

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:04 a.m., Monday, November 29, 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
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
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 8:04 a.m., Monday, November 29, 2010.

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

Malloch presided.

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

VI.I.15. Mark William Burns RN059091; AP1901; AP2684 (Olson)

Olson addressed the Board and confirmed receipt of additional information. Burns was present and available for questions. Attorney Mike Bailey was present and addressed the Board. Busby moved, Perry seconded, to dismiss the complaint. The motion carried with eight if favor and one abstained.

VI.L.3. Julie Ann Olson RN119751; CNA999989577 (Rappoport) (aka: Cosper)

Attorney Brad Gardner was present and addressed the Board. Olson was present and available for questions. Johnson moved, Link seconded, to dismiss the complaint. After discussion the motion carried with five in favor and four opposed.

VI.L.4. Richard Joseph Henley RN046579 (Rappoport)

Rappoport addressed the Board with additional information. Attorney Teressa Sanzio was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to dismiss complaint #1, and based upon the findings of fact and statute/rule violations identified in the investigative report, and accept the signed Consent Agreement for a Decree of Censure for complaint #2.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.K.1. Lisa Marie Luick RN136448 (Pendergast)

Attorney Denise Bainton and Luick were present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.K.2. Rachael Suzanne Whiteside RN140671 (Pendergast)

Attorney Denise Bainton and Whiteside were present and available for questions. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.K.3. Randall Mason Peterson RN056028 (Pendergast)

Pendergast addressed the Board with additional information. Attorney Kelly McDonald was present and addressed the Board. Peterson was present and available for questions. Scott moved, Gutierrez seconded, and after discussion it was unanimously carried to issue a Letter of Concern for the medication errors on December 5, 2009, at Los Niños Hospital while serving as the clinical instructor for the Glendale Community College in Glendale, Arizona.

VI.K.4. Jane Elizabeth Hicks RN143070; LP039707 (Pendergast)

Pendergast addressed the Board with additional information. Attorney Kelly McDonald was present and addressed the Board. Hicks was present and available for questions. Johnson moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for multiple errors in the preparation, administration and documentations of methadone doses made on or about October 27, 2009, to on or about December 22, 2009, while working at Behavioral Awareness Center in Tucson, Arizona.

VI.K.5. Barbara Jean Neilson RN144498 (Pendergast)

Attorney Scott King was present and addressed the Board. Neilson 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, offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue Notice of Charges. After discussion the motion carried with eight 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	8		X	X	X	X	X	X	X	X
NO	1	X								
ABSTAIN	0									
ABSENT	0									

VI.D.3. Patricia Holly Dove RN152700; CNA99999881 (Hill)

Attorney Scott King was present and addressed the Board. Dove was present and available for questions. Busby moved, Link seconded, and after discussion it was unanimously carried, based on the facts described in the investigative report and with reasonable cause, to issue an Interim Order for a psychiatric evaluation at the Board's expense, to be completed by Dr. Mary Desch and to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 30 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Complaint and Notice of Hearing.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.D.4. Diane Mabry Hanson RN059156; LP019477 (Hill)

Attorney Brad Gardner was present and addressed the Board. Johnson moved, Gum seconded, and after discussion it was unanimously carried to issue a Letter of Concern for taking Xanax while at work and leaving her shift without giving report on November 30, 2009, while employed at Banner Baywood Heart Hospital in Mesa, Arizona.

VI.D.5. Lorraine Kathleen Harker RN153660; LP043908; CNA1000007735 (Hill)

Attorney David Black was present and addressed the Board. Harker was present 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, offer a Consent Agreement for 12 months stayed suspension/probation to include the attached stipulations, to be followed by 24 months standard probation to include 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

**V.F.1. Deonna Michelle Chapman RN138592; LP038614; CNA280522803 (Midkiff)
(aka: Devault)**

Midkiff addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to table Agenda Item V.F.1.

VI.O.1. Madelein Ellis RN151169 (Schettler)

Attorney Anne Fulton was present and addressed the Board. Ellis was present and available for questions. Busby moved, Berrigan seconded, and it was unanimously carried to dismiss the complaint.

The Board directed staff to send a letter expressing the Board’s reservations and concerns, to the facility involved in Agenda Item VI.O.1.

VI.O.4. Mira Alva Alingig Heath RN129082 (Schettler)

Attorney Ken Baker and Heath were present and addressed the Board. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to obtain a physician’s order prior to twice administering morphine 4 mg IV to patient H.S., on or about October 04, 2009, while employed at University Physician’s Hospital in Tucson, Arizona.

VI.O.6. Valorie Mae Kitaj RN076431 (Schettler)

Attorney Teresa Sanzio was present and addressed the Board. Johnson moved, Busby 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 to include a substance abuse evaluation by a Board approved addictionologist with expertise in the evaluation and treatment of chronic pain, to be completed within 30 days and to include the attached stipulations. If not signed within 30 days, issue Notice of Charges. After discussion the motion failed with seven 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	7		X	X	X	X	X	X	X	
ABSTAIN	0									
ABSENT	0									

Scott moved, Gutierrez 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. The motion carried with eight 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	8	X	X	X	X	X	X	X	X	
NO	1									X
ABSTAIN	0									
ABSENT	0									

VI.P.17. Stephen Howe RN039660 (Torrez)

Attorney Rae Richardson and Howe were present and available for questions. Link moved, Scott seconded, and it was unanimously carried to dismiss the complaint.

VI.A.3. Justin Max Dubin RN159145 (Bymers)

Bymers addressed the Board with additional information. Attorney Kelly McDonald was present and addressed the Board. Dubin was present and available for questions. Busby moved, Link seconded, and after discussion it was unanimously carried to issue a Letter of Concern for providing inappropriate information to a vulnerable patient on or about April 29, 2010, resulting in termination from Banner Thunderbird Medical Center on May 10, 2010.

VI.F.11. Lajuane Edward Rutherford TRN162498 (expired) (Monas)

Monas addressed the Board with information that Rutherford’s attorney was not able to be at the meeting until later in the day. Busby moved, Berrigan seconded, and it was unanimously carried to table Agenda Item VI.F.11.

VI.F.12. Lisa K. Scarbeary TRN161148 (expired) (Monas)

An attempt was made to contact attorney Melanie Balestra telephonically and a message was left indicating the Board would move ahead with the case. Scarbeary 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 deny licensure. After discussion the motion failed with seven opposed and two in favor.

	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	2			X	X					
NO	7	X	X			X	X	X	X	X
ABSTAIN	0									
ABSENT	0									

Link moved, Busby seconded, and it was unanimously carried to table Agenda Item VI.F.12.

The meeting recessed at 9:43 a.m. and reconvened at 9:55 a.m.

VI.F.12. Lisa K. Scarbeary TRN161148 (expired) (Monas)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item VI.F.12. Attorney Melanie Balestra was present telephonically 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 a stayed revocation/suspension with the attached stipulations, grant licensure. If not signed within 30 days, deny licensure.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.B.1. Elizabeth Adrienne Short LP043305; CNA1000010475 (Chafey)

Attorney Steve Weiss was present telephonically and addressed the Board. Short was also 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, issue a Letter of Concern.

VI.J.1. Amy Beth Shelton RN147219 (Parlin)

Attorney Amanda Damianakos was present and addressed the Board. Shelton was present and available for questions. Busby moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for the March 10, 2008, CPS substantiated finding of neglect, for the August 14, 2009, arrest

for domestic violence assault, both in Tucson, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.C.1. Charla Marcrina Barrick RN152758; AP3134 (Dahn)

Dahn addressed the Board with additional information. Joe Carlin and Barrick were present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to accurately document a physical examination on or about August 24, 2009, while employed at Arizona Pain Specialist in Scottsdale, Arizona.

VI.C.2. Terry Surma Hilger RN054601; AP0056 (Dahn)

Dahn addressed the Board with additional information. Complainant Lenore Arnold was present and addressed the Board. Hilger was also present and addressed the Board. Johnson moved, Gum seconded, and it was unanimously carried to dismiss complaint #1.

Johnson moved, Scott seconded, and it was unanimously carried, for complaint #2, to issue a Letter of Concern for failing to maintain professional boundaries between personal and professional issues with her patients from in or about 2007-2010.

VI.C.3. Loretta Jo Nevarez-Kells RN047854; AP0192 (Dahn)

Attorney Arly Richau and Nevarez-Kells were present and addressed the Board. 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 18 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

Busby left the meeting at 10:52 a.m.

**VI.H.11. Veda Bonita Woods RN113744; LP034825; CNA081918263 (S. Nelson)
(aka: Underwood)**

Attorney Scott King and Woods were present and addressed the Board. Scott moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for performing a wound debridement on patient L.P., without a physician’s order on or about August 4, 2009, while working at Hospice of Arizona.

