

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:01 a.m., Monday, July 25, 2011, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Scott, RN, MPA, PhD, FACHE, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Scott, RN, MPA, PhD, FACHE, President
Kathy Malloch, PhD, MBA, RN, FAAN, Vice President
Patricia Johnson, LPN, Secretary
Theresa (Terri) Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
Leslie Dalton, MSN, RN, Member
Lori Gutierrez, BS, RN-C, Member
Denise Link, PhD, WHCNP, FNAP, Member
M. Hunter Perry, BSHA, Member
Charleen L. Snider, BSN, RN, Member
Randy C. Quinn, CRNA, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, Assistant Attorney General
Keely Verstegen, Assistant Attorney General
Kim Zack, Assistant Attorney General

STAFF DIRECTORS:

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

STAFF:

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| Nikki Austin, RN, JD, Nurse Practice Consultant Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings Tammi Bymers, RN, MSN, Nurse Practice Consultant/Monitoring Janeen Dahn, MSN, FNP, Nurse Practice Consultant/AP Esther Garcia, Legal Assistant Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant/Advanced Practice Teddylen Guffey, MHSA, RN, LNCC, Nurse Practice Consultant Lynda Hemann, PhD, MPH, LISAC, Senior Investigator Dolores Hurtado, Legal Assistant II/Monitoring Ron Lester, Senior Investigator | Debra McGinty RN, PhD, Administrator/Nursing Programs Linda Monas, Senior Investigator Kirk Olson, Senior Investigator Doug Parlin, Senior Investigator Susan Perkins RN, MSN, Nurse Practice Consultant Judy Pendergast, RN, JD, Nurse Practice Consultant/CANDO Mary Rappoport, RN, MN, Nurse Practice Consultant Deborah Richards, JD, Senior Investigator Bonnie Richter, MSW, Senior Investigator Jeanine Sage, RN, MSN, Nursing Assistant Consultant Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant Sister Rachel Torrez, RN, MS, Nurse Practice Consultant Dirk VandenBerg, Sr., Senior Investigator Barbara Melberg, Legal Secretary |
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I. Call to Order

The meeting was called to order at 8:01 a.m., Monday, July 25, 2011.

The following Board members were present: Scott, Johnson, Berrigan, Link, Quinn, Snider, Dalton, Perry, Gutierrez and Busby.

Scott presided.

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

VI. RN/LPN/CNA Investigative Reports

VII.1. Lisa Marie Cardwell RN Exam; CNA999995312 (Olson)

Cardwell was present and available for questions. Attorney Robert Chelle was present and addressed the Board. Busby moved, Snider seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all licensure requirements, signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, to grant licensure. If not signed within 30 days or payment not received within 60 days, deny RN licensure and issue a Notice of Charges for CNA999995312. After discussion the motion carried with six in favor and four opposed.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 6 | | X | | X | | X | | X | X | | X |
| NO | 4 | X | | X | | X | | | | | X | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | X | | | | |

VI.Q.1. Lindsay Jo Arkfeld RN033198 (Torrez)

Torrez addressed the Board and noted a technical correction to the investigative report. Complainant Stephanie Selgado was present and addressed the Board.

Malloch arrived at the meeting at 8:12 a.m.

Arkfeld and her attorney, Ken Baker, were present and addressed the Board. Johnson moved, Berrigan seconded, to dismiss both complaints #1 and #2. The motion carried with ten in favor and one abstained.

VI.Q.9. Katherine Lorene Crowe RN137700 (Torrez)

Attorney Kelly McDonald was present and addressed the Board. Malloch moved, Berrigan seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 36 months probation including the attached stipulations, amended to delete “mid level” from “under care of physician/psychiatrist”. If not signed within 30 days, issue Notice of Charges. After discussion the motion carried with ten in favor and one opposed.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 1 | | | | | | | | | | | X |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.K.1. Eileen Marie Thatcher RN064490 (Pendergast)

Attorney Dominique Barrett was present and addressed the Board. Thatcher was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried to dismiss the complaint.

VI.K.2. Gloria Ann Pruitt RN129145 (Pendergast)

Attorney Michael Smith was present telephonically and addressed the Board. Link moved, Quinn seconded, and it was unanimously carried to issue a Letter of Concern for incorrectly accessing and failure to verify the date and time of laboratory reports for patient G. S. from or about January 27, 2007 to January 28, 2007 while employed at Northwest Medical Center in Tucson, Arizona.

VI.O.6. Barbara Jane Dial LP037475 (Sage)

Sage addressed the Board with additional information. Attorney Scott King was present and addressed the Board. Dial was present telephonically and addressed the Board. 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 a \$250 Civil Penalty, to be signed in 30 days or issue a Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.J.9. Michelle Lynn Voight-Shisler RN126077 (Parlin)

Voight-Shisler was present and addressed the Board. Attorney Robert Chelle was present and available for questions. Busby moved, Johnson seconded and it was unanimously carried, for complaint #1, to issue a Letter of Concern for an arrest for Child Neglect.

Busby moved, Snider seconded, to dismiss complaint #2. After discussion the motion failed with eight opposed and three in favor.

Quinn moved, Link seconded, to issue a Letter of Concern for violating Kingman Regional Medical Center Policy dealing with delivery of care in the ICU/CVICU, while employed as a registered nurse in Kingman, Arizona for complaint #2. The motion carried with eight in favor and three opposed.

VI.C.1. Laurie Flake Frasca RN078287; AP1412 (Dahn)

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

VI.C.2. Theresa Kelso RN095337; AP2247 (Dahn)

Dahn addressed the Board with additional information. Link moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12-month probation, and to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.C.3. Donna C. Wallace RN041572; AP0170 (Dahn)

Dahn addressed the Board and confirmed the receipt of additional information. Attorney Winn Sammons was present and available for questions. Wallace was present telephonically and addressed the Board. Malloch moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for evaluating and treating an adult patient for which she has not been educationally prepared to care for, in or about March through May 2008 while employed at Catholic Healthcare West.

VI.C.4. Karen Megivern RN102304; AP1201 (Dahn)

Attorney Teressa Sanzio was present and available for questions. 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 issue Complaint and Notice of Hearing.

II.C. Settlement Conference Cases and Proposed Consent Agreements

II.C.3. Patricia Holly Dove RN152700; CNA99999881 Mamaluy

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

Mamaluy addressed the Board and requested the Board rescind prior Board decision and accept the signed Consent Agreement for 6 months probation.

Attorney Scott King was present on behalf of Dove and was available for questions.

Malloch moved, Busby seconded, and it was unanimously carried to rescind prior Board decision of January 26, 2001, to offer a Consent Agreement for 18 months stayed revocation/probation with stipulations, and instead accept the signed Consent Agreement for 6 months probation with the attached stipulations.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI. RN/LPN/CNA Investigative Reports

VI.S.1. Angela Philips-Anderson RN071918; AP0198 (Smith)

Attorney Teressa Sanzio was present. Busby moved, Link seconded, and it was unanimously carried to go into Executive Session on Agenda Item VI.S.1. 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 regarding possible litigation or in settlement discussions. Executive Session convened at 9:32 a.m. and adjourned at 9:53 a.m.

Attorney Teressa Sanzio was present and addressed the Board. Malloch moved, Dalton seconded, and it was unanimously carried to decline to consider Dr. Bryan’s Objection to the Subpoena, and to make a finding that it is not timely, pursuant to A.R.S. § 32-1664(A)(2); and to affirm the May 6, 2011 subpoenas, issued to Dr. Timothy Bryan for Phillips-Anderson’s medical records, and direct legal counsel to pursue legal remedies through Superior Court, if necessary.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

The meeting recessed at 9:56 a.m. and reconvened at 10:13 a.m.

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

V.D.2. Ashley Marie Livingston LP Exam; CNA1000007754 (Garcia)

Attorney Kelly McDonald was present and addressed the Board. Livingston was present and available for questions. Busby moved, Berrigan seconded, upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, to grant licensure and terminate probation. If not signed within 30 days or payment not received within 60 days, deny licensure. The motion carried with ten in favor and one opposed.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | | X |
| NO | 1 | | | | | | | | | | X | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

Busby left the meeting at 10:29 a.m.

VI. RN/LPN/CNA Investigative Reports

VI.B.4. Mary McGuinness Ezell RN036064 (Bymers)

Attorney Kelly McDonald was present and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for failing to properly report and investigate two patient complaints, unprofessional behavior by staff members, and failure to follow the policy and procedure resulting in termination from Maricopa Integrated Health Systems, on or about April 2010.

VI.S.2. Gloricitia Ann Johnson RN Applicant (Smith)

Johnson was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried to reauthorize Johnson to take the NCLEX-RN examination.

VI.P.7. Courtney Joelle McKenzie RN156799 (Schettler)

Schettler addressed the Board with additional information. Attorney Robertt Chelle was present and addressed the Board. McKenzie was present and available for questions. Link moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for establishing a personal relationship with patient G.B., managing patient services and obtaining billing waivers for her father, patient E.M., while working as the Clinic Director at Ageless Men’s Health clinic.

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. | Caroline Marie Ashton (aka: Campbell) | RN154157; CNA999996912 | Olson |
| IV.B.2.b. | Virginia Stump (aka Rock; Henely) | RN109792 | Olson |
| IV.B.2.c. | Laurie Ann Wilson-Taylor | RN101267 | Parlin |

Malloch moved, Perry seconded, and unanimously carried to adopt the attached Notice of Charges for Agenda Items IV.B.2.a-c.

