

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of April 21, 2016

**Board Members Present:**

Board Chairman: Tracy Cagan, RCP  
Jose Gonzales, RCP  
Michelle O'Hair –Schattenberg, Esq  
Alan Crawford, RCP  
Kathy Rineer, 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 Member Crawford was  
excused at 12:30PM

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of April 21, 2016

## CALL TO ORDER

The Meeting was called to order at 9:05AM by Board Chairman Cagan.

A 5 minute break was taken at 10:00AM.

A 5 minute break was taken at 12:30PM.

## 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 Board Member Gonzales.

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

### C-1 APPROVAL OF MINUTES

Recommended for Approval

Regular & Executive Session Minutes for March 17, 2016

### C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Katy Adkins	William Agar	Sharon Armbruster	Jesci Gale Mari Balamban
Juan Banuelos	Anthony Cornejo	Amanda Deal	Heidi Deines-O'Grady
Cuong Do	Dana Drummond	Dale Eiser	Juan Escalante Martinez
Alexis Essam	Sara Estrada	Ramon Figueroa	Holly Garner
Robert Gerstenberger	Danitza Gonzalez	Bailey Hanson	Christopher Hegele
Jesus Hernandez-Chavez	Heather Horton	Ladona Hoyt	Erik Johnson
Christopher Jones	Derrick Joseph	Michael Kelly	Ashlee Kirkman
Nancy Kotarski	Phi Le	Sarah Lee	Brianne Loving
Samantha Lowe	Vaunae Navarette	Kaithlyn Nguyen	Brian Olari
Jill Parres-Gold	Mahesh Patel	Michael Ridgeway	Violet Rohn
Krista Rubio	Isaac Sand	Leslie Steen	Erin Treanor
Zachary Trost	Yuridiana Villagomez	Jordan Wells	Joshua Wilson

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

Recommended for closing of application files

Lacy Allen	Joe Anderson	Lisa Anderson	Roger Gray
Bryce Hawkes	Jose Madrigal	Carleasa Myles	

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

Recommended for closing of inactive files

Hoang Nguyen	Jeffrey Hughes	Sandra Karnes	Francisco Leyva
Andy Boulware	Julie Owens	Gordon Plumley	Robert Bradshaw
Jennifer Grimes	Jana Dawson	Lisa Huebsch	Audrey Vazquez
David Gibson	Kristine Guevarra	James Wells	Madonna Fager
Tracy Waggoner	Harlan Taney	Kimberly Mangus	Leanne Simpson
David Fernandez	Rebecca Schocklee	Chrystal Perkins	Martin Rocabado
Patricia Jacobs	Deanna Robison	Walter Cole	Bonnie Dzambo
Frederick Babbie	Timothy Brooks		

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

Recommend sending notice of license expirations to the following individuals:

Mark Anderson	Janice Brown	Filip Chudziak	Ashley Czarsty
Sheri Daniel	Tatia Depass	Teresa Hunt	Lisa Kaufman
Richard Kitzberger	Mikel Kuhn	Brittany Lehrman	Charles Lopez
Frank Munoz	Dwain Northey	Michelle Pearson	Kami Perry
Kathleen Pierce	Ashley Ray	Douglas Reinertson	Jori Rex
Bobby Smith	Tammy Spivey	Korine St. George	John Stanchfield
Paul Stochr	Mary Trevizo	Betty Tyree	Kathy Weber
Melissa Wells	Heidi Wilson	Daniel Wright	Rebecca Yonamine
Jeffrey Young			

### 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

Amber Bath	Wanda Blake	David Blankenship	Grayson Cartwright
Kori Fierro	Romel Fortich	Stephanie Johnson	Julie Makin
Yvonne Miller	Tammy Pascoe	Nathan Vierra	April Ward

### C - 7 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, May 19, 2016 at 9:00AM.

## REGULAR AGENDA

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

None.

### R-2 INTRODUCTION AAG JOHN TELLIER, OFFICE OF THE ATTORNEY GENERAL, INDEPENDENT ADVISOR ROLE FOR ADMINISTRATIVE HEARING CASES

Executive Director Confer introduced AAG, John Teller to Board members.

