655; LP022257 (Chafey)
(aka: Shepard)**

Attorney Ken Baker was present and addressed the Board. Busby moved, Scott seconded, to dismiss the complaint. The motion carried with seven in favor and one abstained.

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

V.D.1. Cheryl L. Buckler RN128378 (Hurtado)

Bucker was present and addressed the Board. Busby moved, Berrigan seconded, to approve request to amend Consent Agreement and Order No. 0909026 to allow Buckler to work up to 92 hours per 14 day pay period and the ability to work any shift. The motion carried with six in favor, one opposed and one abstained.

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

V.D.5. Jason E. Wall LP040360 (Hurtado)

Wall 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 stayed revocation/probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.1. Mina Erica Mahvi RN Endorsement (Midkiff)

Midkiff addressed the Board with additional information. Mahvi was present and available for questions. 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, to grant licensure and accept signed CANDO Stipulated Agreement.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI. RN/LPN/CNA Investigative Reports

VII.13. Jason Anthony Sicurello LP Endorsement (Olson)

Sicurello was present and available for questions. Johnson moved, Busby seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for the February 23, 1998, conviction, pursuant to a guilty plea, of unlawful possession of a machine gun, a felony, in the U.S. District Court of California, Central District.

VII.18. Laura Ellen Sharp CNA Exam (Olson)

Sharp 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 identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 18 months stayed revocation including the attached stipulations, to grant certification. If not signed within 30 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.A.13. Linda Diane Smith RN079924 (Bymers) (aka: Acker)

Bymers addressed the Board with additional information. Smith was present and addressed the Board. Johnson moved, Gum 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 including the attached stipulations amended to include: monthly performance evaluations for the first 6 months and quarterly for the remaining 6 months, and direct supervision. If not signed within 30 days, issue Notice of Charges. After discussion Johnson amended the stipulations to allow night shift. Gum concurred. The motion carried unanimously.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.I.7. Michael A. Head (aka: Lacy) Renewal CNA693434441 (Olson)

Head was present and available for questions. Johnson moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny renewal of certification. After discussion, Johnson withdrew the motion. Busby moved, Scott seconded, 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 24 month stayed revocation with the attached stipulations, to grant renewal of certification. If not signed within 30 days, deny renewal of certification. After discussion the motion carried with seven in favor and one opposed.

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

VI.M.10. Rafael Evangelista Hernandez CNA999997331 (Richter)

Hernandez was present and available for questions. Busby moved, Link seconded, 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. The motion carried with six in favor and two opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6		X		X	X	X		X	X
NO	2	X		X						
ABSTAIN	0									
ABSENT	1							X		

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

V.C.5. Kathleen Forcier LP039866; CNA277017394 (Mills)

Mills addressed the Board with additional information. Forcier 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 12 months stayed revocation/probation followed by 12 months standard probation including the attached stipulations. If not signed, continue with current Consent Agreement.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Mesa Boswell Hospital Nursing Students regarding Board functions, policies and procedures. Questions were asked on the length of an investigation, definition of

“expert witness/evaluator, if all complaints received come before the Board, recommendations to make practice safer, guidelines practiced during hearings and if the scope of practice varies from state to state.

VI. RN/LPN/CNA Investigative Reports

VI.B.1. Andrew Wonnay Towouh CNA1000018143 (Chafey)

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

VI.B.2. James Kevin Sprouse LP041108 (Chafey)

Chafey addressed the Board with additional information. Johnson moved, Link 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.B.3. Olivia P. Orosco CNA360414913 (Chafey)
(aka: Martinez)**

Chafey addressed the Board with additional information. Link moved, Gum 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.B.5. Shari Lyne Evans LP040410 (Chafey)

An attempt was made to contact Evans telephonically and a message was left indicating the Board would move ahead with the case. Chafey addressed the Board with additional information. Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.B.6. Jackie Lee Owens RN088518 (Chafey)

Scott 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 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

IV.A. Consent Agenda - Lapsed Licenses & Certificate Administrative Penalty

**IV.A.1. Linda Van Allen TRN163695 Rappoport
(aka: McAnlis)**

Busby moved, Gum seconded, and it was unanimously carried, upon meeting all requirements and accepting a signed Consent Agreement for a \$100 Administrative Penalty, to grant licensure.

**IV.A.2. Lynn Marie Mellone TAP3701 (Compact R042876ME) Rappoport
(aka: St. Pierre)**

Busby moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and

statute/rule violations identified in the investigative report and in the signed Consent Agreement, accept the signed Consent Agreement for a \$100 Administrative Penalty and grant AP certificate.

IV.A.3. Michelle Marie Smith TRN157475 Rappoport

Busby moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, accept the signed Consent Agreement for a \$200 Administrative Penalty, and grant licensure.

IV.A.4. Ian Caburian RN Endorsement Rappoport

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 the signed Consent Agreement for a \$300 Administrative Penalty, and grant licensure.

Agenda	Name	License/Certificate #	Penalty Amount	Staff
IV.A.5.	Matthew Figor	CNA999989072	\$25	Driver
IV.A.6.	Marilee Roberts	CNA788391803	\$25	Driver
IV.A.7.	Laura Rodriguez	CNA394866533	\$25	Driver
IV.A.8.	Catherine Bradley	CNA999948381	\$25	Driver
IV.A.9.	Cindy Sarkkinen	RN109117	\$200	Driver

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

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

- | | | | |
|------------|---------------------------|----------------------|-------------------|
| 1. | Miranda, Virginia | CNA999995893 | 07/24/2010 |
| 2. | Cunha, Sharon R. | CNA1000006119 | 07/28/2010 |
| 3. | Knight, Susan F. | RN153649 | 07/28/2010 |
| 4. | Howard, Curb B. | RN112908 | 08/08/2010 |
| 5. | Ross, Wendy A. | CNA1000014030 | 08/12/2010 |
| 6. | Williams, Bobbie | RN119038 | 08/15/2010 |
| 7. | Hill, Lauren J. | RN128902 | 08/19/2010 |
| 8. | Stephens, Rosalind | CNA000006528 | 08/21/2010 |
| 9. | Tarango, Lucy | LP008527 | 08/27/2010 |
| 10. | Arballo, Argel | CNA1000012878 | 09/05/2010 |
| 11. | Nikodym, Mary | RN110942 | 09/11/2010 |
| 12. | Cassano, Maria | CNA1000006503 | 09/15/2010 |

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

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

V.C.1. Dashiell Brandt RN049069 (Mills)

Johnson 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 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon the findings of fact and statute/rule violations identified in the investigative report,

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

V.C.2. Julie Distefano LP039767 (Mills)

Mills addressed the Board with additional information. Busby 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 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, amended to include: drug testing 2 times per month during the 12 months of suspension. If not signed within 30 days, issue Notice of Charges based upon the information contained in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

V.C.3. Jason Lovesy RN098343; CNA402592803 (Mills)

Busby moved, Link seconded, and it was unanimously carried to approve request and amend reinstatement and probation Consent Agreement No. 0809063 entered into on April 22, 2009, to allow Lovesy the ability to work on-call 8 hours per week contingent upon supervision requirement being maintained.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

V.C.4. Dorothy Shaw RN083121 (Mills)

Shaw was present telephonically and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to amend current Consent Agreement to allow Shaw to work any shift.

V.C.6. MaryEllen Jeffrey RN079790; LP023755; CNA222203376 (Mills)

Busby moved, Scott seconded, and it was unanimously carried to continue with current Consent Agreement.

V.C.7. Cynthia Bocchicchio RN089150 (Mills)

Bocchicchio was present telephonically and available for questions. Scott 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 48 months stayed revocation with the license suspended for the first 12 months and on stayed revocation/probation the second 12 months, followed by 36 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon the information contained in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

Johnson left the meeting at 12:03 p.m. and returned at 12:04 p.m.

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

V.D.2. Stacy L. Martin LP034335 (Hurtado)

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

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

V.D.3. Tera L. Schweitzberger LP046229 (Hurtado)

Busby moved, Berrigan seconded, and it was unanimously carried to approve request for Schweitzberger to complete the terms of her Consent Agreement and Order No. 0903037 in the State of California upon written approval from the California Board of Nursing.

V.D.4. Traci L. White LP035697 (Hurtado) (aka: Lucero)

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/probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

V.D.6. Karen R. Mochal RN157610 (Hurtado)

Scott 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 24 months stayed revocation with the license suspended for the first 12 months and on probation the second 12

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

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

- V.E.1. Jennifer A. Nickerson RN126917 (Hurtado/Mills)**
- V.E.2. Denise Van Lanen RN108326; SN04171 (Hurtado/Mills)**
- V.E.3. Terri Caval LP023161 (Hurtado/Mills)**

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 issue Notice of Charges for Agenda Items V.E.1-3.

The meeting recessed at 12:09 p.m. and reconvened at 1:02 p.m.

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

- II.F.4. Linder Faye Hollinquest RN085118 Zimmerman/Torrez**

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

Attorney Lisa Gervase was present and addressed the Board. Hollinquest was present and available for questions.

Zimmerman addressed the Board.

Johnson moved, Malloch seconded, and after discussion, it was unanimously carried to accept the counter offer, rescind the prior board decision for 24 months probation and dismiss the case.

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

- II.B.1. Shannon Marie Ott Compact Utah Zack**

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

Ott was present telephonically and addressed the Board.

Zack addressed the Board.

Link 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 and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

Busby moved, Link seconded, and it was unanimously carried to accept the State’s recommended discipline for a Decree of Censure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

AGENA	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.B.2.	Janel Ann Thompson	LP036320	Revocation	Zimmerman
II.B.3.	Lorraine Ruth Christ	RN040751; CRNA0167	Decree of Censure	Campbell

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

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

Busby moved, Berrigan 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 and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

II.C. Settlement Conference Cases and Proposed Consent Agreements

II.C.1. Patricia James RN045558 Campbell

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

Campbell addressed the Board.