V.B. Applicants for Reissuance & Investigative Reports

V.B.1. Nora Leeanne Gregoire RN082587; LP015732 Rappoport (aka: Willes)

Rappoport addressed the Board and confirmed the receipt of additional information. Gregoire was present and addressed the Board. Malloch moved, Link 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/suspension followed by 24 months stayed revocation/probation followed by 24 months standard probation including the attached stipulations, to grant temporary license for Refresher Course only. Upon successful completion of Refresher Course and compliance with all other terms, reissue license under applicable terms. If not signed within 30 days, deny licensure.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

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

V.C.2. Brenda Marie Johnson RN057354; LP018864 (Bymers)

Bymers addressed the Board with additional information. Johnson was present and addressed the Board. Terri Glonning, Troy Ogles, and Debra Smith were present and addressed the Board on behalf of Johnson. Malloch moved, Link seconded, and it was unanimously carried, contingent upon Respondent submitting to hair analysis within seven days and receipt of results confirming Respondent has not used any unauthorized drugs, to continue current Consent Agreement and Order No. 0904052 and increase urine drug testing to minimum of weekly urine drug screens for 3 months. Upon full compliance, drug screening thereafter may be reduced to a minimum of twice per month for 6 months and then at a minimum of once per month. Upon receipt of satisfactory hair analysis and otherwise being in compliance, approve Respondent’s request to amend her Consent Agreement and Order No. 0904052, to allow her to work an additional 12 hours in a four week period (12 hours per 2 weeks).

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

V.C.3. Katrinka Zabawa Marie RN0623302 (Bymers)

Bymers addressed the Board and noted a technical correction to the investigative report. Marie was present and addressed the Board. Madeline Wollmer was present and addressed the Board. Daniella Marie was present and available for questions. Malloch moved, Snider seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation/probation followed by 24 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

VI. RN/LPN/CNA Investigative Reports

VI.O.18. Naline L. Osborn CNA999993514 (Sage)

Osborn was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation with stipulations to include a \$100 Civil Penalty and a boundary violations course with a Board approved evaluator to be completed within 45 days. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Maricopa Community College, Chamberlain College, and Northern Arizona University Nursing Students regarding Board functions, policies and procedures. Questions were asked on help for the chemically dependent, how a nurse/nursing assistant gets reported, and explanation of a Letter of Concern.

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

III.A. Board Information Regarding Cases Dismissed Pursuant to ARS 32-1605.01 (C) 1
 Information was provided to the Board regarding cases dismissed pursuant to ARS 32-1605.01 (C) 1

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

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

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

IV.A. Lapsed Licenses & Certificate Administrative

IV.A.1. Elizabeth Sandra Fitzmaurice TRN168902 (Rappoport)
(aka: Ruptic)

Malloch moved, Johnson seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, to accept the signed Consent Agreement for a \$100 Administrative Penalty, and grant licensure.

IV.A.2. Joshua David Schoville TLP047357 (Rappoport)

Johnson moved, Snider seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, to accept the signed Consent Agreement for a \$500 Administrative Penalty, and grant licensure.

IV.B. Felony Bar Cases

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

| Agenda | Name | License/Certificate # | Staff |
|-----------|-------------------------|-----------------------|---------|
| IV.B.1.a. | Jenna Lynn Veach | CNA Exam | Richter |
| IV.B.1.b. | Whitney Novella Cuttler | CNA Exam | Richter |

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

IV.C. Recommended Notice of Charges

IV.C.1. Kathleen Lou Brady RN096105 Grady

Grady addressed the Board and confirmed the receipt of additional information. Malloch moved, Link seconded, and 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 followed by 24 to 36 month probation, to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

V.A. RN/LPN/CNA Termination of Previously Issued Board Orders after Full Compliance – (Bymers/Garcia) (List available in Board office)

Link moved, Perry seconded, and it was unanimously carried to approve the full compliance list to terminate Board Order on dates given if no evidence of non-compliance with Board Order/Consent Agreement exists.

V.B. Applicants for Reissuance & Investigative Reports

V.B.3. Rhodora Bondoc Cruz RN106055 Grady

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

V.B.5. Robert Newton Gaspard RN105934 Rappoport

Rappoport addressed the Board with additional information. Link moved, Quinn seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to grant re-issuance of license.

V.B.6. Kathleen Marie Plank RN092224; CNA909618119 Rappoport (aka: Boynton; Geiger; Loree)

Plank was present telephonically and addressed the Board. Johnson moved, Link seconded, and it was unanimously carried to allow applicant an additional 30 days to sign the offered Consent Agreement resulting from the March 23, 2011 Board meeting. If the Consent Agreement is not signed within 30 days, based upon the findings of fact and statute/rule violations identified in the investigative report, deny reissuance of licensure. In the event applicant submits, in writing, a request to withdraw the application prior to the date of denial of application, approve the withdrawal of application.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

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

V.C.1. Kelly Lynn Williams RN160817 (Rappoport) (aka: Deist)

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

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

V.D.1. Stacey Lorraine Pellens RN150883; CNA999999275 (Garcia)

Johnson moved, Gutierrez seconded, and it was unanimously carried to approve request to amend Consent Agreement and Order No. 0809011, to allow Pellens to work 88 hours per 14-day pay period.

V.F. CANDO Eligibility/Noncompliance & Investigative Reports

V.F.1. Colleen Ann Begley RN150957 (Pendergast)

Begley was present telephonically and addressed the Board. Link moved, Snider 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/suspension followed by 24 months stayed revocation/probation and 12 months standard probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | X |

VI. RN/LPN/CNA Investigative Reports

VI.B.1. Christine Natalie Bundza LP032321; CNA833096700 (Bymers)

Snider moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern for performing a Finger Stick Blood Sugar and administering Insulin without a physician’s order to inmate J.O., on or about November 4, 2009, resulting in a three day unpaid suspension, while working for Conmed Healthcare Services.

The meeting recessed at 11:40 a.m. and reconvened at 12:44 p.m.

VI.B.2. Lilian Nguengim Forlemu LP044304 (Bymers)

Malloch moved, Snider seconded, and it was unanimously carried to issue a Letter of Concern for multiple medication errors, and administering the wrong dose of Ativan to a patient, from on or about August 3-5, 2009, while employed at Villa Campana Healthcare Center.

Busby returned to the meeting at 12:47 p.m.

**VI.B.3. Florence Nightingale Gacheru RN148461 (Bymers)
(aka: Nightingale Florence Jordan)**

Bymers addressed the Board with additional information. Johnson moved, Berrigan seconded, to issue a Letter of Concern for failing to administer medication, documenting medications were given when they were not, failing to follow physician’s orders, and properly administer intravenous medications, while employed at University Medical Center, Tucson, Arizona, on or about May 2009, resulting in termination. The motion carried with ten in favor and one abstained.

VI.D.1. Gloria Stachowski Felchner RN078278 (Grady)

Grady addressed the Board with additional information. Johnson moved, Malloch seconded, and it was unanimously carried to accept the signed Consent Agreement for a Decree of Censure.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.D.5. Dena J. Petrequin RN148646 (Grady)

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

VI.D.6. Shonna Jean Beard RN144522 (Grady)

Grady addressed the Board with additional information. Malloch moved, Dalton 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 to include a substance abuse evaluation with a Board approved addictionologist to be completed within 30 days and to include the attached stipulations. If found to have substance use disorder or in need of treatment, the length will be 36 months and will include standard substance use disorder stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|----------------------------------|------------------------------|-------------------------------|--------------------------------|------------------------------------|----------------------------------|-----------------------------------|--------------------------------|-------------------------------|-----------------------------------|-------------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.1. Ashley Nichole Anderson CNA1000019626 (Sage)

Sage 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 12 months stayed revocation including the attached stipulations to include a psychological and anger management evaluation. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|----------------------------------|------------------------------|-------------------------------|--------------------------------|------------------------------------|----------------------------------|-----------------------------------|--------------------------------|-------------------------------|-----------------------------------|-------------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

**VI.O.2. Deng Geu Ayll CNA1000003762 (Sage)
(aka: Abraham Deng Geu; Abraham Geu)**

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

**VI.O.3. Saundra Mae Barak CNA1000024454 (Sage)
(aka: Bennett; Picado; Fulginiti; Saundra F. Bennett; Saundra M. Bennett)**

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

**VI.O.4. Cynthia Marie Brossia CNA1000021729 (Sage)
(aka: Suchomel; Johnson; Douglass)**

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

VI.O.5. Karen L. Butler CNA054108593 (Sage)

Snider 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.O.7. Kevin Karani Mbuba CNA100002055 (Sage)

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

VI.O.8. Robert Cunningham Brooks CNA1000003119 (Sage)

Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months stayed revocation with terms to include a \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.9. Diana Kay Farnsworth RN111385 (Sage)
(aka: Fuller; Farnsworth Drew)

Quinn moved, Link seconded, and after discussion it was unanimously carried to issue a Letter of Concern for violating boundaries while employed through MD Home Health to care for patient S.Y.

VI.O.10. Jennifer L. Gilbert CNA999949236 (Sage)

Quinn 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.O.11. Natasha Kae Johnson LP042889 (Sage)

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.12. Maria T. Lujan CNA999952010 (Sage)
(aka: Salomen; Terry Lujan)

Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for reportedly pinching a resident on July 12, 2010, after the resident pinched Lujan resulting in termination of her employment as a CNA at La Colina Healthcare, Tucson, Arizona.

VI.O.13. Ruben Alvarez Luna CNA999991594 (Sage)

Sage addressed the Board and noted a technical correction to the investigative report. Link moved, Malloch 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 | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.14. Mildred Morales CNA999991547 (Sage)

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

VI.O.15. Julia Cecelia Verdugo CNA999997551 (Sage)

Malloch moved, Gutierrez seconded, and it was unanimously carried to issue a Letter of Concern for failing to advise Hospice Compassus that a resident was being exploited by one of the Agency's CNA's.

VI.O.16. Martha Elena Mucha CNA999989560 (Sage)
(aka: Quinonez)

Link moved, Berrigan seconded, and it was unanimously carried to issue a Letter of Concern for behaving erratically and walking off her assigned shift without notifying an appropriate supervisor on December 11, 2009, while employed as a CNA at Springdale West in Mesa, Arizona.

VI.O.17. Titus Mwangi CNA1000023327 (Sage)

Malloch moved, Snider seconded, and it was unanimously carried to issue a Letter of Concern for failing to remove a resident's arm splints at bedtime/shower time causing redness and indentations on his skin the next morning, while employed as a CNA at Hacienda in Phoenix, Arizona.

