

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of December 15, 2016

Board Members Present:

Board Chairman: Tracy Cagan, RCP
Vice Chairman: Jose Gonzales, RCP
Kathy Rineer, RCP
Michelle O'Hair-Schattenberg, Esq.
Alan Crawford, RCP

Board Members Absent:

Nicholas Walters, Esq.

Staff Present:

Executive Director:
Jack Confer
Investigator:
David Geriminsky
Licensing Specialist:
Kathy Stone

Legal Counsel Present:

Frankie Shinn-Eckberg, AAG

Board of Respiratory Care Examiners Board Meeting Minutes

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CALL TO ORDER

The Meeting was called to order at 9:02AM by Board Chairman Cagan.

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 O’Hair-Schattenberg to approve. Seconded by Vice Chairman Gonzales.

VOTE: Motion passed (5-0).

C-1 APPROVAL OF MINUTES

Recommended for Approval
Regular Session Minutes from November 17, 2016 meeting.
Executive Session Minutes from November 17, 2016 meeting.

C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Catherine Broadwater	Filip Bryan	Sarah Casparino	Carol Collier
Kent Fairchild	Kellie Gardner	Amy Jacoby	Corena Johnson
Yvette Jordan	Lisa Keul	Melissa Kotler	Sarah Lowe
Lorie Lukcevic	Mario Magana	Melanie Peralta	David Reeve Jr.
Jonathan Rodriguez	Sharlyn Sandlin	Joseph Sauer	James Smith
Michael Smith	Jessica Stingle	Matt Sturtevant	Amanda Tazelaar
Amanda Travis	Jennifer Maki	Crystal Johnston	Michelle Mortimer

C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

Nicole Johnson	Jan Lindholm	Kevin Marquardt	Jaime Quattlebaum
Tamara Taylor	Christy Baker-Eble		

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

Recommended for closing of inactive files

Katrina Aguilar	William Aragon	Michael Arellano	Carle Basenberg
Justin Corpus	Yadiris Espinal	Darrell Fixler	Charmain Hall
Raejean Hullinger	Lola Johnson	Natasha Johnston	Tiffany Kramer
Cynthia Layne	Terry Safreno	Daniel Slamka	Kelli Steffes
Molly Vanderwyst	Matthew Williams	Alex Zetter	

C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of license expirations to the following individuals:

Richard Castaneda	Robert Ford	Kayla Garcia	Kimberly Golding
Mary Hobby	Brooke Kjos	Brenda Larison	Deborah Latulippe
Susan Lehr	Traci Lowery	Debbie Mack	Wayne Matthews
Linda McMahan	Eve Mejia	Emmy Nguyen	Cecilia Park
Michael Rebel	Zeanee Richman	Joni Schultz	Erick Solares
Sandra Staker	Derek Strader	Ashlyn Taggart	Jacqueline Thomas
Theresa Walsh			

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

Sharon Bellville	Michael Horn	John Kemp	Kimberlee Parks
Kathryn Patterson			

C-7 DISCUSSION/ACTION ON RATIFICATION OF CONSENT AGREEMENTS

None

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board meeting

Thursday, January 19, 2017 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)

None

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

None

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

1. Mena, Christina Case Number C003650-16-012113
Chairman Cagan announced the case. RCP Mena was present and represented by Michael J. Ryan, Esquire. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Mena addressed the Board. Board Chairman Cagan was recused.

MOTION: Board Member Rineer to grant license. Seconded by Board Member O’Hair Schattenberg.

VOTE: Motion passed (4-0).

2. Landavaso, Lydia Case Number C003572-16-010404
Vice Chairman Gonzales announced the case. RCP Landavaso was present and represented by Michael J. Ryan, Esquire. Board Member Crawford declared that he did know the Respondent; however, would not be a conflict to sit in review of this matter. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Landavaso addressed the Board. Board Chairman Cagan was recused.

MOTION: Board Member Crawford to move this matter to an Informal Interview. Seconded by Board Member O’Hair Schattenberg.

MOTION: Board Member Board Member O’Hair Schattenberg to Executive Session 9:27AM – 9:34AM for legal advice. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

The Board reconvened Regular Session at 9:34 AM.

VOTE: Motion passed (4-0).

3. Rivera, Crystal Case Number C003655-17-012190
Chairman Cagan announced the case. RCP Rivera was present and represented by Michael J. Ryan, Esquire. Investigator Geriminsky reviewed the allegations. RCP Rivera

addressed the Board. Board Chairman Cagan was recused.

MOTION: Board Member Crawford to grant license upon passing CRT exam.
Seconded by Board Member O’Hair Schattenberg.

VOTE: Motion passed (4-0).