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

Busby moved, Link seconded, and it was unanimously carried to accept the signed Consent Agreement.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

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

AGENA	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.D.2.	Marjorie Fay Dickey	RN070105	Revocation	Zimmerman
II.D.4.	Linda Lee Eschbach	LP004241	Revocation	Zimmerman
II.D.5.	Irene Garcia	RN046710	Revocation	Zimmerman
II.D.6.	Nancy Carol Getsoff	LP019860	Revocation	Zimmerman
II.D.7.	Sandra L. Golden	CNA006842103	Revocation	Zimmerman
II.D.8.	Lynda Jackson Hagler	RN084470	Revocation	Zimmerman
II.D.9.	Lynda Lu Hall	RN000099346	Revocation	Zimmerman
II.D.10.	Christina Herrera	CNA860264441	Revocation	Zimmerman
II.D.11.	Caroline Irvine-Jaman	CNA999989969	Revocation	Zimmerman
II.D.12.	Joycelyn Jesus	CNA101427103	Revocation	Zimmerman
II.D.13.	Kimberly J. Jolly	CNA1000009878	Revocation	Zimmerman
II.D.14.	Mary Phillips Lee	LP014448	Revocation	Zimmerman
II.D.15.	Kathleen Priniski Lutz	LP028219	Revocation	Zimmerman
II.D.17.	Maxine Oney Mills	RN051372	Revocation	Zimmerman
II.D.18.	Martin Steven Schone	RN127190; AP1907	Revocation	Zimmerman
II.D.19.	Judith A. Thompson	LP019850	Revocation	Zimmerman
II.D.20.	Betsy Bessie Barnes	RN136213	Revocation	Campbell
II.D.21.	Eileen Patricia Betts	Compact Texas	Revocation	Campbell
II.D.22.	Margaret Louann Floyd	RN140232	Revocation	Campbell
II.D.23.	Deborah Lynn James	RN138312	Revocation	Campbell
II.D.24.	Marjorie E. Jones	CNA807611343	Revocation	Campbell
II.D.25.	Bricie Marciano	LP030177	Revocation	Campbell
II.D.26.	Kristen Diane Nagel	LP041595; CNA1000005182	Revocation	Campbell
II.D.27.	Greg Schwalm	LP041968	Revocation	Campbell
II.D.28.	Mary Kathleen White	RN134623	Revocation	Campbell
II.D.29.	Charles Leonard Wood	CNA364158103	Revocation	Campbell
II.D.30.	Jessica Nicole Young	CNA1000017805	Revocation	Campbell
II.D.31.	Irene Nunez	CNA1000004027	Revocation	Campbell

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

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

Busby moved, Berrigan 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, Scott seconded, and it was unanimously carried to accept the State's recommended

discipline for Agenda Items II.D.2, 4-15, and 17 -31.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

II.D.1. Annette L. Acosta RN0185264 Zimmerman

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

Acosta was present telephonically and addressed the Board.

Zimmerman addressed the Board.

Busby 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.

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

II.D.3. Linda Carlisle Dunne RN049124 Zimmerman

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

Dunn was present telephonically and addressed the Board.

Zimmerman addressed the Board.

Link moved, Berrigan 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, Berrigan seconded, to impose an Order for 24 months probation with stipulations to include stamping of license, nursing ethics course to be enrolled within 30 days, notification of practice settings, quarterly performance evaluations, direct supervision, registry/traveling/float pool/home health/on call prohibited, and standard Consent Agreement paragraphs applied. The motion carried with seven in favor and one opposed.

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

II.E. Rehearing Requests or Review of Board Decision

II.E.1. Sandy Ann Watters CNA999950233 Campbell

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

Watters was present and addressed the Board.

Campbell addressed the Board.

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

II.E.2. Gina Scroggins CNA999950112 Zimmerman/Barber

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

Scroggins was present telephonically and available for questions.

Zimmerman addressed the Board.

Busby moved, Scott seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, return to the Board and refer for Hearing.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

II.E.3. Redessa Pauline Jordan CNA100005119 Zimmerman/Barber

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

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

Zimmerman addressed the Board.

Busby moved, Scott seconded, and it was unanimously carried to offer a Consent Agreement for a stayed revocation with attached stipulated terms, the length to be 24 or 36 months pending the findings of the evaluator. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

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

II.F.1. Molly Ann Moore RN049339; AP0191 Campbell

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

Campbell addressed the Board.

Attorney Teresa Sanzio was present and addressed the Board.

Busby moved, Link seconded, and it was unanimously carried to grant the motion for reconsideration and dismiss.

II.F.2. Joyce Lynn Riggs RN151589 Campbell

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

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

Campbell addressed the Board.

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

II.F.3. David Ponwith RN145825 Richards

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

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

Link moved, Scott seconded, and it was unanimously carried to accept the signed Consent Agreement for a Decree of Censure in the settlement of case No. 0807062.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

II.F.6. Patricia Coleman RN018223 Richards

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

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

Richards addressed the Board with additional information.

Scott moved, Busby seconded, and it was unanimously carried to rescind the Notice of Charges of February 22, 2010, and issue a new Interim Order for an independent psychological evaluation, (*at the Board's expense*) to include a professional boundaries evaluation by Dr. Phillip Lett, a Board approved licensed psychologist, and to include an 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 potential statute and rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and violations for failure to comply with the Interim Order.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

II.F.5. Christina A. Dippel RN099674 Zack

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

Zack addressed the Board.

Attorney Teresa Sanzio was present and addressed the Board.

Busby moved, Link seconded, and it was unanimously carried, based on the factual allegations and alleged violations of statutes/rules presented in this and all previous investigative reports considered by the Board in November 2009, June 2009, January 2007 and November 2006, offer the attached Consent Agreement for a stayed revocation/probation for 12 months, followed by standard probation for 24 months with stipulations amended to include: all shifts allowed, delete phrases pertaining to improper patient care and unsafe practice on page 20 paragraph 4 in the standard stipulation language, and access to drugs allowed. If not signed within 30 days, issue a Complaint and Notice of Hearing.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

The meeting recessed at 2:37 p.m. and reconvened at 2:53 p.m.

II.G. Hearing Department Investigative Reports

II.G.1. Brian Michel Steffe RN127702 Zack/Barber

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

Zack addressed the Board with a brief overview of changes made in the new Complaint and Notice of Hearing.

Attorney D. Jay Ryan was present and addressed the Board.

Busby moved, Scott seconded, and after discussion, it was unanimously carried to issue Complaint and Notice of Hearing, revised to eliminate all allegations without prejudice, except for the medical,

psychological and physical impairment and the related statutes and rules; and the privilege to practice is revoked for medical cause.

	VOTE	<u>Johnson,</u> <u>Patricia</u> Member	<u>Gutierrez,</u> <u>Lori</u> Member	<u>Gum,</u> <u>Gary</u> Member	<u>Scott,</u> <u>Kathy</u> Secretary	<u>Malloch,</u> <u>Kathy</u> President	<u>Link,</u> <u>Denise</u> Vice Pres	<u>Perry,</u> <u>Hunter</u> Member	<u>Berrigan,</u> <u>Terri</u> Member	<u>Busby,</u> <u>Kathryn</u> Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

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. Erica Michelle Tooker RN155388 Midkiff

The proceeding began at 3:14 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Berrigan and Busby.

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

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

Tooker 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.

Busby moved, Scott seconded, and it was unanimously carried, based upon the information presented at this meeting and the information contained in the investigative report, the Board accept and adopt the proposed preliminary Findings of Fact and Conclusions of Law and set forth in the draft or attached to the investigative report.

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).

Busby moved, Berrigan seconded, and it was unanimously carried, based on the information presented at this meeting and the information contained in the investigative report, Findings of Fact and Conclusions of Law, make a finding that the public health, safety and welfare imperatively requires emergency action and issue an Order summarily suspending the license of Erica Michelle Tooker (RN155388) pending further hearing, which shall be promptly instituted and determined.

	VOTE	<u>Johnson,</u> <u>Patricia</u> Member	<u>Gutierrez,</u> <u>Lori</u> Member	<u>Gum,</u> <u>Gary</u> Member	<u>Scott,</u> <u>Kathy</u> Secretary	<u>Malloch,</u> <u>Kathy</u> President	<u>Link,</u> <u>Denise</u> Vice Pres	<u>Perry,</u> <u>Hunter</u> Member	<u>Berrigan,</u> <u>Terri</u> Member	<u>Busby,</u> <u>Kathryn</u> Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

It was therefore ordered that the license of Erica Michelle Tooker be suspended effective with the service of the written Order, and that Tooker 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.

VII.D.1. Discussion & Decision on the following litigation matters (Upon a majority vote of a quorum of members, the Board may hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4), to obtain legal advice, and to consult with and instruct the Board’s attorneys regarding the Board’s position in pending litigation or in settlement discussions)

VII.D.1.a. Henely v. AzBN – Maricopa Cty Superior Ct. Case No. CV2008-053094

VII.D.2. Update, Discussion & possible Decision on Request to Rescind Prior Board Decision to Consider Alternative Action on the following (Upon a majority vote of a quorum of members, the Board may hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) to obtain legal advice):

VII.D.2.a. Richard Joseph Henely – RN046579

Zack addressed the Board and stated that the Agenda item VII.D.1.a., Henley vs. AzBN, is pending in Superior Court and involves allegations of Open Meeting Law violations, which were remanded back from the Court of Appeals. Item VII.D.2.a. is the administrative disciplinary case still pending against Henely, which was stayed at the Office of Administrative Hearings (OAH) to allow the parties to litigate the Open Meeting Law violation allegations in Superior Court. Zack continued that, attorney Teresa Sanzio, who represents Henely in both actions, had made a settlement offer to settle both matters in a universal agreement.

Zack noted that she is acting as the Board’s advisor with respect to settling the civil matter, but as advocate regarding the administrative case – legal advice regarding the latter would need to come from the Solicitor General’s Office (SGO).

Attorney Teresa Sanzio was present and addressed the Board on behalf of Henely.

Zack addressed the civil matter remanded to Superior Court, which initially agreed that Henely failed to state a claim because he hadn’t alleged facts upon which a reasonable person could conclude there was a violation of the Open Meeting Law and that Henely had to at least meet a threshold burden in terms of the allegations. The Court of Appeals disagreed with the State on that issue and noted that plaintiff had met his burden, at which point the burden of proof shifted to the Board. The Court stated there was not enough evidence in the record and sent it back to Superior Court to be decided at trial, if necessary. The evidence would need to be presented by the Board, which would bear the Board’s burden to prove that it complied with the Open Meeting Law, a difficult task given the nature of Executive Sessions. Zack further stated that Executive Session minutes are scant and it would be difficult for the Board to prevail in Superior Court faced with that burden of proof. Zack stressed the expense and risks involved, including the possibility of having Henely’s attorney’s fees, and the additional risk of some or all Board members being assessed a \$500 penalty per violation. Zack urged the Board to consider the settlement agreement, which required the Board to reinstate Henely’s Letter of Concern, in the administrative matter, and required Henely to dismiss his lawsuit alleging Open Meeting Law violations, and to pay his own attorney’s fees. Zack repeated that the cost of litigating both cases would be extreme in terms of resources and AAG time, and the risks were equally high in the administrative case because there is only one witness, who is the alleged victim. Zack thought this would come down to credibility, and that many facts of the case were inconsistent with her testimony. Zack felt the case is not as strong as it could be. Zack related numerous areas that were problematic and recommended the Board accept the Settlement Agreement as presented to resolve both cases.

Busby stated that, based upon Zack’s comments, she would support the Settlement Agreement.

Scott stated she was concerned about the whole Executive Session challenge and that, essentially what Zack is saying is that, if anyone cries that an Open Meeting Law has been violated, whether they can

prove it or not, the Board is backed into a corner, which is of great concern to her. For her, that alone is a red flag because it's a significant issue and it makes her question the whole Executive Session process.

Zack responded that it is significant, but the Courts apply case law that switches the burden of proof back. It's frustrating because it's a circular impossibility. The plaintiff isn't privy to the conversation because it's confidential, but it's the law.

Scott was not convinced that the Board shouldn't try to prove that the Open Meeting Law was not violated.

