

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of March 30, 2017

**Board Members Present:**

Board Chairman: Tracy Cagan, RCP  
Vice Chairman: Jose Gonzales, RCP  
Kathy Rineer, RCP  
Michelle O'Hair-Schattenberg, Esq.  
Alan Crawford, RCP

\*Board Vice Chairman Gonzales  
left at 1:00PM

**Board Members Absent:**

**Staff Present:**

Executive Director:  
Jack Confer  
Investigator:  
David Geriminsky  
Licensing Specialist:  
Kathy Stone

**Legal Counsel Present:**

Frankie Shinn-Eckberg, AAG

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# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of March 30, 2017

## CALL TO ORDER

The Meeting was called to order at 9:10AM by Board Chairman Cagan.  
A 5 minute break was taken at 10:45AM.  
A 5 minute break was taken at 11:55AM.

## CONSENT AGENDA

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

**MOTION:** Board Member O'Hair-Schattenberg to approve. Seconded by Board Vice Chairman Gonzales.

**VOTE:** Motion passed (5-0).

## C-1 APPROVAL OF MINUTES

### Recommended for Approval

Regular Session Minutes from February 16, 2017 meeting.  
Executive Session Minutes from February 16, 2017 meeting.

## C-2 ACTION ON APPLICATIONS FOR LICENSURE

### Recommended for approval by the Executive Director

|                    |                   |                          |                        |
|--------------------|-------------------|--------------------------|------------------------|
| Ashraf Amin        | Marcelina Arvayo  | David Bacon              | Christy Baker-Eble     |
| Spencer Ballentine | Jose Barbosa      | Daniel Bloedorn          | Michael Bloom          |
| Robert Boggs       | Christina Brennan | Nicole Brown             | Vincent Butler         |
| Karl Cary          | Desiree Cayton    | Monique Cervantes        | Yvette Chah            |
| LeRoy Cowan, Jr.   | Sandra Drell      | Ebony Dunlap             | Ebony Dunn             |
| Kristin Epstein    | Joy Fogel         | Jacqueline Franco-Corona | Jasmine Franco-Corona  |
| John Garcia        | Denna Graham      | Julie Hall               | Mohamed Hassan         |
| Margaret Hausmanis | Emily Hergenrader | Sarah Keim               | Mercy Kiambuthi        |
| Sean Kurz          | Ryan Lopez        | Shannon Martinez         | Gabrielle Montoya      |
| Bryant Nguyen      | Kimberley O'Dwyer | Ajukacwiny Ogwaro        | Preston O'Neal         |
| Adrienne Reid      | Natalie Rivas     | Dannielle Rollins        | Elizabeth Rubio-Llamas |

Bobbi Sargent  
Amy-Lynn Stewart  
Jody Tremaine

Karyn Schmidlapp  
Robert Stone, Jr.  
Elizabeth Vejar

Nina Shatto  
Stephanie Thies  
Donna Waters

Raymond Sims Jr.  
Jesus Tienda Bernal  
A. Williamson

### C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

#### Recommended for closing of application files

Jared Adkins  
Meredith Frank

Monica Bailey  
Averne Panchoo

Dence Baxter  
Valerie Straw

Darla Clapham  
Maria Wilcox

### C-4 ACTION ON ADMINISTRATIVE CLOSURE OF 90-DAY INACTIVE FILES

#### Recommended for closing of inactive files

Lisa Almanza  
J. Catherine D'Aoust  
Kimberly Golding  
Deborah Latulippe  
Eve Mejia  
Joni Schultz  
Jacqueline Thomas

Paula Bradbury  
John Endersbe  
Michael High  
Susan Lehr  
Cecilia Park  
Erick Solares  
Edward Thomas

Richard Castaneda  
Robert Ford  
Brenda Larison  
Traci Lowery  
Louis Peduchi  
Sandra Staker  
Rebekah Thompson

Denise Chapman  
Kayla Garcia  
Artheius Laskey  
Debbie Mack  
Joseph Rivera  
Derek Strader  
Jennifer Urrea

### C-5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

#### Recommend sending notice of license expirations to the following individuals:

Brian Aldridge  
Demetra De Ment  
Diana Houghtelling  
Gary Luitjens  
Luis Munoz  
Terri-Lynne Reeber  
Bernadette Rodriguez  
Jerald Scofield  
Kathleen Villa

Johanna Arguello  
Kathleen Dickinson  
Michael Iskandar  
Angela Maloney  
Suzanne Oddo  
Kallyn Reinert  
Raul Rodriguez  
Andria Sears  
Rickey Wathan

