

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of June 18, 2020

**Board Members Present:**

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

**Board Members Absent:**

Leslie Easley, Dr.

**Staff Present:**

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

**Legal Counsel Present:**

Seamus Monaghan, AAG

# Board of Respiratory Care Examiners Board Meeting Minutes:



Regularly Scheduled Meeting of June 18, 2020

## I. CALL TO ORDER

The Meeting was called to order at 9:00AM by Board Chairman Cagan.  
A 5 minute break was taken at 10:47AM.

## 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 – C. Seconded by Board Member Beller.

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

### A. APPROVAL OF MINUTES

1. Regular Session Minutes from May 21, 2020

### B. ACTION ON RATIFICATION OF CONSENT AGREEMENTS

1. Harrell, Malinda Case# 2020-RCE-0035

### C. ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Thursday, July 16, 2020 at 9:00AM.

## III. REGULAR AGENDA

### A. 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 9:03AM. RCP Clarke was present with his attorney Jessica Miller. Executive Director Confer presented a summary of the case.

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

**ROLL CALL VOTE:** Motion passed (4-1). Board Member Gonzales voted nay.

**B. CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT:**

1. Barker, David Case# 2019-RCE-0315

Chairman Cagan announced the case. RCP Barker was 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 Gonzales.

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

2. Beckelheimer, Jr., Jack Case# 2020-RCE-0028

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

**MOTION:** Vice Chairman Crawford to issue a non-disciplinary Letter of Concern for failure to report. Seconded by Board Member Beller.

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

3. Bernardo, Margie Case# 2020-RCE-0026

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

**MOTION:** Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Gonzales.

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

4. Braaksma, Robert Case# 2020-RCE-0001

Chairman Cagan announced the case. RCP Braaksma 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 Gonzales.

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

5. Chavez, Gabriella Case# 2020-RCE-0046

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

**MOTION:** Vice Chairman Crawford to issue a non-disciplinary Letter of Concern for failure to report within 10 days. Seconded by Board Member Gonzales.

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

6. Dempsay, Brandie Case# 2020-RCE-0027  
Chairman Cagan announced the case. RCP Dempsay 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 Gonzales.

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

7. Devine, Catherine Case# 2020-RCE-0006  
Chairman Cagan announced the case. RCP Devine was present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Gonzales to dismiss this matter. Seconded by Board Member Rineer.

**ROLL CALL VOTE:** Motion passed (4-1). Board Member Beller voted nay.

8. Espinoza, Rhonda Case# 2019-RCE-0300  
Chairman Cagan announced the case. RCP Espinoza was present. Executive Director Confer reviewed the allegations for the Board Members.

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

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

9. Freeman, Brian Case# 2019-RCE-0316  
Chairman Cagan announced the case. RCP Freeman 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 Gonzales.

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

10. Gates, Allen Case# 2020-RCE-0029  
Chairman Cagan announced the case. RCP Gates was present. Executive Director Confer reviewed the allegations for the Board Members.

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

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

11. German, Sergio Case# 2020-RCE-0003  
Chairman Cagan announced the case. RCP German 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 Rineer.

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

12. Hartin, Mitchell Case# 2020-RCE-0002

Chairman Cagan announced the case. RCP Hartin was 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 Rineer.

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

13. Johnson, Erik Case# 2019-RCE-0272

Chairman Cagan announced the case. RCP Johnson 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 Gonzales.

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

14. Krot, Megan Case# 2019-RCE-0318

Chairman Cagan announced the case. RCP Krot 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 Rineer.

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

15. Kurz, Sean Case# 2020-RCE-0008

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

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

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

16. Lee, Rachael Case# 2019-RCE-0344

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

**MOTION:** Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Gonzales.

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

17. Leftwich, Preston Case# 2019-RCE-0343  
Chairman Cagan announced the case. RCP Leftwich was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Beller to dismiss this matter. Seconded by Vice Chairman Crawford.

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

18. Leinweber, Laura Case# 2019-RCE-0320  
Chairman Cagan announced the case. RCP Leinweber 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 Gonzales.

