

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of March 19, 2009

Thursday, March 19, 2009, 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix, AZ 85007

Board Members Present:

Vice Chair Becky Brimhall
James Love
John O'Donnell
David Sanderson
Bill Cohagen

Board Members Absent:

Board Chair Toni Rodriguez
Catherine Lindstrom

Staff Present:

Mary Hauf Martin
David Geriminsky
Valarie Davis

Legal Counsel:

Keely Verstegen

WWW.RB.AZ.GOV

Authored by: David Geriminsky
Recommended by: Mary Hauf Martin
Approved by the Board on April 16, 2009

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of March 19, 2009

CALL TO ORDER

The Meeting was called to order at 9:00 a.m. by Board Vice Chair Becky Brimhall.

CONSENT AGENDA

CONSENT AGENDA:

All items listed with “C” are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

MOTION ON THE CONSENT:

A typographical correction on the Minutes was requested by the Board. There being no items requested to be removed, a motion was made by **Bill Cohagen** to approve the Consent Agenda. **Jim Love** seconded. **The Motion Passed**

C-1 APPROVAL OF MINUTES

Recommended for Approval

February 19, 2009

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Permanent License Issuance

Recommended for approval by the Executive Director

Stella Bagger	Su Barry	Tagen Barnett	Matthew Blonde
Vanessa Bustin	Courtnie Crawford	Laurie Fryman	Trevor Keeling
Krystal Kubal	Robert Maloney	Dana O’Connor	Keith Phelps
Beverly Pietras	Paula Robinson	Breanna Sayers	Elizabeth Schiller
Misty Thompson	Tammy Weber	Carol Ann Whiley	Rodger Wilbur
Alex Zambrano			

ii. Re-Application for Permanent Licensure

Recommended for approval by the Executive Director

Tonda Fillmore Brooke Kjos Sally Tiger

iii. Ratification of Temporary Licenses Issued Pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

Jessica Atilano	Adam Baumes	Staci Brewster	David Castro
Chris Dickerson	Carmele Dowell	Arturo Estrada	Vickie Fogarty
Alice Gastelum	Sandra Hinski	Jasmine Huntley	Jesse Jacka
Steve Jacobsen	Marc Lapham	Jessica Liederer	Michael Meadows
Jessica Molera	Bobby Seaton	Timothy Toney	Jason Trinklein
Alma Webb	Joel Webster		

iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

Emina Lubovac

C -3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files

Christina Durr Natalie Trevino

C- 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Alba Aldridge	Dayna Atilano	Paula Boyd	Carrie Graves
Travis Griffin	Michael Krepp	Elizabeth Lenhoff	Pamela Mahoney
Giovanni Perusini	Kelly Quinlan	Willard Richardson	Peter Rowe
Courtney Schein	Trudy Tucker	Audrey Waymaster	Manuelita Wilson

C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

William Blalock	Heather Carton-Walker	Demetria Cole	
Heidi Devenney	Walter Dixon	Cliffton Donally	Ashley Evans
Nancy Hrisho	James Morock	Shane Murley	Judy New
Jonathan Oh	Susan Payler	Justin Perry	Joshua Potter
Christina Sikes	Cynthia Simpson	Nancy Soeder	Brian Unwin
Esther Weathers	Anton Ziak		

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

Jamee Barker	Kasey Bula	Maeco Johnson
--------------	------------	---------------

C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS OF WARNING ISSUED

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

Decision on Accepting Proposed Letters of Warning Issued

- Michael Lindsay Complaint Number C002438-09-000547

The Board was notified by Mr. Lindsay that Tammy Langford, an employee of Mr. Lindsay, had work 2 shifts without a license. Board staff sent a letter requesting an explanation of events and an explanation of how this situation would be averted in the future, in writing, on February 17, 2009. Mr. Lindsay responded, in writing, on February 20, 2009. He stated that Ms. Langford did work without a license for 2 shifts and that he was not aware her license had expired until he manually checked the database that the hospital keeps for license expiration. He stated that he now is checking each entry of that database for accuracy.