VI.O.19. Margie Lakin Peterson RN050925 (Sage)

Johnson moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact, statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure to include a \$400 Civil Penalty. If not signed in 30 days, issue a Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.20. Lydia M. Quintin CNA244948641 (Sage)

Quinn moved, Snider seconded, and it was unanimously carried, based upon the findings of facts and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation with terms to be signed in 30 days or issue a Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.21. Judith L. Raymond CNA800079996 (Sage)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.22. Deborah Jean Reyes CNA1000002185 (Sage)
(aka: Chavez; Harris; Tempel)

Link moved, Gutierrez seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure to include a \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.23. Daniel Villegas Romo CNA1000009444 (Sage)

Malloch moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed revocation with terms to include \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.24. Jeremy Schulder CNA100000627 (Sage)

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 18 months stayed revocation with stipulations to include a \$50 Civil Penalty, to be signed within 30 days or issue a Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.O.25. Breanna Rene Sexton CNA1000022516 (Sage)

Quinn 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 12 months stayed revocation with terms to include completing another CNA class and passing the exams. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

**VI.O.27. Caroline Kaye Foote CNA1000008615 (Sage)
(aka: Cofield; Cofield-Ma; Mahoney)**

Link moved, Berrigan seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure to include a \$50 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

**VI.O.28. Jana Darlene Smith CNA1000013610 (Sage)
(aka: Richey)**

Link moved, Dalton seconded, and it was unanimously carried to continue the investigation to allow Respondent to have a relapse-recovery evaluation by a Board approved evaluator to be completed within 45 days and return to Board. If not completed within 45 days, issue Notice of Charges.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

Link left the meeting at 1:11 p.m.

II.E. Rehearing Requests or Review of Board Decision

II.E.3. Peter A. White RN090487; AP1114 Zack

The proceeding began at 1:11 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Busby, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

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

White was present and addressed the Board. Attorney Kimberly Kent was present and addressed the Board regarding request for review/rehearing.

Zack addressed the Board and requested that the Board deny request for review/rehearing.

Malloch moved, Quinn seconded, to deny request for review/rehearing. The motion carried with seven in favor and three opposed.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 7 | X | | X | | X | X | X | X | | X | |
| NO | 3 | | | | X | | | | | X | | X |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | X | | | | | | | | | |

VI. RN/LPN/CNA Investigative Reports

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

VI.T.1. Penny Lynne Barton RN145785 (Rappoport)

The proceeding began at 1:36 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Quinn, Snider, Dalton, Perry, Gutierrez, and Busby.

Emma Mamaluy, Assistant Attorney General, provided legal advice.

Rappoport addressed the Board with updated information.

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

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

Malloch 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 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).

Perry moved, Dalton seconded, and it was unanimously carried, based upon the information presented at this meeting, the information contained in the investigative report, and the preliminary Findings of Fact and Conclusions of Law, the Board make a finding that public health, safety and welfare imperatively requires emergency action and issue an Order summarily suspending RN license No. RN145785 pending further hearing, which shall be promptly instituted and determined.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|----------------------------------|------------------------------|-------------------------------|--------------------------------|------------------------------------|----------------------------------|-----------------------------------|--------------------------------|-------------------------------|-----------------------------------|-------------------------------|
| YES | 10 | X | | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | X | | | | | | | | | |

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

II.A. Administrative Law Judge (ALJ) Recommendations

II.A.1. Shawna Marie Huskey CNA Applicant Campbell

The proceeding began at 1:43 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Busby, Dalton, Gutierrez, Perry, Quinn and Snider.

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

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

Campbell addressed the Board and recommended the Board adopt the Administrative Law Judge’s recommendation for denial.

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

Busby moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 7.

Busby moved, Berrigan seconded, and it was unanimously carried to accept as Conclusions of Law the alleged violations in Paragraphs 1 through 5.

Malloch moved, Berrigan seconded, and it was unanimously carried to deny the applicant’s appeal and that prior denial of Huskey’s application for nursing assistant certification be upheld and affirmed.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|----------------------------------|------------------------------|-------------------------------|--------------------------------|------------------------------------|----------------------------------|-----------------------------------|--------------------------------|-------------------------------|-----------------------------------|-------------------------------|
| YES | 10 | X | | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | X | | | | | | | | | |

II.A.2. Lameka Smith Kendrick CNA Applicant Campbell

The proceeding began at 1:48 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Busby, Dalton, Gutierrez, Perry, Quinn and Snider.

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

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

Campbell addressed the Board and recommended the Board adopt the Administrative Law Judge’s recommendation for denial.

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

Busby moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 16.

Busby moved, Dalton seconded, and it was unanimously carried to accept as Conclusions of Law the alleged violations in Paragraphs 1 through 10.

Busby moved, Johnson seconded, and it was unanimously carried to deny the applicant’s appeal and that prior denial of Kendrick’s application for nursing assistant certification be upheld and affirmed.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | X | | | | | | | | | |

Malloch left the meeting at 1:51 p.m.

II.A.3. Rodriquoos Dale Morgan CNA Applicant Campbell

The proceeding began at 1:51 p.m. with the following Board members present: Scott, Johnson, Berrigan, Busby, Dalton, Gutierrez, Perry, Quinn and Snider.

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

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

Campbell addressed the Board and recommended the Board accept the Administrative Law Judge’s recommendation for denial.

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

Link returned to the meeting at 1:52 p.m.

Busby moved, Berrigan seconded, to accept as Findings of Fact the allegations contained in Paragraphs 1 through 21. The motion carried with nine in favor and one abstained.

Busby moved, Dalton seconded, to accept as Conclusions of Law the alleged violations in Paragraphs 1 through 8. The motion carried with nine in favor and one abstained.

Malloch returned to the meeting at 1:53 p.m.

Busby moved, Berrigan seconded, to deny the applicant’s appeal and that prior denial of Morgan’s application for nursing assistant certification be upheld and affirmed. The motion carried with nine in favor and two abstained.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 9 | X | | X | X | X | X | | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 2 | | X | | | | | X | | | | |
| ABSENT | 0 | | | | | | | | | | | |

II.A.4. Harold Thomas St. Claire Jr. CNA Applicant Campbell

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

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

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

Campbell addressed the Board and recommended the Board accept the Administrative Law Judge’s recommendation for denial.

St. Claire was not present and was not represented by legal counsel.

Busby moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 30.

Busby moved, Johnson seconded, and it was unanimously carried to accept as Conclusions of Law the alleged violations in Paragraphs 1 through 6.

Link moved, Johnson seconded, and it was unanimously carried to deny the applicant’s appeal and that prior denial of St. Clair’s application for re-issuance of his nursing assistant certification be upheld and affirmed.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

II.A.5. Tanya Michelle McIntosh CNA100009023 Campbell

The proceeding began at 1:57 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Busby, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

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

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

Campbell addressed the Board and recommended the Board accept the Administrative Law Judge’s recommendation for revocation.

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

Busby moved, Link seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 25.

Busby moved, Link seconded, and it was unanimously carried to accept as Conclusions of Law the alleged violations in Paragraphs 1 through 8.

Busby moved, Malloch seconded, and it was unanimously carried to revoke nursing assistant certificate No. CNA1000009023 issued to Tanya Michelle McIntosh.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

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. | Rose Marie Garza Northrup | LP036839 | Revocation | Campbell |

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

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

Campbell addressed the Board.

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

Johnson moved, Malloch 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.

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

**II.B.2. Kimberly V. Smith RN142336 Campbell
(aka: Hundley; Baryla; Coito)**

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

Campbell addressed the Board.

Smith was present and addressed the Board.

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

Malloch moved, Dalton 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.

Malloch moved, Berrigan seconded, to accept the State’s recommended discipline for revocation of license No. RN 142336 issued to Kimberly V. Smith. After discussion the motion carried with seven in favor and four opposed.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 7 | X | X | X | | X | X | X | | | X | |
| NO | 4 | | | | X | | | | X | X | | X |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

II.C. Settlement Conference Cases and Proposed Consent Agreements

II.C.1. Denise Seliquini Morton RN063829; LP020621 Zack

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

Busby recused herself and left the meeting at 2:14 p.m.

Zack addressed the Board and recommended the Board accept the signed Consent Agreement for 6 months probation with stipulations.

Attorney Scott King was present and available for questions.

Johnson moved, Link seconded, and it was unanimously carried to rescind the Board decision of July 21, 2010, to offer a Consent Agreement for 12 months probation with stipulations, and accept the signed Consent Agreement for six months probation with the attached stipulations.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

II.C.2. Amanda Jain Mossman-Bonnette RN149990 Zack

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

Attorney Scott King was present and available for questions.

Zack addressed the Board with additional information regarding the minutes and audio from the previous November 2009 Board meeting. A copy of the requested prescription related to the positive drug screen on November 4, 2009 was never submitted to the Board. Moreover, the previous Consent Agreement offered should have included stipulations requiring monthly drug testing for the first 6 months, one medical provider, proof of prescription and abstain from unauthorized use of drugs, to reflect the Board’s intent expressed at the November 2009 Board meeting.

Zack recommended the Board amend the proposed signed Consent Agreement to include the terms noted above, and to allow Mossman-Bonnette to complete the terms of the Consent Agreement in the State of Texas *only* upon written permission from the Texas Board of Nursing.

King requested that the Board not include the drug screening recommended by Zack.

Johnson moved, Malloch seconded, and it was unanimously carried to offer a Consent Agreement for 12 months probation with the attached stipulations to include monthly drug testing for the first 6 months, one medical provider, proof of prescription and abstain from unauthorized use of drugs; and allow Mossman-Bonnette to complete the terms of the Consent Agreement in the State of Texas *only*, upon written permission from the Texas Board of Nursing.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

II.C.4. Jennifer Pryde Degrazia CNA999993140 Campbell

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

Campbell addressed the Board and requested the Board issue a Complaint and Notice of Hearing.

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

Malloch moved, Berrigan seconded, and it was unanimously carried to refuse Degrazia’s settlement proposal and issue the attached Complaint and Notice of Hearing.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

II.C.5. Luz M. Greenwood RN072492 Zack

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

Zack addressed the Board and recommended the Board issue a Letter of Concern.

