

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of February 20, 2020

Board Members Present:

Board Chairman: Tracy Cagan, RCP
Vice Chairman: Alan Crawford, RCP
Kathy Rineer, RCP
Michael Beller, Public Member

Board Members Absent:

Leslie Easley, Dr.
Jose Gonzales, RCP

Staff Present:

Executive Director:
Jack Confer
Licensing Administrator:
Kathy Stone
Administrative Secretary:
Rachael Fowkes

Legal Counsel Present:

Seamus Monaghan, AAG
Marc Harris, AAG
Beth Campbell, AAG

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of February 20, 2020

I. CALL TO ORDER

The Meeting was called to order at 9:01AM by Board Chairman Cagan.

II. CONSENT AGENDA

There being no items requested to be removed, a motion was made to approve all items on the Consent Agenda.

MOTION: Vice Chairman Crawford to approve items A – H. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

A. APPROVAL OF MINUTES

Recommended for Approval

Regular Session Minutes from January 23, 2020

B. ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Erika Alvarez
Russell Church
Brianna Hopkins
Robert Kirbis, Jr.
Adrianna Lofek
Lauren Morris
Mitchell Powers
Lance Smith
Cassandra Sullivan

Taylor Anderson
George Cowles
Jennifer Huynh
Tori Lewis
Danielle Lopez
Joseph Nguyen
John Reeve
Steve St. Onge
Andrea Sutton

Julio Bautista
Skip Guziejka
Aaron Jongeneel
Stephen Lincicum
Benjamin Low
Merced Ontiveros III
Jesus Ruelas
Derek Stevens
Claudia Urrea-Perry

Timothy Buttgerit
Allison Hernandez
Kathryn Kamin
Wacey Lloyd
Zachary Maynard
Bethany Parra
Juan Sanchez Fuentes
Oliver Strizu

C. ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

Christine Garcia	Breanne Hormann	Crystal Salaz	Richard Webb
RoseMarie Zmuda	Wesley Smith		

D. ACTION ON ADMINISTRATIVE CLOSURE OF 90-DAY INACTIVE FILES

Recommended for closing of inactive files

David Contreras	Richard Edmiston	Carlos Ortiz	Katherine Rauch
Frances Simon	Patrick Smith	William Smith	

E. ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

Lamar Atkins	Deborah Aucker	William Baker	Linda Bearden
Kathleen Benites	Tiffany Bryant	Mona Capelle	Susanne Colby
Jessica Couch	Lauren Delgado	John Ditoro	Heather Drebes
John Ebanks	Joyce Ellsmore	Victor Galdos	Joseph Garcia
William Gibbs	Frederick Gruber	Wanda Mary Hagen Murtha	Laura Hickey
Richard Huerta	Isaac Jackai	Myla Jones	Jordan Klabbatz
Anthony Labriola	Lauri Leadley	Manuel Malone	Thomas McGuire
Mallory McPeak	David Meng	Adrienne Noel	Gregory Olson
Leann Olson	Lisa Rome	Denise Shimabuku	Jeffery Spacht
Leslie Steen	Oi Tse	Genevieve Tully	Marcus Ulm
Jose Urias			

F. ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal:

Ariel Aragon	Sallie Bitner	Jason Cook	Barbara Davis
Sergio German	Jourdan Goldner	Aaron Jordan	Selina Kwarteng
Elizabeth Patterson	Ashlee Slattery	Karen Thomas	

G. ACTION ON RATIFICATION OF CONSENT AGREEMENTS

- | | | |
|----|-----------------|---------------------|
| 1. | Alvarez, Pamela | Case# 2019-RCE-0357 |
| 2. | Wolf, Danielle | Case# 2020-RCE-0024 |
| 3. | Cruz, Peggy | Case# 2020-RCE-0014 |
| 4. | Morris, Krista | Case# 2020-RCE-0021 |
| 5. | Tovar, Amaro | Case# 2020-RCE-0023 |
| 6. | Gerlach, Robert | Case# 2020-RCE-0015 |
| 7. | Beas, Belinda | Case# 2020-RCE-0012 |
| 8. | Dixon, Lawrence | Case# 2019-RCE-0306 |
| 9. | Zais, Jennifer | Case# 2019-RCE-0341 |