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, April 16, 2009, at 9:00 a.m.

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

i. Scope of practice issue: Preceptorship of Central Line Insertion

The Executive Director explained that, as promised at the previous meeting, Board Member Jim Love, Board Chair Toni Rodriguez and she had worked together to create a proposed policy statement. The Executive Director stated the proposed language is as follows:

*Position Statement of the Arizona Board of Respiratory Care Examiners
March 19, 2009*

As previously established, central line insertion is considered part of the Respiratory Care scope of practice based on interpretation of the law, given the practitioner has received appropriate advanced training, participates in timely continuing education/skill reevaluation and is performing under medical direction. Preceptorship, after a Respiratory Care Practitioner has met the training and competency standards as previously stated, is at the discretion of hospital policy.

After discussion, Board Member David Sanderson, M.D. moved adoption of the proposed statement. Board Member Jim Love seconded. The motion passed unanimously.

ii. Staff Reports

Probationary Licensees

The Executive Director walked the Board through a PowerPoint presentation prepared by Board Staff Member Valarie Wallace on all current licensees on probation as well as on licensees who were recently on probation.

Board Actions over the last 18 months

The Executive Director walked the Board through a report prepared by Board Staff Member David Geriminsky on recent Board actions.

iii. Staff Reports

The Executive Director gave the Board an update on legislative issues, giving particular attention to the possibility that the State of Arizona's current budget crisis could have an impact on the Board's operations. Board members asked the

Executive Director to keep them informed.

iv. Board Office Highlights

The Executive Director provided an update on office matters noting that a relocation of the Board of Naturopathic Examiners is going to impact the office space occupied by the Board office. There will be some construction involved that will impact the office and will require that the office be closed for one or two days in the next couple of months. When the Board office has been given dates for the construction, notification will be placed on the Board's website and on the phone's voice mail answering system. Licensees and the public can be assured that:

- disruption will be kept to the absolute minimum;
- the Board's website will remain operational at all times, providing a link to the on-line services provided: license status verification, online license applications, online license renewals, the Contact Us function, changes of Contact Information, and the ability to file an online complaint;
- the voice mail answering system will remain operational at all times;
- the facsimile answering line will remain operational; and
- provisions will be made to have all mail delivered to a nearby agency with the date of delivery noted, and then retrieved when the office is reopened.

In addition, the Executive Director reported that Board Staff is continuing to work with the administrator of the State's web portal, NIC Arizona. Board Staff has been working to make sure NIC Arizona knows that we need a fully functioning database system. NIC Arizona is conveying that while they believe that we require work to be done on our database system, and that the work will eventually be done, they are not promising when it will be accomplished.

R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

None

R-3 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE/RENEWAL

A. Application for Licensure/Interview

Clayton Zimpleman	Present
Complaint Number:	C002442-09-008694
Previous Board Action:	No
Temporary Issued:	July 17, 2008
Temporary Expires:	March 19, 2009
Licensed in Other States:	N/A
CRT:	YES - July 16, 2008
RRT:	NO

The Executive Director stated that Mr. Zimpleman has provided all the documentation necessary to provide that he is eligible for permanent licensure. After discussion, **David Sanderson** moved to grant Mr. Zimpleman a license. **Bill Cohagen** seconded. **The motion passed.**

Jaren Davis	Not Present
Complaint Number:	C002180-08-8310
Temporary Issued:	October 29, 2007
Temporary Expired:	June 29, 2008
Licensed in Other States:	N/A
Complaint History:	None Previously
CRT:	June 30, 2008

This agenda Item was taken in conjunction with Item R-7.B.1

B. Application for Renewal/Interview

Anthony McDonald	Present
Complaint Number:	C002444-09-003562
Licensed Since:	1995
Last Renewal:	September 11, 2006
License Expired:	August 19, 2008
Licensed in Other States:	Texas, Virginia

The Executive Director stated that Mr. McDonald has provided all the documentation necessary to provide that he is eligible for permanent licensure. Mr. McDonald was present. Board members reviewed all the information, and the Licensee's previous two appearances before the Board. Licensee stated that his current, active felony is a Class Six; this means that, when he completes all the court-ordered requirements related to it, his civil rights will be restored. He also stated that he made a personal decision not to consume alcohol after his arrest. Board members expressed a strong interest in making sure that Licensee is safe to practice and that he complies with all of his court-ordered requirements.