Attorney Teresa Sanzio was present and addressed the Board and requested the Board issue the recommended Letter of Concern.

Perry moved, Link seconded, and it was unanimously carried to issue a Letter of Concern for allegedly instructing staff to falsify a medical record and to give false information to paramedics regarding the status of a full code patient who had expired.

VI. RN/LPN/CNA Investigative Reports

VI.D.7. Rebecca Sanders Case RN069044 (Grady)

Grady addressed the Board with additional information. Attorney Teresa Sanzio was present and addressed the Board. Malloch 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 an indefinite suspension for a minimum of 12 months to include the attached stipulations, to be followed by 36 months stayed suspension/probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | 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.6. Jane Keryl Gowan LP036031 Zack/Richards

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

Attorney Scott King was present and available for questions.

Richards addressed the Board and recommended the Board accept Respondent's counter offer for a Decree of Censure.

Malloch moved, Dalton seconded, and it was unanimously carried to rescind the Board's prior offer of August 4, 2009 of a Consent Agreement for 24 months probation, and accept Respondent's counter-offer for a Consent Agreement for a Decree of Censure, in settlement of complaint 09A-0801125.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

Johnson left the meeting at 2:50 p.m.

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. | Lavena R. Abeita | CNA982178353 | Revocation | Campbell |
| II.D.2. | Rebecca Annette Barrientos | CNA1000019471 | Revocation | Campbell |
| II.D.3. | Cynthia Lisa Bocchicchio | RN089150 | Revocation | Campbell |
| II.D.4. | Lynissa Lashaer Coard | CNA1000019064 | Revocation | Campbell |
| II.D.5. | Hazel Alexandria Degrade | CNA1000007553 | Revocation | Campbell |
| II.D.6. | Lisa A. Friedman | RN095695 | Revocation | Campbell |
| II.D.7. | Melinda M. Gomez | CNA999997219 | Revocation | Campbell |
| II.D.8. | David Jovey Hocker | CNA1000007536 | Revocation | Campbell |
| II.D.9. | Christian R. Lease | LP020022 | Revocation | Campbell |
| II.D.10. | Joanne Linton | LP033297 | Revocation | Campbell |
| II.D.11. | Michele L. Miller | CNA055241609 | Revocation | Campbell |
| II.D.12. | Felicia Petronila Padilla | CNA1000014343 | Revocation | Zack |
| II.D.13. | Jennifer Frances Pennington (aka: McBurney; Brothers; Vorpi) | RN148653 | Revocation | Zack |
| II.D.14. | Joseph Q. Quintero | CNA065737803 | Revocation | Zack |
| II.D.15. | Deanna Lynn Reid | RN103924 | Revocation | Zack |
| II.D.16. | Nicole J. Romosz (aka: Roberson) | LP042604 | Revocation | Zack |
| II.D.17. | Mistdeen Marie Trotter | CNA1000009939 | Revocation | Zack |
| II.D.18. | Terri Lee Snyder | RN089508 | Revocation | Zack |

| | | | | |
|-----------------|------------------------------|----------------------|-------------------|-------------|
| II.D.19. | Michelle Elise Watson | CNA1000013547 | Revocation | Zack |
| II.D.20. | Lori Lynn Williams | RN103991 | Revocation | Zack |

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

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

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

Link moved, Gutierrez 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.

Dalton moved, Malloch seconded, and it was unanimously carried to accept the State’s recommended discipline for Agenda Items II.D.1.-20.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 9 | X | X | X | X | | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 2 | | | | | X | | | | | | X |

Johnson returned to the meeting at 2:52 p.m.

II.E. Rehearing Requests or Review of Board Decision

II.E.1. Shawntrell Lashey Eley CNA Applicant Campbell

The proceeding began at 2:53 p.m. with the following Board members present: Scott, Malloch, Johnson, Berrigan, Dalton, Gutierrez, Link, Perry, Quinn and Snider.

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

Eley was present and addressed the Board.

Campbell addressed the Board and recommended the Board deny request for rehearing/reconsideration, and to delete Findings of Fact 38, amend 40, and delete Conclusions of Law 5, 9, and amend 10.

Malloch moved, Johnson seconded, to deny request for review. After discussion Malloch withdrew the motion.

Snider moved, Quinn seconded, and it was unanimously carried to grant review because the decision is not justified by the evidence.

Quinn moved, Malloch seconded, and it was unanimously carried to deny request for rehearing, but modify the Order to include: delete Findings of Fact 38 and modify 40 and delete Conclusions of Law 5, 9, and amend 10.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

The meeting recessed at 3:15 p.m. and reconvened at 3:33 p.m.

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. | Lavena R. Abeita | CNA982178353 | Revocation | Campbell |

Malloch moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item II.D.1. for the purpose of allowing Abeita to address the Board.

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

Abeita was present and addressed the Board.

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

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

Campbell addressed the Board.

Johnson moved, Berrigan seconded, and it was unanimously carried to table Agenda Item II.D.1.

II.E. Rehearing Requests or Review of Board Decision

II.E.2. Scott W. Kyle CNA Applicant Campbell

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

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

Kyle was present and addressed the Board.

Campbell addressed the Board and recommended the Board deny request for rehearing but grant limited review as to Findings of Fact 27, 37, and 57.

Malloch moved, Link seconded, and it was unanimously carried to deny request for rehearing, but grant limited review as to Finding of Fact 27, 37 and 57 to make corrections as recommended in the state’s response.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

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

II.F.1. Tobin Lynn Besse RN131548; LP038292 Barber

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

Besse was present and addressed the Board.

Malloch moved, Gutierrez seconded, and it was unanimously carried to rescind the Board decision of March 26, 2009, to offer a Consent Agreement for a Decree of Censure, and issue a Letter of Concern for exceeding nursing scope of practice on or about May 14, 2008, by writing a telephone physician's order for placement of a Peripherally Inserted Central Catheter (PICC) without calling the physician.

II.F.2. Julienne Dalkoff Lepa RN087011; AP1231 Verstegen/Barber

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

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

Barber addressed the Board and recommended the Board accept the signed Consent Agreement for 6 months probation with the attached stipulations.

Johnson moved, Link seconded, and it was unanimously carried to rescind the Board decision of June 3, 2009, to offer a Consent Agreement for 12 months probation, and accept the signed Consent Agreement for 6 months probation with the attached stipulations.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

II.F.3. Laura Kay McNall RN1256122 Zack/Richards

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

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

Link moved, Snider seconded, and it was unanimously carried to accept the attached, signed Consent Agreement for a Decree of Censure in settlement of complaint.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

II.F.4. Lori Eileen Pettigrew RN143047 Campbell

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

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

Campbell addressed the Board and recommended the Board issue a Complaint and Notice of Hearing.

Malloch moved, Link seconded, and it was unanimously carried to remove the allegations in the Notice of Charges related to Respondent's noncompliance with the Interim Order, and vote the case to hearing based upon the allegations contained in the attached draft Complaint and Notice of Hearing.

II.F.5. Randall Lee Johnson CNA1000007462 Zack/Richards
 The Board was represented by Christopher Munns, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

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

Richards addressed the Board with additional information.

Link moved, Berrigan seconded, and it was unanimously carried to accept Respondent's signed Consent Agreement for 6 months stayed revocation including the stipulations in settlement of Complaint No. 0908027.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

V.B. Applicants for Reissuance & Investigative Reports

V.B.2. Hollis Adams Harvey RN160817 Rappoport

Rappoport addressed the Board with additional information. Harvey was present and available for questions. Malloch moved, Snider 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/probation, followed by 24 months standard probation including the attached stipulations, to grant temporary license for Refresher Course only. Upon successful completion of refresher course, grant licensure under applicable terms. If not signed within 30 days, deny licensure based upon the information contained in the investigative report.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | 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/McGinty/Van Cuyk

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

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

VII.B.2. Fortis College, Continued Provisional Approval

Glen Tharp was present and available for questions. Link moved, Berrigan seconded, and it was unanimously carried to continue provisional approval with report in 6 months to remedy any outstanding potential deficiencies. If not remedied, return to the Board for issue of Notice of Deficiency.

VII.B.3. Chamberlain College, Grant Full Approval

Dr. Kim LaMar was present and available for questions. Link moved, Dalton seconded, and it was unanimously carried to grant full approval for 5 years or consistent with national accreditation cycle.

VII.B.4. Draft: Choosing a Nursing Program: A Guide for Prospective Nursing Students

Johnson moved, Dalton seconded, and it was unanimously carried to approve Choosing Nursing a Program: A Guide for Prospective Nursing Students on the Board website.

VII.B.5. Draft Substantive Policy: Disclosure of Costs to Students and Prospective Students

Dalton moved, Perry seconded, and it was unanimously carried to approve Nursing Program Disclosure of Student Costs for publication.

VII.B.7. Investigation – Fortis College

Glenn Tharpe was present and addressed the Board. Malloch moved, Johnson seconded, and it was unanimously carried to issue a Letter of Concern to the Fortis College PN program for failing to adequately supervise students during a clinical session on May 11, 2011 at Mountain Vista Medical Center; failing to maintain and enforce policies and procedures that require faculty to be physically and mentally able to provide safe client care; and failing to timely respond and intervene when informed of potentially inadequate clinical supervision on the part of a faculty member.

VII.B.8. Investigation – University of Phoenix

Perry recused himself to avoid the appearance of impropriety. Kathy Watson was present and addressed the Board. Johnson moved, Gutierrez seconded, to issue Letter of Concern to the University of Phoenix LPN to BSN program for failure to inform students in writing of the P3 progression policy and failure to follow P3 policy for 2 students at the Tucson site. The motion carried with nine in favor and one abstained.

VII.B.9. Investigation – University of Arizona

Terry Badger was present telephonically and addressed the Board. Malloch moved, Johnson seconded, and it was unanimously carried to dismiss the case.

Gutierrez left the meeting at 4:38 p.m. and returned at 4:40 p.m.

