

## **BOARD OF RESPIRATORY CARE EXAMINERS**

### **BOARD MEETING MINUTES**

April 19, 2007, at 9:00 a.m.

1400 West Washington Street  
Suite 200, Phoenix AZ

**Board Members Present:** Chair Toni Rodriguez, Vice-Chair Becky Brimhall, Cathy Lindstrom, David Sanderson and John O'Donnell

**Board Members Absent:** James Love & William Cohagen

**Legal Counsel:** Assistant Attorney General Michelle Wood

**Staff Present:** Mary Hauf Martin, Executive Director  
Sarah Davis-Spiekermeier, Program and Project Specialist II.  
Valarie Davis, Administrative Assistant

#### **I CALL TO ORDER**

A. CALL TO ORDER by Chair Toni Rodriguez Ed.D.

The Meeting was called to order at 9:03 a.m. by Board Vice-Chair Becky Brimhall

B. DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

1. Location of May 17, 2007 Meeting

**At John C. Lincoln- North Mountain Hospital North Dining room (1<sup>st</sup> floor)**

**250 E. Dunlap Avenue Phoenix, AZ 85020-2914**

2. Legislative update

The Governor signed the House Bill 2518 extending the Board and the Practice Act for 10 years, which is the maximum allowed time period under Arizona law.

3. License Certificate proposal change
  - a. Proposed License Certificate example
  - b. License verification email example

Due to the upcoming participation by the Board in the ability of licensees to conduct business online, (called the Common Licensing Project,) the Board approved a proposal to continue issuing laminated license cards with each license renewal. And to change the way license certificates are issued. A License certificate will be printed once, at the time of initial license approval. If a licensee would like an additional certificate printed, in conjunction with a renewal, there will be a \$25 fee.

4. Board of Respiratory Care Examiners budget summary

The Executive Director provided the Board members with an update

5. Request for scope of practice ruling from Chuck Ramirez

After Chuck Ramirez, of Banner Estrella Medical Center, made a presentation to the Board regarding central line placement via the internal jugular and the subclavian veins (i.e., central venous catheters, or CVC), Board Chair Toni Rodriguez moved that, in light of Arizona law as set forth in A.R.S. §32-3501. Definitions:

9. "Therapeutics" includes the following:

- (i) Assisting physicians licensed pursuant to chapter 13 or 17 of this title with hemodynamic monitoring.

If performed under the Direct Supervision of qualified, currently licensed Medical Doctor or Osteopathic Physician, this procedure falls within the Scope of Practice for a Registered Respiratory Therapist. The RRT must have completed specialized training. The facility at which the RRT performs the procedure must have the appropriate training program, and competency reviews in place. And the RRT must have oversight from the Medical Director of the facility.

Vice Chair Becky Brimhall seconded. **The motion passed unanimously.**

6. Update on Common Licensing Project

The Executive Director provided the Board members with an update

7. Staff report on probationary licensees

The Executive Director provided the Board members with an update

**II. APPROVAL OF MINUTES**

January 18, 2007  
March 27, 2007 conference call

After discussion, Becky Brimhall moved to approve. Cathy Lindstrom seconded. **The motion passed unanimously.**

**III. DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE**

A. Recommended for approval by the Executive Director

Lynn Arkilic	Amsalu Belay	Joelene Bergeron
Pamelua Bradley	Gretchen Branam	Elam Burak
John Burns, Jr.	Jason Burruel	
Heather Carton-Walker	Eugen Cimpeanu	Troy Coats
John Combs	Erica Crossley	Coleen Cruz
Denise DiIoli	Rikki Ditto	Taura Eads
Laura Fisher	Melissa Fong	Danton Gaddi
Chelsie Gilbeau	Bernice Gordon	Deirdre Hall
Carmella Harper	Jacqueline Hill	Sheryl Houser
Stephanie Jackson	Karen Johnson	Catherine Jones
Erin Koby	Renee Lentz	David Lewis
Ella Lucas	William Markley	Gina McGinnis
Adam Meyer	Kim Michaud	Debra Parsons
Sonjal Patel	John Peart	Nacomi Rafferty
Silvia Ramirez	Jacqueline Rolph	Christine Shepherd
Teresa Shiver	Franklyn Sigler	Christine Sikes
LaShawndra Snipe	Stephanie Stazel	Jean Stroheker
Benjamin Valenzuela	Sherry Worcester	

After discussion, John O'Donnell moved to approve. Becky Brimhall seconded. **The motion passed unanimously.**