After discussion, **Jim Love** made a motion to offer to renew the license on the condition that Licensee enter into a stipulated, rehabilitative order that will require Licensee to remain clean and sober, to abide by all court requirements, and document his compliance with the Board. **Bill Cohagen** seconded. **The Motion passed.**

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

- | | |
|----------------------|------------------------------------|
| 1. John Conniff | Complaint Number C002440-09-006337 |
| 2. Antje Johns | Complaint Number C002421-09-001833 |
| 3. Jennifer Mennenga | Complaint Number C002437-09-005967 |
| 4. Sharon Summerford | Complaint Number C002439-09-001210 |
| 5. Anthony McDonald | Complaint Number C002444-09-003562 |
| 6. Robin Kaiser | Complaint Number C002445-09-005609 |

John Conniff – Item 1	Present
Complaint Number:	C002440-09-006337
Licensed Since:	2004
Most Recent Renewal:	October 08, 2007
License Expires:	October 08, 2009
Licensed in Other States:	Oregon - Expired
Complaint History:	No

In order to obtain legal counsel **Jim Love** moved to go to Executive Session. **John O'Donnell** Seconded. **The Motion Passed.**

Jim Love moved to ask Licensee to consider entering into an interim agreement where he agrees to receive an evaluation and have the results communicated to the Board, and for Licensee not to practice until his court issues are resolved. **John O'Donnell** seconded. **The Motion passed.**

Antje Johns – Item 2	Not Present
Complaint Number:	C002421-09-001833
Licensed Since:	1992
Most Recent Renewal:	February 26, 2007
License Expires:	February 26, 2009
Complaint History:	Yes

After discussion **Becky Brimhall** moved to go to an Informal Interview. **John O'Donnell** Seconded. **The Motion Passed.**

Jennifer Mennenga – Item 3	Not Present
Complaint Number:	C002437-09-005967
Licensed Since:	2002
Most Recent Renewal:	November 13, 2008
License Expires:	September 19, 2010
Complaint History:	Yes

The Board reviewed information in the allegation and the Temporary Agreement that Ms. Mennenga had signed. After discussion, **Bill Cohagen** moved to offer its Licensee an opportunity to extend the Temporary Agreement until such time as she can appear before the Board for an Informal Interview. Furthermore if Ms. Mennenga chooses not to sign this Extension to her Temporary Agreement, an Interim Order for the Summary Suspension of her license will be issued. **Jim Love** Seconded. **The Motion Passed.**

Sharon Summerford – Item 4	Present
Complaint Number:	C002439-09-001210
Licensed Since:	1991
LICENSEE PREVIOUSLY REVOKED Revocation related to patient care issues	
License Reinstated:	March 05, 2007
Latest Renewal:	September 19, 2008
License Expires:	September 19, 2010
Complaint History:	Yes

After discussion Becky Brimhall moved to dismiss this allegation. **Bill Cohagen** seconded. **The Motion passed** with **John O'Donnell** voting **Nay**.

Anthony McDonald – Item 5	Present
Complaint Number:	C002444-09-003562
Licensed Since:	1995
Last Renewal:	September 11, 2006
License Expired:	August 19, 2008
Licensed in Other States:	Texas, Virginia

This Item was taken with Agenda Item R-3.B.1

Robin Kaiser – Item 6	Present
Complaint Number:	C002445-09-005609
Licensed Since:	2001
Most Recent Renewal:	August 06, 2007
License Expires:	August 06, 2009
Current Employment:	Tucson Medical Center
Complaint History:	No

Ms. Kaiser was present and explained her situation to the Board, adding that her employer is fully aware. She indicated that she is willing to demonstrate to the Board, over time, that her personal issues will not impair or impede her ability to care for the patients entrusted to her. She stated she is willing to attend either Intensive Outpatient Treatment and/or participate in a 12-Step Recovery program. The Board reviewed the information available. After discussion, **Becky Brimhall** moved to offer Licensee a Non-Disciplinary Consent Order that requires her to demonstrate that she is clean and sober and safe to practice; and if Licensee does not sign the Consent Order, she will be invited to attend an Informal Interview. **Bill Cohagen** seconded. **The motion passed.**

R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

There were no informal Interviews scheduled for this meeting.