- | | | |
|-----|-------------------|---------------------|
| 10. | Leinweber, Laura | Case# 2019-RCE-0159 |
| 11. | Becker, June | Case# 2019-RCE-0304 |
| 12. | Bozzola, Melissa | Case# 2019-RCE-0313 |
| 13. | Nichols, David | Case# 2020-RCE-0022 |
| 14. | Teran, Karla | Case# 2019-RCE-0338 |
| 15. | Barrett, Leobardo | Case# 2019-RCE-0358 |

H. ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, March 19, 2020 at 9:00AM.

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III. REGULAR AGENDA

A. DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

B. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON REHEARING OR REVIEW OF DECISION PURSUANT TO A.A.C. R4-45-302

1. Espinoza, Angelee Case# 2019-RCE-0242

Chairman Cagan announced the case. RCP Espinoza was present. Executive Director Confer presented a summary of the case. Assistant Attorney General, Marc Harris represented the State of Arizona in this proceeding. Assistant Attorney General, Beth Campbell appeared as the Independent Advisor to the Board.

MOTION: Vice Chairman Crawford to accept the signed consent agreement and to vacate the hearing and previous order. Seconded by Board Member Rineer.

VOTE: Motion passed (3-1). Chairman Cagan voted nay.

2. Maldonado, Raynalynn Case# 2019-RCE-0191

Chairman Cagan announced the case. RCP Maldonado was present. Executive Director Confer presented a summary of the case. Assistant Attorney General, Marc Harris represented the State of Arizona in this proceeding. Assistant Attorney General, Beth Campbell appeared as the Independent Advisor to the Board.

MOTION: Vice Chairman Crawford to accept the signed consent agreement and vacate the hearing. Seconded by Board Member Beller.

VOTE: Motion passed (3-1). Chairman Cagan voted nay.

MOTION: Vice Chairman Crawford to vacate the hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

C. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATIVE HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. Schaeffer, Krista Case# 2019-RCE-0201 [9:30AM]

Chairman Cagan announced the case and commenced the interview at 10:16AM. RCP Schaeffer was not present. Assistant Attorney General, Marc Harris represented the State of Arizona in this proceeding. Assistant Attorney General, Beth Campbell appeared as the Independent Advisor to the Board.

MOTION: Vice Chairman Crawford to accept the signed consent agreement and vacate the hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

D. CONSIDERATION AND ACTION ON INVESTIGATION OF POSSIBLE UNPROFESSIONAL CONDUCT AND POSSIBLE SUMMARY SUSPENSION PURSUANT TO A.R.S. § 32-3553 (E)

1. Wilson, Christina Case# 2019-RCE-0044

Chairman Cagan announced the case. RCP Wilson was present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Vice Chairman Crawford to Executive Session 10:39AM – 10:53AM for protection of medical privacy. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

The Board reconvened to Regular Session at 10:53AM.

MOTION: Vice Chairman Crawford to find that the public health, safety and welfare imperatively requires emergency action and summarily suspend the license held by RCP Wilson until such time as a Consent Agreement not to practice is signed by RCP Wilson and the Board. . Seconded by Board Member Beller.

ROLL CALL VOTE: Motion passed (4-0).

E. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON INFORMAL INTERVIEWS:

1. Clarke, John Case# 2019-RCE-0175

Chairman Cagan announced the case and commenced the interview at 9:16AM. RCP Clarke was present with his attorney Jessica Miller. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to have staff obtain documentation from a licensed medical professional approving or denying RCP Clarke’s ability to return to practice, and have a MRO review completed on the drug prescribed. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0)

2. Hawkes, Bryce Case# 2019-RCE-0366

Chairman Cagan announced the case and commenced the interview at 9:39AM. RCP Hawkes was present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to issue a non-disciplinary consent agreement for a \$50 civil penalty the completion of 2 live continuing education hours to be completed within 90 days. If not signed, move this matter to a Formal Hearing. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

MOTION: Vice Chairman Crawford to Executive Session 9:47AM-10:12AM for legal advice. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

The Board reconvened to Regular Session at 10:12AM.