Malloch stated that for the Board to acquiesce to the financial considerations rather than to the duty to protect is of great concern to her, and to dangle out a \$500 penalty against Board members is annoying, in fact. She further stated that the reason she can't support this is that the Letter of Concern says that the Board doesn't get to investigate a high risk individual who has a history of felony convictions, manufacturing meth, a schedule II drug, and this additional accusation is sexual in nature and an evaluation was never obtained. Malloch went on to say that for the Board to simply agree to a Letter of Concern, the Board has not done due diligence.

Busby noted that the Board originally voted for a Letter of Concern and the only reason it was brought back to the Board was because someone came up with a journal. The Board had all the information about Henely's past problems, and the Board had considered it at that time.

Malloch replied that the discovery of the journal further indicated problems and it can't be dismissed because it's a psychiatric patient.

Ridenour asked Zack to clarify if the patient came in later and asked to address the Board.

Zack replied that it was during the same meeting on the third day.

Ridenour clarified, for those not on the Board at the time, that a decision was made for a Letter of Concern prior to the patient arriving at the same meeting to address the Board.

Sanzio stated that the suggestion that there were felony convictions is in error. She further stated the allegations before the Board were nothing more than allegations, which were in the form of an investigative report that the Board saw on March 26, 2007, and when the patient came back two days later on March 28, 2007, the patient didn't present any new information to the Board, and that the information in the investigative report was even more detailed than what was in the patient's journal.

Malloch stated that, considering Henely's history as a whole, a settlement for a Letter of Concern is not a settlement, it's the Board not doing its job.

Sanzio stated that, regarding Henely's history, he was previously on a Consent Agreement, so the 1983 felony referenced by Malloch may have been covered during that previous probation.

Malloch replied that Henely doesn't have a clean slate and asked what would the public expect from the Board.

Zack stated that with respect to the old issues in Henely's history, the Board had already disciplined him prior to that, and with respect to any other complaints or allegations in the investigative report, she asked that the Board note whether or not they had been dismissed by the Board. Zack further stated that cases

dismissed by the Board cannot be considered in the current matter. Zack further pointed out that the Board stated that Henely had never been evaluated, but that the Board had not agreed that there was enough evidence to request an evaluation, yet there was enough evidence to order it to hearing because they weren't sure what to do. Zack stated that she believes, because of the nature of the administrative action and the evidence, or lack thereof, it's not a trade but a sound option and probably a prudent one because she doesn't feel that either case is strong. Zack further added that this was six years ago and Henely still practices. There have been two complaints against his license since then, but they are completely unrelated and are being handled separately.

Malloch replied that neither is there evidence that he's a stellar practitioner given there are two additional complaints against him since then.

Scott commented that, what it comes down to is, whether the Board is comfortable that this individual is providing safe care.

Zack replied that it also comes down to whether the allegations against him can be proven, and requested the Board look at the evidence and decide if there's enough evidence to prove it.

Malloch stated that when the Board has multiple questions about practice in other cases it asks for an expert evaluation and that hasn't been done.

Zack said that if the Board is worried about Henely's current practice, there are the two pending complaints where it can explore those avenues as well, but the Board needs to focus only on these allegations and not very old ones that he's already been disciplined for.

Busby stated, if it goes to hearing and the Board's own attorney doesn't feel, as the expert, she can prove the case, the Board should settle.

Johnson stated she was in favor of accepting the settlement.

Zack pointed out that, in the settlement agreement, there is a provision stating that the Board is not admitting to any Open Meeting Law violation.

Link stated there would be a Letter of Concern on record and there are two other complaints pending.

Solicitor General Munns stated that the other issues are only allegations and can't be considered and if it goes to hearing the only thing the Administrative Law Judge (ALJ) will be looking at is the evidence related to this case.

Scott inquired again if, at this point, there's not a way to get Henely to submit to an evaluation.

Ridenour asked Zack if that could happen if the Board paid for the evaluation.

Zack stated that, the way it currently stands, the case is pending in the Superior Court and it's stayed at the administrative level. The last thing that happened as far as the Superior Court is concerned is that it was ordered to Hearing. So it's past the investigation stage and she doesn't believe the Board can go back now and order an evaluation.

Munns stated that it's also at OAH at this point and usually, once it gets transferred there, it's done and is sent back to the Board.

Busby moved, Johnson seconded, to accept the settlement agreement. After discussion the motion carried with five in favor and three opposed.

Busby moved, Link seconded, to rescind the matter from the Office of Administrative Hearings, to dismiss the administrative complaint. The motion carried with seven in favor and one opposed.

Zack requested the document be signed by President Malloch. After discussion, Malloch complied.

VII.B. Educational Reports and Rules – Randolph

VII.B.1. Nurse Assistant Programs Approved by the Executive Director

Information was provided to the Board regarding Nurse Assistant Programs approved by the Executive Director.

VII.B.2. Glendale Community College RN Program Investigation and Site Visit Reports

Busby moved, Gum seconded, and it was unanimously carried to continue the investigation.

VII.B.3. Minimum Pediatric Competencies

Busby moved, Johnson seconded, and it was unanimously carried to adopt Minimum Pediatric Competencies.

VII.B.4. East Valley Institute of Technology LPN Program Proposal

Busby moved, Link seconded, and it was unanimously carried to grant proposal approval under the following conditions:

- The program will be on probation under the terms of their Consent Agreement signed on or about May 17, 2010.
- The program will not exceed a 1:20 full time faculty to student ratio excluding the program director.

VII.B.5. Brown-Mackie College Application for Provisional Approval

Gum recused himself to avoid the appearance of impropriety. Busby moved, Scott seconded, to grant provisional approval for admitting no more than 80 new students per calendar year every other quarter. The program shall file a report 12 months after the admission of students regarding:

- The differences between program implementation plan and actual implementation, and
- One year results of program evaluation plan

The motion carried with seven in favor and one abstained.

VII.B.6. Mesa Community College RN Refresher Program Renewal of Approval

Busby moved, Scott seconded, and it was unanimously carried to renew the approval of Mesa Community College RN Refresher Course.

VII.B.7. South Dakota State University RN Refresher Program

Busby moved, Link seconded, and it was unanimously carried to approve South Dakota State RN Refresher Course.

VII.B.8. Innovative Academic Solutions LPN Refresher Program

Link moved, Gum seconded, and it was unanimously carried to approve Innovative Academic Solutions PN Refresher Course.

VII.B.9. Pima Medical Institute Tucson Interim Report

Busby moved, Link seconded, and it was unanimously carried to continue provisional approval with a report in 6 months regarding progress on remedying potential deficiencies.

VII.B.10. Medication Assistant Language Requirements

Busby moved, Berrigan seconded, and it was unanimously carried that Certified Medication Assistant applicants who require proof of English language proficiency under ARS § 32-1650.02 shall meet the same requirements as internationally educated RNs and LPNs.

VII.B.11. Medication Assistant Course

Randolph noted a correction on page 3 of the report to add, “or designated facility RN”, to the end of the sentence, “in the interim between successful completion of the course and prior to taking and passing the exam, that the medication course graduate be able to administer selected residents under the direct supervision of instructor”. Scott requested “for Long Term Care”, be added to the title. Busby moved, Scott seconded, and it was unanimously carried to approve Medication Assistant Course for Long Term Care, as amended.

VII.B.12. New Nursing Program Administrators – Phoenix College, Maricopa Skill Center, Brown-Mackie Phoenix

Information was provided to the Board regarding the appointment of Rebecca Lorimor as program administrator for the Practical Nursing Program at Maricopa Skill Center.

VII.B.13. Carrington College FKA Apollo College

Information was provided to the Board regarding the change of name from Apollo College to Carrington College.

VII.B.14. First Quarter NCLEX Results

The First Quarter NCLEX results were provided to the Board.

VII.B.15. 2010 Statewide Educator’s Meeting Update

Information was provided to the Board regarding the upcoming Statewide Educator’s Meeting scheduled for October 7, 2010.

VII.B.16. Northern Arizona University Post-Masters FNP Program

Information was provided to the Board regarding the substantive change affecting the accredited master’s program in nursing at Northern Arizona University School of Nursing.

VII.B.17. MaricopaNursing Programs – Remedy of Potential Deficiencies

Scott recused herself to avoid the appearance of impropriety and left the meeting at 4:03 p.m. Information was provided to the Board that on June 24, 2010 and July 1, 2010 documentation was received that MaricopaNursing programs at all colleges had remedied the common deficiencies in faculty policies and curriculum.

VII.B.17.b. MaricopaNursing at GateWay Community College

Busby moved, Berrigan seconded, and it was unanimously carried to grant full approval to MaricopaNursing at GateWay Community College.

VII.B.17.a. MaricopaNursing at Mesa Community College

Busby moved, Berrigan seconded, and it was unanimously carried to grant full approval to MaricopaNursing at Mesa Community College

VII.B.17.c. MaricopaNursing at Paradise Valley Community College

Busby moved, Berrigan seconded, and it was unanimously carried to grant full approval to MaricopaNursing at Paradise Valley Community College.

VII.B.17.d. MaricopaNursing at Chandler-Gilbert Community College

Busby moved, Berrigan seconded, and it was unanimously carried to grant full approval to MaricopaNursing at Chandler Gilbert Community College.

VII.B.17.e. MaricopaNursing at Scottsdale Community College

Busby moved, Berrigan seconded, and it was unanimously carried to grant full approval to MaricopaNursing at Scottsdale Community College.

VII.B.17.f. MaricopaNursing at Phoenix College

Busby moved, Berrigan seconded, and it was unanimously carried to grant full approval to MaricopaNursing at Phoenix College.

VII.B.17.g. MaricopaNursing at Estrella Mountain Community College

Busby moved, Berrigan seconded, and it was unanimously carried to grant full approval to MaricopaNursing at Estrella Mountain College.

Scott returned to the meeting at 4:09 p.m.

VII.B.18. HNSTest RN Refresher Program

Busby moved, Scott seconded, and it was unanimously carried to deny HNSTest application for RN Refresher Program.

VII.B.19. Program Reports of Board Ordered Refresher Students

Randolph briefly summarized the background of annual meetings of refresher programs held by AzBN since 2007, and that discussions of challenges in instructing “Board ordered” refreshers. After discussion the Board directed staff, to encourage “Board ordered” refresher students to attend a structured on-ground program rather than online.

VII.B.20. Submission of Materials to Education Committee Policy Revision

Busby moved, Scott seconded, and it was unanimously carried to adopt submission of Materials to Education Committee Policy Revision.

VII.B.21. Cactus Wren Nursing Assistant Training Program Investigative Report

Busby moved, Berrigan seconded, and it was unanimously carried, based on the factual allegations and the alleged rule violations identified in the investigative report, to issue the attached Notice of Deficiency with a future site visit by Board education consultant to ensure all corrections for the Notice of Deficiency meet compliance requirements.

VII.B.22. Case Dismiss Brookline College

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

VII.B.23. Excelsior Request to Delete Pediatric Clinical Preceptorship

Busby moved, Link seconded, and it was unanimously carried to require Excelsior College to continue the pediatric clinical experience and consider the recommendations of the committee to further enhance the experience.

VII.E. Committee Reports
VII.E.2. Education – Randolph/Malloch
VII.E.2.a. Draft Minutes of June 11, 2010

Education Committee meeting draft minutes of June 11, 2010 were provided to the Board.