B. Application for Licensure

1. Michael Rodriguez Case Number 07629-07-2274

Mr. Rodriguez was present for the board meeting. The Executive Director stated that Mr. Rodriguez filed a complete application for licensure on, 8/29/2006. He was granted a Temporary License on 8/30/2006, which is valid through 4/30/2007. Mr. Rodriguez's application is completed and on his application form, he answered "yes" to Question 19 disclosing of a criminal history. Mr. Rodriguez's FBI background check was received in December 2006 and showed that he failed to disclose of another offense. Mr. Rodriguez was notified of this on December 20, 2006, in writing. On January 16, 2007 he provided the requested documents. Mr. Rodriguez was invited, in writing, to the April 19, 2007 board meeting for an Application Interview.

After discussion, Becky Brimhall moved to grant Mr. Rodriguez his license. John O'Donnell seconded. **The motion passed unanimously.**

2. Mitchell Hartin\*

Case Number 02250-07-7413

**PLEASE SEE SECTION IX. 4**

3. Ryan Erickson

Case Number 07546-07-2275

Mr. Erickson was present for the board meeting. The Executive Director stated that Mr. Erickson filed a complete application for licensure on, 7/14/06. He was granted a Temporary License on 7/17/06, which expired on 3/17/07. Mr. Erickson received an extension from 3/18/07 which will expire on 7/18/07. Mr. Erickson's application is completed and he disclosed of a criminal history, but had failed to provide the requested documents. Mr. Rodriguez was notified of this on December 20, 2006, in writing and asked to provided court documents related to the arrest. On February 21, 2007, Mr. Erickson provided the appropriate court documents. Mr. Erickson was invited, in writing, to the April 19, 2007 board meeting for an Application Interview.

After discussion, Becky Brimhall moved to grant Mr. Erickson his license. John O'Donnell seconded. **The motion passed unanimously.**

4. Jeffrey J. Sanchez

Case Number 07614-07-2276

Mr. Sanchez was present for the board meeting. The Executive Director stated that Mr. Sanchez filed a complete application for licensure on, 0911/06. He was granted a Temporary License on 9/12/06, which is valid through 5/12/07. On Mr. Sanchez's application form, he answered "yes" to Question 19 and disclosed of a criminal history. Mr. Sanchez's FBI background check was received in December 2006 and everything he disclosed of correlated with the background check results. Mr. Sanchez was invited, in writing, to the April 19, 2007 board meeting for an Application Interview.

After discussion, Cathy Lindstrom moved to grant Mr. Sanchez his license. John O'Donnell seconded. **The motion passed unanimously.**

C. Re-Application for Licensure

Douglas Harpold  
Thomas McCarthy

Deborah Latulippe  
Douglas Walker

Henry Latulippe

After discussion, Cathy Lindstrom moved to grant licensure. John O'Donnell seconded. **The motion passed unanimously.**

D. Ratification of Temporary Licenses Issued pursuant to A.R.S. § 32-3521

Gregory Abrigo, Jr.	Dane Anderson	Kevin Atchison
Amsalu Belay	Daniel Blair	Nicolette Borquez
Melissa Bozzola	Jayson Bruce	Brandon Burney
Gregory Busby	Veronica Canava	Jay Cantiberos
Eugan Cimpeanu	Carmellia Cochran	Charles Croney
William Cunningham	Thomas D'Addabbo	Britney Davis
Ted Davis	Shirely Desvignes	Heather Dudley
Troy Fannon	Angela Felton	Aubrey Finder
Laura Fisher	Louise Floyd	Issac Foster
Heriberto Garcia III	Ilene Gardner	Jessica Garza
Berince Gordon	Latissa Hakik	Cameron Hall
Kelly Hanks	Tina Iossa	Jonathan Jacob
Ryan James	Karen Johnson	Mary Johnson
Catherine Jones	Kathleen Jones	Glenda Kizer
Erin Koby	Rashell Krob	Rafael Lopez
Arnold Lozano	Diana Mancia	Carly Manning
Donsha Masters	Morgan McGuire	Kali Mehlberg
Travis Mitchell	Matthew Newlin	Kimberly Osborne
Tiffany Otto	Steven Perry	Samuel Peters
Tyrone Powell, Jr.	Nacomi Rafferty	Silvia Raminez
Sonia Rascon	Colby Raynes	Jennifer Raynes
Kori Roberts-Jackson	Colonda Robinson	Jacqueline Rolph
Rebekka Roy	Nicole Schults	Eric Scheitzer
Christina Seeley	Betsey Shaw	Ariele Sloan-Kuritzky
Stephanie Starzl	Jaclyn Truman	Michael Vourazeris
Amanda Watkins	Wendy Watson	Electa Watzik
Kent Wilks	Lisa Yandell	