Brandi Bryant-Mayes  
Christina Dukes  
Janice Lacy  
Arthur Marquez  
Phillip Ortiz  
Paul Rice  
Rebekka Roy  
Menard Thach  
Maggie Weeks-Rodriguez

Daniel Fanchin  
Gabielli Lorenger  
Claudia Martinez  
Tina Petroni  
Christian Rochin  
Erica Ryssemus  
Victor Valencia  
Michael Williams

### C-6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

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

JoJo Bonino  
Brandy Mock

Zita Deahl  
Nicholas Navarrette

Krista DeVriese  
Leslie Steinbeck

Brooke Kjos

### C-7 DISCUSSION/ACTION ON RATIFICATION OF CONSENT AGREEMENTS

1. Hills, Sheila Case Number C003732-17-003459

2. Rozelle, Dilorom Case Number C003738-17-008040
3. Carnahan, Tina Case Number C003727-17-001357
4. Beryman, James Case Number C003724-17-003420
5. Bickert, David Case Number C003725-17-003186
6. Hall, Esther Case Number C003731-17-002729
7. Arevalo, Wendy Case Number C003722-17-011645
8. Garza, Georgette Case Number C003667-17-003147
9. Aldrich, John Case Number C003721-17-001659
10. Clarke, John Case Number C003728-17-010688
11. Navarrette, Nicholas Case Number C003746-17-007402
12. Watson, Jonathan Case Number C003718-17-009939
13. Bartell, Leighton Case Number C003723-17-005766
14. Encinas, Antonio Case Number C003729-17-001245
15. Purcell, Adam Case Number C003581-16-010336

### **C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING**

Scheduled date of next Board meeting

Thursday, April 20, 2017 at 9:00AM.

## REGULAR AGENDA

### **R-1 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA**

### **R-2 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)**

1. Parrish, Genesis Case Number C003685-17-010063 [9:10AM]  
Chairman Cagan announced the case and commenced the interview at 9:12AM. RCP Parrish was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General, Seth Hargreaves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member O’Hair-Schattenberg to deem the Factual Allegations and Alleged Violations. Seconded by Board Vice Chairman Gonzales.

**VOTE:** Motion passed (5-0).

**MOTION:** Board Member O’Hair-Schattenberg to adopt Findings of Fact. Seconded by Board Member Crawford.

**VOTE:** Motion passed (5-0).

**MOTION:** Board Member Crawford to revoke license. Seconded by Board Vice Chairman Gonzales.

**ROLL CALL VOTE:** Motion passed (5-0).

2. McMillar, Colleen Case Number C003670-17-004880 [9:40AM]  
Chairman Cagan announced the case and commenced the interview at 10:20AM. RCP McMillar was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General, Seth Hargreaves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member O’Hair-Schattenberg to deem the Factual Allegations and Alleged Violations. Seconded by Board Vice Chairman Gonzales.

**VOTE:** Motion passed (5-0).

**MOTION:** Board Member Crawford to revoke license. Seconded by Board Vice Chairman Gonzales.

**ROLL CALL VOTE:** Motion passed (5-0).

3. Nelson, Nicki Case Number C003671-17-000709 [10:10AM]  
Chairman Cagan announced the case and commenced the interview at 10:25AM. RCP Nelson was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General, Seth Hargreaves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member O’Hair-Schattenberg to deem the Factual Allegations and Alleged Violations. Seconded by Board Member Crawford.

**VOTE:** Motion passed (5-0).

**MOTION:** Board Member Crawford to revoke license. Seconded by Board Vice Chairman Gonzales.

**ROLL CALL VOTE:** Motion passed (5-0).

4. Johnson, Herman Case Number C003668-17-010522 [10:10AM]  
Chairman Cagan announced the case and commenced the interview at 10:29AM. RCP Johnson was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General, Seth Hargreaves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member O’Hair-Schattenberg to deem the Factual Allegations and Alleged Violations. Seconded by Board Member Crawford.

**VOTE:** Motion passed (5-0).

**MOTION:** Board Member Crawford to revoke license. Seconded by Board Vice Chairman Gonzales.

**ROLL CALL VOTE:** Motion passed (5-0).

5. Hernandez, Lindsey Case Number C003657-17-008150 [10:45AM]  
Chairman Cagan announced the case and commenced the interview at 10:50AM. RCP Hernandez was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General, Seth Hargreaves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member O’Hair-Schattenberg to Executive Session 11:00AM – 11:02AM to review confidential

medical records. Seconded by Board Member Crawford.

The Board reconvened Regular Session at 11:03AM.

**MOTION:** Board Member O’Hair-Schattenberg to deem the Factual Allegations and Alleged Violations as amended. Seconded by Board Member Crawford.