VII.E.2.b. Revised Committee Goals

Busby moved, Scott seconded, and it was unanimously carried to approve the revised Education Committee goals.

VII.E.2.c. Proposed Committee Members 2010-2011

Busby moved, Link seconded, and it was unanimously carried to approve recommended Education Committee Members 2010-2011.

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

VII.A. Executive Directors Report – Ridenour

VII.A.3. Draft Quarterly Report Measuring Competency with Simulation Grant – Randolph/Ridenour

Draft Quarterly Report Measuring Competency with Simulation Grant was provided to the Board. Nick DeFalco from Scottsdale Community College was present and addressed the Board.

VII.A.4. Request for Waiver of CNS Education from Ellen Schniederma – Randolph/Ridenour

Busby moved, Link seconded, and it was unanimously carried to grant Schniederma’s request to waive CNS maternal-child specific graduate education and certify as a Clinical Nurse Specialist in Maternal Child Health upon meeting all other certification requirements and waive application fee.

The meeting recessed at 4:24 p.m. and reconvened at 4:40 p.m.

VI. RN/LPN/CNA Investigative Reports

VI.I.17. Stephen Jeffrey Jakes RN155895 (Olson)

Jakes 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 a probation, including the attached stipulations. If the findings of the evaluation required by the Consent Agreement identify that respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance abuse use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length of probation will be at minimum 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson,</u> <u>Patricia</u> Member	<u>Gutierrez,</u> <u>Lori</u> Member	<u>Gum,</u> <u>Gary</u> Member	<u>Scott,</u> <u>Kathy</u> Secretary	<u>Malloch,</u> <u>Kathy</u> President	<u>Link,</u> <u>Denise</u> Vice Pres	<u>Perry,</u> <u>Hunter</u> Member	<u>Berrigan,</u> <u>Terri</u> Member	<u>Busby,</u> <u>Kathryn</u> Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.E.1. Damian R. Ball CNA1000004780 (Lester)

Busby moved, Gum 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.E.2. Raquel Casuse RN Exam (Lester)

Busby 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 licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.E.3. Jakki K. Cook CNA1000020801 (Lester)

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

VI.E.4. Angela M. Emery Enriquez CNA1000014069 (Lester)

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 issue Notice of Charges.

VI.E.5. Siarra Escobedo LP Exam (Lester)

Busby moved, Link seconded, and it was unanimously carried, upon meeting all requirements grant licensure and issue a Letter of Concern for a shoplifting offense that was designated a misdemeanor on January 24, 2005, in Maricopa County Superior Court, Arizona and for the amended charge of Reckless Driving on April 10, 2007, in Glendale Municipal Court, Arizona.

VI.E.6. Harmony H. O’Neill CNA999997613 (Lester)

Johnson moved, Scott seconded, and it was unanimously carried, to continue the investigation to allow applicant to obtain a psychological evaluation with an emphasis on substance abuse with a Board approved PhD prepared evaluator with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.E.7. Efrem L. Reed CNA Exam (Lester)

Lester addressed the Board with additional information. Gum 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 certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.E.8. Katie L. Tejada CNA1000013791 (Lester)

Lester addressed the Board with additional information. Busby moved, Gum seconded, and it was unanimously carried, to continue the investigation to allow applicant to obtain a psychological evaluation with emphasis on anger management, with a Board approved PhD prepared evaluator with expertise in

anger management, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.E.9. Deborah L. Yerge-Briggles CNA Exam (Lester)
(aka: Esparza)

Link 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.F.1. June Carson RN045510 (Monas)
(aka: Hoffman; Winkler)

Monas addressed the Board with additional information. Johnson moved, Gutierrez 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.F.2. Hannah Henegar CNA Exam (Monas)

Link moved, Gum seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny certification. The motion carried with seven in favor and one abstained.

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

Busby left the meeting at 5:02 p.m.

VI.F.5. Niki Nicole Landolfi CNA Endorsement (Monas)

Link 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.F.6. Toni Lape CNA Exam (Monas)

Link 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.F.7. Cheryl Lucona CNA Exam (Monas)

Gum 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 certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.F.8. Renata Jacqueline Nelson CNA999949901 (Monas)

Monas addressed the Board with additional information. Link moved, Gum 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 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, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.1. Glenn Scott Adams LP Exam (Olson)

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 deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.2. Tamara Lynn Attson CNA999994216 (Olson)

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

VI.I.3. Joann Collins CNA Reissuance by Exam (Olson) (Parra)

Olson addressed the Board with additional information. Link 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 re-issuance of certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.5. Sarah E. Rodriguez CNA Reissuance by Exam (Olson)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.6. Lanny Ray Gibson CNA Endorsement (Olson)

Link 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.8. Shauna R. Morendo CNA1000008265 (Olson) (aka: Gomez)

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

VI.I.9. Matthew James Norris RN129636 (Olson)

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

VI.I.10. Jaysi Lyn Romero CNA Exam (Olson) (aka: Neilson)

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 certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.11. Lynn Marie Smith Renewal CNA999950263 (Olson)

Link 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 renewal of certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.12. Kelly Jordan Sommerfeld CNA100007595 (Olson)

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

VI.I.14. Alexander David Thomas LP044056; CNA100001251 (Olson)

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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.15. Lynda Madeline Hubler CNA Endorsement (Olson)

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 certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.16. Tammy Sue Choat RN124125 (Olson)

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 suspension including the attached amended stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.I.19. Anita Belinda Williams CNA1000019612 (Olson)
(aka: Cates; Rippy)

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.J.1. Brandon Michael Hawkins CNA Exam (Parlin)

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

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.2. Bryan Anthony Nero CNA1000017463 (Parlin)

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	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.3. Carolyn Renee Escobar CNA Exam (Parlin)

Scott moved, Gum seconded, and after discussion it was unanimously carried to continue the investigation to allow applicant to obtain 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 return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.4. Christopher Oliver-Nez CNA Exam (Parlin)

Parlin addressed the Board with additional information. Johnson moved, Gutierrez seconded, and it was unanimously carried, continue the investigation to allow applicant to obtain 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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.5. Clara Jean Whatley RN143381 (Parlin)

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

VI.J.6. Daniel Lee Ladner LP028466 (Parlin)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the January 6, 2009, misdemeanor DUI conviction in Payson, Arizona and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.J.7. Demetria L. Jose CNA100004417 (Parlin)

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 issue Notice of Charges.

VI.J.8. Donna Hankins LP 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, upon meeting all requirements and signing a Consent Agreement for a \$ 250 Civil Penalty and payment of the Civil Penalty, grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.9. Heather Karlotta Pemberton RN138871 (Parlin)

Link moved, Scott seconded, and it was unanimously carried, to continue the investigation to allow applicant the opportunity to voluntarily 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 return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.10. Jermyn Jay Johnson CNA Exam (Parlin)

Johnson moved, Gutierrez seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain 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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.11. Jesus A. Ramirez CNA747598213 (Parlin)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for multiple arrests and convictions between 1991 and 2004, in Maricopa County Arizona, and for failing to report the felony charges to the Board within ten days in 2004.

VI.J.12. Lisa Lee Caicedo RN114652 (Parlin)

Scott moved, Gutierrez seconded, to continue the investigation to allow applicant to voluntarily 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 return to the Board. After discussion the motion carried with six in favor and one opposed. .

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	6	X	X	X	X	X			X	
NO	1						X			
ABSTAIN	0									
ABSENT	2							X		X

VI.J.13. Paul Donald Allen RN Endorsement (Parlin)

Link moved, GUTI seconded, and it was unanimously carried, upon meeting all requirements grant licensure and issue a Letter of Concern for the 1973 Possession of Marijuana arrest in Texas, and the 1986 misdemeanor DUI conviction and the 2005 misdemeanor Leaving the Scene of an Accident conviction, both in the State of Indiana.

VI.J.14. Sarah Aileen Stanton CNA1000012558 (Parlin)

Link moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for the September 23, 2008, DUI conviction in Marana, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.J.15. Sherree Ann Russ RN Exam (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 and payment of the Civil Penalty, grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.16. Stacy Leanne Maynard CNA Exam (Parlin)

Link 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.17. Tammy Lyn Christianson RN132358 (Parlin)

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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.18. Tammy Guadalupe James CNA Exam (Parlin)

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 and payment of the Civil Penalty, grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.J.19. Therese Jane Prado RN Endorsement (Parlin)

Scott moved, Gum seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the November 3, 2009, misdemeanor DUI conviction in Las Vegas, Nevada.

VI.J.20. Randall Lee Johnson CNA100007462 (Parlin)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X	X	X	X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	2							X		X

VI.O.1. Laura A. Baird LP018324 (Schettler)

Schettler addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for leaving a home health assignment on or about July 9, 2009, without notifying nursing supervisors at Maxim healthcare or making arrangements for nightshift replacement staff.

VI.O.5. Jane Celeste Jorgensen LP418824 (Schettler)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to ensure nursing and supervisory staff that on or about June 27, 2008, a wound VAC was ordered, had arrived and needed to be applied to patient M.D.

The Board directed staff to open a complaint against Maria Abellar, RN, Director of Nursing at East Mesa Healthcare, for inappropriate delegation and supervision and failing to ensure patient safety.

VI.O.10. Celine Tubillara Villariz RN137350 (Schettler)

Schettler addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to assess a PTT laboratory test result for patient M.S. and titrate a patient's Heparin IV rate according to order protocol, on or about February 23, 2009, while working at St. Joseph's Hospital and Medical Center.

The meeting recessed at 5:39 p.m., Wednesday, July 21, 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 8:01 a.m., Thursday, July, 22, 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
Lori Gutierrez, BS, RN-C, RAC-CT, CBN
Patricia Johnson, LPN, Member

BOARD MEMBERS ABSENT:

M. Hunter Perry, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, 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
Tammi Bymers, RN, MSN, Nurse Practice Consultant
Tim Chafey, RN, Senior Investigator
Janeen Dahn, MSN, FNP, Nurse Practice Consultant/Advanced Practice
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant
Angela Hill, RN, Nurse Practice Consultant
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Patricia Midkiff, RN, MN, Nurse Practice Consultant/CANDO
Michelle Mills, RN, MA, Nurse Practice Consultant/Monitoring
Linda Monas, Senior Investigator
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., MSN, Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Judy Pendergast, RN, JD, Nurse Practice Consultant
Mary Rappoport, RN, MN, Nurse Practice Consultant
Deborah Richards, JD, Senior Investigator
Bonnie Richter, MSW, Senior Investigator
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
V. Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:01 a.m., Thursday, July 22, 2010.

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

Malloch presided.

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

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

VI. RN/LPN/CNA Investigative Reports

VI.C.3. William Harold McGinnis RN071875; AP0366 (Dahn)

Attorney Cody Hall and McGinnis were present and available for questions. Johnson moved, Gutierrez seconded, to issue a Letter of Concern for failure to follow up on abnormal diagnostic imaging reports in or about February 2004, while working at Tatum Internal Medicine. The motion carried with seven in favor and one abstained.