After discussion, John O'Donnell moved to ratify. Becky Brimhall seconded. **The motion passed unanimously.**

E. Ratification of Temporary License Extensions Issued pursuant to A.R.S. 32-3521

Ryan Erickson                      Briana Lopez                      Ramona Yanez

After discussion, John O'Donnell moved to ratify. Cathy Lindstrom seconded. **The motion passed unanimously.**

F. Request for Extension of Temporary License

Adrian Brown\*                      Jill Schmidt

After discussion, Cathy Lindstrom moved to grant extension. John O'Donnell seconded. **The motion passed unanimously.**

#### **IV. DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES**

Recommended for closing of application files.

Elizabeth Ibarra                      Vivian Negreros                      Sandra Perrin  
Lynisha Tamplin

After discussion, Becky Brimhall moved to close. John O'Donnell seconded. **The motion passed unanimously.**

#### **V. DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF TWO YEAR INACTIVE FILES**

Recommended for closing of inactive files.

Joyce Akin                      Julia Carrillo                      Mary Culp  
Nora Hancock                      Sylvia McKale                      Joel Shayer  
James Sweeney                      Larry Vogel                      Pauline Yager  
Blanca Zsako

Marie McCartney                      -                      Revoked

David Hamm                      -                      Deceased

After discussion, Becky Brimhall moved to close. John O'Donnell seconded. **The motion passed unanimously.**

**VI. DISCUSSION/ACTION ON NOTICES OF LICENSE EXPIRATIONS**

A. Notice of License Expirations to the following individuals:

Alba Aldridge	Paula Boyd	Lacey Clemans
Madonna Fager	Carrie Graves	J'Von Greene
Travis Griffin	Tammy Henry	Lori Higuero
Radni-Lea jaurigue	Michael Krepp	Pamela Mahoney
Daniel Morgan	Giovanni Perusini	Rosalynn Redmond
Peter Rowe	Countrey Schein	Trudy Tucker
John Welsh	Manuelita Wilson	

After discussion, Cathy Lindstrom moved to sent notice of expirations. Becky Brimhall seconded. **The motion passed unanimously.**

**VII. DISCUSSION/ACTION ON REINSTATEMENT OF EXPIRED LICENSES**

A. Ratify reinstated licenses issued by the Executive Director.

Joel Hansen	Steven Peterson	Karri-Ada Rogers
Marvelyn Stubbs		

After discussion, John O'Donnell moved to ratify. Becky Brimhall seconded. **The motion passed unanimously.**

**VIII. CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT**

A. Antlja Johns Case Number 01833-07-2258

Ms. Johns was present for the board meeting. The Executive Director stated that in January 2007, the Board had received several complaints against Ms. Johns. On January 31, 2007, a subpoena was sent to North Mountain Medical for Ms. Johns HR file. On February 13, 2007, the documents were received. On January 29, 2007, Ms. Johns was notified, in witting, of the allegations against her. She responded on

February 8, 2007. Ms. Johns was invited, in writing, to April 19, 2007, Board meeting regarding the allegations against her.

After discussion, Becky Brimhall moved to dismiss the allegations. John O'Donnell seconded. **The motion passed unanimously.**

B. Keri Twitty Case Number 07145-07-2254

Ms. Twitty was present for the board meeting. The Executive Director stated that on October 13, 2006, the Board received a compliant against Ms. Twitty. The board subpoenaed Maricopa Intergrated Health System on January 29, 2007 for Ms. Twitty's HR file. The documents were received from the hospital on February 23, 2007. Ms. Twitty was notified, in writing, on January 29, 2007 of the allegation against her. She responded on writing on February 12, 2007. Ms. Twitty was invited, in writing, to the April 19, 2007 Board meeting regarding the allegation against her.

After discussion, Toni Rodriguez moved to invite Ms. Twitty to an informal interview. Becky Brimhall seconded. **The motion passed unanimously.**

C. Charmian Hall Case Number 05323-07-2277

Ms. Hall was present for the board meeting. The Executive Director stated that Shameek Thomas with Apollo college emailed the Board a verification request of Ms. Hall's license, and learned that her license had expired. Ms. Hall came down to the board office to renew her license . Ms. Hall worked without a license from 11/17/06-4/2/07. The Board received a letter from Shameek Thomas with Apollo verifying that Ms. Hall did work with out a license. Ms. Hall stated to Board staff that at the time of working without a license at Apollo college her supervisor was Ellen Cannafax, who is currently under investigation for having 3 employees work without a license. Ms. Hall stated the Ms. Cannafax told her she did not have to have a license to work at Apollo. Ms. Hall was invited, in writing, to the April 19, 2007 Board meeting regarding the allegation against her.