### R-3 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. Wilson, Rita Case Number C003415-16-002823 [10:30]  
Chairman Cagan announced the case and commenced the interview at 10:35AM. RCP Wilson was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member O'Hair-Schattenberg to approve request by Assistant Attorney General, Shinn-Eckberg that Exhibits 4 & 5 are marked as confidential. Seconded by Board Member Gonzales.

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

**MOTION:** Board Member O'Hair-Schattenberg to adopt Findings of Facts on the alleged violation. Seconded by Board Member Crawford.

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

**MOTION:** Board Member O'Hair-Schattenberg to adopt Conclusions of Law on the alleged violation. Seconded by Board Member Gonzales.

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

**MOTION:** Board Member Gonzales to revoke license. Seconded by Board Member Crawford.

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

### R-4 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

1. Ballentine, Alycia Case Number C003468-16-009043  
Chairman Cagan announced the case and commenced the interview at 9:08AM. RCP Ballentine was present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member Gonzales to move this matter to a Formal Hearing. Seconded by Board Member Crawford.  
**VOTE:** Motion withdrawn.

**MOTION:** Board Member Crawford to offer a non-disciplinary probation order with restriction in mechanical ventilation area and must pass NBRC TMC exam within 9 months. Seconded by Board Member Gonzales.  
**VOTE:** Motion failed (2-3).

**MOTION:** Board Member O’Hair-Schattenberg to offer a disciplinary probation order with restriction in mechanical ventilation area and must pass NBRC TMC exam within 9 months in COARC program. If not completed, move this matter to a Formal Hearing. Seconded by Board Member Rineer.  
**ROLL CALL VOTE:** Motion passed.

2. Tatham, James Case Number C003416-16-010230  
Chairman Cagan announced the case and commenced the interview at 10:50AM. RCP Tatham was present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member Gonzales to dismiss. Seconded by Board Member Crawford.  
**VOTE:** Motion passed (4-0). Board Member Rineer was recused.

3. Henderson, Brian Case Number C003444-16-009722  
Chairman Cagan announced the case and commenced the interview at 11:00AM. RCP Henderson was present. Investigator Geriminsky presented a summary of the case.

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

#### R-5 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Coss, David Case Number C003470-16-004179  
Chairman Cagan announced the case. RCP Coss was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Coss addressed the Board Members regarding the matter.

**MOTION:** Board Member Crawford to offer a non-disciplinary consent agreement to pay a civil penalty of \$250 to be

paid within 60 days for failure to report the incident within 10 days. Seconded by Board Member Rineer. Motion passed (5-0).

**VOTE:**

2. Eide, Zeke Case Number C003482-16-009711  
Chairman Cagan announced the case. RCP Eide was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Eide addressed the Board Members regarding the matter.

**MOTION:**

Board Member O’Hair-Schattenberg to send a non-disciplinary Letter of Concern for inadequate documentation of care. Seconded by Board Member Crawford.

**VOTE:**

Motion passed (3-2). Board Members Rineer and O’Hair-Schattenberg voted nay.

3. Goodman, Stacie Case Number C003547-16-003399  
Chairman Cagan announced the case. RCP Goodman was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:**

Board Member Gonzales to move this matter to an Informal Interview. Seconded by Board Member Crawford.

**VOTE:**

Motion passed (5-0).

4. Kanios, Julie Case Number C003484-16-010618  
Chairman Cagan announced the case. RCP Kanios was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:**

Board Member Gonzales to move this matter to an Informal Interview. Seconded by Board Member O’Hare-Schattenberg.

**VOTE:**

Motion passed (4-0).

5. Lapham, Marc Case Number C003507-16-008989  
Chairman Cagan announced the case. RCP Lapham was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:**

Board Member O’Hare-Schattenberg to have a non-disciplinary Letter of Concern sent for use of profanity with staff and management and mishandling of hospital equipment. Seconded by Board Member Rineer.

**VOTE:**

Motion passed (3-1). Board Member Gonzales voted

nay.

6. Leifried, Christina Case Number C003513-16-011003  
Chairman Cagan announced the case. RCP Leifried was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (4-0).

7. Leifried, Christina Case Number C003506-16-011003  
Chairman Cagan announced the case. RCP Leifried was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hare-Schattenberg to move this matter to an Informal Interview. Seconded by Board Member Rineer.