VI.A.10. Mary Theresa Rebilas RN071863; LP020610 (Bymers) (aka: Major; Major-Carter)

Bymers addressed the Board with additional information. Attorney Cody Hall 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, issue a Letter of Concern for failure to report episodes of emesis, change in patient M.R.'s condition to the physician, and failure to assess/recognize a complication resulting in M.R.'s death due to aspiration on or about December 7, 2004, while employed at Evergreen Mesa Health and Rehabilitation.

VI.O.6. Amy Anita Kelty RN128247; CNA999990132 (Schettler)

An attempt was made to contact attorney Richard Strohm telephonically and a message was left indicating the Board would move ahead with the case. Schettler addressed the Board with additional information. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for requesting a nurse extern to handle medications and failing to observe the nurse extern during an IV start, on or about December 19, 2009, while working at Chandler Regional Medical Center.

VI.N.1. Vincent James Anzalaco LP036426 (Sage)

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

VI.N.2. Evelyn Olson Bardsley LP004367 (Sage)

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.N.3. Christina Griswold Dean CNA1000013212 (Sage)

Scott moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for threatening a resident that if he wasn't quiet she would place him in the alcove and then arguing with him on March 16, 2010, resulting in termination of her employment as a CNA at Silver Ridge Village in Bullhead City, Arizona.

VI.N.4. Kristie J. Ewing CNA1000012253 (Sage)

Link moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for discussing an inappropriate topic in the presence of a resident in July of 2009, and for a resident’s perception that he had been physically abused, while employed as a CNA at Archstone Care Center in Chandler, Arizona.

VI.N.5. Jennifer Lee Golightly CNA1000018904 (Sage)

Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.6. Lauren Hasselman CNA1000022337 (Sage)

Sage addressed the Board with additional information. Link moved, Gutierrez 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.7. Michaela Hibberd LP007332 (Sage)

Johnson moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for receiving two complaints of rudeness from patient’s families since the first of the year while employed as a Case Manager at HealthSouth in Tucson, Arizona.

VI.N.8. Ernestine Hoyungowa CNA999996834 (Sage)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.9. Wanda Denise Keener LP036302 (Sage) (aka: Harrison)

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 standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.10. Sharon F. Khan CNA999946884 (Sage)

Sage addressed the Board with a correction to the investigative report to delete (23) (a) under potential violations of rules on page 6. Gutierrez 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 stayed revocation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.11. Amanda Beth Kidder LP045758 (Sage)

Johnson 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 probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.12. Melissa G. Lewis CNA9999489778 (Sage)

Gum moved, Gutierrez 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.13. Kevin Joseph Milles LP043941 (Sage)

Sage addressed the Board with additional information. Johnson moved, Gum seconded, and it was unanimously carried, for complaint #1, dismiss the complaint.

Johnson moved, Gutierrez seconded, and it was unanimously carried, for complaint #2, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an indefinite suspension, including the attached stipulations. If the findings of the evaluation required by the Consent Agreement identify that respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length

of the probation will be at minimum 12 months. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.14. Lindsay Alisa Bray CNA100004442 (Sage)
 Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.N.15. Mercy Wanjiru Mwangi CNA1000014314 (Sage)
 Busby moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for providing a hot towel to a resident without an order.

VI.N.16. Amalia Rufina Outcalt CNA999998558 (Sage)
(aka: Lopez)

Outcalt was present and addressed the Board. Scott moved, Gum 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. After discussion the motion failed with six opposed and two in favor.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	2			X	X					
NO	6	X	X			X	X		X	X
ABSTAIN	0									
ABSENT	1							X		

Link moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for allegedly practicing outside her scope of practice when she assisted a resident to have an impacted bowel movement removed on or about February 17, 2010, while employed as a CNA at St. Josephs Hospital.

VI.N.17. Alimatu Pearce CNA1000018898 (Sage)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.18. Gabriela Rojas CNA1000005515 (Sage)

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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.N.19. Angela Nicole Williams LP038961 (Sage)

Johnson 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.A.2. Denna Ann Lewis Garcia RN056678 (Bymers)

Bymers 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 offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 months and on probation for 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 the information contained in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.A.3. Rodney Howard Jerew RN073447 (Bymers)

Scott moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for participating in the inappropriate handling, transporting and storing of schedule II medications by removing medications from a patient's home and providing them for redistribution to another nurse for another patient use while working at Heartland Hospice in Tucson, Arizona on or about August 14, 2008.

VI.A.4. Fritzi Redgrave RN125862 (Bymers)

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

VI.A.5. Kimberlee Gail Duncan RN054350; LP017586 (Bymers)

Busby moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for being charged with an Extreme DUI with a BAC of 0.162, on or about December 12, 2009, in Douglas, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Laws.

**VI.A.6. Kathy Jo Glenn CNA1000014818 (Bymers)
(aka: Cleveland; Wind)**

Scott moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for practicing beyond her scope of practice by administering medications including Heparin injection to a patient while

employed at Southern Arizona Veteran’s Administration Health Care System on or about February 20, 2009.

**VI.A.7. Michelle Lynette Throckmorton RN131894 (Bymers)
(aka: Hansen; Krutz)**

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.A.8. Ramona Manubag Kibler RN062310 (Bymers)

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 12 months probation including the attached stipulations amended to include: physical assessment course that incorporates critical thinking (online course through NCSBN allowed), direct supervision . If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

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

Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the conviction on November 4, 2008, of Extreme DUI in Marana Municipal Court in Marana, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.A.14. Rose Sherley St. Sauver LP045276 (Bymers)

Scott moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for taking a Benadryl, falling asleep while on duty caring for a young child on or about September 2, 2009, while employed with MGA Home Healthcare.

VI.A.15. Taryn Elizabeth Evans Dryer RN159659 (Bymers)

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 an amended Consent Agreement for 12 months stayed suspension/probation pending the completion of a psychological evaluation with 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, followed by 12 months probation, to including the attached amended stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.D.1. Lindy Barrett RN150712; LP042171 (Hill)

Barett was present and addressed the Board. Johnson moved, Malloch seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion, the motion failed with six opposed and two in favor.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	2	X				X				
NO	6		X	X	X		X		X	X
ABSTAIN	0									
ABSENT	1							X		

Busby moved, Scott seconded, to issue a Letter of Concern for dispensing medication to patient R.D. and failure to observe the five rights of medication administration upon dispensing of medication to patient R.D. against hospital policy, on or about October 8, 2009, while employed at Banner Del E. Webb Medical Center in Sun City West, Arizona. The motion carried with six in favor and two opposed.

VI.D.5. Linda Lou Reynolds RN088896 (Hill)

Reynolds 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, offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.D.4. Ralph David Moutz RN158111; LP04438; CNA999996771 (Hill)

Moutz was present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried, for complaint #1, issue a Letter of Concern for violating policy and procedures of the employer by inserting a nursing assessment note into the chart of patient J.F. on September 23, 2009, five days after the initial assessment was completed, while employed at Life Care Center in Paradise Valley in Phoenix, Arizona.

Scott moved, Johnson seconded, for complaint #2, 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. The motion carried with seven in favor and one opposed.

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

VI.D.6. Janet Carol Ware RN111422 (Hill)

Johnson moved, Gutierrez seconded, to issue an Interim Order for a substance abuse evaluation (*at the Board's expense*), with specific evaluator to be decided by Board staff, to include any additional testing deemed necessary by the evaluator. This Interim Order is for allegations of impairment on duty as exhibited by behavioral changes from normal behavior, resigned in lieu of termination for refusal to submit to an employer request for cause drug testing. To be scheduled and completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order. The motion carried with seven in favor and one opposed.

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

VI.D.7. David R. Wallace RN145925 (Hill)

Wallace was present telephonically and available for questions. Busby 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 Complaint and Notice of Hearing.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.E.10. Hussen B. Humaro CNA Exam (Lester)

Humaro was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for a misdemeanor conviction for driving under the influence (DUI) on September 3, 2009, in Maricopa County Justice Court, Arizona.

VI.F.3. Charles Byron James, Jr. CNA Exam (Monas)

Johnson moved, Gutierrez 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 five opposed and three in favor.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	3	X	X						X	
NO	5			X	X	X	X			X
ABSTAIN	0									
ABSENT	1							X		

Busby moved, Scott seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation to include 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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.F.4. Whitney Joy James CNA Exam (Monas)

Monas addressed the Board with additional information. Link 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.G.1. Priscilla M. Begay CNA288189103 (B. Nelson)

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

VI.G.2. Louis F. Dakai CNA598819504 (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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.G.3. Enika Colleen Hill CNA999951121 (B. Nelson)

Busby 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 \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.G.4. Gina M. Mendivil CNA223095803 (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 offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days issue, Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.G.5. Kyle Austin Wise CNA1000019434 (B. Nelson)

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 issue Notice of Charges.

VI.G.6. Sandra Jean Castro CNA1000009776 (B. Nelson)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.H.1. Janice Wood Nelson RN045858 (S. Nelson)

S. Nelson addressed the Board with additional information. J. Nelson 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 12 months stayed revocation/probation followed by 24 months probation including the attached. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.H.2. Robert William O'Brien RN125649 (S. Nelson)

Nelson addressed the Board with additional information, and technical corrections to the investigative report. O'Brien was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to table Agenda Item VI.H.2.

The meeting recessed at 9:48 a.m. and reconvened at 10:06 a.m.

VI.H.2. Robert William O'Brien RN125649 (S. Nelson)

Busby moved, Scott seconded, and it was unanimously carried to reopen Agenda Item VI.H.2. Nelson addressed the Board with additional information. Nelson addressed the Board with additional information to include additional Findings of Fact omitted from original investigative report submitted to the Board: Fact #2: January 7, 2010 – Respondent was arrested for assault (touch) and disorderly conduct (noise), domestic violence misdemeanors. Fact #3 February 12, 2010 – Respondent pled guilty to domestic violence disorderly conduct, class 1 misdemeanor. He was placed on probation for three years and ordered to pay fines. Fact #4 – April 9, 2010 – Respondent has an outstanding warrant for his arrest for his failure to pay fines as directed by the court. Fact #5: Respondent admitted to being an alcoholic and

relapsed. Fact #6 – Respondent had an issue related to practice – charting while working at Phoenix Baptist Hospital. Fact #7 – Respondent was terminated from St. Luke’s for poor work habits, lack of leadership and lack of team work. Johnson moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation followed by 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

VI.H.4. Cathy A. Heet RN054727 (S. Nelson)

Scott moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for failing to supervise staff that inadvertently administered H1N1 vaccines to two students without parental consent on or about October 19, 2009, while working for Pinal County Public Health Services.

Gum returned to the meeting at 10:12 a.m.

VI.H.5. Jeffrey Michael Ihlan RN159719 (S. Nelson)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for administering an H1N1 vaccine to student A. M. without parental consent on or about October 19, 2009, while working for Pinal County Public Health Services.

VI.P.2. Lecretia Renee Alexander LP028449 (Torrez)

Torrez addressed the Board with additional information, and include: Finding of Fact #3 – Change the date of class 4 Felony to March 31, 2010 and failed to notify the Board of the Felony charge within 10 days; add Fact #6 – Alexander entered a Plea of Guilty for Possession of a Forgery Device a Class 6 Undesignated Felony on July 1, 2010; and add Fact #7 – Ability to add the information regarding the sentencing for Alexander which is scheduled for July 30, 2010. Request that Alexander notify the Board of this information as soon as she knows. Alexander was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried, to continue the investigation to the September 2010 Board meeting.