4. Petkovic, Elma Case Number C003571-16-007395
Chairman Cagan announced the case. RCP Petkovic was present and represented by Michael J. Ryan, Esquire. Investigator Geriminsky reviewed the allegations. RCP Petkovic addressed the Board. Board Chairman Cagan was recused.

MOTION: Board Member Crawford to move this matter to an Informal Interview.
Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

5. Tellez, Debra Case Number C003638-17-003458
Chairman Cagan announced the case. RCP Tellez was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member O’Hair Schattenberg to issue a non-disciplinary consent agreement with a civil penalty of \$250 for failure to disclose a criminal charge to be paid within 90 days. If not paid, move this matter to an Informal Interview. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

6. Song, Chanchenda Case Number C003652-17-009434
Chairman Cagan announced the case. RCP Song was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Rineer to dismiss. Seconded by Board Member O’Hair Schattenberg.

VOTE: Motion passed (3-2). Board Member Crawford and Vice Chairman Gonzales voted nay.

7. Tena, Daniel Case Number C003653-17-007226
Chairman Cagan announced the case. RCP Tena was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Tena addressed the Board Members regarding the matter.

MOTION: Board Member Crawford to move this matter to an Informal Interview.
Seconded by Board Vice Chairman Gonzales.

VOTE: Motion passed (4-0). Board Member Rineer voted nay.

Cases Recommended for Dismissal/Referral

8. Campbell, Shea Case Number C003637-17-011761
Chairman Cagan announced the case. RCP Campbell was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

 MOTION: Board Member O’Hair-Schattenberg to dismiss. Seconded by Board Member Rineer.
 VOTE: Motion passed (5-0).

9. Garcia, Abel Case Number C003678-17-000233
Chairman Cagan announced the case. RCP Garcia was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

 MOTION: Board Member Crawford to dismiss. Seconded by Board Member Rineer.
 VOTE: Motion passed (5-0).

10. Dell, Cydney Case Number C003633-17-009385
Chairman Cagan announced the case. RCP Dell was present. Investigator Geriminsky reviewed the allegations for the Board Members.

 MOTION: Board Member Crawford to dismiss. Seconded by Board Member O’Hair-Schattenberg.
 VOTE: Motion passed (5-0).

11. Lund, Tammy Case Number C003669-17-007364
Chairman Cagan announced the case. RCP Lund was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

 MOTION: Board Member Crawford to dismiss. Seconded by Board Member Rineer.
 VOTE: Motion passed (5-0).

12. Penton, Kenneth Case Number C003672-17-007487
Chairman Cagan announced the case. RCP Penton was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

 MOTION: Board Member Crawford to dismiss. Seconded by Board Member Rineer.
 VOTE: Motion passed (5-0).

13. Dale, Jason Case Number C003666-17-011153
Chairman Cagan announced the case. RCP Dale was not present. Investigator Geriminsky

reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0).

14. Levy, Nicholas Case Number C003642-17-010832
Chairman Cagan announced the case. RCP Levy was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Crawford to dismiss. Seconded by Board Member O’Hair-Schattenberg.

VOTE: Motion passed (5-0).

15. Huckey, Brian Case Number C003585-16-011066
Chairman Cagan announced the case. RCP Huckey was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0).

16. Simoncavage, Matthew Case Number C003682-17-011465
Chairman Cagan announced the case. RCP Simoncavage was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0).

17. Abrams, Lyla Case Number C003664-17-011470
Chairman Cagan announced the case. RCP Abrams was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0).

R-5 DISCUSSION/ACTION ON PROBATION COMPLIANCE/REQUEST TO LIFT

None

R-6 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

Updates were given by Jack Confer, Executive Director; David Geriminsky, Investigator and Kathy Stone, Licensing Specialist.

1. Application, Investigation & Probation Reports
2. Survey Responses
3. Cash Flow Statement November FY2017
4. Proposed Legislation (Possible Discussion, Action & Vote)
5. Board Policy for Notification of Disciplinary Actions to Employers (Possible Discussion, Action & Vote)

MOTION: Board Member Crawford to obtain existing policy from another agency to be used as a sample. Seconded by Board Member O’Hair-Schattenberg.

VOTE: Motion passed (5-0).

6. Committee of Reference Sunset Review Update
7. AARC Statement of Ethics and Professional Conduct
8. Attorney General Opinion, I82-034
9. Auditor General Follow-up (6 month)

R-7 CALL TO THE PUBLIC

None

R-8 ITEMS TO BE PLACED ON A FUTURE AGENDA

None

R-9 ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 11:09AM.

Dated this _____ day of _____ 2016.

Jack Confer
Executive Director