After discussion, Cathy Lindstrom moved to renew Ms. Halls license and place her on probation to pay a fine of \$500 for working without a license. John O'Donnell seconded. **The motion passed unanimously.**

D. Kristen Broadbent Case Number 04431-07-2278

Ms. Broadbent was present for the Board meeting. The Executive Director stated that Shameek Thomas with Apollo college emailed the board a verification request of Ms. Broadbent's license, and learned that her license had expired. Ms. Broadbent came down to the board office to renew her license . Ms. Broadbent worked without a license from 4/8/06-4/2/07. The Board received a letter from Shameek Thomas with Apollo verifying that Ms. Broadbent did work with out a license. Ms. Broadbent stated to board staff that at the time of working without a license at Apollo college her supervisor was Ellen

Cannafax, who is currently under investigation for having 3 employees work without a license. Ms. Broadbent stated the Ms. Cannafax told her she did not have to have a license to work at Apollo. Ms. Broadbent was invited, in writing, to the April 19, 2007 board meeting regarding the allegation against her.

After discussion, Cathy Lindstrom moved to renew Ms. Broadbent's license and place her on probation to pay a fine of \$500 for working without a license.. John O'Donnell seconded. **The motion passed unanimously.**

E. Kevin Atchison Case Number 00000-07-2279

Mr. Atchison was present for the board meeting. The Executive Director stated: Mr. Atchison holds a Temporary License, issued valid through 11/15/07. On his application, he disclosed a forgery on his record, but didn't specify that the offense is a felony, or that he has not satisfied the terms of restitution required by the court. On April 9, 2007, the Board was notified, via telephone call, by Cathy Perez with PRCS, that Mr. Atchison applied for a job, and upon their background search, discovered that he has an active (or, unresolved) felony. Board Staff contacted Mr. Atchison, by phone, and opened an investigation into the matter. Mr. Atchison has not demonstrated that he has satisfied all the terms of his court-ordered probation, specifically complete payment of all required restitution. He has not documented that his civil rights have been restored. Mr. Atchison was invited, in writing, to the April 19, 2007 Board meeting regarding the allegation against him.

The Board is concerned about the impact that would occur, if an individual with a felony practiced respiratory care, on a temporary license. Among the concerns is one that a health care facility that bills Medicare or Medicaid for the services performed will not be able to be reimbursed. Another concern is related to allowing an individual with an active (or, unresolved) felony to provide care to a vulnerable patient population.

After discussion, Cathy Lindstrom moved to offer Mr. Atchison a probationary order. Mr. Atchison verbally agreed to enter into a probationary order. John O'Donnell seconded the motion. **The motion passed unanimously.**

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

1. Frank Miller Case Number 02203-06-0706; at 10:30

Mr. Miller was not present for the Board meeting. The Executive Director stated that:: Mr. Miller applied for an initial license on December 23, 1991. His permanent license expired on August 6, 2006 and is currently administratively suspended. On May 18, 2006, Board staff received an allegation of unprofessional conduct against Mr. Miller from The Arizona Society of Respiratory Care. AZSRC also provided a copy of their investigation file against Mr. Miller. Mr. Miller was notified of these allegations, in writing, on June 20, 2006, and he responded in writing on June 28, 2006. Mr. Miller was invited, in

writing, to the July 20, 2006 board meeting in regards to the allegations. Mr. Miller was not present for the Board meeting. The Executive Director asked to postpone the case to another board meeting. Board members agreed. Mr. Miller was invited, in writing, to the October 19, 2006 Board meeting in regards to the allegations. After board discussion, the board members voted to invite Mr. Miller to an informal interview. Mr. Miller was invited, in writing, to a informal interview for the April 19, 2007 Board meeting.

At the meeting, Ron Evans with the AzSRC society was called as a witness. Mr. Evans was sworn in and testified regarding the allegations against Mr. Miller.