VI.P.4. Christiana Lynn Interpreter RN126949 (Torrez)

Interpreter was present and addressed the Board. Busby 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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.P.5. Eileen Louise Roszizeck RN1333573; LP037150 (Torrez)

Torrez addressed the Board with additional information with the addition to Findings of Fact #2 – when respondent was at Select Hospital she was actually employed by Arizona All Medical Staffing. Scott moved, Busby seconded, to issue an Interim Order for an evaluation (*at the Board’s expense*) by

addictionologist, specifically with Steven Eickelberg, MD, to include any additional testing deemed necessary by the evaluator including hair analysis, to be scheduled and completed within 30 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order. After discussion the motion carried with five in favor and three opposed.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	5		X		X	X	X			X
NO	3	X		X					X	
ABSTAIN	0									
ABSENT	1							X		

VI.P.6. David Richard Figueroa LP043383; CNA100001353 (Torrez)

Figueroa was present and addressed the Board. Busby moved, Berrigan seconded, and it was unanimously carried, to issue a Letter of Concern for allegedly holding patient C.B. down in bed when she requested to use the bathroom on or about March 15, 2010, while employed by Delta Group Registry and assigned to work at Trillium Hospital in Mesa, Arizona.

VI.P.9. Deborah Marilyn Cheshire RN037664 (Torrez)

Torrez addressed the Board with additional information. Cheshire was present and available for questions. Dr. Kathy Lindstrom was present and addressed the Board. Busby moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.P.10. Susan Lee Westervelt RN071955 (Torrez)

Torrez addressed the Board and confirmed receipt of additional information. Westervelt was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.P.13. Marcella Lea Forman RN115572 (Torrez)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.P.15. Danielle Anna Lutz LP043460 (Torrez)

Torrez addressed the Board with additional information. Lutz was present and addressed the Board. Busby moved, Scott seconded, to issue a Letter of Concern for testing positive on a urine drug screen on or about February 3, 2010, while employed at Red Rock Correctional Center in Eloy, Arizona, and for failing to undergo a random urine drug screen requested by Board staff on or about May 3, 2010. After discussion the motion carried with five in favor and three opposed.

VI.J.15. Sherree Ann Russ RN Exam (Parlin)

Berrigan moved, Gum seconded, and it was unanimously carried to reopen Agenda Item VI.J.15. for the purpose of allowing Russ to address the Board. Gum moved, Link seconded, to reaffirm prior Board

decision to issue licensure upon meeting all requirements and signing a Consent Agreement for a \$ 250 Civil Penalty and payment of the Civil Penalty, grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure. The motion carried with seven in favor and one opposed.

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

VI.K.3. Patricia Ellen Thomas RN134005 (Pendergast)

Thomas was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for accessing a medical file without authorization while working at Mountain Vista Medical Center in Mesa, Arizona, on or about November 24, 2009.

VI.K.4. Tracey Lynn Nichols RN117462 (Pendergast)

Nichols was present and available for questions. Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for practicing beyond her scope of practice by stapling a patient’s laceration and failing to maintain an accurate medical record on or about January 15, 2010, while working at St. Joseph’s Hospital and Medical Center in Phoenix, Arizona.

VI.L.9. Kelly Lynn Williams TRN160817 (Rappoport)

Rappoport addressed the Board and confirmed receipt of additional information and noted a technical correction to the investigative report. Williams was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a substance abuse evaluation with a Board approved PhD prepared evaluator with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and return to the Board. Extend the temporary license until the September 2010 Board meeting if respondent completes the evaluation. If the evaluation is not completed the temporary license expires in 45 days and licensure is denied based upon the findings of fact and statute/rule violations identified in the investigative report.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.5. Robin Elizabeth Bull RN Exam (Richter)

Bull was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the 1999 conviction in the Circuit Court of the State of Oregon for Multnomah County, Oregon, for misdemeanor theft and for answering “no” on the application to the Board for licensure when asked if she had ever committed a felony offense.

VI.M.8. Jodi Renee Hammond RN Exam (Richter)

Hammond 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 12 months probation including the attached stipulations amended to allow night shift, to grant licensure. If not signed within 30 days, deny licensure.

	VOTE	<u>Johnson,</u> Patricia Member	<u>Gutierrez,</u> Lori Member	<u>Gum,</u> Gary Member	<u>Scott,</u> Kathy Secretary	<u>Malloch,</u> Kathy President	<u>Link,</u> Denise Vice Pres	<u>Perry,</u> Hunter Member	<u>Berrigan,</u> Terri Member	<u>Busby,</u> Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.11. Katie Lynn Inyang RN Endorsement (Richter)
(aka: Katie Lyn Ables)

Inyang was present and addressed the Board. Johnson moved, Gutierrez seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the November 22, 2000, conviction in Illinois for Possess Consume Alcohol by Minor, a misdemeanor, for the November 21, 2001, conviction in Illinois for misdemeanor Driving Under the Influence of Alcohol, and for the August 27, 2009, conviction in Iowa for Operating Vehicle While Intoxicated 1st, a misdemeanor.

VI.M.13. Sheri Lyn Loyd CNA Exam (Richter)

Loyd was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the 2007 conviction for Theft, a felony conviction, which was later designated a misdemeanor in Phoenix, Arizona

VI.M.15. Andrea Ruth McCarty CNA Exam (Richter)
(aka: Freeman)

McCarty was present and available for questions. Amanda McLaws 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 and signing a Consent Agreement for a \$ 50 Civil Penalty and payment of the Civil Penalty, grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	<u>Johnson,</u> Patricia Member	<u>Gutierrez,</u> Lori Member	<u>Gum,</u> Gary Member	<u>Scott,</u> Kathy Secretary	<u>Malloch,</u> Kathy President	<u>Link,</u> Denise Vice Pres	<u>Perry,</u> Hunter Member	<u>Berrigan,</u> Terri Member	<u>Busby,</u> Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.21. Dirk Leroy Pratt CNA Exam (Richter)

Pratt was present and available for questions. 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 \$50 Civil Penalty, grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

	VOTE	<u>Johnson,</u> Patricia Member	<u>Gutierrez,</u> Lori Member	<u>Gum,</u> Gary Member	<u>Scott,</u> Kathy Secretary	<u>Malloch,</u> Kathy President	<u>Link,</u> Denise Vice Pres	<u>Perry,</u> Hunter Member	<u>Berrigan,</u> Terri Member	<u>Busby,</u> Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.O.3. Victoria Anne Coursey RN112915 (Schettler)

Schettler addressed the Board with additional information. Coursey was present and addressed the Board. Busby moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for probation, including the attached stipulations amended to include hair analysis. If the findings of the evaluation required by the Consent Agreement

identify that respondent has a substance abuse disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance abuse use disorders. If the findings from the evaluation required by this Consent Agreement do not find respondent to have a substance abuse disorder or in need of treatment, the length of probation will be at minimum 18 months. If not signed within 30 days, issue Notice of Charges. After discussion, Busby amended the motion to include a Finding of Fact regarding a positive marijuana test and positive urine drug screen for marijuana, and include Rule R4-19-403 (18). Scott concurred. The motion carried unanimously.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.O.8. Bambi Montgomery LP031317 (Schettler)

Schettler addressed the Board with additional information. Montgomery was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to perform and document vital signs for patient M.M. during home health care visits performed in or about 2008, while employed as a home care nurse with Concentric Home Care.

VI.O.9. Josephine mere Ojameruaye RN122439 (Schettler)

Ojameruaye was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for administering Percocet to patient M.G. without a physician’s order on or about March 3, 2009, while employed at St. Joseph’s Hospital & Medical Center.

VI.Q.1. Rosenda Lugod Torcende RN078262 (Midkiff)

Torcende was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to ensure correct documentation of Lorazepam administration to resident A.G. during December 2009, and January 2010, while working at Amie Rose Assisted Living Center in Arizona that resulted in a three month probation from the Arizona Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers on May 10, 2010.

VI.O.4. Kimberly Lynn Harmon RN132318 (Schettler)

Schettler addressed the Board with additional information. Harmon was present and addressed the Board. Scott 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 Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.P.3. Wendy Sue Colt RN127758; LP039550 (Torrez)

Colt was present and addressed the Board. Johnson moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for failing to utilize the patient rights in administering medication and therefore making a serious medication error on or about October 26, 2009, and failing to administer scheduled medications on or about October 23, 2009, while employed at Banner Gateway Medical Center in Phoenix, Arizona.

VI.L.16. William Joseph Ward RN Endorsement (Rappoport)

Rappoport addressed the Board with additional information. Ward was present and addressed the Board. Link moved, Scott seconded, and it was unanimously carried, upon meeting all requirements to grant licensure, dismiss the complaint and refund \$500 Administrative Penalty to Ward.

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Chamberlain College Nursing Students regarding Board functions, policies and procedures.

The meeting recessed at 12:20 p.m. and reconvened at 1:06 p.m.

VI.C.6. Lynnette Kapusta Wright RN082538; AP0235; AP0017 (Dahn)

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

Scott returned to the meeting at 1:07 p.m.

VI.K.2. Antonia Denise Polk RN149043 (Pendergast)

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

VI.K.5. William Heath Smith RN139300 (Pendergast)

Pendergast addressed the Board with additional information. Link moved, Johnson seconded, to issue a Letter of Concern for use of marijuana and overdose of prescription drug on October 5, 2009, which resulted in hospitalization. After discussion the motion carried with five in favor and three opposed.

VI.L.1. Erin Marie Dziak LP Endorsement (Rappoport)

An attempt was made to contact Dziak telephonically and a message was left indicating the Board would move ahead with the case. Link moved, Busby seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for a misdemeanor conviction on or about August 14, 2007, for Criminal Damaging, in The Northfield Village Mayors Court in Northfield, Ohio, resulting in the Ohio Board of Nursing placing some restrictions on her initial nursing license until on or about September 2010.

**VI.L.2. Ursula Metela Thompkins RN125036 (Rappoport)
(aka: Arellano; Grafeman)**

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.L.3. Janet McGuffy ElSirgany Re-issuance RN079671; LP026003 (Rappoport)
(aka: Janet Lynne McGuffy; Janet Lynne Alcorn)**

Rappoport addressed the Board with additional information. Busby moved, Scott seconded, and it was unanimously carried, continue the investigation to allow applicant to complete a substance abuse/recovery evaluation with a Board approved PhD prepared psychologist, to include any additional testing deemed necessary by the evaluator and return to the Board.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.L.4. Jeanne Kerallah RN133941 (Rappoport)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the September 28, 2009, disciplinary action by the South Carolina Board of Nursing for a one-time medication error that occurred while working as a clinical instructor at York Technical College in York, South Carolina, which resulted in her voluntary surrender of her South Carolina nursing license on November 17, 2009.

VI.L.6. Dolores Molina RN105913 (Rappoport)

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 issue Notice of Charges.