VII.B.10. Investigation – Glendale Community College

Johnson moved, Dalton seconded, and it was unanimously carried to dismiss the complaint against the Glendale Community College Nursing Program.

VII.B.11. New Program Directors: Arizona State University, Excelsior, Fortis College, ITT Technical Institute, Maricopa Nursing Chandler Gilbert and Consortium, Mohave Community College RN Program, Northland Pioneer College

Information was provided to the Board regarding the appointment of Teri Britt Pipe as Dean of the College of Nursing and Health Innovation at Arizona State University.

VII.B.12. Report of Continued Competency Subcommittee

Draft minutes were provided to the Board from the May 27, 2011, Continued Competence Subcommittee Education Advisory Committee. Scott provided the Board with an update.

Berrigan left the meeting at 4:46 p.m. and returned at 4:48 p.m.

VII.B.13. College of Eastern Utah CNA Program Site Visit Report

Quinn moved, Link seconded, to deny approval. Mamaluy noted that a decision for denial was not agendaized for this meeting. Quinn withdrew the motion.

Link moved, Malloch seconded, and after discussion it was unanimously carried, based on the factual allegations and alleged rule violations identified in the amended investigative report, to issue a Notice of Deficiency as amended.

VII.B.14. Employment of Newly Licensed Nurses 2011

Information was provided to the Board regarding employment of newly licensed nurses 2011.

VII.B.15. Centennial High School Nursing Assistant Training Program – Case Dismiss

Perry moved, Berrigan seconded, and it was unanimously carried to case dismiss.

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. | Lavena R. Abeita | CNA982178353 | Revocation | Campbell |

Malloch moved, Berrigan seconded, and it was unanimously carried to reopen Agenda Item II.D.1.

Elizabeth Campbell, Assistant Attorney General represented the State.

Abeita was present and available for questions.

Malloch moved, Johnson seconded, and it was unanimously carried to issue an Order for 24 months stayed revocation including the attached stipulations.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

The meeting recessed at 5:01 p.m., Monday, July 25, 2011.

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:03 a.m., Tuesday, July 26, 2011, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Scott, RN, MPS, PhD, FACHE, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Scott, RN, MPA, PhD, FACHE, President
Kathy Malloch, PhD, MBA, RN, FAAN, Vice President
Patricia Johnson, LPN, Secretary
Theresa (Terri) Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
Leslie Dalton, MSN, RN, Member
Lori Gutierrez, BS, RN-C, Member
Denise Link, PhD, WHCNP, FNAP, Member
M. Hunter Perry, BSHA, Member
Charleen L. Snider, BSN, RN, Member
Randy C. Quinn, CRNA, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, Assistant Attorney General
Keely Verstegen, Assistant Attorney General
Kim Zack, Assistant Attorney General

STAFF DIRECTORS:

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

STAFF:

| | |
|--|--|
| Nikki Austin, RN, JD, Nurse Practice Consultant Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings Tammi Bymers, RN, MSN, Nurse Practice Consultant/Monitoring Janeen Dahn, MSN, FNP, Nurse Practice Consultant/AP Esther Garcia, Legal Assistant Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant/Advanced Practice Teddylen Guffey, MHSA, RN, LNCC, Nurse Practice Consultant Lynda Hemann, PhD, MPH, LISAC, Senior Investigator Dolores Hurtado, Legal Assistant II/Monitoring Ron Lester, Senior Investigator | Debra McGinty RN, PhD, Administrator/Nursing Programs Linda Monas, Senior Investigator Kirk Olson, Senior Investigator Doug Parlin, Senior Investigator Susan Perkins RN, MSN, Nurse Practice Consultant Judy Pendergast, RN, JD, Nurse Practice Consultant/CANDO Mary Rappoport, RN, MN, Nurse Practice Consultant Deborah Richards, JD, Senior Investigator Bonnie Richter, MSW, Senior Investigator Jeanine Sage, RN, MSN, Nursing Assistant Consultant Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant Sister Rachel Torrez, RN, MS, Nurse Practice Consultant Dirk VandenBerg, Sr., Senior Investigator Barbara Melberg, Legal Secretary |
|--|--|

I. Call to Order

The meeting was called to order at 8:03 a.m., Tuesday, July 26, 2011.

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

Scott presided.

Scott welcomed members of the audience, explained the procedure for addressing the Board, stated the mission of the Board.

VI. RN/LPN/CNA Investigative Reports

VI.D.4. Nancy Jane Jorgensen RN102721; AP1563; LP032670 (Grady)

Link recused herself to avoid the appearance of impropriety and left the meeting at 8:06 a.m.

Grady addressed the Board and confirmed the receipt of additional information. Attorney Ken Baker and Jorgensen were present and addressed the Board. Gutierrez moved, Dalton seconded, and it was unanimously carried to issue a Letter of Concern for failing to communicate abnormal lab results and the diagnostic/treatment plan directly to a minor patient’s parent/guardian, on or about October 16, 2007, while employed with Valley Obstetrics and Gynecology.

Link returned to the meeting at 8:14 a.m.

VI.D.2. Betty Jean Kippen LP009425 (Grady)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 4 | | | X | | X | | X | X | | | |
| NO | 6 | X | X | | X | | X | | | X | X | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

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

VI.D.3. Jane Klunk Trest RN024805 (Grady)

Trest was present and available for questions. Malloch 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 | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.F.1. Valerie Karen Cassel RN123213 (Hemann)

Malloch 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 probation including the attached terms. If the findings of the evaluation required by the Consent Agreement identify that Respondent has a substance use disorder or is in need of treatment, the length of the

probation will be at minimum 26 months with the standard requirements for substance use disorders. If the findings from the evaluation required by the Consent Agreement do not find Respondent to have a substance use disorder or in need of treatment, the length of the probation will be at minimum 18 months. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.F.2. Vicki Lynn Clark RN128844 (Hemann)
(aka: Cavezza; Samansky; Procopi)

Malloch moved, Link seconded, and it was unanimously carried, upon making a finding of reasonable cause, based upon the allegations in the investigative report and at the Board’s expense, to issue an Interim Order for an evaluation to be completed by a Board approved addictionologist (physician) who has expertise in pain management, and substance abuse disorders, and to include any additional testing deemed necessary by the evaluator, to be completed within 45 days and then return to the Board. If the Interim Order is not completed, based upon the alleged findings of facts and statute/rule violations identified in the investigative report, issue a Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.F.3. Marie Elizabeth Green RN142440 (Hemann)
(aka: Cramond)

Johnson moved, Gutierrez seconded, and it was unanimously carried, based upon the alleged findings of facts and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a suspension not to exceed 12 months, pending the completion of a substance abuse evaluation by a Board approved addictionologist (physician) evaluator within 45 days and the successful completion of any acute treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment providers that Respondent is safe to return to practice, to be followed by 36 months stayed revocation/probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.F.4. Mary Lu Maldonado Lopez LP044879 (Hemann)

Malloch moved, Dalton seconded, and it was unanimously carried, based upon the alleged findings of facts and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months stayed suspension/probation followed by 24 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.F.5. Kimberly Rae Mulhare RN119228 (Hemann)

Link moved, Berrigan seconded, and it was unanimously carried, making a finding of reasonable cause, based upon the allegations in the investigative report and at cost to the Board, to issue an Interim Order for an addiction evaluation to be completed by Michael Sucher, M.D., a Board approved addictionologist (physician) evaluator, and to include any additional testing deemed necessary by the evaluator, to be scheduled 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 | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.F.6. Benjamin Dierker Perry RN147456 (Hemann)

Perry moved, Dalton 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 to include a substance abuse evaluation by a Board approved PhD prepared evaluator with expertise in substance abuse to be completed within 45 days and to include the attached stipulations. If not signed with 30 days, issue a Notice of Charges

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.F.7. Lesley Kristine Reed RN153501 (Hemann)

Reed was present and available for questions. Malloch moved, Link seconded, and after discussion it was unanimously carried, based upon the alleged facts and statute/rule violations identified in the investigative report, to offer a Consent Agreement for probation, and to include the attached terms. If the findings of the evaluation required by the Consent Agreement identify that Respondent has a substance use disorder or is in need of treatment, the length of the probation will be at minimum 36 months with the standard requirements for substance use disorders. If the findings from the evaluation required by the Consent Agreement do not find Respondent to have a substance use disorder or in need of treatment, the length of the probation will be at minimum 18 months. If not signed within 30 days, issue Notice of Charges.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.1. Gabriel M. Burgos CNA Exam (Lester)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.2. Amanda C. Butler CNA999948467 (Lester)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.3. Yolanda Duarte CNA Exam (Lester)

Malloch moved, Snider seconded, and it was unanimously carried, upon meeting all requirements, to grant certification and issue a Letter of Concern the June 8, 1994, conviction of Theft and the May 8, 2001, conviction of Child Abuse, in Los Angeles County Superior Court, Los Angeles, California, where the charges were later set aside and dismissed on or about February 13, 2007.

**VI.G.4. Darlene A. Francis CNA999953130 (Lester)
(aka: Skenandore)**

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.5. Taha A. Hansbrough CNA Exam (Lester)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.6. Cassandra E. Kennedy CNA000010553 (Lester)

Lester addressed the Board and noted a request from applicant for 60 days to complete an evaluation. Link moved, Malloch seconded, and it was unanimously carried to continue the investigation to allow Respondent the opportunity to obtain a comprehensive psychological evaluation with an emphasis on substance abuse, with a Board approved PhD prepared evaluator with expertise in substance abuse and

to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 60 days and then return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.7. Mayra Zuleta CNA1000009630 (Lester)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.8. Amanda Tallman CNA Exam (Lester)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.G.9. Kim Marie Colombo RN077125 (Lester)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

**VI.H.2. Ethylene Begay CNA Exam (Monas)
(aka: Ethylene Jake; Ettaline Mae Jake)**

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.3. Daniel Dale Blancher CNA Exam (Monas)

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.4. Katherine Rae Contreras CNA Exam (Monas)

Monas addressed the Board with additional information. Contreras was present and available for questions. Johnson moved, Gutierrez seconded, 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, to grant licensure. If not signed within 30 days or payment not received within 60 days, deny certification. After discussion the motion failed with six opposed and four in favor.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 4 | X | | X | | X | | | | | X | |
| NO | 6 | | X | | X | | X | X | X | X | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

Malloch moved, Link seconded, and it was unanimously carried to table Agenda Item VI.H.4.