**VI.H.2. Kathy Cooper RN134587 (S. Nelson)
(aka: Kass; Resch)**

Nelson addressed the Board with additional information. Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an indefinite suspension pending an evaluation and completion of acute treatment recommendations resulting from the evaluation, confirmation that respondent is safe to return to nursing practice and completion of a skills competency evaluation and return to the Board to determine license status which may include continued suspension or continued monitoring, with an addition to the stipulations to include the evaluation to be performed by a psychiatrist with expertise in substance abuse. If not signed in 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

After discussion, Link amended the motion to read: based upon the findings of fact and statute/rule violations identified in the investigative report, offer Consent Agreement for an indefinite suspension pending an evaluation and completion of acute treatment recommendations resulting from the evaluation, confirmation that respondent is safe to return to nursing practice and completion of skills competency evaluation and return to the Board to determine license status which may include continued suspension or continued monitoring, with an addition to the stipulations to include the evaluation be performed by a psychiatrist with expertise in substance abuse. If not signed within 15 days, issue Complaint and Notice of Hearing. Berrigan 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

IX. Dialogue with Nursing Students

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

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Rose Ann Mullany RN085183 (Rappoport)

Rappoport addressed the Board with additional information. Mullany was present and available for questions. Scott moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, and upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation/probation followed by 24 months standard probation and including the attached stipulations, grant temporary licensure for RN Refresher Course only. Upon successful completion of RN Refresher Course, grant RN license under applicable terms. If not signed within 30 days, deny renewal 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. Non-Compliance/Compliance with Board Orders

V.C.5. Bethany A. Downing RN161114 (Bymers)

Bymers addressed the Board and confirmed receipt of additional information. Downing 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 6 months stayed revocation/probation followed by 12 months standard probation, including the attached stipulations amended to include: relapse prevention evaluation at 12 months and monthly drug screens for 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

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

V.D.1. Emilia Banuelos LP040527 (Hurtado)

Banuelos was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried to deny termination of probation and approve request to amend Consent Agreement and Order No. 0704028 to allow Banuelos to work up to 92 hours per 14 day period, the ability to work any shift, and practice under on-site supervision, and if no evidence of noncompliance, terminate probation after completion of the remaining two months of documented nursing employment.

V.D.2. Allison M. DiCola RN162914 (Hurtado)

DiCola was present and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried to approve request for DiCola to complete the terms of Consent Agreement and Order No. 0905115 in Ohio with written approval from the Ohio Board of Nursing.

V.D.3. Sylvia R. Ebuon RN088219 (Hurtado)

Ebuon 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, offer a Consent Agreement for 36 months stayed revocation/probation to include 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. RN/LPN/CNA Investigative Reports

VI.M.1. Autumn Porsha Beckford CNA Exam (Richter)

Beckford was present and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried, upon meeting all requirements grant certification and issue a Letter of Concern for the March 2007 conviction in Glendale Municipal Court for Assault/Domestic Violence, a misdemeanor, for the June 2008 conviction in Phoenix Municipal Court for DUI, a misdemeanor, and for the April 2008 conviction in Maricopa County Superior Court for Aggravated Assault, a class 1 misdemeanor.

VI.M.3. Alexis Cynthia Bonham RN Endorsement (Richter)

Bonham was present and available for questions. Johnson moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty 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	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.M.11. Jay Joseph Hutchins LP Endorsement (Richter)

Hutchins was present and addressed the Board. Gutierrez moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with emphasis on anger and substance abuse issues 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 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.M.17. Monica McGlothlin RN Exam (Richter)

McGlothlin 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 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	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.M.18. Tammy Rae McGowan CNA Exam (Richter)

(aka: Smoot; Mattix; Fraus)

McGowan was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the 1994 conviction in Phoenix Municipal Court for misdemeanor DUI and for the 2004 conviction in Glendale Municipal Court for misdemeanor Extreme DUI.

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Rose Ann Mullany RN085183 (Rappoport)

Perry moved, Link seconded, and it was unanimously carried to reopen Agenda Item V.B.1. Rappoport addressed the Board with additional information. Scott moved, Berrigan seconded, and it was unanimously carried to amend prior Board decision stipulations to include that Mullany may continue with her present licensed psychologist, Dr. Frier, 2 times per month to continue her 12 step program in lieu of nurse recovery group, and allowed to work night shift under direct supervision for the 12 months of stayed revocation/probation period, the first 12 months of standard probation, and on site supervision for the following 12 months of standard 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. RN/LPN/CNA Investigative Reports

VI.B.2. Harold Thomas St.Clair, Jr. CNA Exam (reissuance) (Chafey)

Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, 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	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.B.3. Mary A. Heeg LP034729; CNA815574277 (Chafey)

(aka: Miller)

Scott moved, Berrigan seconded, and after discussion it was unanimously carried to issue a Letter of Concern for removing and then returning an unknown quantity of oral antibiotics from a discard pile for personal use while on duty at La Colina Health Care Center on March 19, 2009.

The meeting recessed at 11:57 a.m. and reconvened at 12:48 p.m.

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

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

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

III.B. 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. September 22-23, 2010 Regular Board Meeting Minutes

VII.A.1.b. September 22, 2010 Executive Session Minutes

VII.A.1.c. October 29, 2010 Special Board Meeting

Johnson moved, Berrigan seconded, and it was unanimously carried to approve minutes of September 22-23, 2010 regular Board meeting, September 22, 2010 Executive Session, and October 29, 2010 special Board meeting.

Link returned to the meeting at 12:51 p.m.

VI. RN/LPN/CNA Investigative Reports

VI.M.2. Rufena Ann Begay CNA Renewal by Exam (Richter)

Johnson moved, Scott seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny renewal of 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

VI.M.4. Ramona Christine Butler CNA Exam (Richter)
(aka: Easley)

Perry 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	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.M.5. Jami Marie Cornejo CNA Exam (Richter)

Johnson moved, Gutierrez 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 \$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. 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

Perry 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.M.6. Roberta Analita Cruz CNA999996389 (Richter)

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 \$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.M.7. Charles Franklin Gloster RN Endorsement (Richter)

Perry moved, Berrigan seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for multiple misdemeanor conviction in Lowndes County, Georgia between August 1999 and June 2001.

VI.M.8. David Lawrence Guyer, II CNA Exam (Richter)

Gutierrez 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. Tinna Kay Hargarten CNA Exam (Richter)
(aka: Schmid; Leduc; Paaso)**

Hargarten was present telephonically and addressed the Board. Johnson moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, 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.10. Angel Latoya Hursey CNA999996377 (Richter)

Link moved, Gum seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with emphasis on substance abuse with a Board approved 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.13. Carma Jo Johnson RN Endorsement (Richter)

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

	VOTE	Johnson, Patricia Member	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.14. Annette Jones CNA Exam (Richter)
(aka: Slaughter; Hudson)

Berrigan 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.15. Travis William Kear CNA Exam (Richter)

Link moved, Scott seconded, and it was unanimously carried, upon meeting all requirements, grant certification and issue a Letter of Concern for the April 1994 Petty Theft conviction in North Glenn Municipal Court (Colorado), for convictions in April 1998 (Aurora County, Colorado) and in February 2000 (Arapahoe County, Colorado) for Driving Under Revoked License, a class 1 misdemeanor and for failing to cooperate with the Board investigation.

VI.M.16. Adonis Christian Lee RN Exam (Richter)

Johnson recused herself to avoid the appearance of impropriety. Link 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 \$250 Civil Penalty and payment of the Civil Penalty, 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	7		X	X	X	X	X	X	X	
NO	0									
ABSTAIN	1	X								
ABSENT	1									X

VI.M.19. Yesenia Salcido CNA Exam (Richter)
(aka: Teruel)

Link moved, Perry seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, 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.20. Gary George Serago RN Exam (Richter)

Johnson moved, Link seconded, and it was unanimously carried, upon meeting all requirements, grant licensure and issue a Letter of Concern for the May 2009, conviction for DUI in Paradise Valley Municipal Court.

VI.M.21. Patrick Leewayne Walker CNA Exam (Richter)

Walker was present and addressed the Board. Scott moved, Berrigan seconded, and after discussion it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with emphasis on substance abuse with a Board approved 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.22. Reba Kay Williams CNA Exam (Richter)
(aka: Griffiths)**

Gum moved, Perry 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

Johnson 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 \$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. 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.I.1. Deloros Burke CNA Exam (Olson)
(aka: Henderson; Thomas)**

Perry 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.I.2. Bianca Briann Burkhardt CNA1000013677 (Olson)

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days 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.I.3. Crystal Lynn Cagle CNA Exam (reissuance) (Olson)

Scott moved, Berrigan seconded, and it was unanimously carried 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, 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	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

VI.I.4. Patti Jane Chavez CNA999991634 (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.5. Crystal Gail Dale CNA Exam (Olson)

Olson addressed the Board and confirmed receipt of additional information. Link moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all certification requirements, 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.I.6. John Vincent Ehlers RN098283 (Olson)

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

**VI.I.7. Stephanie Lynn Galberth CNA Exam (Olson)
(aka: Galbreth)**

Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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.I.8. Albert John Garcia CNA Exam (Olson)
(aka: Albert J. Garcia, Sr.)

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.I.9. Wayne Arthur Hays CNA Exam (Olson)

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, 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.I.10. Barry Dale Hicks LP042063 (Olson)

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

VI.I.11. Elaine Curtis Navarrette CNA Exam (Olson)

Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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.I.12. Rhonda Kay Pennington CNA Endorsement (Olson)
(aka: Cockerham)

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.I.13. Dalia Fayza Peter CNA Exam (Olson)
(aka: Dalia Geek Peter; Dalia Greek Peter; Octavia Brown)

Perry 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.I.14. Dulce Carolina Wegleitner CNA Exam (Olson)
(aka: Zapien; Perez)

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.A.1. Kathleen ErinComas LP038743 (Bymers)

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

VI.A.2. Rebekah Anne Nuffer LP044628; CNA999992407 (Bymers)

Bymers addressed the Board with additional information. Nuffer was present and addressed the Board. Scott moved, Johnson seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a 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.4. Kelly Michelle Duvall LP042497; CNA1000008503 (Bymers)

Berrigan moved, Perry seconded, and it was unanimously carried to issue a Letter of Concern for failing to remove the correct medication from the Narcotic box and dispense the wrong medication to the nurse, on or about March 26, 2009.

VI.A.5. Evelyn Patricia Monreal LP033471 (Bymers)

Johnson moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for failing to properly verify a narcotic medication, signed out and given to a patient as the correct medication ordered, resulting in an allergic reaction to the patient requiring Benadryl, on or about March 26, 2009.