R-6 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

Dominique Bollie	Not Present
Complaint Number:	C002280-09-007256
Licensed Since:	2005
Most Recent Renewal:	February 15, 2007
License Expires:	February 15, 2009
Licensed in Other States:	N/A
Complaint History:	No
Complaint Summary	
<p>A complaint alleged that Ms. Bollie falsified charting while working at Scottsdale Healthcare. The complaint, filed by Ms. Bollie’s former supervisor at that facility, states “[Ms. Bollie] said that she did an assessment before on this patient and that she did not need to do another assessment because breathe sounds and pulses don’t change. When [hospital staff] went into the patients chart [it became evident that Ms. Bollie] had charted pre and post breath sounds and pulse and had changed the post breath sounds.”</p>	

At the public meeting of the Board held on October 16, 2008, Respondent was present, and admitted improper, inaccurate charting but denied having made a statement that post-treatment assessments are unnecessary. After reviewing all of the information available, Board Members expressed concerns about Respondent’s charting, especially regarding the ethical violations inherent in false charting. After discussion, Board Member David Sanderson moved to enter into a Stipulated Order for Probation that requires Respondent to complete an approved ethics course and to get reports from her employer(s) regarding her overall work performance. If Licensee does not sign the Consent Order, a Formal Complaint and Notice of Hearing would be issued. Board Member Cathy Lindstrom seconded. The motion passed unanimously. Respondent verbally agreed to enter into a Consent Order.

On October 28, 2008, a proposed Consent Order was sent to Respondent at her Address of Record. A cover letter instructed her to sign and return the Consent Order within five (5) days of receipt. Respondent failed to sign and return the proposed Consent Order.

On February 18, 2009, a Complaint and Notice of Hearing was issued to Licensee at her address of record. Subsequently, the signed confirmation was received.

At the March 19, 2009, the Board held its monthly meeting to in part consider suspending or revoking Respondent's license to practice respiratory care. The Board's Complaint directed Respondent to respond to the allegation in writing. Licensee did not respond. Keely Verstegen, Assistant Attorney General, presented the case. At the conclusion of the case, the Board found that a preponderance of evidence was presented to support the information in the allegation, and that Licensee's conduct was part of a troubling pattern, evidencing that she is not able to be regulated at this time.

After further discussion, **Bill Cohagen** moved to **revoke** Respondent's license to practice respiratory care in Arizona. **John O'Donnell** seconded. **The motion passed.**

R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION

A. Informal Interview Regarding Probation Compliance, these interviews are scheduled to begin at 11:00 a.m.

1. Rose Fagone Case Number 02090-08-6375

Ms. Fagone petitioned the Board to lift her probation. After reviewing the probationary file and discussion **David Sanderson** moved to lift the probation from Ms. Fagone's license. **John O'Donnell** Seconded. **The Motion Passed.**

2. April Grace Case Number 02211-06-7781

Ms. Grace petitioned the Board to lift her probation. After reviewing the probationary file and discussion **Bill Cohagen** moved to lift the probation from Ms. Grace's license. **Jim Love** Seconded. **The Motion Passed.**

3. Karen Warner Case Number C002298-09-008713

Ms. Warner petitioned the Board to lift her probation. After reviewing the probationary file and discussion **John O'Donnell** moved to lift the probation from Ms. Grace's license. **Bill Cohagen** Seconded. **The Motion Passed.**