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

19. Luna, Enrique Case# 2019-RCE-0314  
Chairman Cagan announced the case. RCP Luna 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 Rineer.

**ROLL CALL VOTE:** Motion passed (4-1). Chairman Cagan voted nay.

20. Maier, Deanne Case# 2020-RCE-0025  
Chairman Cagan announced the case. RCP Maier was present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Crawford to issue a Non-Disciplinary Letter of Concern regarding documentation accuracy. Seconded by Board Member Beller.

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

21. Nickell, Michael Case# 2019-RCE-0296  
Chairman Cagan announced the case. RCP Nickell was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Gonzales to issue an Informal Interview and possible Summary Suspension proceeding.

Seconded by Chairman Cagan.

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

22. Nickell, Michael Case# 2019-RCE-0322  
Chairman Cagan announced the case. RCP Nickell was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Gonzales to issue an Informal Interview and possible Summary Suspension proceeding. Seconded by Chairman Cagan.

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

23. Ruiz, Janet Case# 2019-RCE-0317  
Chairman Cagan announced the case. RCP Ruiz 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 Gonzales.

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

24. Smithson, Steven Case# 2020-RCE-0007  
Chairman Cagan announced the case. RCP Smithson was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Rineer.

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

25. Torres, Edward Case# 2019-RCE-0319  
Chairman Cagan announced the case. RCP Torres was present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Crawford to issue a non-disciplinary Letter of Concern regarding failure to report. Seconded by Board Member Gonzales.

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

26. Trigg, Shila Case# 2019-RCE-0299  
Chairman Cagan announced the case. RCP Trigg was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Beller.

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

27. Watson, Kristinea Case# 2019-RCE-0342  
Chairman Cagan announced the case. RCP Watson was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Crawford to issue a non-disciplinary Letter of Concern regarding patient identification. Seconded by Board Member Beller.

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

28. Zavala, Daisy Case# 2019-RCE-0312  
Chairman Cagan announced the case. RCP Zavala was present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Crawford to issue a non-disciplinary Letter of Concern regarding failure to report. Seconded by Board Member Beller.

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

**CONTINUING EDUCATION AUDITS:**

29. Grenier, Joanne 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:** Board Member Gonzales to move this matter to an Informal Interview. Seconded by Vice Chairman Crawford.

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

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

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

31. Pless, Kay Case# 2019-RCE-0376  
Chairman Cagan announced the case. RCP Pless was present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Crawford to accept and approve the signed Consent Agreement. Seconded by Board Member Rineer.

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

32. Sanchez, Rodolfo Case# 2019-RCE-0336

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

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

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

**C. REVIEW, DISCUSSION AND POSSIBLE VOTE ON COMPLIANCE OF PREVIOUSLY ISSUED ORDER(S) AND POSSIBLE REFERRAL FOR ADDITIONAL ACTION OR INVESTIGATION OR TERMINATION OF PRIOR ORDER:**

1. Torres, John Case# C003778-17-011355  
Chairman Cagan announced the case. RCP Torres was not present. Executive Director Confer presented a summary of the case.

**MOTION:** Vice Chairman Crawford to approve the request to terminate previously issued agreement one month early. Seconded by Board Member Gonzales.

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

**D. DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT**

1. Application, Investigation & Probation Reports (Board Update & Status)
2. FY20 Budget Status
3. Customer Satisfaction Survey Summary
4. Review, Consideration and Possible Vote on Modification(s) of Policy & Procedure for Continuing Education Audit(s), Continuing Education Enforcement Matrix, Failure to Respond to Initial Complaint & Failure to Report Criminal Arrest
5. LEMO and FEMA Public Assistance COVID-19 Streamlined Project Application

**E. 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).**

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

None.

**G. CALL TO THE PUBLIC**

None.

**H. ITEMS TO BE PLACED ON A FUTURE AGENDA**

None.

**I. ADJOURNMENT**

Board Chairman Cagan adjourned the meeting at 1:07PM

DATED this 19th day of June 2020.

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Jack Confer, Executive Director