The meeting recessed at 1:45 p.m. and reconvened at 1:53 p.m.

II.A. Administrative Law Judge (ALJ) Recommendations

II.A.1. Deborah C. Haines RN114470 Mamaluy

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

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

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Emma Mamaluy, Assistant Attorney General, represented the State.

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

Mamaluy addressed the Board.

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

Johnson moved, Perry seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 85, and Conclusions of Law the alleged violations in Paragraphs 1 through 7.

Johnson moved, Link seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to revoke professional nurse No. RN114470, previously issued to Deborah Haines.

	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

II.A.2. Erica Michelle Tooker RN155388 Zack

The proceeding began at 1:56 p.m., with the following Board members present: Malloch, Link, Johnson, Gutierrez, Gum, Perry and Berrigan.

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

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

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

Zack addressed the Board.

Perry moved, Berrigan seconded, and it was unanimously carried to table Agenda Item II.A.2.

II.A.3. Michael Peter Coon RN126513 Zimmerman

Gum recused himself to avoid the appearance of impropriety and left the meeting at 2:01 p.m.

The proceeding began at 2:01 p.m., with the following Board members present: Malloch, Link, Johnson, Gutierrez, Perry and Berrigan.

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

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

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

Zimmerman addressed the Board.

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

Johnson moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 70, and Conclusions of Law the alleged violations in Paragraphs 1 through 6.

Link moved, Berrigan seconded, and it was unanimously carried to accept the Administrative Law Judge's recommendations and issue a Letter of Concern for continuing to work at Mayo Clinic in 2006, knowing that he lacked proficiency in its computer charting system.

Gum and Scott returned to the meeting at 2:05 p.m.

II.A.4. Charlotte Best RN156195 Campbell

The proceeding began at 2:05 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry and Berrigan.

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

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

Best was present and addressed the Board.

Campbell addressed the Board.

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

Johnson moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 28, and Conclusions of Law the alleged violations in Paragraphs 1 through 10.

Johnson moved, Gum seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to revoke professional nurse No. RN156195 previously issued to Charlotte Best.

	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.A.5. Lynette Porter LP040933 Campbell

The proceeding began at 2:13 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry and Berrigan.

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

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

Porter was present and addressed the Board.

Campbell addressed the Board.

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

Johnson moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 45, and Conclusions of Law the alleged violations in Paragraphs 1 through 7.

Johnson moved, Scott seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order for dismissal.

II.A.6. Bryce Garrett Merkley CNA Applicant Campbell

The proceeding began at 2:17 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry and Berrigan.

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

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

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

Campbell addressed the Board.

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

Johnson moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 8, and Conclusions of Law the alleged violations in Paragraphs 1 through 3.

Johnson moved, Scott seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to dismiss the applicant’s appeal and that prior denial of Merkley’s application for nursing assistant certification be upheld and affirmed.

	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.A.7. Aifang Shi CNA1000005894 Campbell

The proceeding began at 2:19 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry and Berrigan.

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

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

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

Campbell addressed the Board.

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

Johnson moved, Scott seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 35, and Conclusions of Law the alleged violations in Paragraphs 1 through 10.

Johnson moved, Scott seconded, and it was unanimously carried to accept the Administrative Law Judge’s recommended Order to revoke nursing assistant No. CNA1000005894 previously issued to Aifang Shi.

	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.A.2. Erica Michelle Tooker RN155388 Zack
Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item II.A.2.

The proceeding continued at 2:21 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry and Berrigan.

Zack addressed the Board with respect to Finding of Fact 26 requesting the Board adopt the fact as put forth by the ALJ with a minor modification to reflect that Tooker was the only one to have keys for the box.

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

Johnson moved, Link seconded, to accept as Findings of Fact the allegations contained in Paragraphs 1 through 33 modified to reflect amendment to 26. The motion carried with seven in favor and one abstained.

Zack addressed the Board with respect to Conclusions of Law 6-10 requesting the Board adopt the modification as put forth by the ALJ to reflect that the evidence not only shows a violation of the rules that are designated but also a violation of statutes specifically 32-1601-16(J), and 32-1601-18(J).

Johnson moved, Gum seconded to accept as Conclusions of Law the alleged violations in Paragraphs 1 through 12, modified as set forth in the State’s motion. The motion carried with seven in favor and one abstained.

Johnson moved, Link seconded, to accept the Administrative Law Judge’s recommended Order to revoke professional nurse No.RN155388 previously issued to Erica Tooker. 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

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

AGENA #	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.B.1.	Raymond Collins, Sr.	CNA100003963	Revocation	Zimmerman
II.B.2.	Linda Y. Vallejo	LP026856	Revocation	Zimmerman
II.B.3.	Ana Hilda Conlon	CNA1000005198	Revocation	Campbell
II.B.4.	David R. Wallace	RN145925	Revocation	Campbell

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman and Elizabeth Campbell, Assistant Attorney Generals, represented the State.

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

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

Gum 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.

Gum 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. Heather Lee Easterday RN137667 Campbell

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

Campbell addressed the Board.

Easterday was not present but was represented by legal counsel Christine Cassetta

Johnson moved, Gum seconded, and it was unanimously carried to grant the state’s motion for review.

Scott moved, Gum seconded, and it was unanimously carried to rescind the Board’s prior decision to offer a Consent Agreement for a Decree of Censure, and issue a Letter of Concern for failing to provide for adequate RN supervision in her absence while working at Meadow Park Care Center on or about December 23, 2008.

II.C.4. Susan Amirato Rockney LP026432 Campbell

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

Campbell addressed the Board.

Rockney was not present but was represented by legal counsel Christine Cassetta.

Scott moved, Berrigan seconded, and it was unanimously carried to grant the State’s motion for review, to rescind the Board’s prior decision to offer a Consent Agreement for 24 months probation, and accept the signed Consent Agreement for 12 months 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

II.C.2. Mona Ann Burton RN076226 Zack/Barber

Johnson recused herself to avoid the appearance of impropriety and left the meeting at 2:53 p.m.

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Zack addressed the Board.

Burton was present and available for questions. Attorney Kelly McDonald provided legal counsel and addressed the Board.

Perry moved, Scott seconded, and it was unanimously carried to rescind the Board’s decision of May 25, 2009 to offer a Consent Agreement for a Decree of Censure, and issue a Letter of Concern for failing to notify the provider, on or about February 8th and February 9th, 2008, when an Alzheimer’s resident, with cellulitis, refused to take an antibiotic prescribed to be administered every six hours.

Johnson returned to the meeting at 2:57 p.m.

II.C.3. Donna Stanisauskis RN129832 Zack/Richards

Link recused herself to avoid the appearance of impropriety and left the meeting at 2:57 p.m.

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Zack addressed the Board.

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

Link moved, Berrigan seconded, to affirm the prior decision to offer a Consent Agreement for a Decree of Censure or proceed to hearing. After discussion the motion carried with six in favor and one opposed.

	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	6	X	X	X	X	X			X	
NO	1							X		
ABSTAIN	0									
ABSENT	2						X			X

Link returned to the meeting at 3:14 p.m.

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

II.F.1. Anna Ryan Bricker RN039809; AP0002; AP0052 Campbell

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

Campbell addressed the Board.

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

Scott moved, Gum seconded, and it was unanimously carried to grant the State’s motion for review, to rescind the Board’s prior decision to offer a Consent Agreement for a Decree of Censure, and issue a Letter of Concern for failing to appropriately address the concerns of patient R.T. on or about September 4, 2008, while working at Phoenix Pain Management.

The meeting recessed at 3:29 p.m. and reconvened at 3:42 p.m.

VI. RN/LPN/CNA Investigative Reports

VI.R.2. Barbara Jean Oliver Benson RN033085; AP0160 (Dahn)

The proceeding began at 3:45 p.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry and Berrigan.

Dahn addressed the Board with additional information.

Oliver Benson was present and available for questions and was represented by legal counsel Robert Wooten who addressed the Board.

Perry moved, Berrigan seconded, and it was unanimously carried to table Agenda Item VI.R.2.

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

II.F.4. Martha Carr Oyler RN043144; AP0061 Campbell

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

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

Campbell addressed the Board.

Gum moved, Scott seconded, and it was unanimously carried to affirm the Board’s prior decision to offer a Consent Agreement for a Decree of Censure.

	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	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. Deonna Michelle Chapman RN138592; LP038614; CNA280522803 (Midkiff) (aka: Devault)

Perry moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item V.F.1. Chapman was present telephonically and available for questions. Attorney Teresa Sanzio was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 24 months stayed revocation with the license suspended for the first 12 and stayed revocation/probation the second 12 months, followed by 24 months standard probation, including the attached stipulations to include: surrender of license, AA with sponsor, drug testing 2 times per month, abstain from alcohol and unauthorized drug use, proof of prescription, one prescriber; indefinite suspension pending the outcome of the Texas State Board investigation not to exceed 12 months, and return to the Board.

	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	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	0									
ABSENT	1									X

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

VII.B. Educational Reports and Rules – Randolph

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

Nursing Assistant programs approved by the Executive Director were provided to the Board.

VII.B.2. Everest College Update on accreditation Status

Information was provided to the Board regarding Everest College and potential loss of institutional accreditation.

VII.B.3. Brown-Mackie College Tucson Provisional Approval

Gum recused himself to avoid the appearance of impropriety and left the meeting at 4:29 p.m. Jeanine Olson was present and addressed the Board. Perry moved, Scott seconded, and it was unanimously carried to grant provisional approval under the following conditions: 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

Gum returned to the meeting at 4:30 p.m.

