## BOARD OF RESPIRATORY CARE EXAMINERS 1740 W. Adams St., Suite 3406, Phoenix, AZ 85007

602-542-5995 Phone

Email: info@rb.az.gov Website: https://respiratoryboard.az.gov/

Katie Hobbs Governor



Jack Confer Executive Director

#### **Board Meeting Minutes**

The regular meeting of the Board of Respiratory Care Examiners convened online via GoogleMeets link meet.google.com/nzk-jwgt-agz Call in: (US) +1 806-410-3714 PIN: 473 731 712# and in person at 9:02am, Thursday, Feb 20, 2025 in Boardroom C, at 1740 W. Adams Street, Phoenix, Arizona, with Tracy Cagan RCP, Board Chairman, presiding.

#### **BOARD MEMBERS PRESENT:**

Tracy Cagan, RCP, Chairman Alan Crawford, RCP, Vice-Chairman

#### **BOARD MEMBERS PRESENT TELEPHONICALLY or GOOGLE MEETS:**

Becky Renee Brimhall, Member Kimberly Cota, RCP, Member Rayana Mariland, Member

#### **BOARD MEMBERS ABSENT:**

Dr. Leslie Easley, D.O., Member Lauri Leadley, Member

#### **LEGAL COUNSEL:**

Charles Hover, III, Assistant Attorney General Roberto Pulver, Assistant Attorney General

#### **STAFF PRESENT:**

Jack Confer, Executive Director Jossilen Stone, Administrative Assistant Katja Garcia, Licensing Administrator Brian Thomas, Project Specialist

#### I. CALL TO ORDER

The meeting was called to order at 9:04am, Thursday, Feb 20, 2025.

Chair President Cagan welcomed members of the audience, explained the procedure for addressing the Board, and stated the mission of the Board.

### II. ROLL CALL

The following Board members were present for the meeting:, Member Brimhall, Member Cota, Member Dr. Easley, Member Leadley Chair President Cagan, Vice Chairman Crawford, Member Mariland Absent:

#### III. <u>DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503</u>

None

#### IV. DECLARATION OF RECUSAL(S):

None

#### V. <u>CALL TO THE PUBLIC:</u>

None

#### VI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES:

- A. Regular Board Meeting Minutes, January 16, 2025
- B. Executive Session Meeting Minutes, January 16, 2025

Member Brimhall • motioned, seconded by Vice Chairman Crawford, RCP • to approve the December 19, 2024 Regular Board Meeting Minutes and the December 19, 2024 Executive Session meeting minutes.

#### **ROLL CALL VOTE (5-0)**

VOTE	<u>1</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member
YES		V	V	N	<b>\</b>			N
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RECUSED								
ABSENT						V	V	

#### REVIEW, DISCUSSION AND POSSIBLE ACTION ON FORMAL ADMINISTRATIVE VII. HEARING(S) PURSUANT TO A.R.S. § 32-3553(H)

A. Erik Holman, Case# 2023-RCE-0065

Application Holman was not present at the meeting and was properly noticed. Interim Executive Director Confer provided a summary of the complaint investigation.

Vice Chairman Crawford RCP - motioned seconded by Chairman Cagan RCP - to deem the allegations

admitted.	nan Ciawioiu	i, KCF	monomea,	seconded by	, Chairin	iaii Cagai	i, KCF	to deem the ar	negano
	LL VOTE (	5-0)							
<u>vote</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member		
YES	$\checkmark$	$\checkmark$	<b>✓</b>	$\checkmark$			<b>✓</b>		
NO									
ABSTAIN									
RECUSED									
ABSENT					$\checkmark$	$\checkmark$			
	nan Crawford LL VOTE (	5-0)	motioned, s	seconded by,	Member	Cota, RC	P • to fin	nding of facts	
<u>vote</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	Mariland Member		
YES	<b>✓</b>	$\checkmark$	<b>✓</b>	$\checkmark$			<b>✓</b>		
NO									
ABSTAIN									
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ABSENT					$\checkmark$	$\checkmark$			
	nan Crawford LL VOTE (	•	motioned, s	seconded by,	Chairmar	n Cagan, 1	RCP • to	revocation of li	icensure
<u>VOTE</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member		
YES	<b>✓</b>	$\checkmark$	<b>\</b>	$\checkmark$			<b>✓</b>		
NO									
ABSTAIN									