**VOTE:** Motion passed (5-0).

**MOTION:** Board Member O’Hair-Schattenberg to approve Conclusions of Law as amended. Seconded by Board Member Crawford.

**VOTE:** Motion passed (5-0).

**MOTION:** Board Member O’Hair-Schattenberg to revoke license immediately because it is imperative that the Board protects the publics’ health safety and welfare. Seconded by Board Member Rineer.

**ROLL CALL VOTE:** Motion passed (5-0).

6. Caravella, Joseph Case Number C003697-17-009796 [11:15AM]

Chairman Cagan announced the case and commenced the interview at 11:16AM. RCP Caravella was present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General, Seth Hargreaves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member Crawford to accept consent agreement and order as drafted. Seconded by Board Member Rineer.

**ROLL CALL VOTE:** Motion passed (5-0).

**R-3 CONSIDERATION OF MOTION FOR REHEARING OR REVIEW OF DECISION PURSUANT TO A.A.C. R4-45-302**

1. Petkovic, Elma Case Number C003671-16-007395

Chairman Cagan announced the case. RCP Petkovic was present and represented by Michael J. Ryan, Esquire. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member O’Hair-Schattenberg to Executive Session 9:28AM – 9:37AM for legal advice. Seconded by Board Vice Chairman Gonzales.

The Board reconvened Regular Session at 9:38AM.

**MOTION:** Board Member O’Hair-Schattenberg to approve request for rehearing per R4-45-302(D)(5). Seconded by Board Member Crawford.

**VOTE:** Motion passed (4-0). Board Chairman Cagan was recused.

**R-4 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)**

1. Burks, Shelby Case Number C003665-17-006473  
Chairman Cagan announced the case and commenced the interview at 12:39PM. RCP Burks was not present. Investigator Geriminsky presented a summary of the case.

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

**VOTE:** Motion passed (5-0).

2. German, Sergio Case Number C003600-16-011269  
Chairman Cagan announced the case and commenced the interview at 12:41PM. RCP German was not present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Vice Chairman Gonzales to dismiss. Seconded by Board Member Rineer.

**VOTE:** Motion passed (5-0).

3. Garcia Esquivel, Osvaldo Case Number C003692-17-011742  
Chairman Cagan announced the case and commenced the interview at 9:59AM. RCP Garcia Esquivel was present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member O’Hair-Schattenberg to table this matter until hair follicle/urine results are received. Seconded by Board Vice Chairman Gonzales.

**VOTE:** Motion passed (4-0). Board Member Crawford was recused.



**R-5 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT**

1. Brown, Leslie Case Number C003709-17-007615  
Chairman Cagan announced the case. RCP Brown was not present. Investigator Geriminsky presented a summary of the case.

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

**VOTE:** Motion withdrawn.

**MOTION:** Board Member Rineer to issue a non-disciplinary order for \$250.00 civil penalty for failure to report incident within statutory timeframe to be paid within 60 days. If not signed, move to an Informal Interview. Seconded by Board Member O’Hair-Schattenberg.

**VOTE:** Motion passed (5-0).

2. Chavez, Alejandro Case Number C003698-17-007253  
Chairman Cagan announced the case. RCP Chavez was not present. Investigator Geriminsky presented a summary of the case.

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

**VOTE:** Motion failed (0-5).

**MOTION:** Board Vice Chairman Gonzales to enter into a consent agreement for Decree of Censure. If not signed, move to an Informal Interview. Seconded by Crawford.

**VOTE:** Motion passed (3-2). Board members O’Hair-Schattenberg and Rineer voted nay.

3. Hakim, Massiullah Case Number C003708-17-011905  
Chairman Cagan announced the case. RCP Hakim was not present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member Crawford to move this matter to an Informal Interview. Seconded by Board Member Rineer.

**VOTE:** Motion passed (4-0). Board Chairman Cagan was recused.

4. Spies, Denise Case Number C003711-17-005964  
Chairman Cagan announced the case. RCP Spies was not present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Vice Chairman Gonzales to dismiss. Seconded by Board Member Rineer.

**VOTE:** Motion passed (5-0).

5. Mojadedi, Yasmin Case Number C003707-17-011890  
Chairman Cagan announced the case. RCP Mojadedi was not present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member Crawford to move this matter to an Informal Interview. Seconded by Board Member O'Hair-Schattenberg.

**VOTE:** Motion passed (4-0). Board Chairman Cagan was recused.

6. Zimpelman, Clayton Case Number C003743-17-008694  
Chairman Cagan announced the case. RCP Zimpelman was present. Investigator Geriminsky presented a summary of the case.

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

**VOTE:** Motion withdrawn.

**MOTION:** Board Member Crawford to offer a non-disciplinary consent agreement for standard probation including quarterly updates from his employer(s). If not signed, goes to Informal Interview. Seconded by Board Chairman Cagan.