VII.B.4. EVIT LPN Provisional Approval

Rhonda Doolen was present and addressed the Board. Perry moved, Scott seconded, and it was unanimously carried to grant provisional approval under probationary terms agreed to on or about May 17, 2010. In addition to the requirements of the terms of probation, 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

VII.B.5. Grand Canyon University NP and CNS Programs

Gum recused himself to avoid the appearance of impropriety and left the meeting at 4:32 p.m. Cheryl Roat was present and addressed the Board. Perry moved, Scott seconded, and it was unanimously carried to continue approval of the CNS, FNP and ACNP nursing programs at Grand Canyon University.

Gum returned to the meeting at 4:33 p.m.

VII.B.6. Central AZ College Application for Program Change

Perry moved, Berrigan seconded, and it was unanimously carried to approve the proposed change in program hours at Central Arizona College Nursing Program.

VII.B.7. University of AZ Application for Program Change – Direct Entry Master’s Program

Link moved, Gum seconded, and it was unanimously carried to approve the request to change current “Second Degree Accelerated BSN” track a “Masters Entry into Practice” track.

VII.B.8. ITT Tech Investigative Report

Nadia Sperry was present and addressed the Board. Perry moved, Link seconded, and it was unanimously carried to issue Notice of Deficiency for violation of R4-19-202 (A) (3), 204 (B) and 205 (C) (3) with 120 days to correct.

Perry moved, Berrigan seconded, and it was unanimously carried to open a complaint on the instructor’s license. Potential violations include R4-19-403 (16). “Removing, without authorization, any money, property or personal possessions...from an employer...” R4-19-403 (27). “Making a false or misleading statement to the Board or Board’s designee during the course of an investigation” R4-19-402 (B) (2). An RN shall “demonstrate honesty and integrity”.

VII.B.9. Mohave Community College Follow-up Investigative Report

Linda Riesdorph and Chuck Spots were present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue Notice of Deficiency for violation of R4-19-202 (A) (5) and (6) and R4-19-215 (B), (B) (1) and (B) (5) with 90 days to correct. A site visit shall be scheduled following the period of correction to verify resolution of deficiencies and program compliance with all regulations of the Board. The program shall not receive approval of any new program or any expansion of their existing program until the above deficiencies are remedied and verified by Board Staff.

VII.B.10. Follow-up Report Cactus Wren CNA Training Program

Perry moved, Berrigan seconded, and it was unanimously carried to Accept the Plan of Correction as being satisfactorily implemented and the identified deficiencies as being corrected.

VII.B.11. Follow-up Report Star Canyon CNA Training Program

Link moved, Perry seconded, and it was unanimously carried to Accept the terms of the Probation as being satisfactorily implemented and the identified deficiencies as being corrected.

VII.B.12. NCLEX Third Quarter Reports

NCLEX third quarter reports were provided to the Board.

VII.B.13. Report from Continued Competency Sub-Committee

The Continued Competency Sub-Committee Report was provided to the Board.

VII.B.14. Report of Statewide Educator’s Conference

The Statewide Educator’s Conference Report was provided to the Board.

VII.B.15. Quarterly Report, “Measuring Competency with Simulation”

The “Measuring Competency with Simulation” quarterly report was provided to the Board.

VII.B.16. Five Year Rule Review, Article 5

Link moved, Perry seconded, and it was unanimously carried to send the Five Year Rule Review, Article 5 to GERCC.

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

AGENA	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.D.1.	Hidig Nuur Abdi	CNA1000002480	Revocation	Campbell
II.D.2.	Laura May Anderson	CNA1000022128	Revocation	Campbell
II.D.3.	Tamara Lynn Attson	CNA999994216	Revocation	Campbell
II.D.4.	Vincent James Anzalaco	LP036426	Revocation	Campbell
II.D.5.	Dashiell Irene Brandt	RN049069	Revocation	Campbell
II.D.6.	Damian R. Ball	CNA1000004780	Revocation	Campbell
II.D.7.	Priscilla M. Begay	CNA288189103	Revocation	Campbell
II.D.8.	Roxanne Reekers Conlon	RN048895	Revocation	Campbell
II.D.9.	Jakki J. Cook	CNA1000020801	Revocation	Campbell
II.D.10.	Brenda Lee Goode	CNA1000012067	Revocation	Campbell
II.D.11.	Maria Gutierrez	CNA1000011519	Revocation	Campbell
II.D.12.	Laurie Anne Haskins	RN134758; LP040032	Revocation	Campbell

II.D.13.	Russell James Huebner	RN138242	Revocation	Campbell
II.D.14.	Dementria L. Jose	CNA1000004417	Revocation	Campbell
II.D.15.	Ann Marie Kelly	RN086705	Revocation	Campbell
II.D.16.	Stephen Michael Kelly	RN083407	Revocation	Zack
II.D.17.	Sharon F. Khan	CNA999946884	Revocation	Zack
II.D.18.	Jose Rosario Martinez	CNA999991056	Revocation	Zack
II.D.19.	Stephanie Lynne Minshall	RN133062	Revocation	Zack
II.D.20.	Shauna R. Monendo	CNA1000008265	Revocation	Zack
II.D.21.	Teri Ann Nelson	LP044240	Revocation	Zack
II.D.22.	Jennifer Anne Nickerson	RN126917	Revocation	Zack
II.D.23.	Matthew James Norris	RN129636	Revocation	Zack
II.D.24.	Antonia Denise Polk	RN149043	Revocation	Zack
II.D.25.	Marianito Besenio Ricafort	RN140045	Revocation	Zimmerman
II.D.26.	Michelle D. Sayer	CNA716098713	Revocation	Zimmerman
II.D.27.	Kelly Jordon Sommerfeld	CNA1000007595	Revocation	Zimmerman
II.D.28.	James Kevin Sprouse	LP041108	Revocation	Zimmerman
II.D.29.	Ursula Meleta Thompkins	RN125036	Revocation	Zimmerman
II.D.30.	Denise Van Lanen	RN108326; SN0471	Revocation	Zimmerman
II.D.31.	Anita Belinda Williams	CNA1000019612	Revocation	Zimmerman
II.D.32.	Kyle Austin Wise	CNA1000019434	Revocation	Zimmerman

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Kim Zack and Nina Zimmerman, Assistant Attorney General's, represented the State.

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

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

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

Gum moved, Perry seconded, and it was unanimously carried to accept the State's recommended discipline for Agenda Items II.D.1. through 32.

	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.11. Pauline Cake RN111837 Richards/Zimmerman

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Cake was not present but was represented by legal counsel Michael Kellis who was present and available for questions.

Scott moved, Gum seconded, and it was unanimously carried to accept counter offer reflected in the attached signed Consent Agreement for 12 months probation with stipulations in settlement of complaint No. 0906100.

	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

VI.F.11. Lajuane Edward Rutherford TRN162498 (expired) (Monas)

Perry moved, Link seconded, and it was unanimously carried to reopen Agenda Item VI.F.11. Attorney Michael Reese and Rutherford were present and addressed the Board. Scott moved, Gutierrez seconded, and it was unanimously carried to continue the investigation to allow Rutherford to obtain a psychological evaluation with emphasis on substance abuse, anger and integrity issues with a licensed psychologist to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and return to the Board. If not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny 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

Gutierrez left the meeting at 5:20 p.m. and returned at 5:22 p.m.

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

II.F.2. Tesfai Haggmana CNA999990453 Campbell

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

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

Campbell addressed the Board.

Scott moved, Gum seconded, and it was unanimously carried to rescind prior Board decision to accept the signed Consent Agreement 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

II.F.3. Karen Merle King RN106795; AP2526 Campbell

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Elizabeth Campbell, Assistant Attorney General, represented the State.

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

Campbell addressed the Board.

Johnson moved, Link seconded, and it was unanimously carried to rescind prior Board decision to accept the signed Consent Agreement for a \$500 Civil Penalty.

	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. Carolyn Dennis Abbuhl RN024917 Barber/Mamaluy

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Emma Mamaluy, Assistant Attorney General, represented the State.

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

Barber addressed the Board.

Johnson moved, Link seconded, and it was unanimously carried to rescind prior Board decision to accept the signed Consent Agreement and Order No. 0908089 for 12 months probation, with the terms as modified, as settlement in this case.

	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. Roberta Ellen Graham RN141631 Barber/Zack

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

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

Barber addressed the Board.

Perry moved, Link seconded, and after discussion it was unanimously carried rescind the Board's prior decision of July 28, 2008 to offer a Consent Agreement for a Decree of Censure, and to dismiss the complaint.

II.F.7. Osaginwen Ayiyi RN1560 Richards/Zimmerman

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

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

Richards addressed the Board.

Johnson moved, Gum seconded, and it was unanimously carried to rescind prior Board decision to accept the signed Consent Agreement for a Decree of Censure as settlement in this complaint.

	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.10. Taressa Marie Moniz LP038103 Richards/Mamaluy

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Emma Mamaluy, Assistant Attorney General, represented the State.

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

Link moved, Perry seconded, and it was unanimously carried to accept the signed Consent Agreement for a Decree of Censure and \$300 Civil Penalty.

	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. Non-Compliance/Compliance with Board Orders

V.C.4. Tonya L. Childers RN076293; LP024572 (Bymers)

Bymers addressed the Board with additional information. Childers was present and addressed the Board. 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 6 months probation with stipulations to include: ethics course and monthly employee performance evaluations. 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.C.6. Natalie M. Peguero RN139267 (Bymers)

Bymers addressed the Board with additional information. Peguero was present and addressed the Board. Johnson 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, offer a Consent Agreement for stayed revocation/indefinite suspension pending completion of chemical dependency rehabilitation program and any recommendations, followed by 12 months stayed revocation/probation, followed by 24 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	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.7. Connie M. Thompson RN080799 (Bymers)

Thompson was present and addressed the Board. Scott moved, Berrigan 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 24 months stayed suspension/probation and limited license restricting direct patient care or decisions that impact direct patient care, 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. Non-Compliance/Compliance with Board Orders

V.D.5. Miloslava Somerlik LP031393; CNA024621433 (Hurtado)

Somerlik was present and addressed the Board. Gum moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation followed by 24 months standard probation including the attached stipulations. If not signed continue current Consent Agreement and Order for indefinite suspension.