VI.H.5. Belinda Denise DeBose CNA Exam (Monas)

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.6. Robert Allen Eades TRN168902 (Monas)

Quinn 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 licensure.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.7. Jonathan Ellis England RN Exam; CNA1000014838 (Monas)

Quinn 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 RN licensure and issue a Notice of Charges for CNA1000014838.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.8. Andre Leach CNA Exam (Monas)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.9. Shawna Leigh Nuanes CNA Exam (Monas)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

**VI.H.10. Brandi Superville CNA Exam (Monas)
(aka: Timmer)**

Monas addressed the Board with additional information. Superville was present and available for questions. Malloch moved, Link seconded, and it was unanimously carried to continue the investigation to allow applicant the opportunity to obtain a psychological evaluation, to include a substance abuse evaluation, by a Board approved licensed psychologist, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 60 days and then return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny certification.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.11. Gina Dawn Waters CNA Endorsement (Monas)

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 certification.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.12. Kevin Walker RN Exam (Monas)

Gutierrez moved, Dalton seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements and signing a Consent Agreement for 12 months probation including the attached stipulations, to grant licensure. If not signed within 30 days, deny licensure.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.13. Angelo Leone CNA Exam (Monas)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

**VI.H.14. Patricia Ann Kenny CNA Exam (Monas)
(aka: Leon)**

Kenny was present and available for questions. Malloch moved, Dalton seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, upon meeting all requirements, signing a Consent Agreement for 12 months stayed revocation, and to include the attached stipulations, to grant certification. If not signed within 30 days, deny certification.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.15. Karen Marie Roberts CNA Exam (Monas)

Monas addressed the Board with additional information. Quinn 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 24 months stayed revocation including the attached stipulations, to grant certification. If not signed within 30 days, deny certification.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.16. Aneatra Vashawn Pervis LP Exam (Monas)

Pervis 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, upon meeting all requirements and signing a Consent Agreement for 12 months probation including the attached stipulations, to grant licensure. If not signed within 30 days, deny licensure.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.H.4. Katherine Rae Contreras CNA Exam (Monas)

Perry moved, Malloch seconded, and it was unanimously carried to reopen Agenda Item VI.H.4. Quinn moved, Link seconded, and it was unanimously carried, upon meeting all requirement, to grant certification and issue a Letter of Concern for the January 14, 2009, conviction of DUI, a misdemeanor, in Tempe City Court, Tempe Arizona, and her admitted history of problematic alcohol use.

V.B. Applicants for Reissuance & Investigative Reports

V.B.4. Kimberly Ann Ghramm RN090737 Olson

Olson addressed the Board with additional information. Ghramm was present and addressed the Board. Johnson moved, Malloch 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 36 months stayed revocation including the attached stipulations, to grant temporary licensure for Refresher Course only. Upon successful completion of refresher course, grant licensure under applicable terms. If not signed within 30 days, deny licensure based upon the information contained in the investigative report.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI. RN/LPN/CNA Investigative Reports

**VI.I.2. Teresa L. Garcia CNA059451663 (Olson)
(aka: Clayes)**

Quinn 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 | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

**VI.I.3. Sheila Marie Joshway RN Endorsement (Olson)
(aka: Brown)**

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

**VI.I.4. Carol Georgette Lara
(aka: Morales)**

LP Exam; CNA337587103 (Olson)

Quinn 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 licensure requirements, signing a Consent Agreement for a \$250 Civil Penalty and payment of the Civil Penalty, to grant licensure. If not signed within 30 days or payment not received within 60 days, deny LPN licensure and issue a Notice of Charges for CNA337587103.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.I.5. Sara Joy Priest

RN Exam; CNA999993519 (Olson)

Olson addressed the Board and confirmed the receipt of additional information. Priest and Vincent Zomak were present and addressed the Board. Quinn moved, Link seconded, and after discussion it was unanimously carried to continue the investigation to allow applicant the opportunity to obtain a psychological evaluation, to include a substance abuse evaluation, by a Board approved licensed psychologist, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny RN licensure and issue a Notice of Charges for CNA999993519.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

**VI.I.6. Latosha Ann McGuire
(aka: Dunlap)**

CNA Exam (Olson)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.I.7. Stephen J. Morris

RN Endorsement (Olson)

Johnson moved, Berrigan seconded, and it was unanimously carried to grant licensure upon meeting all requirements, and issue a Letter of Concern for the February 12, 1993, conviction, pursuant to a guilty plea, of assault, fourth degree, a misdemeanor, and for failure to disclose the conviction on his January 26, 2008, application for employment with Willamette Valley Medical Center, in McMinnville, Oregon.

VI.I.8. Yolinda Simmons

CNA Exam (Olson)

Link moved, Snider 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, to grant certification. If not signed within 30 days or payment not received within 60 days, deny certification.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.I.9. Giacomo Yockman RN115486 (Olson)
(aka: Jack Yockman)

Snider moved, Link seconded, and it was unanimously carried to continue the investigation to allow Respondent to obtain an independent psychological evaluation, to include a substance abuse relapse/recovery evaluation, to be completed by a Board approved licensed psychologist, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.J.1. Andrea Irene Juvera RN163280 (Parlin)

Juvera was present and addressed the Board. Malloch 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 | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.J.2. Angela Joy VanAbeL LP039444 (Parlin)

Link moved, Gutierrez 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 \$1,000 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.J.3. Christina F. Delgado CNA999948037 (Parlin)

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

VI.J.4. Del William Spangler RN140034 (Parlin)

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.J.5. Eric Godwin Lewis CNA Exam (Parlin)

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.J.6. Katherine Elizabeth Myers RN152949; CNA1000005680 (Parlin)

Parlin addressed the Board with additional information. Myers was present and addressed the Board. Johnson moved, Dalton 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 | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.J.7. Kaylee Therese Dunn CNA1000015976 (Parlin)

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

VI.J.8. Michelle Lynn Doka RN138074 (Parlin)

Malloch 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 | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

The meeting recessed at 9:30 a.m. and reconvened at 9:48 a.m.

VI. RN/LPN/CNA Investigative Reports

VI.D.2. Betty Jean Kippen LP009425 (Grady)

Malloch moved, Quinn seconded, and it was unanimously carried to reopen Agenda Item VI.D.2. Grady addressed the Board and confirmed the receipt of additional information. Malloch moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for 12 months probation including the attached stipulations, amended to include an ethics course. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.K.3. Beatrice Akua Ayrakwa LP041447 (Pendergast)

Ayrakwa was present telephonically 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 12 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.K.4. Randy Kenneth Bromenschenkel RN126295 (Pendergast)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.K.5. Craig Steven Komadino RN115286 (Pendergast)

Komadino was present and available for questions. Malloch moved, Dalton seconded, and it was unanimously carried to issue a Letter of Concern for failing to inform the physician of a change in health status on or about February 1, 2010 on patient M.W. while employed at Professional Home Care Services in Phoenix, Arizona.

VI.K.6. Maria A. Rodriguez RN151838 (Pendergast)

Pendergast addressed the Board and confirmed the receipt of additional information. Rodriguez was present and addressed the Board. Malloch moved, Dalton seconded, and it was unanimously carried, making a finding of reasonable cause, based upon the allegations in the investigative report and at cost to the Board, issue an Interim Order for a addiction evaluation to be completed by a Board approved psychiatrist who is also an addictionologist evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled within 45 days and then return to the Board. If the Interim Order is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.K.7. Phyllis Charity Provancial RN054076 (Pendergast)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.M.1. Edwin Llewlyn Burnett RN103736 (Rappoport)

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

VI.M.2. Thuy Thank Ho RN095508 (Rappoport)

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

**VI.M.4. Nancy Ann Polanco LP040666 (Rappoport)
(aka: Whallon; Rooks)**

Polanco was present and available for questions. Quinn moved, Malloch 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 | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

**VI.M.5. Frances Joy Canode RN148569 (Rappoport)
(aka: Griffin; Adams)**

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.N.1. Daniel Aguirre CNA Exam (Richter)

Aguirre was present and addressed the Board. 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 licensure/certification requirements and signing a Consent Agreement for a Decree of Censure, to grant certification. If not signed within 30 days, deny certification.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.N.2. Christopher Maruice Amos CNA Exam (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

Busby arrived at the meeting at 10:22 a.m.

VI.N.3. Sherelle Felicia Davis CNA Endorsement (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 1 | | | | | | | | | | | X |
| ABSENT | 0 | | | | | | | | | | | |

**VI.N.4. Marianna Vernardita Dominguez CNA Exam (Richter)
(aka: Gann)**

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 1 | | | | | | | | | | | X |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.5. Vanessa Marie Ellis CNA1000006597 (Richter)

An attempt was made to contact Ellis telephonically and a message was left that the Board would move forward with the case. Richter addressed the Board with additional information. Link moved, Perry seconded, and it was unanimously carried to continue the investigation continue the investigation to allow Respondent the opportunity to voluntarily submit to a psychological evaluation with emphasis on substance abuse and anger management issues with a Board approved PhD prepared evaluator and to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days and then return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.6. Treva Deshon Flowers CNA Endorsement (Richter)

Link moved, Snider seconded, and it was unanimously carried, upon meeting all certification requirements, to grant certification and issue a Letter of Concern for the May 17, 2003 conviction in the Broward County Court for Solicit Another for Lewdness, a misdemeanor.