VI.L.7. Jason Timothy Lozinski RN150622 (Rappoport)

Rappoport addressed the Board with additional information. Johnson moved, Link seconded, and it was unanimously carried, for complaint #1, based upon the findings of fact and statute/rule violations identified in the investigative report, offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

Scott moved, Link seconded, and it was unanimously carried, for complaint #2, issue a Letter of Concern for failing to complete a requested drug screen while employed by MGA Healthcare Staffing and assigned to University New Mexico Hospital in Albuquerque, New Mexico, on or about September 28, 2009.

VI.L.8. Laurie Anne Haskins RN134758; LP040032; CNA999995972 (Rappoport) (aka: Slemmer)

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.L.11. Andrew Douglas Stiegert RN160712 (Rappoport)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for pleading guilty to a misdemeanor 2009 DUI, in or about November 2009, in Milford, Ohio.

VI.L.12. Jennifer Lisa Baldenegro RN Exam (Rappoport)

Link moved, Gum seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for administering medications as a “graduate nurse” under the direction or direct supervision of a licensed registered nurse, while employed at Southern Arizona VA Medical Center in Tucson, Arizona.

VI.L.13. Sandra Kay David Re-issuance RN100893; LP032156 (Rappoport) (aka: Hoke; Halsey)

David was present telephonically and addressed the Board. Link moved, Gum seconded, and after

discussion it was unanimously carried, continue the investigation to allow applicant to obtain a neuropsychological and recovery evaluation with a Board approved PhD prepared psychologist, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 90 days and return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny licensure.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.L.14. Stephanie Minshall RN133062 (Rappoport)
(aka: Perry Minshall)

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

VI.L.15. Ashley Anne Baker RN043001 (Rappoport)
(aka: George; Schwenke)

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

VI.P.8. Kathleen Hester Herighty RN064229 (Torrez)

Torrez addressed the Board with additional information. Herighty was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.M.1. Jeanette Carol Allison CNA Endorsement (Richter)
(aka: Lampe)

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 deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.2. Tara Jamie Alwin CNA Exam (Richter)

Busby moved, Johnson seconded, upon meeting all requirements to grant certification and issue a Letter of Concern for the January 27, 2010, misdemeanor DUI conviction in Phoenix Municipal Court Arizona, and the June 22, 2005, misdemeanor conviction for 4th Degree Criminal Damage to Property and Obstruct Legal Process, misdemeanors in Anoka County 10th Judicial District Court, Minnesota. After discussion the motion carried with seven in favor and one opposed.

VI.M.3. Gloria Susan Anton RN138974 (Richter)

Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the July 08, 2007, DUI misdemeanor conviction in Tucson City Court, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.M.4. Yvonne Yvette Blanding CNA Endorsement (Richter)
(aka: Gordon)

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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.6. Ashley Rene Chase CNA Endorsement (Richter)

Berrigan moved, Gutierrez 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.7. Elijah Dale Coburn CNA Exam (Richter)

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 deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.9. Tanya Monique Hampton CNA Endorsement (Richter)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.12. Deborah Joelle Landry CNA Exam (Richter)

Johnson moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the arrests and charges from 1978 to 2000, including the conviction on August 28, 2001, in the Superior Court of California, County of Orange, for misdemeanor DUI.

VI.M.14. Jose Rosario Martinez CNA999991056 (Richter)

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 issue Notice of Charges.

VI.M.16. Christina Lee McKlveen RN Exam (Richter)
(aka: Bartek)

McKlveen was present telephonically and addressed the Board. Link moved, Gum seconded, 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 and payment of the Civil Penalty, grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure. After discussion, Link withdrew the motion. Busby moved, Scott seconded, and it was unanimously carried to grant licensure upon meeting all requirements and issue a Letter of Concern for the May 2000 arrest for theft of means of transportation and criminal damage.

VI.M.17. Emma Jean Nelson CNA Exam (Richter)

Nelson was present telephonically and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried to 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 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	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.18. Ryan Christen Olsen CNA Exam (Richter)

Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the multiple misdemeanor arrests between 1994 and 1997 in Mesa and Tempe, Arizona, and for failing to cooperate with Board staff by not returning the requested questionnaire until after the third letter of request was sent by Board staff.

VI.M.19. Harold Stevenson Plues, III CNA Exam (Richter)

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 deny certification.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.M.20. Kristin Elaine Powell TLP046335 (Richter)

Busby moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the July 06, 2000 conviction for misdemeanor Underage Possession of Alcohol and for the July 20, 2000, conviction for theft 5th degree, a misdemeanor, in Cerro Gordo Municipal Court in Mason City, Iowa.

VI.M.22. Allen Man-Cheung Tang RN040091 (Richter)

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, issue a Letter of Concern for the December 1996 felony conviction in the United States District Court, Northern District of California on a charge of perjury in San Francisco, California.

VI.M.23. Jennifer Frances Cheney Trost RN Endorsement (Richter)
(aka: Lizama; Kramer)

Busby moved, Johnson seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the September 2009, conviction for misdemeanor DUI in Sal Lake City Justice Court, Salt Lake City, Utah.

VI.M.24. Calynn Mae Westcott CNA1000016440 (Richter)

Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for the August 2008, conviction in Gilbert Municipal Court, Gilbert, Arizona for misdemeanor Person Under 21 with Spirituous Liquor in Body, the April 2009 conviction in Tempe Municipal Court, Tempe, Arizona for misdemeanor Minor Liquor Consumption convictions, and for failure to report being charged within 10 days as required.

VI.P.7. Anita Paul RN071827; LP015390 (Torrez)

Torrez addressed the Board and confirmed receipt of additional information. Busby moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.P.11. Alice Anna Boss RN129387 (Torrez)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.P.12. Gillian Elizabeth Petrie RN134580 (Torrez)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.P.14. Allison Marian Hulley RN108777 (Torrez)

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

VI.P.16. Russell James Huebner RN138242 (Torrez)

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

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

VI.P.17. Mary S. Hardy CNA069843920 (Torrez)

Torrez addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to provide a therapeutic environment for patient P.M. who was a patient during December 2005, while employed at University Medical Center in Tucson, Arizona.

VI.P.18. Susan Page Cavanary RN128269 (Torrez)

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

VI.P.19. Linda Susan Weber LP045250 (Torrez)

Torrez addressed the Board and confirmed receipt of additional information. Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for failing to follow the facility Accident and Incident reporting policy related to an incident with a resident that occurred on or about December 4, 2009, while employed at Rim Country in Payson, Arizona.

VI.P.20. Debra Lynn Tuck RN086567 (Torrez)

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.

VI.O.7. Valorie Mae Kitaj RN076431 (Schettler)

Busby moved, Johnson seconded, and it was unanimously carried, continue the investigation to allow respondent to obtain a substance abuse evaluation with 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.

	VOTE	Johnson, Patricia Member	Gutierrez, Lori Member	Gum, Gary Member	Scott, Kathy Secretary	Malloch, Kathy President	Link, Denise Vice Pres	Perry, Hunter Member	Berrigan, Terri Member	Busby, Kathryn Member
YES	8	X	X	X	X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	1							X		

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. Consent Agenda – 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. Consent Agenda - 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.

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. May 20-21, 2010 Regular Board Meeting Minutes

VII.A.1.b. May 21 and June 17, 2010 Executive Session Minutes

VII.A.1.c. June 17, 2010 Special Board Meeting

Busby moved, Berrigan seconded, and it was unanimously carried to approve minutes of May 20-21, 2010 regular Board meeting; the Executive Session minutes of May 21 and June 17, 2010; and the minutes of the June 17, 2010 special Board meeting, amended to correct technical errors.

VII.A.2. Final Survey Report from Boards of Nursing Regarding Psychological/Mental/Other Evaluations - Ridenour

Ridenour gave a brief summary of the survey responses received from Boards of Nursing regarding the statutory authority to request evaluations. Twenty-six states responded with 80% stating they have the authority to order an evaluation. Three Boards' of Nursing do not charge for evaluations and Colorado charges a \$25 renewal fee surcharge in order to pay for evaluations. The majority of states do not require the individual to pay for an evaluation. Ridenour stated that, based on the Board's direction, changes would be explored in the next legislative session to make it clear that evaluations would be at the licensee's expense.

Malloch inquired if it would be beneficial to seek another opinion from the Attorney General to see if the Board does have statutory authority. Zack responded in the negative and noted that in the past the Board was relying on the silence in that statute and the lack of any successful legal challenge. She stated that this Board was not aware if other Boards had an express provision in their statute, which means the legislature clearly intended to require that there be an expressed provision. Zack stated if it's not there, it's assumed that a Board without that language has no authority to make that Order.

Busby stated it would behoove this Board to clarify instead of waiting to see what a court might say. If it were in statute and the Board has the authority there would be no dispute.

Johnson inquired how long it would take to obtain legislative authority.

Ridenour reported that there is at least one defense attorney who has it on their website to oppose and has made contact with the Nurse's Association, requesting they oppose as well. Ridenour noted that it will be a challenge.

Zack stated that the legislature gave the authority to the Medical Board and was certain there had been opposition then as well.

Ridenour stated she has begun to work with legislative liaison, Greg Harris, based on the Board's prior direction. It is expected that Harris will report to the Board at the September 2010 Board meeting.

VII.A.5. Final Survey Report from 40 Boards of Nursing Regarding Supplemental Attorney Services for Legal Matters – Ridenour

Ridenour gave a brief overview of a survey regarding the agency appointed attorney. There is no common title for an attorney who is hired by the Board vs. using someone from the Assistant Attorney General's (AAG's) office. Ridenour reported that 36% of the states have an "Agency Attorney", and 59% do not. This subject recently originated due to a concern about who could provide advice to staff, especially once they completed their term/resigned as a Board member or staff. She stated it has since been clarified but it was still worth the Board's time to review and discuss the contents of the survey.

Malloch inquired about the advantages and disadvantages of continuing to explore the matter. She voiced concern about consistency and the changes in policy over the years she has been on the Board. She referred to Zack's comment from the previous day, that Board members could be liable for a \$500 Civil Penalty and asked if the Board needs to be represented on special matters.

Zack responded that it was possible that the statute did provide for it.

Malloch expressed a desire for this matter to be further explored. Malloch stated that her goal would be consistency and to make certain that the Board is protected. In some instances Malloch stated it appears that the AAG's report to and protect the Attorney General's Office before they protect the Board.

Ridenour responded that the AAG's represent the State.

Scott agreed and stated that from a business perspective, there is a corporate attorney looking out for the best interests of one group, in addition to working with other attorneys to obtain a well rounded view.

Busby noted that different advice and opinions can be a result of changes, which happens in all fields. She stated that the Board is an arm of the State, which means permission would be needed and additional costs incurred. Busby noted that more attorneys might simply give more opinions and more inconsistencies and questioned if it is worth pursuing.

Ridenour stated that one thing that helped her was the actual experience of other Boards that have done it, which is provided in the results of this survey.

Malloch gave several examples of inconsistent direction: three interpretations of when to recuse since she's been on the Board, and when a Board member participates in a settlement conference, should they vote when it is presented to the Board.

Busby stated when the Board is dealing with gray areas and legal issues, based on precedent or interpretation, having another attorney and another opinion doesn't make it better. Scott and Link felt it may be better.