	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.D. Recommended Applicants for Licensure

IV.D.1. Karen Shelton RN Endorsement Bontrager

Shelton was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried to grant licensure that is “Valid in AZ” only when all requirements are met except the requirement to hold a diploma or degree from an approved registered nursing program.

The meeting recessed at 6:01 p.m., Monday, November 29, 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 8:00 a.m., Tuesday, November 30, 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
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
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 8:00 a.m., Tuesday, November 30, 2010.

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

Malloch presided.

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

VI. RN/LPN/CNA Investigative Reports

VI.H.8. Patricia D. Uncapher RN030356 (S. Nelson)
(aka: Seavert)

Nelson addressed the Board with additional information. Attorney Jim Goodwin was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for submitting a urine drug screen positive for phentermine without proof of prescription for its use on or about July 6, 2009, while working at Havasu Regional Medical Center in Lake Havasu, Arizona.

Busby arrived at the meeting at 8:16 a.m.

VI.P.5. Leslie Ann Timmerman RN120405 (Torrez)

Attorney Kelly McDonald was present and addressed the Board. Timmerman 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 to include the attached stipulations. If not signed within 30 days, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

	VOTE	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

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

IV.A. Lapsed Licenses & Certificate Administrative Penalty

- IV.A.1. Mary Jane Kline RN117658; CRNA0711 Rappoport**
- IV.A.2. Georgette Marlyse Amougou Afana LP046954 Rappoport**
- IV.A.3. Karen Michelle Land TRN165971 Rappoport**
(aka: Sharon; Blehm)

IV.A.4.	Christine Geffert	CNA1000017301	\$50	Driver
IV.A.5.	Kimberly DuBois	LP029883	\$100	Driver

Busby moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations and accepting the signed Consent Agreement for a \$1,000 Administrative Penalty, grant CRNA prescribing authority for Mary Jane Kline; based upon the findings of fact and statute/rule violations and accepting the signed Consent Agreement for a \$100 Administrative Penalty, grant licensure for Georgette Marlyse Amougou Afana; based upon the findings of fact and statute/rule violations and accepting the signed Consent Agreement for a \$500 Administrative Penalty, grant

licensure for Karen Michelle Land; and based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for an Administrative Penalty in the amount stated for working on an expired license/certificate, if not signed, issue Notice of Charges. Once signed, if the Administrative Penalty is not paid within 6 months of the effective date of the Order, issue Notice of Charges. Referral of the employers will be made to Department of Health Services for licensees/certificate holders working on a lapsed license/certificate for three months or greater for Agenda Items IV.A.4 and 5.

IV.B. Felony Bar Cases

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

Agenda #	Name	License/Certificate #	Staff
IV.B.1.a.	Jarhett Renard Hunt	CNA Exam	Olson
IV.B.1.b.	Rebecca Lynn Brown	RN Endorsement	Parlin

Gum moved, Perry seconded, and it was unanimously carried to adopt the attached Order of Denial for Agenda Items III.D.1.a. and b.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

IV.B.2. Felony Bar Cases

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

Agenda #	Name	License/Certificate #	Staff
IV.B.2.a.	Allan Wayne Foth	RN146861	Olson
IV.B.2.b.	Bonnie Gallegos Muckerheide	RN115153	Olson
IV.B.2.c.	Lynda Michelle Tipps (aka: Pickering)	RN123264	Olson
IV.B.2.d.	Christina Mae Valenzuela	CNA1000009740	Olson
IV.B.2.e.	Timothy Lee Boyer	RN124471	Parlin

Busby moved, Scott seconded, and unanimously carried to adopt the attached Notice of Charges for Agenda Items IV.B.2.a-e.

IV.D. Recommended Applicants for Licensure

IV.D.2. Julie Chen RN Endorsement Bontrager

Scott moved, Gum seconded, and it was unanimously carried to approve applicant to sit for NCLEX-RN exam. If applicant passes NCLEX and meets all requirements except the requirement to hold a diploma or degree from an approved RN program, issue license that is "Valid in AZ" only.

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

II.F.8. Ophelia Kay Ratcliffe LP037371 Barber/Zimmerman

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Barber addressed the Board.

Ratcliffe was present telephonically and addressed the Board.

Busby moved, Scott seconded, and it was unanimously carried to rescind prior Board decision of November 19, 2009, to offer a Consent Agreement for 12 months stayed suspension/probation, followed

by 12 months standard probation, and accept the signed Consent Agreement for 18 months practice probation with the modified attached stipulations.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

II.F.9. Dawn Michelle McNees RN125134 Richards/Mamaluy

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Emma Mamaluy, Assistant Attorney General, represented the State.

Mamaluy addressed the Board.

McNees was not present but was represented by legal counsel Daniel Rosenfield who was present telephonically and available for questions.

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for medical record documentation errors in 2006.

V.B. Applicants for Reissuance & Investigative Reports

V.B.2. Gloria Brant LP036750 (Rappoport)
(aka: Fredenthal; Stein)

Johnson moved, Gum seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, issue an Order of Denial. The motion carried with eight in favor and one abstained.

	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	8	X	X	X	X	X	X	X	X	
NO	1									
ABSTAIN	0									X
ABSENT	0									

V.B.3. Sandra Kay David RN100893 (Rappoport)

Rappoport addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report and upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation/probation followed by 24 months standard probation to include attached stipulations, grant temporary licensure for RN Refresher Course only. Upon successful completion of RN Refresher Course grant RN license under applicable terms. If not signed within 30 days, deny licensure, based upon the information contained in the investigative report.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.B.4. Clara Ann Sulenta RN108289 (Rappoport)

Rappoport addressed the Board with additional information. Busby moved, Gum seconded, and it was unanimously carried to continue the investigation and return to the January 2011 Board meeting.

V.B.7. Scott Christopher Gilman RN111097 (Rappoport)

Rappoport addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to grant request and amend Respondent's Consent Agreement No. 0802056, to allow submission of quarterly prescriptive letters from his treating prescriber.

V.B.8. Barbara Lee James RN054909 (Rappoport)
(aka: Tieke; Mass)

Busby moved, Link seconded, and it was unanimously carried to amend Consent Agreement and Order No. 0702112 entered into on March 13, 2008, to discontinue the following stipulation direct supervision, to allow Respondent to work under on-site supervision.

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

V.C.1. Charles Alan Bennett RN109600 (Rappoport)

Rappoport addressed the Board with additional information. 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 Notice of Charges.

V.C.2. Susan Renee Crawford RN115472 (Rappoport)
(aka: Kilbuny; Weatherford)

Rappoport addressed the Board with additional information and noted the deletion of finding #2. Busby moved, Link seconded, and after discussion it was unanimously carried to, based upon the findings of fact and statute/rule violations identified in the investigative report, to issue Notice of Charges as amended.

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

V.D.4. Samantha J. Ramers RN133834 (Hurtado)

Scott moved, Johnson seconded, and it was unanimously carried to approve request for Ramers to complete the terms of Consent Agreement and Order No. 1001003 in Florida with written approval from the Florida Board of Nursing.

V.D.6. Carolyn S. Williams RN116583; AP1831 (Hurtado)

Busby moved, Link seconded, and it was unanimously carried to approve request for Williams to complete the terms of Consent Agreement and Order No. 0901099 in Pennsylvania with written approval from the Pennsylvania Board of Nursing.

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

V.E.2. Jo A. Bounds RN097382; LP031052; CNA598910641 (Hurtado)

V.E.3. Carolyn L. Millsap-Smith LP033934 (Hurtado)

V.E.4. Brandy B. Page RN161073; CNA999951361 (Bymers)

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 for Agenda Items V.E.2-4.

V.E.1. Althea M. Agboola LP038729; CNA100130103 (Hurtado)

Agboola was present telephonically and addressed the Board. 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 indefinite stayed revocation/suspension, followed by 36 months stayed revocation/probation to include 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.2. Jessica Aaron Bickle LP045211 (Midkiff)

Busby 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 stayed revocation/probation the second 12 months, followed by 24 months standard probation, including the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.F.3. Rodney Moedt RN106554 (Midkiff)

Midkiff addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to approve request for Moedt to complete the terms of CANDO Stipulated Agreement in Texas with written approval from the Texas Board of Nursing.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.F.4. Ana Maria Burk RN Exam (Midkiff)

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, grant licensure and accept the 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI. RN/LPN/CNA Investigative Reports

VI.Q.1. William Howard Nobles Compact – TN151146 (Midkiff)

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.Q.2. Grace Haomi Morgan-Hubbert RN118453 (Midkiff)

Link moved, Scott seconded, and it was unanimously carried to rescind previous Interim Order and issue a Letter of Concern for testing positive in a July 3, 2007, pre-employment urine drug screen for a

medication not prescribed to her and for failing to maintain an accurate nursing record for patient S.C. on or about May 16, 2008, while employed by Scottsdale Healthcare in Scottsdale, Arizona.

VI.R.1. Deborah Lea Mackin RN107956 (Midkiff)

The proceeding began at 9:03 a.m., with the following Board members present: Malloch, Link, Scott, Johnson, Gutierrez, Gum, Perry, Berrigan and Busby.

Emma Mamaluy, Assistant Attorney General, provided legal advice.