VI.N.7. Keenan Christopher Gant CNA Endorsement (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.8. Ashley Reese Gonzales CNA Exam (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.9. Lesa Maria Gonzales RN088545 (Richter)

Richter addressed the Board with additional information. Berrigan 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.N.10. Corwin Joseph Hartman CNA Endorsement (Richter)
(aka: Roger Jesse Valenzuela; Cory Hartman)**

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.11. Andrea Noelle Hatfield LP Endorsement (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

**VI.N.12. Brian David Ingram CNA Exam (Richter)
(aka: Wakeman)**

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.13. Sessa Nicole Irwin CNA1000018654 (Richter)

Link moved, Berrigan seconded, and after discussion it was unanimously carried to continue the investigation to allow Respondent to voluntarily submit to a psychological evaluation with an emphasis on substance abuse to be completed by a Board approved PhD prepared evaluator, and to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed with 45 days and then return to the Board.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.14. Candi May Lewis RN Endorsement (Richter)

Lewis was present and available for questions. Busby moved, Link seconded, and it was unanimously carried, upon meeting all requirements, to grant licensure and issue a Letter of Concern for the March 03, 1999 conviction for Theft of Property, a misdemeanor in Little Rock Municipal Court (Arkansas), and for the February 28, 2000 conviction for Possession of Controlled Substances, a felony, in Pulaski County Circuit Court (Arkansas), which was expunged on April 1, 2005 in Pulaski County Circuit Court..

VI.N.15. Patricia Margaret Little CNA Exam (Richter)

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.16. Sergio Manuel Montano CNA999989039 (Richter)

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

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.17. Barbara Ann Owens CNA999987305 (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.18. Mamie Jean Whitmore CNA Exam (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.19. Katie Elizabeth Willard CNA Endorsement (Richter)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.N.20. Adam Christopher Wilson CNA Exam (Richter)

Busby moved, Berrigan seconded, and it was unanimously carried, upon meeting all certification requirements, to grant certification and issue a Letter of Concern for the September 2003 conviction in Arapahoe County, Colorado for DUI, and for the June 2006 conviction in Ankeny, Iowa for OWI, both misdemeanor offenses.

VI.N.21. Michelle Ann Schilling RN168329 (Richter)

Schilling was present and addressed the Board. Berrigan moved, Link seconded, and it was unanimously carried to table Agenda Item VI.N.21.

VI.P.1. Richard Jerome Biggs RN104062 (Schettler)

Schettler 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 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.P.2. Yoon Choi RN157733 (Schettler)
(aka: Yun Choi; Natosha Choi”

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.P.3. Jacqueline Mechelle Chowdhury (Schettler)
(aka: Williams)

Busby moved, Link seconded, to issue a Letter of Concern for administering Versed, a sedative medication, to patient J.A.W. on or about February 15, 2010, without obtaining a direct physician’s order while working for Aureus Medical Group and assigned as a travel nurse to Banner Good Samaritan Medical Center in Phoenix, Arizona. After discussion the motion carried with ten in favor and one opposed.

VI.P.6. Emily Suzanne Freman RN157783 (Schettler)

Schettler addressed the Board with additional information. Freman was present and addressed the Board. Julie Ginger was present and available for questions. Quinn 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 36 months probation including the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.P.8. Julia Monroe RN092746 (Schettler)

An attempt was made to contact Monroe telephonically and a message was left that the Board would move forward with the case. Link moved, Snider seconded, to issue a Letter of Concern for sleeping on duty in or about February 12, 2010, while employed at Fort Defiance Indian Hospital in Fort Defiance, Arizona. After discussion the motion failed with six opposed and five in favor.

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 6 | | | X | | X | X | X | X | X | | |
| NO | 5 | X | X | | X | | | | | | X | X |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

VI.Q.2. Elizabeth Devries RN135537 (Torrez)

Torrez addressed the Board with additional information. Devries was present and available for questions. Quinn moved, Snider seconded, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a Decree of Censure. If not

signed within 30 days, issue Notice of Charges. After discussion, the motion failed with six opposed and five in favor.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 5 | X | | X | X | X | X | | | | | |
| NO | 6 | | X | | | | | X | X | X | X | X |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

Busby moved, Gutierrez seconded, to issue a Letter of Concern for directing a nurse to administer Narcan to patient D.A. when there was no physician order on March 17, 2011, while employed at Select Specialty Hospital in Phoenix, Arizona. The motion carried with eight in favor and three opposed.

VI.Q.3. Alfred Oscar Dame III RN124740 (Torrez)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

Busby left the meeting at 11:20 a.m.

VI.Q.4. Janice L. Warren RN141736 (Torrez)

Torrez addressed the Board and confirmed the receipt of additional information. Warren was present and available for questions. Perry moved, Snider 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, not to exceed 18 months, pending the completion of a substance abuse evaluation by a Board approved addictionologist who is also a Medical Review Officer (MRO), and the successful completion of treatment recommendations resulting from the evaluation and/or confirmation is received from either the evaluator or treatment provider that Respondent is safe to return to practice, to be followed by 36 months probation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.Q.5. Elizabeth Marie Bartram RN057874 (Torrez)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.Q.6. Dawn Stroup RN097342 (Torrez)

Torrez addressed the Board with additional information. Malloch moved, Berrigan seconded, and it was unanimously carried to continue the investigation to allow Respondent to voluntarily undergo a substance abuse evaluation with a Board approved PhD prepared evaluator and to include any additional testing deemed necessary by the evaluator, to be completed within 60 days. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.Q.7. Toni Ybarra RN083757; LP026208 (Torrez)

Torrez addressed the Board and confirmed the receipt of additional information. Ybarra was present telephonically and addressed the Board. Malloch moved, Dalton seconded, and it was unanimously carried, for complaint #1, issue a Letter of Concern for failing to intervene and assess a visitor who had a cardiac arrest on or about December 3, 2008, at Hacienda Rehabilitation and Care Center in Sierra Vista, Arizona, and for failing to cooperate with the Board staff during the course of the investigation.

Malloch moved, Link seconded, and it was unanimously carried, for complaint #2, to issue a Letter of Concern for failing to cooperate with the Board staff during the course of an investigation concerning an anonymous complaint alleging that she failed to intervene and assess resident T.G. on March 3, 2010, while employed at Hacienda Rehabilitation and Care Center in Sierra Vista, Arizona.

VI.Q.8. Rolando Gines Peralta LP027781 (Torrez)

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

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | X | X | X | X | X | X | X | X | |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 1 | | | | | | | | | | | X |

VI.S.3. Marshall Lardizabal Reyes RN136183 (Smith)

Smith addressed the Board and confirmed the receipt of additional information. Reyes was present and available for questions. Malloch moved, Johnson seconded, and it was unanimously carried to rescind the May 2011 Board decision and based upon the findings of fact and statute/rule violations identified in the attached investigative report, offer a Consent Agreement for 24 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 | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 10 | X | X | 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 Chamberlain College and Mesa Community College Nursing Students regarding Board functions, policies and procedures. Question were asked on the definition of a

Decree of Censure, how it's determined which cases are opened and which are not, if Board positions are paid positions, advice the Board would offer students, how each Board member comes to a decision on cases and the reason why some Board members vote against a decision.

The meeting recessed at 12:06 p.m. and reconvened at 1:03 p.m. Busby returned to the meeting at 1:03 p.m.

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

VII.A. Executive Directors Report – Ridenour

VII.A.3. Discussion & Decision on the following litigation matters (Upon a majority vote of a quorum of members, the Board may hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (4), to obtain legal advice, and to consult with and instruct the Board's attorneys regarding the Board's position in pending litigation or in settlement discussions) – Rebecca Herbst Assistant Attorney General/Employment Law Section

VII.A.3.a. Graham-Payne, et al. v. Arizona State Board of Nursing, et al. CV2010-053962

Malloch moved, Johnson seconded, and it was unanimously carried to go into Executive Session on Agenda Item VII.A.3. 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. Executive Session convened at 1:05 p.m. and adjourned at 2:30 p.m. Busby moved, Perry seconded, and it was unanimously carried for the assistant attorneys general (A.A.G.'s) to act according to direction given by the Board during Executive Session.

VII.A.2. Update on potential 2012 Legislations Impacting Nursing Regulation – Harris/Ridenour

Legislative liaison, Greg Harris, updated the Board on the Sunset report and legislation for Board continuation issue.

Harris also reported on issues with rules adopted in the 90's regarding CRNA's (certified registered nurse anesthetists) and what would be a legislative remedy. He is also working on draft sunrise legislation. Focus for the 2012 session concerns is preserving status quo and a need for statutes to support the rules already in place.

Quinn noted the importance of maintaining current practice and that national dialogue will help the process move along.

The Regular meeting recessed at 2:43 p.m., for the purpose of convening the 2:00 p.m. Special Board meeting.

Arizona State Board of Nursing

Janice K. Brewer
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The special meeting of the Arizona State Board of Nursing convened at 3:02 p.m., Tuesday, July 26, 2011, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Kathy Scott, RN, MPA, PhD, FACHE, President, presiding.

BOARD MEMBERS PRESENT:

Kathy Scott, RN, MPA, PhD, FACHE, President
Kathy Malloch, PhD, MBA, RN, FAAN, Vice President
Patricia Johnson, LPN, Secretary
Theresa (Terri) Berrigan, LPN, Member
Kathryn L. Busby, JD, Member
Leslie Dalton, MSN, RN, Member
Lori Gutierrez, BS, RN-C, Member
Denise Link, PhD, WHCNP, FNAP, Member
M. Hunter Perry, BSHA, Member
Charleen L. Snider, BSN, RN, Member
Randy C. Quinn, CRNA, Member

LEGAL COUNSEL:

Elizabeth Campbell, Assistant Attorney General
Emma Mamaluy, Assistant Attorney General
Keely Verstegen, Assistant Attorney General
Kim Zack, Assistant Attorney General

STAFF DIRECTORS:

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

STAFF:

| | |
|---|--|
| Nikki Austin, RN, JD, Nurse Practice Consultant Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings Tammi Bymers, RN, MSN, Nurse Practice Consultant/Monitoring Janeen Dahn, MSN, FNP, Nurse Practice Consultant/AP Esther Garcia, Legal Assistant Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant/Advanced Practice Teddylen Guffey, MHSA, RN, LNCC, Nurse Practice Consultant Lynda Hemann, PhD, MPH, LISAC, Senior Investigator Dolores Hurtado, Legal Assistant II/Monitoring Ron Lester, Senior Investigator Debra McGinty RN, PhD, Administrator/Nursing Programs | Linda Monas, Senior Investigator Kirk Olson, Senior Investigator Doug Parlin, Senior Investigator Susan Perkins RN, MSN, Nurse Practice Consultant Judy Pendergast, RN, JD, Nurse Practice Consultant/CANDO Mary Rappoport, RN, MN, Nurse Practice Consultant Deborah Richards, JD, Senior Investigator Bonnie Richter, MSW, Senior Investigator Jeanine Sage, RN, MSN, Nursing Assistant Consultant Ann Schettler, RN, MHL, CLNC, Nurse Practice Consultant Sister Rachel Torrez, RN, MS, Nurse Practice Consultant Dirk VandenBerg, Sr., Senior Investigator Barbara Melberg, Legal Secretary |
|---|--|

I. Call to Order

The meeting was called to order at 3:02 p.m., Tuesday, July 26, 2011.

