

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of August 16, 2018

**Board Members Present:**

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

**Board Members Absent:**

Michelle O'Hair-  
Schattenberg, Esq.

**Staff Present:**

Executive Director:  
Jack Confer  
Licensing Administrator:  
Kathy Stone  
Administrative Assistant:  
Charlotte Muhammad

**Legal Counsel Present:**

Frankie Shinn-Eckberg, AAG  
Elizabeth Campbell, AAG

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of August 16, 2018

## CALL TO ORDER

The Meeting was called to order at 9:00AM by Board Chairman Cagan.  
A 5 minute break was taken at 10:29AM.

## CONSENT AGENDA

There being no items requested to be removed, a motion was made to approve all items on the Consent Agenda.

**MOTION:** Board Member Crawford to approve items C1 – C8. Seconded by Board Member Rineer.

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

## C-1 APPROVAL OF MINUTES

Recommended for Approval

Regular Session Minutes from July 19, 2018 meeting.

## C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Otilia Acosta  
Priscilla Diaz  
Candy Gray  
Alona Lefsrud  
Heather Regan  
James Spier  
Maryann Waliszewski

Valerie BlueEyes  
Catherine Fahrner  
Michelle Hopkins  
Matrice Nickson  
Vincent Regan  
Tyler Teixeira  
Shelli Wasson

Alexis Contreras  
Kristina Francis  
Michael Keathley  
Heath Pellman  
Katherine Ritchie  
Joseph Vadakkel  
Misty Williams

Michael De La Trinidad  
Stephanie Fulton  
Leif Larson  
Linda Pickett  
Whitney Shafer  
David Vasquez  
Tashina Yazzie

### **C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES**

Recommended for closing of application files

Autumn Bowden

Amy Bussell

Alvaro Cordero

James Stout

### **C-4 ACTION ON ADMINISTRATIVE CLOSURE OF 90-DAY INACTIVE FILES**

Recommended for closing of inactive files

George Almasan

Beverlee Bennett

Maria Castellanos

Alejandro Chavez

Deborah Ferro

Mary Gorham

Cornelia Johnson

Gayle King

Daniel Koesser

Erin Kraus

Connie Moon-Kaufman

Bijal Patel

Benjamin Pero

Edgar Reyes

Jonathan Roy

Christopher Tillett

### **C-5 ACTION ON NOTICES OF LICENSE EXPIRATIONS**

Recommend sending notice of License Expirations to the following individuals:

Gary Adamoli

Mark Alcott

Mary Bailey

Ray Banwart

John Barber

Bret Barker

Christopher Brown

Denise Butler

Joshua Cunningham

Brian Cypert

Eric Davis

Keith Denman

Michael Derdich

Mary Dibble

Ebony Dunlap

Debbie Fevurly

Christopher Fisher

Krista Foley

Laura Funaro

Laura Garrity

Karen Goss

Rene Gutierrez

Nicole Homes

Patricia Judge

Diana McGowan-

Yeni Moran

Michelle Mortimer

Andrea Noel

Hernandez

Tamara Perry

Andrea Serrano

Michael Smith

Frank Trevino

Greg Vance

John Voorhies

### **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:

Jason Dale

Rhonda Rose

### **C-7 DISCUSSION/ACTION ON RATIFICATION OF CONSENT AGREEMENTS**

1. Mustafic, Elvis

### **C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING**

Scheduled date of next Board meeting

Thursday, September 20, 2018 at 9:00AM.

## REGULAR AGENDA:

### R-1 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

### R-2 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. Regis, Barbara Case# C003875-18-001300 (9:23AM)  
Chairman Cagan announced the case and commenced the interview at 9:23AM. RCP Regis was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Executive Director Confer was called as a witness and testified in this matter. Assistant Attorney General, Elizabeth Campbell appeared as the Independent Advisor to the Board.

**MOTION:** Board Member Crawford to deem the Parties, Jurisdictional statements and Factual Allegations contained in the Complaint and Notice of Hearing as the Findings of Fact. Seconded by Board Member Rineer.  
**VOTE:** Motion passed (5-0).

**MOTION:** Board Member Crawford to adopt the Alleged Violations as Conclusions of Law. Seconded by Board Vice Chairman Gonzales.  
**VOTE:** Motion passed (5-0).