Malloch stated she preferred an attorney who has a career history of administrative law and not just serving with several Boards.

Busby noted it is a wide range of issues they deal with and not just administrative law. She expressed concern, given the resources, the cost of attorneys and the lack of funds.

Malloch expressed interest in seeing a cost comparison for states that have outside attorneys. In some cases, she understood it may be less expensive.

Scott commented that it is uncomfortable to her when it feels like the Board is advocating for the State instead of advocating for the right things / the public. Those are the times she would like another viewpoint/ history. She noted that people come from different interests or paradigms and did not intend her comments to criticize the AAG's.

Johnson agreed that she didn't want to be in the uncomfortable position they have been put in.

Scott moved, Johnson seconded, to direct Board staff to explore the pros and cons, obtain the costs from other states, and compile information to help the Board understand the risks and benefits of having an

outside attorney. The motion carried with seven in favor and one opposed.

VII.A.6. Update: Request for Quote for Board of Nursing Evaluators – Bontrager/Smith/Ridenour

Bontrager reported that an Evaluation Committee would review all bids received and make a determination award after a three week solicitation for evaluators was complete. Bontrager stated all evaluators presently doing evaluations for this Board had been notified to submit bids. The results of those awarded would be brought to the September 2010 Board meeting.

Malloch clarified that the Board pays for all evaluations requested at this time and inquired if it would be limited to the list of awarded evaluators. Ridenour stated the Board is paying for evaluations at this time and that in the future specific names of evaluators would be requested in the motion..

VII.A.7. Proposed Revised Policy Regarding Criteria for Opening Complaints/Investigations – Grady/Smith

Grady stated the intention of the proposed revision was to utilize the investigative resources more efficiently. In going through the process of re-assigning cases, Grady noted that some of the older cases were applicant's that had never responded to deficiency notices or met the requirements to be considered for licensure. This consumed investigative time and resources on applicants that did not qualify for licensure/certification. The purpose of the policy would be to not open the investigation until the applicant has met the requirements for licensure or re-issuance of licensure.

Gutierrez inquired if schools were making students aware of licensure/certification requirements before they enroll/complete school. Randolph stated that schools are required, in their policy, to notify all perspective students of the Board requirements for licensure. Board staff checks for this on all site visits. Randolph also stated that though this is in the policies, some schools are "for profit" and will state that they can't deny a person the education even though they know that person won't be licensed/certified. She noted that there have been several complaints about schools not providing students with their policies, though Board staff does its best to insure that schools do provide the information.

Grady added that the draft policy provides for Board staff to reserve the option of going forward with an application to issue a formal denial if the offenses indicate there is evidence of a risk to the health and safety and welfare of the public.

Smith commented on the importance of allowing for Board staff to move forward on such applications. An applicant who has a serious offense and realizes the Board is serious about investigating the case before issuing a license/certificate, may decide it's not in their best interest to provide the information requested, and simply not respond to the deficiency notice. Smith further stated there are cases where Board staff would want to go forward with the investigation in order to get it on the registry or in the National Database as a result of information obtained. Smith noted that legal counsel had suggested the language on page 3, item 4.a. "such as convictions" be changed to, "including but not limited to", and that statute should be 32-1601.18.

Smith stated that, for the most part, she agrees with the proposed changes but there is a down side if staff wait for the deficiencies for licensure/certification to be met before opening an investigation. She further stated that most applicants do complete deficiencies and that it could delay an otherwise qualified applicant from obtaining license/certification. She suggested a pilot to see what the potential unintended consequences would be. The intent is not to expend resources on people who aren't qualified/or have no intentions of demonstrating qualifications, but not to hold up the process for applicants who are otherwise qualified.

Johnson moved, Berrigan seconded, and after discussion it was unanimously carried to approve the amended policy for a six month pilot program.

VII.A.8. Hearing Department Cycle Times

Smith reported that there were six 2005 cases in the Hearing Department prior to this Board meeting, four of which were on this Agenda. She stated that active negotiations were in process for the two remaining cases. If resolution could not be made, they would be scheduled for hearing.

Scott suggested a review of attorney's names to see if there is a pattern tracking percentage of cases.

Malloch asked what is a reasonable time to expect for cases in the Hearing Department and if there would always be cases 3 and 4 years old. Zack replied that interruptions for other cases keep them from moving chronologically through cases so there would usually be cases as much as 3 to 4 years out.

Scott inquired if it helps the process along if Board decisions ask for an evaluation but if the respondent fails to obtain the evaluation, the license/certificate is denied. Zack responded that it wasn't helpful since the Board decision wasn't an Order. It is only helpful if they obtain an evaluation which provides more evidence to support a denial.

Malloch asked if there were any targets to be focusing on, or if there was anything in the CORE data that indicates how the Board is doing on the target cases, based on the size of our agency. Ridenour replied that everything is buried into cycle times and can't be sorted out. She suggested that the AAG's come up with different ways they haven't thought of before. Scott encouraged focus be directed to cases that were high risk. Ridenour added that cycle times are an area of much interest to the auditor's.

Ridenour suggested that she and the AAG's bring some new ideas to the September 2010 Board meeting. She stated that new ideas would be helpful if received prior to the auditor's report, concluding on August 13, 2010.

Ridenour commented that it's been a challenge in the Hearing Department due to understaffing as a result of illnesses, maternity leaves, and the 6-12 months it takes to get an AAG position filled. Ridenour further stated that the understaffing may not improve due to budget issues and difficulties in obtaining permission to fill positions. She noted that everything possible needs to be done to preserve and support the present AAG's.

VII.A.9. Arizona Workforce Data Sample January 1, 2009 – June 28, 2010 - Ridenour

Arizona Workforce Data Sample January 1, 2009 – June 28, 2010 was provided to the Board for review and discussion. The Board commented that the largest percentage of nurses were between the ages of 50 and 59.

Link left the meeting at 2:59 p.m. and returned at 3:03 p.m.

VII.A.10. Proposed New Policy: Action in Another Jurisdiction – Grady/Smith

After discussion, Scott moved, Gum seconded, and it was unanimously carried to approve the policy for Action in another Jurisdiction.

VII.D. A.A.G. Report – Zack

VII.D.1. Discussion & Decision on the following litigation matters (Upon a majority vote of a quorum of members, the Board may hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4), to obtain legal advice, and to consult with and instruct the Board’s attorneys regarding the Board’s position in pending litigation or in settlement discussions)

VII.D.1.b. Slusser & West v. AzBN, et al. – Maricopa Cty Superior Ct, Case No. LC2010-000300

Zack updated the Board that at the May 2010 Board meeting the motion to dismiss was pending for *Slusser & West v. AzBN, et al.* She reported that a reply was submitted on July 9, 2010, and the Court issued a ruling that the Board prevailed and the case was dismissed.

VII.D.3. Update: Criminal Cases Subject to Board’s Felony Bar Statute – Zack/Zimmerman/Campbell/Mamaluy

At the May 2010 Board meeting, Zack provided the Board with a memo discussing the reasons for adopting the new interpretation of the *Beren* case, and asking the Board to no longer apply *Beren* to undesignated offenses, but to apply the criminal statute that requires that all undesignated offenses be treated as felonies for all purposes until otherwise designated by the court. Zack provided answers to questions posed by the Board at the May meeting, including how other State agencies that have felony bar statutes interpret *Beren*. Zack reported that the only other Arizona licensing Board with a felony bar statute was Massage Therapists, which was given the same advice this Board was given, and it had adopted it without dispute and is now treating all undesignated offenses as felonies. Zack further reported that the Registrar of Contractors and Respiratory Therapists also treat undesignated offenses as felonies, although neither has a statute barring licensees with convictions. No other Boards have addressed the issue or been advised because they have no statutory bar. Zack advised the Board that, if adopted, it should go into effect immediately. Zack also provided the Board with a list of Arizona Class 6 Felonies that are subject to be undesignated by a Court, and noting that many are offenses often seen by the Board.

Ridenour stated that, if adopted, the change in policy would be placed on the webpage to inform the public.

There was further discussion regarding the effective date and it was decided that only offenses committed after this date should be treated as felonies.

After discussion Scott moved, Gum seconded, and it was unanimously carried, that for purposes of the Nursing Board’s felony bar statutes, A.R.S. Sections 32-1606(B)(17) and 1646(B), the commission of any felony offense on or after July 23, 2010, which results in a conviction of an undesignated offense, shall be treated by the Board as a felony “until such time as the court may actually enter an order designating the offense a misdemeanor” pursuant to A.R.S. Section 13-604(A).

VII.D.4. Discussion & Decision Regarding Settlement Conference Procedures (Upon a majority vote of a quorum of members, the Board may hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) to obtain legal advice) - Campbell

Berrigan moved, Johnson seconded, and it was unanimously carried to go into Executive Session on Agenda Item VII.D.4. for the purpose of obtaining legal advice. Executive Session convened at 3:53 p.m. and adjourned at 4:14 p.m.

The meeting recessed at 4:15 p.m. and reconvened at 4:19 p.m.

VII.D.4. Discussion & Decision Regarding Settlement Conference Procedures - Campbell
 Gum moved, Link seconded, and it was unanimously carried to revise the policy regarding Settlement Conference Procedures and return it to the September 2010 Board meeting.

VI. RN/LPN/CNA Investigative Reports

VII.I.15. Lynda Madeline Hubler CNA Endorsement (Olson)

Link moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VII.I.15. for the purpose of allowing Hubler to address the Board. Olson addressed the Board with additional information. Hubler was present and addressed the Board. Gum moved, Berrigan seconded, and it was unanimously carried to reaffirm prior Board decision to deny certification.

	VOTE	<u>Johnson, Patricia</u> Member	<u>Gutierrez, Lori</u> Member	<u>Gum, Gary</u> Member	<u>Scott, Kathy</u> Secretary	<u>Malloch, Kathy</u> President	<u>Link, Denise</u> Vice Pres	<u>Perry, Hunter</u> Member	<u>Berrigan, Terri</u> Member	<u>Busby, Kathryn</u> Member
YES	6	X	X	X		X	X		X	
NO	0									
ABSTAIN	0									
ABSENT	3				X			X		X

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

VII.C. President’s Report – Malloch

VII.C.1. 2010 NCSBN Delegate Assembly Recommendations: Mission, Vision & Value Statements – Malloch

2010 NCSBN Delegate Assembly recommendations: Mission, Vision & Value Statements were provided to the Board.

VII.C.2. Update on Board Appointments - Ridenour

Ridenour stated there were no updates on Board appointments at this time.

VII.C.3. Debriefing on Board Processes & Suggested Changes - All

The Board and staff discussed Board processes and changes for this meeting.

VII.E. Committee Reports

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

VII.E.1.a. Draft Minutes June 1, 2010

Scope of Practice Committee meeting draft minutes of June 1, 2010 were provided to the Board.

VII.E.1.b. Draft Advisory Opinion (AO) Intrauterine/Intracervical Insemination

Link moved, Gum seconded, and it was unanimously carried to approve the advisory opinion on Intrauterine/Intracervical Insemination.

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. Adjourment

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

The meeting adjourned at 4:34 p.m., Thursday, July 22, 2010.

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