After discussion, Board member Cathy Lindstrom moved for a formal hearing. John O'Donnell seconded. **The motion passed unanimously.**

2. Adrian Brown\* Case Number 00000-07-2253; to follow

Mr. Brown was present for the board meeting. The Executive Director stated that: Adrian Brown filed an Application with the Board for a license to practice respiratory care on August 18, 2006. Based on the information he provided at the time he applied, he was issued a Temporary License. Shortly thereafter, it came to the Board's attention that if information the Board requires to be disclosed had been so, he would not have been issued a temporary license. Instead, he would have had his temporary license issued in conjunction with a probationary order. The most critical omission was that in July of 2006, he was arrested and charged with a felony offense. The arrest resulted in the Applicant's conviction of a Class 6 Undesignated felony. The earliest that the Applicant can apply to the court, to have the offense designated a misdemeanor and restore his civil rights is: August 2007. Mr. Atchison was invited, in writing, to the April 19, 2007 Board meeting for an informal interview

At the meeting, the Board is concerned about the impact that would occur, if an individual with a felony practiced respiratory care, on a temporary license. Among the concerns is one that a health care facility that bills Medicare or Medicaid for the services performed will not be able to be reimbursed. Another concern is related to allowing an individual with an active (or, unresolved) felony to provide care to a vulnerable patient population. The Board considered the Applicant's request for an Extension. The main issue that the Board had to deal with is that the Applicant has a felony conviction on his record. The Applicant admits that he has a felony. This constitutes an admission of an act which is defined as unprofessional conduct in A.R.S. §32-3501(10)(a) in conjunction with A.R.S. §32-3523. Another concern of the Board is an indication, by the Applicant's recent history, problems with anger management and alcohol abuse. This concern warrants close monitoring of the Applicant at this time. After discussion, Toni Rodriguez moved to extend Mr. Brown's temporary license and place him on probation. Cathy Lindstrom seconded. **The motion passed unanimously.**

3. Diana Robert Case Number 02219-07-0742; to follow

Ms. Roberts was present for the board meeting. The Executive Director stated: Diana Roberts originally applied for a license back in 1991, and was granted a license valid through April 7, 2008. On

September 13, 2006, the board received an allegation of unprofessional conduct from Desert Life Rehab and Care Center regarding Ms. Roberts. Ms. Roberts was notified of these allegations, in writing, on October 26, 2006 and she responded in writing on November 6, 2006. Ms. Roberts was invited, in writing, to the February 15, 2007 Board meeting regarding the allegations against her. Ms. Roberts was not present for the February 2007 Board meeting. After discussion, Board members moved to invite Ms. Roberts to an informal interview. Ms. Roberts was invited, in writing, to the April 19, 2007 Board meeting for an informal interview.

After discussion, Toni Rodriguez moved for a continuance so the Board can obtain more information regarding this case. John O'Donnell seconded. **The motion passed unanimously.**

4. Mitchell Hartin\* Case Number 02250-07-7413; to follow

Mr. Hartin was present for the Board meeting. The Executive Director stated that: Mr. Hartin applied for a license on February 6, 2006, which a temporary license was issued on March 29, 2006 and expired on November 29, 2006. Mr. Hartin received an extension on his temporary license valid from November 30, 2007 - March 30, 2006. On November 29, 2006, the Board received an allegation of unprofessional conduct. Mr. Hartin was notified, in writing, of this allegation on January 8, 2007. Mr. Hartin responded on January 26, 2007. Mr. Hartin was invited to the March 15, 2007 Board meeting regarding an allegation of unprofessional conduct. Mr. Hartin was present for the Board meeting. After discussion, Board members moved to invite Mr. Hartin to a informal interview. Mr. Hartin was invited, in writing, to the April 19, 2007 Board meeting for an informal interview.

After discussion, Toni Rodriguez moved for a continuance so the Board can obtain more information regarding this case. Becky Brimhall seconded. **The motion passed unanimously.**

5. Gary Someillan Case Number 00000-07-2269; to follow

Mr. Someillan was present for the Board meeting. The Executive Director stated: Mr. Someillan applied for a license on February 7, 2007, his temporary license was issued on February 8, 2007 valid through October 8, 2007. On February 28, 2007 Boards staff received an allegation of unprofessional conduct. Mr. Someillan was notified, in writing, of the allegation and invited to the March 15, 2007 Board meeting. Mr. Someillan was not present for the board meeting. After discussion, Board members moved to invite Mr. Someillan to an informal interview.