**MOTION:** Board Member Rineer to revoke the license held by Barbara Regis. Seconded by Board Member Crawford.

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

2. Wintergerst, Kathy Case# C003859-18-010821 (9:45AM)  
Chairman Cagan announced the case and commenced the interview at 10:04AM. RCP Wintergerst was not present. Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Executive Director Confer was called as a witness and testified in this matter. Assistant Attorney General, Elizabeth Campbell appeared as the Independent Advisor to the Board.

**MOTION:** Board Member Crawford to deem the Parties, Jurisdictional statements and Factual Allegations contained in the Complaint and Notice of Hearing as the Findings of Fact. Seconded by Board Member Rineer.

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

**MOTION:** Board Member Crawford to adopt the Alleged Violations as Conclusions of Law. Seconded by Board Member Rineer.  
**VOTE:** Motion passed (5-0).

**MOTION:** Board Member Crawford to revoke the license held by Kathy Wintergerst. Seconded by Board Vice Chairman Gonzales.

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

**R-3 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)**

1. Spann, Jandi Case# C2018-RCE-0021  
Chairman Cagan announced the case and commenced the interview at (10:37AM). RCP Spann was not present. Executive Director Confer presented a summary of the case.

**MOTION:** Board Member Rineer to move this matter to a Formal Hearing. Seconded by Board Member Crawford.

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

2. Vierra, Bethany Case# C003822-18-010719  
Chairman Cagan announced the case and commenced the interview at (10:15 AM). RCP Vierra was present. Executive Director Confer presented a summary of the case.

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

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

3. Hill, Gary Case# C2018-RCE-0011  
Chairman Cagan announced the case.

A consent agreement was accepted in lieu of a hearing.

4. Leeson, Jared Case# C2018-RCE-0015  
Chairman Cagan announced the case and commenced the interview at 10:40AM. RCP Leeson was not present. Executive Director Confer presented a summary of the case.

**MOTION:** Board Member Rineer to move this matter to a Formal Hearing. Seconded by Board Vice Chairman Gonzales.

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

5. Kierein, Reyanne Case# C2018-RCE-0012  
Board member Rineer announced the case and commenced the interview at 10:46AM. RCP Kierein was not present. Executive Director Confer presented a summary of the case.

**MOTION:** Board Member Rineer to offer a consent agreement to surrender her license. If not signed, Board Member Rineer to move this matter to a Formal Hearing. Seconded by Board Member Crawford.

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

6. Jones, Christopher Case# C003878-18-011884  
Chairman Cagan announced the case and commenced the interview at 9:40AM. RCP Jones was present. Executive Director Confer presented a summary of the case.

**MOTION:** Board Member Beller to issue a non-disciplinary Letter of Concern. Seconded by Board Member Crawford.

**VOTE:** Motion passed (4-1). Board Member Rineer voted nay.

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

1. Hunter, Jeffrey Case# C003880-18-011432  
Chairman Cagan announced the case. RCP Hunter was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Rineer to dismiss pending Board staff's review of Court Resolution. Seconded by Board Member Crawford.

**VOTE:** Motion passed (4-1). Board Vice Chairman Gonzales voted nay.

2. Loerzel, Daniel Case# C003884-18-005294  
Chairman Cagan announced the case. RCP Loerzel was not present. Executive Director Confer reviewed the allegations for Board Members.

**MOTION:** Board Member Crawford to issue a non-disciplinary order with a civil penalty of \$250 for failure to report an incident to be paid within 90 days. Seconded by Board Member Rineer.

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

**R-5 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT**

Updates were given by Jack Confer, Executive Director and Kathy Stone, Licensing Administrator.

1. FY18 Budget & Update (Board Update & Status)
2. Application, Investigation & Probation Reports (Board Update & Status)
3. E-Licensing Update
4. FY20 Budget Request
5. Draft Rules
6. Summary of current events that affect the Arizona Board of Respiratory Care Examiners (This is the time for the Board Chair, Board Members of Staff give a brief summary of current affecting the Board)

**R-6 CALL TO THE PUBLIC**

None

**R-7 ITEMS TO BE PLACED ON A FUTURE AGENDA**

Consent agreements and timeframes.

**R-8 ADJOURNMENT**

Board Chairman Cagan adjourned the meeting at 11:11AM

Dated this 20<sup>th</sup> day of August 2018.

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Jack Confer  
Executive Director