**VOTE:** Motion passed (4-0).

8. Muresan, Larissa Case Number C003505-16-011166  
Chairman Cagan announced the case. RCP Muresan was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Gonzales to move this matter to an Informal Interview. Seconded by Board Member O'Hare-Schattenberg.

**VOTE:** Motion passed (4-0).

9. Petty, Michael Case Number C003476-16-010495  
Chairman Cagan announced the case. RCP Petty was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Gonzales to dismiss. Seconded by Board Member O'Hare-Schattenberg.

**VOTE:** Motion passed (4-0).

10. Zahab, Michael Case Number C003438-16-007263  
Chairman Cagan announced the case. RCP Zahab was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hare-Schattenberg to offer a non-disciplinary consent agreement to pay \$10 per missing continuing education credit (20) within 60 days and provide 20 approved continuing education credits.

**VOTE:** Seconded by Board Member Gonzales.  
Motion passed (4-0).

11. Anderson, Michael Case Number C003488-16-009783  
Chairman Cagan announced the case. RCP Anderson was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Anderson addressed the Board Members regarding the matter.

**MOTION:** Board Member Crawford to offer a consent order of probation for 3 years for non-compliance of his current probation order. Order to include random urine screening, attend at least 3 AA meetings per week and have him submit from his sponsor a monthly report. RCP Anderson's suspension to work is still in place. If RCP Anderson is non-compliant, move this matter to an Informal Interview. Seconded by Board Member Gonzales.

**ROLL CALL VOTE:** Motion passed.

12. Ortiz, Samuel Case Number C003502-16-005802  
Chairman Cagan announced the case. RCP Ortiz was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Gonzales to dismiss.  
**VOTE:** Withdrawn

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

**VOTE:** Motion passed (4-0).

13. Harris, Danny Case Number C003440-16-009984  
Chairman Cagan announced the case. RCP Harris was present. Investigator Geriminsky presented a summary of the case.

**MOTION:** Board Member O'Hair-Schattenberg to offer a non-disciplinary consent agreement to pay a \$250 civil penalty within 60 days for failure to report the incident within 10 days. If not paid on time, move this matter to an Informal Hearing. Seconded by Board Member Gonzales.

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

**Cases Recommended for Dismissal/Referral**

14. Spurgeon, Karen Case Number C003469-16-011307

Chairman Cagan announced the case. RCP Spurgeon was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (4-0).

15. Minette, Doss Case Number C003466-16-000000  
Chairman Cagan announced the case. RCP Minette was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (4-0).

#### R-6 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE OR RENEWAL

1. Faultner, Shay Case Number C003515-16-011844  
Chairman Cagan announced the case. RCP Faultner was present. Licensing Specialist Stone reviewed the allegations for the Board Members.

**MOTION:** Board Member Gonzales to approve upon receipt of amended application. Seconded by Board Member Rineer.

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

2. Starr, Christopher Case Number C003516-16-011854  
Chairman Cagan announced the case. RCP Starr was present. Licensing Specialist Stone reviewed the allegations for the Board Members.

**MOTION:** Board Member O’Hair-Schattenberg to approve.  
Seconded by Board Member Gonzales.

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

#### R-7 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

1. Application, Investigation & Probation Reports  
Investigator Geriminsky gave the Board an update.
2. Cash Flow Statement March 2016  
Director Confer gave the Board an update.
3. Board Policy (Possible Discussion, Action & Vote)

- a. Continuing Education Enforcement Matrix

**MOTION:** Board Member O’Hair-Schattenberg to approve  
Continuing Education Enforcement Matrix. Seconded

**VOTE:**

by Board Member Rineer.  
Motion passed (4-0).

4. Proposed 2016 Legislation  
Director Confer gave the Board an update.
5. Proposed Rules and Economic Impact Statement  
Director Confer gave the Board an update.
6. Communication Plan SB1300  
Director Confer gave the Board an update.

**R-8 CALL TO THE PUBLIC**

None

**R-9 ITEMS TO BE PLACED ON A FUTURE AGENDA**

1. Employer's not reporting incidents within 10 day timeframe.
2. Close file upon receipt of RCP's death certificate.

**R-10 ADJOURNMENT**

Board Chairman Cagan adjourned the meeting at 2:12PM.

Dated this 23<sup>rd</sup> day of MAY 2016



Jack Confer  
Executive Director

