

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of July 21, 2016

Board Members Present:

Board Chairman: Tracy Cagan, RCP
Nicholas Walters, Esq
Alan Crawford, RCP
Michelle O’Hair –Schattenberg,
Esq.

Board Members Absent:

Kathy Rineer, RCP
Vice Chairman: Jose
Gonzales, RCP

Staff Present:

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

Legal Counsel Present:

Frankie Shinn-Eckberg, AAG

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of July 21, 2016

CALL TO ORDER

The Meeting was called to order at 8:01AM by Board Chairman Cagan.
A 5 minute break was taken at 9:40AM.

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 Walters to approve. Seconded by Board Member O'Hair Schattenberg.

VOTE: Motion passed (4-0).

C-1 APPROVAL OF MINUTES

Recommended for Approval

Regular Session Minutes from June 16, 2016 meeting.

C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Timothy Adrian	Emmanuel Aneke	Sarah Barrales	Marc Baruch
Aiessa Campbell	Krystina Cuff	Tressler Davis	Jan Eckstein-Makar
Tracy Hernandez	Grace Kim	Janice McCulley	John O'Grady
Philip Pooley	Nichole Quihuis	Adam Raygoza	Tristine Shoemaker
Edilmar Tamondong	Richard Villalobos	Brie Webster	

C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

Cheryl Kind	Theresa Lubrica	Diana McGavren	Arthur Schicatanio III
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C-4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Mark Ameerally	Margaret Angelini-Craig	Kathleen Beauregard
Susan Bell	Bernice Berry	Mark Booth
Charles Calahan	Allen Curtis	Marie Fenske
Renee Ferdais	Connie Funk	Jennifer Garcia
Sarah Gonzalez	Danielle Hawthorne	Nick Heintz
Kirsten Jacob	Robert James	Helen Ketelhut
Lynda Nesbitt	Mary Onak	Cynthia Overacker
Frank Pisut	Sherry Quarles	Emily Ramthun
Debra Rebel	Aristotle Rulloda	Lynette Schultz
Michael Selling	Michelle Siemion	Tammy Spencer
Timothy Stalcup	Linda Sterling	Sarah Stokes
Michelle Taylor	Benjamin Villa	Linda Wilde

C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of license expirations to the following individuals:

David Bacon	Nany Becker	Yvette Binns	Kristina Buck
Devin Casto	Abriel Chaparro	Margaret Christman	Jonathan Worley
Christina Collins	Jason Dale	Shannon De Laney	Dara Diamond
Brendan Doyle	Dan Watson	Douglas Grigsby	Flavius Heler
Kyle Hurst	Jan Johnson	Myriah Jordan	Anastacia Joyce
Fredrick Knarr	Richard Kruszewski	Donald Kuhn	Michelle Lattie
Lisa Leach	Benitho Louissaint	Rachel Lovato	Enok Madrigal
Alyssa Martell	David McManamen	Amanda Miron	Nancy Moore
Laura Oney	Linda Ozarchevici	Sandy Phan	Abraham Pimentel
Dawn Rich	Jody Rubin	Tanya Sanders	Cynthia Schilt
Brent Shawver	Richard Sierras	Robert Strange	Kathy Teng
Victor Vega			

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

Heather Blankinship	Roxanna Corral	Tad First	Stephanie Fulton
Christine Furno	Sergio German	Lorenzo Gurney Ira	Frank Kaplan
Michelle Pearson	Edna Romero	Edward Torres	Michael Willis

C -7 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

C-8 DISCUSSION/ACTION ON RATIFICATION OF CONSENT AGREEMENTS

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|---------------------|-------------------------------|
| 1. Foresee, John | Case Number C003570-16-006215 |
| 2. Kiorkas, Renee | Case Number C003541-16-008522 |
| 3. Ragland, Roslyn | Case Number C003545-16-006477 |
| 4. Cole, Carol | Case Number C003445-16-001187 |
| 5. Watkins, Frances | Case Number C003647-16-008141 |
| 6. Frank, Robert | Case Number C003538-16-008826 |
| 7. Sanchez, Diana | Case Number C003498-16-007955 |