After discussion, Toni Rodriguez moved for a continuance so the Board could obtain more information regarding the case. Cathy Lindstrom seconded. **The motion passed unanimously.**

6. Robert Colon Case Number 04645-07-2265; to follow

Mr. Colon was not present for the Board meeting. The Executive Director stated: Mr Colon's originally applied for a license in January 1998. He was issued license number 04645 on August 20, 1998; it is currently valid through September 20, 2008. Mr. Colon is currently on probation with the Board. On

January 23, 2007, Board staff received an allegation of unprofessional conduct against Mr. Colon. A subpoena was sent on February 14, 2007 for Mr. Colon's HR file. Mr. Colon was notified, in writing, of the allegation and invited to the March 15, 2007 Board meeting. Mr. Colon was not present for the March 2007 Board meeting. After discussion, Board members moved to invite Mr. Colon to an informal interview. And to combine the current allegation case with his probation compliance case.

After discussion, the Board had to table this case till the next available Board meeting because the board did not have a quorum.

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

1. Robert Ferrante Case Number 02209-06-6604; at 10:00 a.m.

Mr. Ferrante was not present for the board meeting. Michelle Wood, Assistant Attorney General, appeared on behalf of the State. The State called Executive Director Mary Hauf Martin as a witness. Ms. Martin was sworn in and stated the following: Mr. Ferrant had made a second request for a continuance on his hearing. After discussion, Toni Rodriguez moved to deny request. Cathy Lindstrom seconded. **The motion passed unanimously.**

Since the burden of proof was on Mr. Ferrante. He failed to appear. After discussion, Becky Brimhall moved to vacate hearing and uphold the license denial. Cathy Lindstrom seconded. **The motion passed unanimously.**

#### **XI. CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION**

A. Informal Interview Regarding Probation Compliance

1. Lorna Gross Case Number 04997-06-2088, at 1:30 p.m.

Ms. Gross was not present for the board meeting. The Executive Director stated that: Respondent is the holder of License No. 4997 to practice respiratory care in the State of Arizona. At the public meeting held on October 20, 2005, the Board voted unanimously to place Ms. Gross on probation. This occurred after the Board found that she had practiced respiratory care without a license for four shifts.

Ms. Gross was supposed to renew her license on or before September 30, 2005. She did not. At that time, she was not to work as a respiratory care practitioner. She did.

On October 11, 2005, Ms. Gross appeared in the Board office, and filled out the required Consent Order, or Affidavit, stating she practiced respiratory care after her license expired. Ms. Gross filled out the form in way that reads as though she did this in November (writing 11.1.05, 11.4.05, and 11.5.05 as her dates.)

On October 20, 2005, the Board held a public meeting, in part to consider Ms. Gross' application to renew her license, and the allegation that she practiced respiratory care for four shifts after her license expired. After discussion, the Board voted to renew her license on the condition that Ms. Gross pay a \$200 penalty (\$50 per each shift worked without a license), and complete an ethics course.

The Order Renewing Respondent's license, and establishing terms and conditions of probation, was issued on October 24, 2005.

Specifically, the Order required that within sixty (60) days of the issuance date of the Order, "Lorna Gross shall complete six (6) additional hours of approved continuing education credits [in addition to the twenty (20) hours required to renew her license by September 30, 2007] in the following topic: ethics. The Board recommends that Respondent complete the ethics course offered through the Maricopa County Community College District entitled: HCC 130AE Legal and Ethical Issues in Healthcare. If Respondent wishes to complete any other CEUs to meet this requirement, the ethics course must first: A) be approved by either the American Association for Respiratory Care or the Arizona Society for Respiratory Care; and, B) be approved by Board staff."

On October 20, 2005, Ms. Gross paid the \$200 penalty required by a Term of her Order; however, she did not complete the ethics course required by Term Number 4.

The Order also required the following, in Term Number 8: "Lorna Gross shall appear in person before the Board for interviews upon request, at various intervals and with reasonable notice (i.e., a minimum of five days). She shall **immediately** advise the Board of any change in her place of employment, telephone number(s) or home address."

At the public meeting held on September 21, 2006, the Board conducted a Probation Compliance Informal Interview. She was present. The Board found that she had failed to comply with Term Number 4 of her Order. At that time, the Board members moved to grant Ms. Gross an extension of her ethics class for 60 days. Stating that if she did not complete the course in that time frame, the Board would deem her out of compliance, at an Informal Interview, and thereafter issue a Formal Complaint and Notice of Hearing.

A review of her file showed that she had not met the 60 day extension offered to her at the September 21, 2006 Board meeting. The Board determined that Ms. Gross was in violation of Term 4 of her Order. In addition, by failing to appear for her Probation Compliance Informal Interview, Ms. Gross was in violation of Term Number 8 of her Order.

