

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of May 21, 2020

Board Members Present:

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

Board Members Absent:

Staff Present:

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

Legal Counsel Present:

Seamus Monaghan, AAG
Michael Raine, AAG

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of May 21, 2020

I. CALL TO ORDER

The Meeting was called to order at 9:00AM 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: Board Vice Chairman Crawford to approve items A – C. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

A. APPROVAL OF MINUTES

1. Regular Session Minutes from February 20, 2020
2. Executive Session Minutes from February 20, 2020

B. ACTION ON RATIFICATION OF CONSENT AGREEMENTS

- | | |
|------------------------------|---------------------|
| 1. Utley, Sandra | Case# 2019-RCE-0339 |
| 2. Zimmerman, Nicole | Case# 2020-RCE-0042 |
| 3. Hawkes, Bryce | Case# 2019-RCE-0366 |
| 4. Cruz, Mercedes | Case# 2020-RCE-0013 |
| 5. Daniel, Ginger | Case# 2020-RCE-0031 |
| 6. Sanz, Gregory | Case# 2020-RCE-0043 |
| 7. Loving, Brianne | Case# 2019-RCE-0209 |
| 8. Schaeffer, Krista | Case# 2019-RCE-0201 |
| 9. Kaercher (Johnson), Kiara | Case# 2019-RCE-0217 |
| 10. Maldonado, Rynalynn | Case# 2019-RCE-0191 |
| 11. Sedillos, Cynthia | Case# 2019-RCE-0202 |
| 12. Kwarteng, Selina | Case# 2020-RCE-0037 |
| 13. Kostura, Priscilla | Case# 2020-RCE-0045 |
| 14. Khong, Sarah | Case# 2019-RCE-0283 |
| 15. Espinoza, Angelee | Case# 2019-RCE-0242 |

C. ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Thursday, June 18, 2020 at 9:00AM.

III. REGULAR AGENDA

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

1. Keyes, Catherine Case# 2019-RCE-0329 [9:15AM]

Chairman Cagan announced the case and commenced the interview at 9:42AM. RCP Keyes was not present. Assistant Attorney General, Seamus Monaghan represented the State of Arizona in this proceeding. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

MOTION: Board Vice Chairman Crawford to deem the Parties, Jurisdictional Statements and Factual Allegations contained in the Complaint and Notice of Hearing as the Findings of Fact and Vacate the Hearing. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to adopt the Alleged Violations as Conclusions of Law. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to revoke the license held by Catherine Keyes. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

2. Estrada, Arturo Case# 2019-RCE-0278 [9:30AM]

Chairman Cagan announced the case and commenced the interview at 9:46AM. RCP Estrada was not present. Assistant Attorney General, Seamus Monaghan represented the State of Arizona in this proceeding. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

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

ROLL CALL VOTE: Motion passed (6-0).

3. Miller, Robert Case# 2019-RCE-0348 [9:30AM]

Chairman Cagan announced the case and commenced the interview at 9:49AM. RCP Miller was not present. Assistant Attorney General, Seamus Monaghan represented the State of Arizona in this proceeding. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

MOTION: Board Vice Chairman Crawford to deem the Parties, Jurisdictional Statements and Factual Allegations contained in the Complaint and Notice of Hearing as the Findings of Fact and Vacate the Hearing. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to adopt the Alleged Violations as Conclusions of Law. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to revoke the license held by Robert Miller. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

4. Oswald, Debra Case# 2019-RCE-0287 [9:45AM]

Chairman Cagan announced the case and commenced the interview at 9:51AM. RCP Oswald was not present. Assistant Attorney General, Seamus Monaghan represented the State of Arizona in this proceeding. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

MOTION: Board Vice Chairman Crawford to deem the Parties, Jurisdictional Statements and Factual Allegations contained in the Complaint and Notice of Hearing as the Findings of Fact and Vacate the Hearing. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to adopt the Alleged Violations as Conclusions of Law. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to revoke the license held by Debra Oswald. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

5. Pew, Steven Case# 2019-RCE-0309 [9:45AM]

Chairman Cagan announced the case and commenced the interview at 9:55AM. RCP Pew was not present. Assistant Attorney General, Seamus Monaghan represented the State of Arizona in this proceeding. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

MOTION: Board Vice Chairman Crawford to deem the Parties, Jurisdictional Statements and Factual Allegations contained in the Complaint and Notice of Hearing as the Findings of Fact and Vacate the Hearing. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to adopt the Alleged Violations as Conclusions of Law. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to revoke the license held by Steven Pew. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

6. Schunk, Emily Case# 2019-RCE-0215 [10:00AM]
Chairman Cagan announced the case and commenced the interview at 10:07AM. RCP Schunk was not present. Assistant Attorney General Seamus Monaghan represented the State of Arizona in this proceeding. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

MOTION: Board Vice Chairman Crawford to deem the Parties, Jurisdictional Statements and Factual Allegations contained in the Complaint and Notice of Hearing as the Findings of Fact and Vacate the Hearing. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to adopt the Alleged Violations as Conclusions of Law. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

MOTION: Board Vice Chairman Crawford to revoke the license held by Emily Schunk. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

B. DISCUSSION/ACTION ON APPLICATION INTERVIEWS FOR LICENSURE

1. Kaze, Shannon Case# 2020-RCE-0059
Chairman Cagan announced the case. RCP Kaze was present. Executive Director Confer presented a summary of the case.

MOTION: Board Vice Chairman Crawford to grant license. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (5-1). Board Member Gonzales voted nay.

2. Reed, Parker Case# 2020-RCE-0071
Chairman Cagan announced the case. RCP Reed was present. Executive Director Confer presented a summary of the case.

MOTION: Board Vice Chairman Crawford to grant license with a standard order of probation. Seconded by Board Member Easley.

ROLL CALL VOTE: Motion passed (6-0).

C. DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

Updates were given by Jack 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. 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. Review, Consideration & Possible Vote on Changes in License Renewal and Continuing Education Acceptance/Audit Process
6. Review of Implemented COVID-19 State of Emergency Policy and Procedure and associated impact on fiscal budget and NBRC credential holders.
7. LEMO and FEMA Public Assistance COVID-19 Streamlined Project Application

D. 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.

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

None.

F. CALL TO THE PUBLIC

None.

G. ITEMS TO BE PLACED ON A FUTURE AGENDA

New policy to be written regarding CEU's and License Renewals
Reports on Civil Penalty Revenue over the last five years.

H. ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 10:58.

DATED this 22nd day of May 2020.

Jack Confer, Executive Director