8. Maturo, Catherine	Case Number C003489-16-005985
9. McMinn, Laura	Case Number C003481-16-011243
10. Johnson, Carmen	Case Number C003479-16-007218
11. Escalante, Andre	Case Number C003584-16-004935
12. Grimes, Jessica	Case Number C003539-16-011231
13. Kanoza, Mikel	Case Number C003560-16-011370
14. Newmann-Matt, Sharon	Case Number C003544-16-001169
15. Parrish, Genesis	Case Number C003563-16-010063
16. Platero, Michelle	Case Number C003521-16-009386
17. Blankenship, David	Case Number C003514-16-006887
18. Carter, Peter	Case Number C003533-16-002445
19. Wells, Mark	Case Number C003548-16-010914

C-9 NEXT MEETING

Thursday, August 18, 2016 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. Cota, Gloria Case Number C003552-16-007804
Chairman Cagan announced the case and commenced the administrative hearing at 11:05AM. RCP Cota was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General Seth T. Hargraves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter. The Respondent did not appear.

MOTION: Board Member O’Hair Schattenberg to adopt Parties, Jurisdiction and Factual Allegations in the Complaint and Notice of Hear as Findings of Fact (1-3). Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

MOTION: Board Member O’Hair Schattenberg to adopt Alleged Violations (1-5 & 7-9) in the Complaint and Notice of Hearing as Conclusions of Law. Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

MOTION: Board Member O’Hair Schattenberg to revoke the license after the specific findings that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare. Seconded by Board Member Walters.

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

2. Ortiz, Samuel Case Number C003502-16-005802
Chairman Cagan announced the case and commenced the administrative hearing at 9:46AM. RCP Ortiz was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General Seth T. Hargraves appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter. Respondent did not appear.

MOTION: Board Member O’Hair-Schattenberg to adopt Parties and Jurisdiction and Factual Allegations as Findings of Fact as stated in the Complaint and Notice of Hearing. Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

MOTION: Board Member O’Hair-Schattenberg to adopt Alleged Violations (2-9) as Conclusions of Law. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

MOTION: Board Member Crawford to revoke license. Seconded by Board Member Cagan.

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

R-3 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

1. Willson, Daniel Case Number C003493-16-005605
Chairman Cagan announced the case and commenced the interview at 10:01AM. RCP Willson was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Walters to have a Letter of Concern sent for accessing patient files that he was not assigned to. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

2. Lofton, Timmy Case Number C003462-16-009694
Chairman Cagan announced the case and commenced the interview at 11:20AM. RCP Lofton was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O’Hair Schattenberg to move this matter to a Formal Hearing. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

3. Shimel, Linda Case Number C003414-16-007294
This matter was removed from the Agenda.

4. Scripture, Colleen Case Number C003455-16-003322
Chairman Cagan announced the case and commenced the interview at 11:25AM. RCP Scripture was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O’Hair Schattenberg to move this matter to a Formal Hearing. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

5. Navarrette, Nicholas Case Number C003458-16-007402
Chairman Cagan announced the case and commenced the interview at 11:26AM. RCP Navarrette was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O’Hair Schattenberg to move this matter to a Formal Hearing. Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

6. Watson, Jonathan Case Number C003450-16-009939
This matter was removed from the Agenda

7. Swaim, Kimberly Case Number C003428-16-005151
Chairman Cagan announced the case and commenced the interview at 11:28AM. RCP Swaim was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O’Hair Schattenberg to move this matter to a Formal Hearing. Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

R-4 CONSIDERATION, REVIEW, DISCUSSION AND POSSIBLE ACTION ON INTERIM CONSENT AGREEMENT

1. Reed, Parker Case Number C003529-16-010812 & P001094-15-010812
Chairman Cagan announced the case. RCP Reed was present. Investigator Geriminsky reviewed the allegations for the Board Members. CP Reed addressed the Board Members regarding the matter. Robert Chelle, Attorney was present to represent RCP Reed.

MOTION: Board Member O’Hair Schattenberg to terminate Consent Order Not to Practice. Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

MOTION: Board Member Crawford to maintain current probation with inclusion of ETG and hair testing. Seconded by Board Member O’Hair Schattenberg.

VOTE: Motion passed (4-0).

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

1. Reed, Parker Case Number C003529-16-010812 & P001094-15-010812
This item was resolved in R-4(1).

2. Mitchell, Stephen Case Number C003550-16-011481
Chairman Cagan announced the case. RCP Mitchell was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member O’Hair Schattenberg to have a Letter of Concern sent for failure to accurately document patient records. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

3. Bushnell, Lisa Case Number C003531-16-009293
Chairman Cagan announced the case. RCP Bushnell was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Bushnell addressed the Board Members regarding the matter.