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

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

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, Perry seconded, and it was unanimously carried, based upon the information presented at this meeting and the information contained in the investigative report, to accept and adopt the proposed preliminary Findings of Fact and Conclusions of Law of the Findings set forth in the draft Order 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, Gum seconded, and it was unanimously carried, based upon the information presented at this meeting, the information contained in the investigative report, make a finding that public health safety and welfare imperatively requires emergency action and issue the attached Order summarily suspending the license of Deborah Lea Mackin pending further hearing, which shall be promptly instituted and determined.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

It was therefore ordered that the license of Deborah Mackin be suspended effective with the service of the written Order, and that Mackin will immediately cease practice as a nurse/certified nursing assistant. 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.

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

Name	RN/LP/CNA Number	Termination Date
1. Brown, Monica L.	LP023682	11/29/2010
2. Kirkpatrick, Carrie L.	RN144135	11/29/2010
3. Taras, Christopher J.	RN094548	11/29/2010
4. Williamson, Karen K.	RN069359	11/29/2010

VI.N.2. Simmenett E. Banks CNA7507122070 (Sage)
(Simenetta E. Banks)

Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.3. John T. Brent CNA999950704 (Sage)

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 and 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.4. Adrienne Elizabeth Anne Casey CNA1000014332 (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 \$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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.5. Kristina L. Gambold CNA999948569 (Sage)

Busby moved, Berrigan seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.6. Jessica Marie Grijalva CNA1000022225 (Sage)

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.N.7. Geralny Arias Sanchez CNA1000023232 (Sage)

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for reportedly refusing to give showers on or about May 18, 2010, and being insubordinate to the charge nurse while employed as a CNA at La Solana Care Center in Douglas, Arizona.

VI.N.8. Maria Elena Portillo CNA1000020402 (Sage)

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

VI.N.9. Alonna Sue Miller LP038285 (Sage)

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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.10. Lillian M. Orduno CNA999991848 (Sage)
(aka: Carpio)

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 offer a Consent Agreement for a Decree of Censure and 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.11. Chelsea Renee Padia CNA1000023839 (Sage)

Sage addressed the Board with additional information. Busby 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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.12. Yolanda Sageman CNA566204513 (Sage)
(aka: Kimble; Velasquez)

Busby moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow respondent to undergo an evaluation for substance abuse, to include a medical exam and return to Board.

VI.N.13. Joan Annette Street CNA1000013363 (Sage)
(aka: Smith; Justice)

Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for telling a resident he was nothing but a piece of garbage on March 13, 2010, while employed as a CNA at Life Care Center of Sierra Vista, Arizona.

VI.N.14. Gregory Mansfield Upton CNA1000007029 (Sage)

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for sleeping on duty May 24, 2010, while employed on the night shift at St. Joseph’s Hospital and Medical Center in Phoenix, Arizona.

VI.N.15. Elizabeth Virginia Verheyden RN138298 (Sage)

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for allowing a CNA, trained as a phlebotomist, to draw blood, while employed as Chief Nursing Officer at Healthsouth Rehab Hospital in Scottsdale, Arizona.

VI.N.16. Cheryl Swader Miller RN80012 (Sage)

Link moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for violating infection control policies in February 2009, and failing to chart on a new patient who came in with fever and chills on September 15, 2009, while employed as an RN at Fresenius Renal Dialysis Center in Apache Junction, Arizona, and for allowing a CNA to do phlebotomies because the facility said it was permissible while employed as an LPN at Healthsouth Rehab Hospital in Scottsdale, Arizona.

VI.N.17. Cadie Maxine Cartella CNA1000017720 (Sage)

Busby moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for practicing out of her scope by drawing blood while employed as a CNA Rehab Tech at Healthsouth Rehab Hospital in Scottsdale, Arizona.

VI.N.18. Andrea L. Waddell CNA753238803 (Sage)

Sage addressed the Board with additional information. Waddell 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 stayed revocation/suspension with the attached standard stipulations to include: no CNA practice, psychological evaluation to be completed within 60 days, and comply with any and all treatment recommendations resulting from the evaluation completed within 12 months and return to the Board to determine the status of CNA certificate which could include continued monitoring under a stayed revocation. If not signed within 15 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.N.19. Brittney Lee Garrison CNA1000013172 (Sage)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for taking a medication for which she had no prescription and testing positive for Tylenol #3 on a drug screen for Mesa Community College in August 2010.

VI.N.20. Daniel Andrew Lodwig CNA1000000538 (Sage)

Sage 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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

The meeting recessed at 9:43 a.m. and reconvened at 10:02 a.m.

Busby returned to the meeting at 10:03 a.m.

VI.D.2. Anastasia L. Daly RN109974; LP034045; CNA912961010 (Hill)

Daly 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 offer a Consent Agreement for 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges. The motion carried with eight 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	8	X	X	X	X	X	X	X	X	
NO	0									
ABSTAIN	1									X
ABSENT	0									

VI.D.9. Donna Tash RN106766 (Hill)

Complainant Holly Rivers was present and addressed the Board. Gutierrez moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for administering a medication to the wrong student on January 20, 2010, while working at Sabis International School in Phoenix, Arizona.

**VI.E.2. Regina A. Dilyou CNA Exam (Lester)
(aka: Braziel; Borns)**

Dilyou was present and available for questions. Scott moved, Gum seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, deny application for certified nursing assistant certification. After discussion the motion carried with six 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	6	X	X	X	X	X	X			
NO	3							X	X	X
ABSTAIN	0									
ABSENT	0									

**VI.E.5. Tonja Myles CNA Exam (Lester)
(aka: Tonya Agar; Tammy Agar)**

Lester addressed the Board with additional information. Myles was present and available for questions. 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 Decree of Censure, 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.E.6. Melisa Palmer LP Exam (Lester)

Palmer was present and available for questions. Perry 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 24 months stayed revocation including the attached stipulations, grant licensure. If not signed within 30 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.E.10. Daryl R. Wilhelm CNA Exam (Lester)

Lester addressed the Board with additional information. Wilhelm was present and addressed the Board. Berrigan moved, Perry seconded, and it was unanimously carried to table Agenda Item VI.E.10.

VI.F.3. Michael Jeffrey Barcher TRN161529 (expired) (Monas) (aka: Smith)

Monas addressed the Board and confirmed receipt of additional information. Barcher was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.4. Gerald Douglas Blankenship RN116999 (Monas)

Blankenship 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 \$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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.5. Amanda Louise Dillon CNA Exam (Monas)

Dillon 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 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, 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.9. Scott Weslie Kyle CNA Exam (Monas)

Monas addressed the Board with additional information. Kyle was present and addressed the Board. Berrigan moved, Gutierrez seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny licensure. After discussion the motion carried with five in favor and four opposed.

	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	5	X	X			X	X		X	
NO	4			X	X			X		X
ABSTAIN	0									
ABSENT	0									

VI.F.10. Stephanie Marie Nelson RN141676 (Monas)

Monas addressed the Board with additional information. Nelson was present and addressed the Board. Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.H.6. Sonia Kulyk RN122120 (S. Nelson)

Kulyk was present and addressed the Board. Perry moved, Gum seconded, and it was unanimously carried, based upon the information in the investigative report, the Board finds reasonable cause, and orders an interim evaluation, at the Board's expense, for substance abuse with a Board approved PhD prepared evaluator, to include hair analysis and any other testing deemed necessary by the evaluator, to be completed within 45 days and return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	<u>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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

Link left the meeting at 11:01 a.m.

VI.H.12. Dawn Marie Tiernan RN153206 (S. Nelson)
(aka: Blanchard)

Nelson addressed the Board with additional information. Tiernan was present and addressed the Board. Johnson moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for improperly restraining patient T. L. on or about August 22, 2009 and August 28, 2009, while working at Hacienda Homecare in Phoenix, Arizona.

VI.H.13. Susan K. Halfpop LP009261 (S. Nelson)

Halfpop was present and available for questions. Perry moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for failing to report a nurse that restrained a patient without a physician order in or about August 2009, while working at Hacienda Healthcare in Phoenix, Arizona.

VI.H.14. Vanessa Rae Strader RN105957 (S. Nelson)

Nelson addressed the Board with additional information. Strader was present and available for questions.

Link returned to the meeting at 11:04 a.m.

Perry moved, Gum seconded, and to issue a Letter of Concern for appearing impaired while on prescription medication while on duty on or about June 10, 2009, while working at John C. Lincoln-Deer Valley in Phoenix, Arizona. The motion carried with eight in favor and one abstained.

VI.H.15. Tami Anne Eckhardt RN1211109; LP037454; CNA999991366(S. Nelson)

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

VI.J.7. Megan Eileen Smithberger RN149566 (Parlin)

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

	VOTE	Johnson, Patricia Member	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.18. Jermyn Jay Johnson CNA Exam (Parlin)

John was present and addressed the Board. Johnson moved, Scott seconded, upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation including the attached stipulations, grant certification. If not signed within 30 days, deny certification based upon the findings of fact and statute/rule violations identified in the investigative report. After discussion Johnson amended the stipulations to allow night shift. The motion carried with eight 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	8	X	X	X	X	X	X	X	X	
NO	1									X
ABSTAIN	0									
ABSENT	0									

VI.O.2. Emily Suzanne Freeman RN157783 (Schettler)

Schettler addressed the Board with additional information. Freeman was present and addressed the Board. Johnson moved, Scott seconded, to continue the investigation to allow respondent the opportunity to obtain a psychiatric evaluation with a Board approved PhD evaluator with expertise in substance abuse, to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 60 days and return to the Board. After discussion the motion carried with seven 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	7	X	X	X	X	X	X		X	
NO	2							X		X
ABSTAIN	0									
ABSENT	0									

VI.P.11. Tiffany Princesta Vincent LP 045036 (Torrez)

Vincent was present and addressed the Board. Scott moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for using threatening and profane language with employees who had worked with her at Villa Ocotillo Assisted Living in Scottsdale, Arizona on or about June 5, 2010.