After discussion, Toni Rodriguez moved to formal hearing. John O'Donnell seconded. **The motion passed unanimously.**

2. Ricardo Espinoza Case Number 00000-06-2191, to follow

Mr. Espinoza was present for the board meeting. The Executive Director stated that: On May 24, 2006, the Board received an allegation of unprofessional conduct against Mr. Espinoza from Josephine Cruz the Manager of employee health with University Medical Center. The allegation was that he tested positive on a pre-employment drug screen. Mr. Espinoza was notified of this allegation and invited, in writing, to the June 15, 2006, Board meeting. Mr. Espinoza responded in writing. Mr. Espinoza was

invited, in writing, to the July 20, 2006, Board meeting in regards to the allegation against him, in which he was present for. Mr. Espinoza admitted to the Board that he has a lengthy substance abuse history. Board members moved for an informal interview so that they could discuss the allegation further with him.

Mr. Espinoza was invited, in writing, to the August 17, 2006, Board meeting for an informal interview. Mr. Espinoza was present for the Board meeting. After discussion, Board members moved to place Mr. Espinoza on probation. The motion passed unanimously.

On January 12, 2007, a compliance check was conducted on Mr. Espinoza's file and it appeared that there was one or more areas of non-compliance. Term 6, which states, "Ricardo Espinoza shall participate in a 12-step recovery program, and attend a minimum of three meetings per week while on probation (on different days of the week), keeping a written record of times, locations and attendance. On a quarterly basis Ricardo Espinoza shall forward his written record to the Board, said record shall include the following information:

- |  |  |
|--|--|
| * Name of 12-Step Group  | * Date and time of meeting                                 |
| * Name or initials of another individual in attendance at each meeting | * Name and phone number of organizing/administering person |
| * Location and address of meeting place                                | * Name and phone number of <b>sponsor</b>                  |

On January 24, 2007, Mr. Espinoza faxed over a statement regarding his 12-Step Log.

On April 05, 2007, a compliance check was conducted on Mr. Espinoza's file and it appeared that there was one or more areas of non-compliance. Term 6, which states, "Ricardo Espinoza shall participate in a 12-step recovery program, and attend a minimum of three meetings per week while on probation (on different days of the week), keeping a written record of times, locations and attendance. On a quarterly basis Ricardo Espinoza shall forward his written record to the Board, said record shall include the following information:

- |  |  |
|--|--|
| * Name of 12-Step Group  | * Date and time of meeting                                 |
| * Name or initials of another individual in attendance at each meeting | * Name and phone number of organizing/administering person |
| * Location and address of meeting place                                | * Name and phone number of <b>sponsor</b>                  |

And Term 9, which states, "Ricardo Espinoza shall comply immediately (i.e., within 2 hours) with requests from the Board or its agents or designees, to submit to witnessed random biological fluid collection; and, he shall authorize any person or organization conducting tests on these collected samples to provide testing results to the Board."

Mr. Espinoza submitted a statement regarding his 12-Step Log on the following date: 01/24/2007 - Statement is in file. Mr. Espinoza did not submit his 12-Step Log that was due on the following date: 03/15/2007. Mr. Espinoza did report for 3 random screens requested. Mr. Espinoza reported 5 days after he was requested for a screen on 03/31/2007:

On April 05, 2007, Mr. Espinoza was notified in writing of his current compliance with his Probation. He has yet to respond. Mr. Espinoza was notified in writing on April 10, 2007, that the Board would conduct an interview at the April meeting

After discussion, the board took no action against Mr. Espinoza's license, but reminded him of the importance of complying with his order.

3. Laura Waldecker Case Number 01798-06-2183, to follow

Ms. Waldecker was present for the board meeting. The Executive Director stated that : On Ms. Waldecker renewal application, completed on May 4, 2006, she self disclosed a DUI and provided the Board with all the appropriate court documentation.

Ms. Waldecker was invited, in writing, to the June 15, 2006, Board meeting in regards to the allegations. Ms. Waldecker was not present for the June Board meeting, and the Board members moved for an informal interview so that they might discuss the allegations with her.

Ms. Waldecker was invited, in writing, to the July 20, 2006, Board meeting for an informal interview, for which she was present. After discussion, Board members moved for a rehabilitation order of probation. The motion passed unanimously.

On April 05, 2007, a compliance check was conducted on Ms. Waldecker's file and it appeared that there was one or more areas of non-compliance. Term 6, which states, "Laura Waldecker, RCP, shall comply with all the terms of her court-ordered probation." Term 7, which states, "Laura Waldecker, RCP, shall provide copies to the Board of information she receives from the court regarding her on-going compliance, and copies of documentation, when they are provided to her, of her completion of her court-ordered probation." and Term 5, which states, "Laura Waldecker, RCP, shall comply immediately (i.e., within two (2) hours) with requests from the Board or its agent or designee, to submit to witnessed random biological fluid collection; and, she shall authorize any person or organization conducting tests on these collected samples to provide testing results to the Board.