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

Scott presided.

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

II.A.1. Vanessa Lynn Christensen RN128064; LP037896 Schettler (aka: Rutherford)

Schettler addressed the Board and noted that Christensen had signed a Consent Agreement for an indefinite suspension, not to exceed 12 months, pending an evaluation by a Board approved addictionologist and to include the attached stipulations, and then return to the Board to determine the status, which may include continued suspension or limited/probated license. Perry moved, Link seconded, and it was unanimously carried to accept the signed Consent Agreement.

| | VOTE | Berrigan Member | Link Member | Quinn Member | Snider Member | Johnson Secretary | Scott President | Malloch V. Pres. | Dalton Member | Perry Member | Gutierrez Member | Busby Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

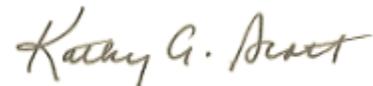
III. Call to the Public

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).

IV. Adjournment

Malloch moved, Berrigan seconded, and it was unanimously carried to adjourn the meeting.

The Special meeting adjourned at 3:04 p.m., Tuesday, July 26, 2011.



Kathy Scott, RN, MPA, PhD, FACHE, President

The Regular July 2011 Board meeting reconvened at 3:04 p.m.

VI. RN/LPN/CNA Investigative Reports

VI.N.21. Michelle Ann Schilling RN168329 (Richter)

Malloch moved, Perry seconded, and it was unanimously carried to reopen Agenda Item VI.N.21. Schilling was present and available for questions. Busby moved, Link seconded, and it was unanimously carried, based upon the findings of fact and statute/rule violations identified in the investigative report, to offer a Consent Agreement for a stayed revocation/suspension not to exceed 12 months to include the attached stipulations, followed by 18 months stayed revocation/probation followed by 18 months standard probation to include the attached stipulations and a \$250 Civil Penalty. If not signed within 30 days, issue Notice of Charges.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 11 | X | X | X | X | X | X | X | X | X | X | X |
| NO | 0 | | | | | | | | | | | |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

After discussion Busby rescinded the motion for re-discussion and clarity of the motion.

Malloch moved, Berrigan seconded, to offer a Consent Agreement for a stayed revocation/suspension not to exceed 12 months to include the attached stipulations, followed by 18 months stayed revocation/probation followed by 18 months standard probation to include the attached stipulations and a \$250 Civil Penalty. If not signed within 30 days, issue Notice of Charges. The motion carried with nine in favor and two opposed.

| | VOTE | <u>Berrigan</u> Member | <u>Link</u> Member | <u>Quinn</u> Member | <u>Snider</u> Member | <u>Johnson</u> Secretary | <u>Scott</u> President | <u>Malloch</u> V. Pres. | <u>Dalton</u> Member | <u>Perry</u> Member | <u>Gutierrez</u> Member | <u>Busby</u> Member |
|---------|-------------|---------------------------|-----------------------|------------------------|-------------------------|-----------------------------|---------------------------|----------------------------|-------------------------|------------------------|----------------------------|------------------------|
| YES | 9 | X | X | X | X | X | X | X | X | | X | |
| NO | 2 | | | | | | | | | X | | X |
| ABSTAIN | 0 | | | | | | | | | | | |
| ABSENT | 0 | | | | | | | | | | | |

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

VII.A. Executive Directors Report – Ridenour

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

VII.A.1.a. May 25-26, 2011 Regular Board Meeting Minutes

Perry moved, Quinn seconded, and it was unanimously carried to approve minutes of May 25-26, 2011 regular Board meeting.

VII.A.5. 2011 Arizona Healthcare Workforce Report: Nursing and Pharmacy – Ridenour/Randolph

Information was provided to the Board regarding 2011 Arizona Healthcare Workforce Report: Nursing and Pharmacy.

VII.A.6. Recommended Policy Revision: Criteria for Opening Complaints – Smith

Perry moved, Dalton seconded, and it was unanimously carried to approve the recommended policy revision: Criteria for Opening Complaints.

VII.A.7. Update on Investigative & Hearing Department Cycle Times – Barber/Smith

Information was provided to the Board regarding Investigative & Hearing Department cycle times. Smith noted that we now have two people in the triage department with the intent that cycle time will be ten days from incoming complaint to triage.

VII.A.8. Introduction Kim Post, AzBN Nurse Executive Intern – Ridenour

Ridenour introduced Kim Post, Vice President of Operations at Scottsdale Health Center who is interning with the Board. Post offered a brief description of her professional career.

VII.A.9. Update on Personnel Changes & Introduction New Staff – Smith/Bontrager/Ridenour

Smith introduced new investigative staff members, Teddylyn Guffy, Nikki Austin, Susan Perkins and Dirk VandenBerg, noting that we are now fully staffed.

Ridenour announced the addition of Stephen Curtin to the information technology department.

VII.C. President’s Report – Scott

VII.C.1. NCSBN Area I Directors Report - Malloch

VII.C.2. NCSBN Annual Delegate Assembly Meeting – Indiana, August 3-5, 2011; Summary of Recommendations - Malloch

Malloch offered NCSBN Area I Directors report and also commented on the upcoming NCSBN Delegate Assembly in Indianapolis and topics agendized.

VII.C.3. Update on Developing Regulatory Framework for Just Culture - Scott

Scott gave a brief update on developing regulatory framework for Just Culture.

VII.C.4. Request to Change Board Meeting September 21 & 22 to September 19 & 20 - Ridenour

Malloch moved, Johnson seconded, and it was unanimously carried to change the September 2011 Board meeting dates from the 21st and 22nd to September 19 & 20, 2011.

VII.D. A.A.G. Report – Zack

VII.D.1. Update regarding Arizona Revised Statutes section 32-3202, Automatic Suspension - Mamaluy

Mamaluy offered an update regarding Arizona Revised Statutes section 32-3202, Automatic Suspension. She stated that if a licensee is notified that his/her license is under investigation and the license expires, it goes into a “suspended”. The new term will be “administratively suspended”.

VII.D.2. Updates, New Processes, Accomplishments – Mamaluy/All

Mamaluy noted the addition of A.A.G., Keely Verstegen to the Hearing Department.

VII.E. Committee Reports

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

VII.E.1.a. Draft Minutes June 13, 2011

The Board was provided with draft minutes of the June 13, 2011 Scope of Practice Committee meeting.

VII.E.1.b. Draft Advisory Opinion – Medical Esthetics Procedures Performed by Licensed Nurses

VII.E.1.c. Retire Advisory Opinion – Dermatological Procedures Performed by RNs

VII.E.1.d. Retire Advisory Opinion – Visual Sclerotherapy

VII.E.1.e. Retire Advisory Opinion – Lasers (Pigment & Vascular Specific) for Cutaneous Procedures

Malloch moved, Link seconded, and after discussion it was unanimously carried to approve the advisory opinion on Medical Esthetics Procedures Performed by Licensed Nurses; retire the advisory opinion on Dermatological Procedures Performed by RNs; retire the advisory opinion on Visual Sclerotherapy; and retire the advisory opinion on Lasers (Pigment & Vascular Specific) for Cutaneous Procedures.

VII.E.2. Education –McGinty/Malloch

VII.E.2.a. Draft Minutes of Education Committee Meeting – June 3, 2011

Education Advisory Committee meeting draft minutes of June 3, 2011 were provided to the Board.

VII.E.3. Advanced Practice – Dahn/Link/Busby

VII.E.3.a. Draft Minutes of Advanced Practice Committee Meeting – June 16, 2011

Advanced Practice meeting draft minutes of June 16, 2011 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).

VII.C. President’s Report – Scott

VII.C.5. Debriefing on Board Processes & Suggested Changes – All

Perry announced he may be leaving the Board due to a possible transfer of a job to Connecticut.

Scott noted her appreciation for Malloch and Johnson in her transition as Board President.

Link requested that staff retire the term “mid-level provider”.

Kim Post commended the Board for undertaking this commitment and noted how well prepared and versed they are in the meetings.

Link commented the preparedness of the Board has much to do with the excellent work of the staff.

Smith thanked the Board for the opening dialogue.

Lila Wiemann, Administrative Assistant, is retiring and was commended for the job she’s done. The Board presented her with a gift of appreciation.

VII.A. Executive Directors Report – Ridenour

VII.A.4. Discussion: Executive Session pursuant to A.R.S. 38-431.03 (A)(3) To Obtain Legal Advice & Consult with Board Attorneys Regarding Board Processes and Documents - Mamaluy

Perry moved, Link seconded, and it was unanimously carried to go into Executive Session on Agenda Item VII.A.4. pursuant to A.R.S. 38-431.03 (A)(3) To Obtain Legal Advice & Consult with Board Attorneys Regarding Board Processes and Documents.

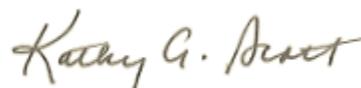
The Board approved staff to be present for this Executive Session presentation.

Executive Session convened at 3:52 p.m. and adjourned at 4:35 p.m.

X. Adjournment

Busby moved, Gutierrez seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 4:35 p.m., Tuesday, July 26, 2011.



Kathy Scott, RN, MPA, PhD, FACHE, President