VI.P.1. Julie Ann Hughes RN121518 (Torrez)

Complainant Lisa Lambert was present and addressed the Board. Hughes and Dr. Paul Montanarella were present and addressed the Board. Scott moved, Perry seconded, and after discussion it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.P.4. Virginia Inez Starr RN143748; LP038337 (Torrez)

Starr was present and available for questions. Johnson moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$500 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.P.7. Martha Elizabeth Carter RN109681 (Torrez)

Carter was present and available for questions. Perry moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.P.16. Lynette Dawn Pierson LP041676 (Torrez)

Pierson was present and available for questions. 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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.O.3. Helen Louise Harmon RN098209; LP031447 (Schettler)

Schettler addressed the Board and confirmed receipt of additional information. Harmon was present and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, to continue the investigation to allow respondent the opportunity to obtain a substance abuse evaluation with a Board 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.O.8. Ann Sells Naugle LP017292 (Schettler)

Schettler addressed the Board with additional information. Naugle was present and available for questions. Busby moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for recopying a Medication Administration Record and signing co-worker's initials on the form in or about July 2009, while employed at Plaza Healthcare in Phoenix, Arizona.

VI.K.6. John Andrew Bass RN157887; LP043971 (Pendergast)

Pendergast addressed the Board with additional information. Bass 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 suspension/probation including the attached stipulations, followed by 36 months probation with the attached stipulations to include: substance abuse evaluation to be completed within 45 days. 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.K.8. Sarah Dawn Keyes RN Exam (Pendergast)

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

VI.K.9. Barbara Louise Passaretti RN159289 (Pendergast)

Passaretti was present and addressed the Board. Scott 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 Decree of Censure. If not signed within 30 days, issue Notice of Charges. The motion carried with seven 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	7	X	X	X	X	X	X		X	
NO	2							X		X
ABSTAIN	0									
ABSENT	0									

VI.P.6. Priscilla Ann Marie Flores RN161110 (Torrez)

Flores was present and addressed the Board. Scott moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$ 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Chamberlain College and Northern Arizona University Nursing Students regarding Board functions, policies and procedures. Questions were asked on how decisions are made, advice for students and the biggest mistake new nurses make.

The meeting recessed at 12:20 p.m. and reconvened at 1:01 p.m.

Busby returned to the meeting at 1:11 p.m.

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

VII.A. Executive Directors Report – Ridenour

VII.A.8. Educational Session: Attorney Perspective on Chemically Addicted Professional – Kraig Martin

Kraig Martin provided an educational session on attorney perspective on the chemically addicted professional.

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

V.C.3. Brittney N. Barnhart LP043030 (Bymers)

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 stayed revocation/indefinite suspension pending the completion of a substance abuse evaluation by a Board approved PhD prepared evaluator and successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that Respondent is safe to practice, to be followed by 18 months stayed revocation/probation, followed by 18

months standard probation to include 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

V.C.8. Lori S. Wood RN053359 (Bymers)

Bymers addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to affirm the decision to lift stay of revocation and revoke professional nurse license No. RN053359.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI. RN/LPN/CNA Investigative Reports

VI.D.1. Troy Allen RN129097; LP033835; CNA513778857 (Hill)

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

	VOTE	Johnson, Patricia Member	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.D.6. Laila Bergman RN106577 (Hill)

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

VI.D.7. Frances Norman RN046670 (Hill)

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 offer a Consent Agreement for 18 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

	VOTE	Johnson, Patricia Member	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.D.8. Karen Lane Roebuck RN161059 (Hill)

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 18 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.D.10. Janet Ware RN111422 (Hill)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to submit to an employer “for cause” drug screen on August 27, 2009, while employed at Banner Baywood Medical Center in Mesa, Arizona.

VI.G.1. Kettie Cerizier Paul CNA100003034 (B. Nelson)

Nelson addressed the Board and confirmed receipt of additional information. 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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.G.2. Rosalind Marie Richardson CNA1000010295 (B. Nelson)

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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.G.3. Delores M. Williams CNA999998039 (B. Nelson)

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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.H.1. Melsissa Marie Uttermark Arrington RN115663 (S. Nelson)

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 indefinite suspension pending completion of a chemical dependency treatment and refresher course followed by 36 months probation with the attached stipulations, amended to include: relapse evaluation at 18 months,

and on site supervision for 36 months, and indefinite suspension not to exceed 2 years. 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.H.3. Davida Joan Dewitt LP036646 (S. Nelson)

Dewitt was present telephonically and addressed the Board. Scott moved, Gum seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.H.4. Amber Marie Engesser RN136287; CNA999994211 (S. 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 36 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.H.5. Melvin Laurel Jordon RN130699 (S. Nelson)

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.H.7. Terri Jill Lackey RN119687 (S. Nelson)

(aka: Davidson)

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

VI.H.9. Veronica Edie RN116648 (S. Nelson)

(aka: Hall)

Nelson addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint and refer to the California State Board of Nursing.

VI.H.10. Deborah June Easter RN150287 (S. Nelson)

(aka: Horn)

Easter was present telephonically and addressed the Board. Busby moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

VI.H.16. James Lawrence Hyatt RN109959; LP034525 (S. Nelson)

Johnson moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.2. Andrew James Donnan RN154861; LP036444 (Parlin)

Parlin addressed the Board and confirmed receipt of additional information. Perry moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for the January 26, 2010, misdemeanor Attempted Possession of Drug Paraphernalia conviction in Phoenix, Arizona and for failure to report criminal charges to the Board within ten days.

VI.J.3. Karen Sue Woolf RN039031; AP0220 (Parlin)

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for the July 6, 2009, DUI conviction in Scottsdale, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

**VI.J.4. Kim Lynn Mullane CNA999995830 (Parlin)
(aka: Kennette Lynn Mullane)**

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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.5. Leander Chee CNA999992480 (Parlin)

Perry moved, Busby seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.6. Lori Beth Stahn CNA999997531 (Parlin)

Busby moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for the September 23, 2009, conviction for misdemeanor DUI in Flagstaff, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.J.8. Melissa Duran Olguin RN151561; CNA1000007800 (Parlin)

Perry moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for the November 18, 2009, misdemeanor Shoplifting conviction in Surprise, Arizona.

VI.J.9. Nancy Vitovec Walls RN039033 (Parlin)

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

**VI.J.10. Neika Shavonne Nicholson CNA1000000063; LP Exam (Parlin)
(aka: Sloan)**

Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, grant licensure. If not signed within 30 days or payment not received within 60 days, deny licensure and issue Notice of Charges against certificate No. CNA1000000063.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.11. Ruby L. Howard CNA Exam (Parlin)

Link moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to deny 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.12. Sarah Anne Santa Cruz RN157505 (Parlin)

Parlin addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried continue the investigation to allow respondent the opportunity to obtain a substance abuse evaluation with a Board approved PhD 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.13. Sean Waltenburg LP030704 (Parlin)

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

VI.J.14. Stephanie Lynn Brown CNA999998880 (Parlin)

Parlin addressed the Board and confirmed receipt of 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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.15. Tara Raye Radke CNA Exam (Parlin)

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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.J.16. Wende Maria Rosson RN158604; CNA1000006802 (Parlin)

Perry moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for the September 25, 2009, conviction for misdemeanor Interfering with Judicial Proceedings in Tucson, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.J.17. Lisa Lee Caicedo RN114652 (Parlin)

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

VI.K.7. Steven Scot Dunn RN107235 (Pendergast)

Pendergast 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 issue Notice of Charges.

VI.K.10. Janet Lynn Sipila RN087088 (Pendergast)

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

VI.K.11. Grace Loretta Woodard RN141772 (Pendergast)

Woodard was present telephonically and addressed the Board. Scott moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

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

VII.A. Executive Directors Report – Ridenour

VII.A.9. Discussion & Decision on the following litigations matters (Upn 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) – Rebecca Herbst Assistant Attorney General/Employment Law Section

VII.A.9.a. Graham-Payne, et al. v. Arizona State Board of Nursing, et al.

Perry moved, Berrigan seconded, and it was unanimously carried to go into Executive Session on Agenda Item VII.A.9. for the purpose obtaining legal advice and consult with and instruct the Board’s attorneys regarding the Board’s position in pending litigation or in settlement discussions pursuant to A.R.S. § 38-431.03(A)(3) and (4). Executive Session convened at 2:32 p.m. and adjourned at 2:45 p.m.

The meeting recessed at 2:46 p.m. and reconvened at 3:04 p.m.

VI. RN/LPN/CNA Investigative Reports

VI.P.2. Levonnie F. Straw LP020825 (Torrez)

Perry moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for failing to utilize the five rights when administering medications and consequently the wrong medications were administered to resident F.H. on or about July 21, 2010, while employed at Banner Boswell Rehabilitation Center in Sun City, Arizona.

VI.P.3. Mary Susan Rucker RN122100; LP037684 (Torrez)

Link moved, Gum 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.P.8. Marissa Grace Arguelles RN106 736 (Torrez)

Perry moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$250 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.P.9. Marsha Ann Williams LP038091 (Torrez)

Link moved, Scott seconded, and it was unanimously carried to issue a Letter of Concern for failing to follow facility policy by not returning unused medications for inmates who had been discharged, and using the unused medications for other inmates on or about May 2010, while employed at Maricopa County Correctional Health Services in Phoenix, Arizona.

VI.P.10. Danielle Susanne Michalak LP042682 (Torrez)

Torrez addressed the Board with additional information. Busby moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for texting her resignation from Arrowhead Home Health on or about July 28, 2010, and potentially leaving patients who were assigned to her care at risk, while employed at Arrowhead Home Health in Glendale, Arizona.