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

VOTE: Motion passed (4-0).

4. Irpino, Dominic Case Number C003549-16-009524
Chairman Cagan announced the case. RCP Irpino was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Irpino addressed the Board Members regarding the matter.

MOTION: Board Member O’Hair-Schattenberg to have a Letter of Concern sent for taking possession of another person’s prescription drug while at work. Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

5. Taylor, Sarah Case Number C003517-16-010400
Chairman Cagan announced the case. RCP Taylor was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Taylor addressed the Board Members regarding the matter.

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

VOTE: Motion passed (4-0).

6. Nivison, Tucker Case Number C003604-17-011620
Chairman Cagan announced the case. RCP Nivison was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Nivison addressed the Board Members regarding the matter.

MOTION: Board Member O’Hair-Schattenberg to terminate suspension order not to practice. Seconded by Board Member Walters.

VOTE: Motion passed (4-0).

MOTION: Board Member Cagan to Executive Session 9:29AM – 9:36AM for legal advice. Seconded by Board Member Walters.

The Board reconvened Regular Session at 9:38AM.

MOTION: Board Member O’Hair-Schattenberg to have a Letter of Concern sent regarding his behavior in the med room on July 13, 2016 regarding the handling of Sharp’s container outside his scope of practice. Seconded by Board Member Walters.

VOTE: Motion passed (3-1).

7. Slusser, John Case Number C003577-16-011609
Chairman Cagan announced the case. RCP Slusser was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (4-0).

Cases Recommended for Dismissal/Referral

8. Kanios, Julie Case Number C003556-16-010618
Chairman Cagan announced the case. RCP Kanios was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (4-0).

9. Sherff, Dana Case Number C003558-16-008777
Chairman Cagan announced the case. RCP Sherff was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (4-0)

10. Riggers, Eleanora Case Number C003557-16-007131
Chairman Cagan announced the case. RCP Riggers was not present. Investigator

Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (4-0).

11. Willis, Michael Case Number C003575-16-011471
Chairman Cagan announced the case. RCP Willis was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (4-0).

12. Goodman, Stacie Case Number C003601-16-003399
Chairman Cagan announced the case. RCP Goodman 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 (4-0).

13. Granzow, Brandi Case Number C003564-16-010240
Chairman Cagan announced the case. RCP Granzow was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (4-0).

14. Devriese, Krista Case Number C003432-16-009982
Chairman Cagan announced the case. RCP Devriese 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 (4-0).

15. Brooks, Kenneth Case Number C003555-16-006640
Chairman Cagan announced the case. RCP Brooks 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 (4-0).

16. Garcia, Adaine Case Number C003551-16-006767
Chairman Cagan announced the case. RCP Garcia 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 (4-0).

17. Rub, Mary Case Number C003574-16-000705
Chairman Cagan announced the case. RCP Rub was 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 (4-0).

R-6 DISCUSSION/ACTION ON PROBATION COMPLIANCE/MODIFICATION

1. Rub, Mary Probationer P001026-12
Chairman Cagan announced the case. RCP Rub was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Rub addressed the Board Members regarding the matter.

MOTION: Board Member Walters to grant request to terminate probation. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

R-7 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

1. Application, Investigation & Probation Reports
2. Cash Flow Statement June 2016
3. Fee Increase (Possible Discussion, Action & Vote)
MOTION: Board Member Walters to grant request to have staff write rules for increase to renewal cost to \$150. Seconded by Board Member Crawford.
VOTE: Motion passed (4-0).
4. Board Policy (Possible Discussion, Action & Vote)
 - a. Investigation (amendment)
 - b. License Closure and Procedure for Deceased Licensees
 - c. Definition of Renewal Time Frame
5. GRRC Study Session & Meeting (R-16-0801) Draft Rules and Economic Impact Statement

6. System Automation Proposal (Licensing and Investigation Database)
7. Joint Legislative Audit Committee (Sunset Process and Agency Response)

R-8 CALL TO THE PUBLIC

None

R-9 ITEMS TO BE PLACED ON A FUTURE AGENDA

Classroom continuing education timeframe

R-10 ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 11:59AM.

Dated this _____ day of _____ 2016

Jack Confer
Executive Director