B. Update on case referred to formal, administrative hearing/Request for Direction

Jaren Davis	Not Present
Complaint Number:	C002180-08-8310
Temporary Issued:	October 29, 2007
Temporary Expired:	June 29, 2008
Licensed in Other States:	N/A
Complaint History:	None Previously
CRT:	June 30, 2008
Complaint Summary	
<p>The complaint that was received by the Board was received from The Sierra Vista Regional Health Center. It stated that representatives of the Sierra Vista Police Department came to that facility, while Applicant was on duty, on January 25, 2008. Applicant was arrested in connection with several instances of Indecent Exposure.</p>	

On February 13, 2008, Applicant was terminated, for cause, from Sierra Vista Regional Health Center. A document titled “Notification of Termination from Employment” was received by the Board. It relates the incidence of Applicant’s arrest and states: “He has not called into work and has left his residence. We terminated his position due to job abandonment.”

Under Arizona law, at A.R.S. § 32-3208, Applicant had ten days to report his arrest. He failed to do so.

On March 11, 2008, Staff requested from the Sierra Vista Justice Court all court documents in involving Applicant: Case Number J-0205-CR-20080161. On March 13, 2008, Staff received the requested documents confirming that Applicant engaged in the aforementioned acts exposing himself to a student at Blena High School and was charged with Indecent Exposure and Public Sexual Indecency.

At the March 20, 2008 meeting, in addition to receiving the signed Temporary Agreement Not to Practice Respiratory Care from the Applicant, the Board requested Staff to further the investigation by requesting the original Police report.

On April 01, 2008, Staff received the Sierra Vista Police Department Police Report concerning Applicant. The Report revealed a previous charge of public indecent exposure to a minor. On November 30, 2007, a white male in his 30's with a goatee and a black do-rag on his head exposed himself to a minor waiting at a bus stop. The vehicle he was in is registered to Applicant's father. The victim and her mother who had also seen the suspect identified the Applicant in a photo lineup as the individual who had exposed himself.

On September 25, 2008 Board Staff received a letter from Applicant with court documents enclosed. In his letter Applicant states that all charges have been dropped and denies having committed these acts. The court documents he provided with his letter however state that his case was dismissed "Without Prejudice" because an additional victim had come forward with additional information against Applicant and the case needed more investigation.

Board Staff requested from Sierra Vista Police Department any police reports in connection to this new information and it was forwarded to the Board on February 06, 2009. In the new information, an additional witness identified Applicant as having exposed himself to her at the same high school as previous victims.

On March 11, 2009, Mr. Davis was informed that the Board would be receiving an update on his case.

On March 13, 2009, Mr. Davis was informed, in writing, that the Board would also be considering his license application.

On March 19, 2009, the Board held its regular monthly public meeting, in part to consider Applicant's petition for licensure. The Board's Executive Director duly caused the matter to be noticed in accordance with the Arizona Open Meeting Law. Applicant was not present. The Board reviewed all of the information in the matter. Board members decided: Applicant had failed to inform the Board of an arrest, which is a violation of the law; failed to inform the Board of a for-cause termination from employment, which is a violation of the law; Applicant's failed to disclose important, material information that impacts the Board's ability to make a decision on a license application; and eye witnesses reported incidents to the police of conduct that is improper, unethical and unprofessional.

After discussion, **Jim Love** moved to find that Jaren Davis does not meet the requirements set forth in A.R.S. §32-3523, and to **deny** his request to be granted a license to practice respiratory care. **Becky Brimhall** seconded. **The motion passed.**

R-8 CALL TO THE PUBLIC

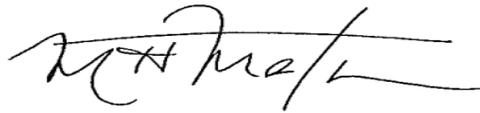
Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

There was no public presentation to the Board.

R-9 ADJOURNMENT

Board Acting Chair Becky Brimhall adjourned the meeting at 12:25 p.m., without objection

DATED this 10th day of April, 2009



MARY HAUF MARTIN

Executive Director