The Board office had not received any update on the status of Ms. Waldecker's court ordered probation, a letter was sent to her on April 05, 2007. On April 05, 2007, Ms. Waldecker fax over a written statement (after her non-compliance letter was mailed out) stating she was providing the Board with a copy of her discharge from her court ordered probation, (the discharge document was not received until 04/06/2007) effective 03/08/2007. Ms. Waldecker also stated her current place of employment.

Ms. Waldecker did report for 2 random screens requested. Ms. Waldecker reported an hour and forty minutes past her two hour time-frame on one screen

Ms. Waldecker was notified in writing on April 10, 2007, that the Board would conduct an interview at the April meeting.

After discussion, the Board took no action against Ms. Waldecker's license

4. Geoffrey Hennings Case Number 02225-07-7506, to follow

Mr. Hennings was present for the board meeting. The Executive Director stated that: Geoffrey Hennings, RCP, hereinafter referred to as Respondent, is the holder of License Number 0721 for the practice of respiratory care in the State of Arizona. Respondent is currently restricted from practicing respiratory care due to an Interim Order of Summary Suspension issued to him on May 22, 2007, pursuant to a Board decision at its public meeting on May 17, 2007.

Previous Board Action: Revocation of License. On May 20, 2004, the Board held its monthly meeting to consider suspending or revoking Respondent's license to practice respiratory care. Respondent was served by U.S. certified mail with the Board's Complaint and Notice of Hearing which gave Respondent notice of the time, place and location of the meeting. Mr. Hennings was present. The Board's Complaint directed Respondent to respond to the allegation in writing. However, Mr. Hennings failed to respond. The case was presented on behalf of the State of Arizona by Nancy J. Beck, Assistant Attorney General. After discussion, the Board found that substantial evidence was presented to support the information in the allegation, determined that Mr. Hennings actions proved he was not re-habilitatable, and voted to revoke Respondent's license to practice respiratory care in Arizona.

At the public meeting held on September 21, 2006, Respondent told the Board he had been clean and sober since June 15, 2004. Mr. Hennings informed the Board that he is willing to demonstrate, over time, that he is once again able to safely and skillfully practice respiratory care. Board members noted that Mr. Hennings had two years of sobriety, and questioned him about whether he was serious about remaining clean and sober. Mr. Hennings assured Board members that he was. After discussion, Board members voted to grant Mr. Hennings a license only and on the condition that he was placed on an order of rehabilitative probation. A provision of his Order would state that if failed to comply with each every term, he shall be subject to disciplinary action and possible revocation of license by the Board.

The Order granting Respondent's license, and placing him on probation as a condition of his holding his license, was issued on October 2, 2006.

On April 13, 2007, a compliance check was conducted, by Board Staff, on Mr. Hennings' file, and it appeared that there was one or more areas of non-compliance.

Specifically, Term Number 11 of his Order requires: "Geoffrey Hennings shall comply immediately (i.e., within 2 hours) with requests from the Board or its agents or designees, to submit to witnessed random biological fluid collection; and, he shall authorize any person or organization conducting tests on these collected samples to provide testing results to the Board." Mr. Hennings failed to comply. He did not report for random screens requested on the following dates: 03/31/2007; 04/13/2007; 05/08/2007; and 05/11/2007.

Specifically, Term Number 14 of his Order requires: "Geoffrey Hennings shall **immediately** inform the Board of change in the telephone number provided where he can be reached at all times." He failed to comply. Mr. Hennings' phone number of record has been disconnected as of 05/11/2007, when a call was placed to him for a drug screen.

After discussion, the board took no action against Mr. Hennings license, but reminded him the importance of complying with his order.

**XII. CALL TO THE PUBLIC**

**XIII. ESTABLISH DATE AND TIME OF NEXT BOARD MEETING**

Thursday, May 17, 2007, at 9:00 a.m. **At John C. Lincoln- North mountain Hospital , North Dining room (1<sup>st</sup> floor) 250 E. Dunlap Avenue Phoenix, AZ 85020-2914**

**XIV. ADJOURNMENT**

Board Chair Toni Rodriguez adjourned the meeting, without objection, at 3:40 p.m.

DATED this \_\_th day of \_\_\_\_\_, 2007.

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Mary Hauf Martin, Executive Director