**VOTE:** Motion passed (4-1). Board Member O'Hair-Schattenberg voted nay.

7. Petkovic, Elma Case Number C003705-17-007395  
Chairman Cagan announced the case. RCP Petkovic was present and represented by Michael J. Ryan, Esquire. Investigator Geriminsky presented a summary of the case.

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

**VOTE:** Motion passed (3-2). Board Chairman Cagan and Board Member O’Hair-Schattenberg voted nay.

8. Hasanzada, Balal Case Number C003706-17-012094  
Chairman Cagan announced the case. RCP Hasanzada was present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member Rineer to move this matter to an Informal Interview. Seconded by Board Member Crawford.

**VOTE:** Motion passed (4-0). Board Chairman Cagan was recused.

**Cases Recommended for Dismissal/Referral**

9. Baker, Christian Case Numbers C003712-17-009522 & P001174-17-009522  
Chairman Cagan announced the case. RCP Baker was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Crawford to dismiss. Seconded by Board Member O’Hair-Schattenberg.

**VOTE:** Motion passed (5-0).

10. McMinn, Laura Case Number C003715-17-011243  
Chairman Cagan announced the case. RCP McMinn was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Rineer to dismiss. Seconded by Board Vice Chairman Gonzales.

**VOTE:** Motion passed (5-0).

11. Garcia, Gerardo Case Number C003730-17-007458  
Chairman Cagan announced the case. RCP Garcia was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O’Hair-Schattenberg to dismiss. Seconded by Board Vice Chairman Gonzales.

**VOTE:** Motion passed (5-0).

12. Weisman, Linda Case Number C003739-17-010709  
Chairman Cagan announced the case. RCP Weisman was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Vice Chairman Gonzales to dismiss. Seconded by Board Member O’Hair-Schattenberg.

**VOTE:** Motion passed (5-0).

13. Olla, Jayne Case Number C003735-17-000431  
Chairman Cagan announced the case. RCP Olla was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Vice Chairman Gonzales to dismiss. Seconded by Board Member Rineer.

**VOTE:** Motion passed (5-0).

14. Burnette, Edward Case Number C003739-17-010709  
Chairman Cagan announced the case. RCP Burnette was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Rineer to dismiss. Seconded by Board Vice Chairman Gonzales.

**VOTE:** Motion passed (5-0).

15. Polacca, Delmar Case Number C003737-17-003815  
Chairman Cagan announced the case. RCP Polacca was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Vice Chairman Gonzales to dismiss. Seconded by Board Member Rineer.

**VOTE:** Motion passed (5-0).

16. Johnson, Carmen Case Number C003741-17-007218  
Chairman Cagan announced the case. RCP Johnson was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Vice Chairman Gonzales to dismiss. Seconded by Board Member Rineer.

**VOTE:** Motion passed (5-0).

17. Kula, Morgan Case Number C003734-17-007476  
Chairman Cagan announced the case. RCP Kula was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O’Hair-Schattenberg to dismiss. Seconded by Board Member Rineer.

**VOTE:** Motion passed (4-1). Board Vice Chairman Gonzales voted nay.

18. Pawlowic, Rhonda Case Number C003736-17-008871  
Chairman Cagan announced the case. RCP Pawlowic was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Vice Chairman Gonzales to dismiss. Seconded by Board Member O'Hair-Schattenberg.

**VOTE:** Motion passed (5-0).

### **R-6 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT**

Updates were given by Jack Confer, Executive Director; David Geriminsky, Investigator and Kathy Stone, Licensing Specialist.

1. Application, Investigation & Probation Reports
2. Survey Responses
3. Cash Flow Statement September FY2017
4. Legislation, A.R.S. 32-3501(4) (Possible Discussion, Action & Vote)
5. Board Policy for Notification of Disciplinary Actions to Employers (Possible Discussion, Action & Vote)
6. Upcoming Legislative Schedule (Sunset hearing and Session)
7. Board Policy on Licensing Time Frames
8. Letter of Completion (Discussion, Action & Possible Vote)
9. Review and Discussion of License Renewal Notification (Board Member Crawford)
10. New CE Rules, Effective Date June 1, 2017 (Discussion, Action & Possible Vote)
11. Fingerprinting Policy (Discussion, Action & Possible Vote)

### **R-7 CALL TO THE PUBLIC**

### **R-8 ITEMS TO BE PLACED ON A FUTURE AGENDA**

### **R-9 ADJOURNMENT**

Board Chairman Cagan adjourned the meeting at 1:21PM.

Dated this 31st day of March 2017.



Jack Confer  
Executive Director