ABSENT						<b>✓</b>	$\checkmark$					
	VIII. <u>REVIEW, DISSCUSSION AND POSSIBLE ACTION ON PROPOSED CONSENT</u> AGREEMENT FOR SUMMARY SUSPENSION PURSUANT TO A.R.S. § 32-3553 (E)											
BORDENIENI FOR SUMMANI SUSI ENSION I URSUANI TO A.R.S. § 32-3333 (E)												
A. Debra Gutierrez, Case# 2023-RCE-0053												
Vice Chai	rman	Crawford	, RCP •	motioned,	seconded by	Memb	er Brimh	all • sec	conded, to agree	ment for		
summary s			,	,	J.				, 2			
ROLL C	ALL	VOTE (	5-0)						_			
VOTE	<u>L</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member				
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	!	l							I			
	A.	Debra G	utierrez, (	Case# 202	3-RCE-0053	3						
Vr. Cl.:							C 4 1	D CD	1.1 ,	C 1		
hearing for					seconded by	, Memb	er Cota, I	RCP • se	econded, move t	o formal		
ROLL C	_ A T T	VOTE (	5_0)									
VOTE		Cagan	Crawford Vice	Brimhall	<u>Cota</u>	Easley	Leadley	<u>Mariland</u>				
VOIL	<u>.</u>	Chairman	Chairman	Member	Member	Member	Member	Member				
YES		<b>✓</b>	$\checkmark$	<b>V</b>	$\checkmark$			<b>✓</b>				
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ABSTAIN												
RECUSED												
ABSENT						>	V					
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IX. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPLICATION FOR LICENSURE PURSUANT TO A.R.S. § 32-3552 (A)

A. Andrew Ramirez, Case# 2024-RCE-0279

Was present via google meets.

applicant li			<b>-</b> 0)							
ROLL CA		Cagan Chairman	Crawford Vice Chairman	Brimhall Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member		
YES		<b>✓</b>	Chairman	<b>\</b>	<b>✓</b>			<b>✓</b>		
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Vice Chair application	rman revie	a summa documen Crawford ew to the r	ary of the ts provided as RCP •	ne complained by Apple	nint investig licant Wilson seconded b	gation. n with the	The Bo applica	ard aske	irector Confed questions nission.	about the
<u>vote</u>	2	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	Mariland Member		
YES		V	V	>	V			<b>\</b>		
NO										
ABSTAIN										
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Vice Chairman Crawford, RCP - motioned, seconded by, Chairman Cagan, RCP - seconded, to issue

# X. INITIAL REVIEW, CONSIDERATION AND POSSIBLE CONSOLIDATION OF CASES AND ACTION ON INVESTIGATION OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT

- A. Initial Review, Discussion and Consideration on Investigations alleging Unprofessional Conduct without a Staff Recommendation.
- 1. Michelle Niemiec 2025-RCE-0002

Vice Chairma	n Crawford	, RCP •	motioned, s	seconded by,	Chairma	n Cagan,	RCP • se	econded, letter of	concern
ROLL CAL	L VOTE (	5-0)							
<u>VOTE</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	Brimhall Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member		
YES	✓	<b>✓</b>	$\checkmark$	$\checkmark$			<b>✓</b>		
NO									
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RECUSED									
ABSENT					$\checkmark$	$\checkmark$			
	e Gainor an Crawford	, RCP · 1		RCE-0005 seconded by,	Member	Brimhall	• second	ded, letter of conc	ern.
ROLL CAL	L VOTE (	-	1	Г	I	ı		ı	
<u>VOTE</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	Brimhall Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	Mariland Member		
YES	<b>✓</b>	<b>\</b>	>	V			\		
NO									
ABSTAIN									
RECUSED									
ABSENT					$\checkmark$	$\checkmark$			
3. Tia Pe		, RCP ·		RCE-0006 seconded by,	Member	Brimhall	• second	ded, letter of conc	eern.
ROLL CAL		5-0) Crawford	p · · · ·	~ :	Б.	, l			
VOTE	<u>Cagan</u> Chairman	Vice Chairman	Brimhall Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	Mariland Member		
YES	<b>✓</b>	$\checkmark$	<b>✓</b>	$\checkmark$			<b>✓</b>		