MOTION: Vice Chairman Crawford to reopen the case. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

MOTION: Vice Chairman Crawford to rescind the previous consent agreement. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

MOTION: Vice Chairman Crawford to issue a non-disciplinary consent agreement for the completion of 2 live continuing education hours to be completed within 90 days. If not signed, move this matter to a Formal Hearing. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

3. Keyes, Catherine Case# 2019-RCE-0329
Chairman Cagan announced the case and commenced the interview at 10:56AM. RCP Keyes was not present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to move this matter to a Formal Hearing. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

4. Kuhns, Wendla Case# 2019-RCE-0370
Chairman Cagan announced the case and commenced the interview at 11:06AM. RCP Kuhns was present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to accept CEU's and dismiss. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

5. Miller, Robert Case# 2019-RCE-0348
Chairman Cagan announced the case and commenced the interview at 10:58AM. RCP Miller was not present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to move this matter to a Formal Hearing. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

6. Pew, Steven Case# 2019-RCE-0309

Chairman Cagan announced the case and commenced the interview at 10:58AM. RCP Pew was not present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to move this matter to a Formal Hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

7. Sanchez, Rodolfo Case# 2019-RCE-0366

Chairman Cagan announced the case and commenced the interview at 10:58AM. RCP Sanchez was not present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to move this matter to a Formal Hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

8. Schunk, Emily Case# 2019-RCE-0215

Chairman Cagan announced the case and commenced the interview at 11:00AM. RCP Schunk was not present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to move this matter to a Formal Hearing. Seconded by Vice Chairman Beller.

VOTE: Motion passed (4-0).

9. Sedillos, Cynthia Case# 2019-RCE-0202

Chairman Cagan announced the case and commenced the interview at 10:58AM. RCP Sedillos was not present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to move this matter to a Formal Hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

10. Utley, Sandra Case# 2019-RCE-0339

Chairman Cagan announced the case and commenced the interview at 10:58AM. RCP Utley was not present. Executive Director Confer presented a summary of the case.

MOTION: Vice Chairman Crawford to move this matter to a Formal Hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

F. CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Handwork, Lindsey Case# 2020-RCE-0017

Chairman Cagan announced the case. RCP Handwork was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Vice Chairman Crawford to move this matter to an Informal Interview. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

2. Grenier, Joann Case# 2020-RCE-0016

Chairman Cagan announced the case. RCP Grenier was not present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Vice Chairman Crawford to move this matter to an Informal Interview. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

3. Cruz, Mercedes Case# 2020-RCE-0013

Chairman Cagan announced the case. RCP Cruz was present. Executive Director Confer reviewed the allegations for the Board Members.

MOTION: Vice Chairman Crawford to offer a non-disciplinary consent agreement. If not signed, move this matter to a Formal Hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

4. Wilson, Christina Case# 2019-RCE-0044

Chairman Cagan announced the case. RCP Wilson was present. Executive Director Confer reviewed the allegations for the Board Members.

See agenda item D1.

G. DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

Updates were given by John Confer, Executive Director and Kathy Stone, Licensing Administrator

1. Application, Investigation & Probation Reports (Board Update & Status)
2. FY20 Budget Status
3. Customer Satisfaction Survey Summary
4. Rule Writing Approval
5. Request to Review & Modify Consent Agenda Portion of Monthly Meeting

MOTION: Vice Chairman Crawford to approve consent agenda policy. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

AMENDED MOTION: Vice Chairman Crawford to approve consent agenda to include re-approval of policy every January. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

MOTION: Vice Chairman Crawford to Executive Session 11:25AM-11:44AM for legal advice. Seconded by Board Member Beller.

VOTE: Motion passed (4-0).

The Board reconvened to Regular Session at 11:44AM.

6. Review, Consideration and Possible Vote on Continuing Education Audit Policy & Enforcement Matrix

MOTION: Vice Chairman Crawford to have staff evaluate current enforcement matrix with Assistant Attorney General. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

7. Legislative Update

H. SUMMARY OF CURRENT EVENTS THAT AFFECT THE ARIZONA BOARD OF RESPIRATORY CARE EXAMINERS (THIS IS THE TIME FOR THE BOARD CHAIR, BOARD MEMBERS OR STAFF TO GIVE A BRIEF SUMMARY OF CURRENT EVENTS AFFECTING THE BOARD).

None

I. GENERAL QUESTION AND ANSWER SESSION FROM THE AUDIENCE ATTENDING THE PUBLIC MEETING WITH AUDIENCE MEMBERS THAT ARE RECEIVING CONTINUING EDUCATION.

None

J. CALL TO THE PUBLIC

None

K. ITEMS TO BE PLACED ON A FUTURE AGENDA

None

L. ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 11:55AM.

DATED this __th day of February 2020.

Jack Confer, Executive Director

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