VI.P.13. Lisa Jean Montgomery RN078391 (Torrez)

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

VI.P.12. Romana Elizabeth Kappler LP046541; CNA1000010587 (Torrez)

Torrez addressed the Board with additional information. 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 \$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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.P.14. Anne Marie Kopecky LP045030 (Torrez)

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

VI.R.2. Barbara Jean Oliver Benson RN033085; AP0160 (Dahn)

Gum moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.R.2.

Emma Mamaluy, Assistant Attorney General, provided legal advice.

Dahn addressed the Board with additional information.

Attorney Robert Wooten and Oliver Benson were present and available for questions.

Perry moved, Scott 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.E.10. Daryl R. Wilhelm CNA Exam (Lester)

Perry moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VI.E.10. Lester addressed the Board with additional information. Wilhelm was present and available for questions. Gum 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 12 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.E.1. Robin L. Bartalos CNA1000007381 (Lester)

Perry moved, Berrigan seconded, and it was unanimously carried, continue the investigation to allow respondent 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.

	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.E.3. Norma Guevara CNA999987472 (Lester)

Link moved, Gum seconded, and it was unanimously carried to issue a Letter of Concern for the misdemeanor conviction of Extreme DUI, on August 3, 2009, in South Mountain Justice Court in Phoenix, Arizona, and for failing to report the charges to the Board within ten days as required by Statutes and Rules.

VI.E.4. Inez Hernandez Jr. CNA Exam (Lester)

Scott moved, Gum seconded, and it was unanimously carried to continue the investigation to allow applicant to obtain a psychological evaluation with and emphasis on substance abuse 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.E.7. Charles R. Peworski RN094660 (Lester)

Lester addressed the Board with additional information. Scott moved, Busby seconded, and it was unanimously carried, continue the investigation to allow respondent to obtain the results of his substance abuse evaluation.

**VI.E.8. Jackie A. Pizano CNA Exam (Lester)
(aka: Holguin; Ochoa)**

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

	VOTE	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.E.9. Donna M. Schaller CNA1000007597 (Lester)
(aka: Johnston; McGrath)

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.E.11. Joseph W. Gibbs CNA Exam (Lester)

Lester addressed the Board with additional information. Perry moved, Scott seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 18 months stayed revocation to include the attached stipulations, 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.1. Madeleen Ann Abejero TLP046328 (expired) (Monas)

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

	VOTE	Johnson, Patricia Member	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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.2. Kattie Lee Austin TRN161428 (expired) (Monas)
(aka: Jones)

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 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.6. Isabel Josephine Duenas CNA Exam (Monas)
(aka: Barraza; Monica Barraza)

Gum 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.7. Leah Trenay Filer RN140435 (Monas)

Perry moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for the May 2007 arrest and subsequent conviction of DUI, a misdemeanor.

VI.F.8. Brenda J. Hamilton CNA680738983 (Monas)
(aka: Aguilar; Hurtarte; Aguilar; Rhonda Hurtarte)

Link moved, Perry seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a \$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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.13. Michelle Elise Watson CNA1000013547 (Monas)

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 36 months stayed revocation including the attached stipulations amended to delete AA with sponsor, include drug testing 2 times per month for the first 12 months and 1 time per months for months 24-36. 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.F.14. Mario Arturo Lopez CNA199999994 (Monas)

Link 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 \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue a 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.O.5. Donald Howard Insko, Jr. RN153721; LP039436; CNA663773589 (Schettler)

Schettler addressed the Board with additional information. Link moved, Scott seconded, and it was unanimously carried to continue the investigation to allow respondent the opportunity to obtain a sexual misconduct evaluation with Dr. Steven Gray, PhD and to include polygraph testing and 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	9	X	X	X	X	X	X	X	X	X
NO	0									
ABSTAIN	0									
ABSENT	0									

VI.O.7. Melissa Lynn Lynch LP038247 (Schettler)

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

VI.O.9. Liza Marie Skalicky LP040029 (Schettler)

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

VI.O.10. Kristin Holly Van Horn RN153473 (Schettler)

Perry moved, Busby seconded, and it was unanimously carried to issue a Letter of Concern for documentation errors made while working for AMN Healthcare and assigned to work at Chandler Regional Medical Center in Chandler, Arizona.

VI.S.1. Sunshine Ann Chadwick RN119575; LP033382; CNA076321903 (Smith) (aka: Heath; Teck)

Busby moved, Link seconded, and it was unanimously carried to amend prior Board decision for 12 months probation with the attached stipulations, and allow respondent to work the night shift at her current place of employment, Desert Life Rehabilitation and Care Center only.

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

VII.A. Executive Directors Report – Ridenour

VII.A.2. 2011 Legislative Session & Potential Impact Regulation - Greg Harris

Legislative liaison, Greg Harris was present and offered an update on 2011 Legislative Session and potential impact regulation. The budget will continue to be the primary issue in the next legislative session with a focus on trimming the budget rather than preserving or enlarging the role of the government. There has been no definitive answer regarding the fund sweep issues.

Board members raised the question relating to which regulatory boards are doing sunrise hearings. Harris named several boards and indicated that he has not seen any that would have a direct impact on nursing.

Other questions were raised by the Board relating to scope of practice barriers, national licensure implications, healthcare reform, etc. Harris encouraged the Board to focus on the agency efficiency and the budget, and be attentive to the questions that come to the Board.

Busby left the meeting at 3:56 p.m.

VII.A.3. Update on 2010 Sunset Audit & 2012 Legislative Recommendations for Sunset - Ridenour

Ridenour stated that the auditors had hoped to be finished with the audit by August 2010 but were called away for another assignment.

Because of the October 2010 deadline for the joint legislative audit committee report, our legislation for sunset will not happen until 2012. Ridenour further reported that data continues to be gathered for the auditors and they will request to meet with the Board.

VII.A.4. 2010 General Accounting Office Audit of Fiscal Operations – Orchard/Bontrager

Orchard reported that the general accounting office, which performs compliance audits, came in October, 2010, to review internal controls and accounting procedures. They looked at cash receipting, cash disbursements, procurement, travel, management of federal dollars, capitol and non-capitol assets, and conflicts of interest. Upon completion, the auditor reported two items of concern and one comment. The first item of concern related to tracking of actual direct time to support expenses charged against the CNA grant. In the past and currently the Board documents time based on percentage of employees time working within each program. The auditors are asking for revisions to be made in the way it is done. Orchard stated that discussions are in progress regarding a realistic way to accomplish their request to capture actual time. The other concern pertained to lack of reconciliation of receipts for license fees received against the database licensure information. Currently the database is not set up to capture every fee, or to query and report. A cash receipt program is being implemented in the near future and will have the ability to draw those reports and match the reconciliation of all licensing fees that come in, against what is in the State financial system.

Orchard further reported that the comment the auditor had pertained to encumbering money, per state procedure, before there's actually a purchase order. Purchases should not be made prior to approval. Monthly bills will be encumbered on a quarterly basis.

Ridenour reported that the biggest challenge in the auditor's requests, and what is being negotiated, was to capture time of staff. For example, the mailroom receives up to 70 pounds of mail a day and the auditors are suggesting the mailroom clerk capture the percentage of CNA and RN time spent. Another area of difficulty would be for the receptionists to differentiate between CNA and RN calls, when approximately 600 calls a day are received.

VII.A.5. Violation & Disciplinary Data Information 2000-2009 – Ridenour/Smith

Information was provided to the Board regarding the violation and disciplinary data information from years 2000-2009. Ridenour gave a brief overview and stated that, looking at the trends, the top 2 complaints for RN/LPN's are criminal convictions and DUI's, as well as drug related complaints. Impairment continues to be the number one issue. The actual number one violation for the CNA's is non-compliance, and criminal convictions is number two.

VII.A.6. Hearing Department Cycle Times – Barber/Smith

Smith answered Malloch's concern over cases closed in the Hearing Department between 2008 and 2010. She explained that the low number in cases closed in 2010 was because it was counted by fiscal year.

Malloch asked that future reports be captured on one table making them easier to analyze.

Busby returned to the meeting at 4:07 p.m.

VII.A.7. Personnel Retirements/Changes – Ridenour/Smith/Bontrager/Randolph

Ridenour reported the upcoming retirement of Pam Randolph, Pat Midkiff and Betty Nelson.

VII.C. President's Report – Malloch

VII.C.1. Appointment of Board Member to Attend Midyear Meeting March 14-16, 2011 in Chicago, IL & Annual Meeting on August 3-5, 2011, in Indianapolis, IN & Selection of Two Delegates for Delegate Assembly – Malloch/All

After discussion Perry moved, Gum seconded, and it was unanimously carried for the following Board members to attend upcoming NCSBN meetings:

Midyear Meeting March 14-16, 2011:

Gutierrez

Busby
Malloch

Annual Meeting August 3-5, 2011:
Berrigan (Perry alternative)
Ridenour (delegate)
Current President in 2011 (delegate)

VII.C.2. Annual Declaration and Disclosure Form from Arizona Department of Administration – Malloch/All

Mamaluy gave a presentation regarding the annual declaration and disclosure form from Arizona Department of Administration. Discussion ensued regarding the appropriateness of recusal for Board members and when to recuse during a case.

VII.C.3. Debriefing on Board Processes & Suggested Changes - All

Board members and staff discussed the meeting processes and suggested changes.

Busby left the meeting at 5:05 p.m.

VII.E. Committee Reports

VII.E.2. Education – Randolph/Malloch

VII.E.2.a. Draft Minutes of October 22, 2010

Education Committee meeting draft minutes were provided to the Board.

VIII. Call to the Public

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

X. Adjournment

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

The meeting adjourned at 5:14 p.m., Tuesday, November 30, 2010.

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