NO					
ABSTAIN					
RECUSED					
ABSENT			<b>✓</b>	\ ✓	

B. Staff Recommendation for Non-Disciplinary Order of Probation.

1.	Sandra Klein	2024-RCE-0098
2.	Judy Franklin	2024-RCE-101
3.	Nathan Smith	2024-RCE-0104
4.	Shanice Williams	2024-RCE-0303

Vice Chairman Crawford, RCP • motioned, seconded by, Member Brimhall • seconded, non disciplinary order of probation to be completed within the next 30 days. If not completed it will be moved to a formal interview.

**ROLL CALL VOTE (5-0)** 

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VOTE	<u>C</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member
YES		N	N	>	V			N.
NO								
ABSTAIN								
RECUSED								
ABSENT						>	<u> </u>	

C. Staff Recommendation for Non-Disciplinary Letter of Concern(s).

1.	Amanda Ortiz	2024-RCE-0100
2.	Richard Bryant	2024-RCE-0285
3.	Shawna Madnick	2024-RCE-0289
4.	Joseph Miller	2024-RCE-0290
5.	Danny Miller	2024-RCE-0292
6.	Brenda Carter	2024-RCE-0298
7.	Vanessa Treviso	2024-RCE-0300
8.	Israel Ixcot	2024-RCE-0305
9.	Sniezana Malinovic	2024-RCE-0307

Vice Chairman Crawford, RCP • motioned, seconded by, Member Brimhall • seconded, letter of concern.

VOTE	<u>.</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member
YES		N	N	N	>			
NO								
ABSTAIN								
RECUSED								
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D. Staff Recommendation for Dismissal(s). Action may include rejection of the recommendation and/or Offer of a Disciplinary or Non-Disciplinary Consent Agreement, Non-Disciplinary Letter of Concern, referral to Administrative Hearing or referral to Staff for further investigation of the following cases: [Possible Block/Consent Vote]

1.	Manuel Torres Mercado	2024-RCE-0096
2.	Stephanie Duarte	2024-RCE-0219
3.	Jane Dean	2024-RCE-0283
4.	Holly Cechvala	2024-RCE-0287
5.	Denise Jackson	2024-RCE-0288
6.	Nancy Naumann	2024-RCE-0291
7.	Sharion Stock	2024-RCE-0293
8.	Jonathan Summey	2024-RCE-0294
9.	Snow Light	2024-RCE-0295
10.	Jose Tulao	2024-RCE-0297
11.	Adele Barger	2024-RCE-0299
12.	Nicholas Hart	2024-RCE-0301
13.	Sheila Hills	2024-RCE-0302
14.	Caprice Lucas	2024-RCE-0306

Vice Chairman Crawford, RCP • motioned, seconded by, Chairman Cagan, RCP • seconded, dismissal

**ROLL CALL VOTE (5-0)** 

NOLL C		VOID (	0 0)					
VOTE	<u>.</u>	<u>Cagan</u> Chairman	Crawford Vice Chairman	<u>Brimhall</u> Member	<u>Cota</u> Member	<u>Easley</u> Member	<u>Leadley</u> Member	<u>Mariland</u> Member
YES		V	V	>	<b>&gt;</b>			N
NO								
ABSTAIN								
RECUSED								
ABSENT						<b>\</b>	$\checkmark$	

#### XI. EXECUTIVE DIRECTOR REPORT:

- A. Application, Investigation and Probation Reports Board Update & Status)
- B. Financial Report
- C. Status, Possible Discussion, Executive Director Position
- D. Legislation
- E. Audit Follow-Reporting

#### XII. FUTURE ITEMS AND MEETING DATES

A. March 20, 2025; April 17, 2025; May, 15, 2025

#### XIII. ADJOURNMENT

The meeting adjourned at 10:31 a.m. Thursday, February 20, 2025

 Jack Confer, Executive Director