

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of June 16, 2016

**Board Members Present:**

Tracy Cagan, RCP, Chairman  
Jose Gonzales, RCP, Vice Chairman  
Michelle O'Hair –Schattenberg, Esq  
Kathy Rineer, RCP

**Board Members Absent:**

Nicholas Walters, Esq  
Alan Crawford, RCP

**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

Regularly Scheduled Meeting of June 16, 2016

## CALL TO ORDER

The Meeting was called to order at 9:00AM by Board Chairman Cagan.  
Break was taken at 10:25AM.

## 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 Member Gonzales.

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

### C-1 APPROVAL OF MINUTES

Recommended for Approval

Regular Session Minutes for May 26, 2016 teleconference meeting.

Regular Session Minutes for May 19, 2016 meeting.

### C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Nyiwung Atem	Steven Beltran	Kelly Boklage	Eva Boyd
Helena Brennan	Sean Brown	Ann Coghlan	Tessie Davidson
Amber Dewey	Jessica Dye	Crystal Fishman	Charles Forbes
Claudia Gluck	Justine Godoy	Latiese Johnson	Amy Katsirebas
Brittany Lowry	Shane Madison	Gary Mefford	Matthew Newlin
Robert Quartey	Jennifer Ravlin	Martin Rincon	Carlee Ryan
Amy Savage	Rocky Smith III	Xiaojun Tang	Marisa Teasley
Robert Thomas	Kevin Viksten		

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

Recommended for closing of application files

Jennifer Scribner      Charles Holley

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

Recommended for closing of inactive files

Shannon Allen	Karen Anderson	Barbara Clark	Guy Crockett
Stuart Ferguson	Stephanie Hall	Jennifer Hammel	Pamela Horton
Lee Jacobson	Randy Martin	Richard McKee	Lacey Michael
Heather Moody	Robert Pelusuo	James Peterson	Candace Reisinger
Janeen Ryan	Ladonna Shomlea	Pandora Snyder	Peggy Weathers
Patrick Zuleger			

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

Recommend sending notice of license expirations to the following individuals:

Thomas Black	Catherine Bobik	Jodi Brigola	Aniceto Brigola
Robert Brown	Joan Bryant-Kennedy	Carolyn Chacon	Charles Davis
Elizabeth Gray	Christopher Greenough	Carl Hallgren	Janet Hughes
David Jimenez	Craig Lee	Amber Martinez	Harold McAlpine
Robert McKay	Kristin McKee	Lynn Morhardt	Charles Padgett
Rita Reichelt	Edna Romero	Loran Sherman	Justin Smith
Shahab Sobhanian	Tiffany Trout	Brenda Whiting	Marlon Wright

**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.

Linda Bearden	Rick Boebel	Debra Hanley-Griswold	Mikel Kanoza
Lisa Kaufman	Peter O'Neill	Linda Ozarchevici	

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

Scheduled date of next Board Meeting

Thursday, July 21, 2016 at 9:00 AM.

## REGULAR AGENDA

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

### R-2 CONSIDERATION AND POSSIBLE ACTION ON REQUEST FOR REHEARING OR REVIEW OF DECISION PURSUANT TO A.A.C. R4-45-302:

1. Starr, Mark Case Number C003511-16-007498 & P001092-15-007498 [10:30AM]  
Chairman Cagan announced the case and commenced the interview at 10:33AM. RCP Starr was present. Executive Director Confer presented a summary of the case.

**MOTION:** Board Member O'Hair-Schattenberg to grant review of the Board previous decision per A.A.C. R4-45-302(D)(4).  
Seconded by Board Member Rineer.

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

**MOTION:** Board Member O'Hair-Schattenberg to accept consent order with \$250 civil penalty for violation of probation. Seconded by Board Member Rineer.

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

**MOTION:** Board Member O'Hair-Schattenberg to accept amended non-disciplinary rehabilitative probation consent order. Seconded by Board Member Rineer.

**ROLL CALL VOTE:** Motion passed (3-1). Vice Chairman Member Gonzales voted nay.

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

1. McGowan, Bridget Case Number C003554-16-006713 [9:30AM]  
Chairman Cagan announced the case and commenced the interview at 9:33AM. RCP McGowan was present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General Seth Hargraves was present as the Board's Independent Advisor. Investigator Geriminsky was called as a witness and testified in this matter.

**MOTION:** Board Member O'Hair-Schattenberg to adopt the Parties and Allegations cited in the Notice of Hearing as Findings of Fact. Seconded by Board Member Rineer.

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

**MOTION:** Board Member O'Hair-Schattenberg to adopt Alleged Violations 1, 2, 3, 4, and 6 in the Notice of Hearing as Conclusions of Law. Seconded by Board Member Rineer.

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

**MOTION:** Board Member O'Hair-Schattenberg to reopen case and accept additional information. Seconded by Board Member Rineer.

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

**MOTION:** Board Member O'Hair-Schattenberg to issue a disciplinary Order for a 3 year probation including all the terms of a standard rehabilitation consent agreement excluding the interlock language. The Order is to be effective immediately to protect the public's health, safety and welfare. Seconded by Vice Chairman Member Gonzales.

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

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

1. Goodman, Stacie Case Number C003504-16-003399  
Chairman Cagan announced the case. RCP Goodman was not 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 civil penalty of \$500 and complete 20 CEU's within 90 days. Seconded by Vice Chairman Member Gonzales.

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

**MOTION:** Board Member O'Hair-Schattenberg to reopen case. Seconded by Vice Chairman Member Gonzales.

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

**MOTION:** Board Member O'Hair-Schattenberg to offer a non-disciplinary consent agreement to pay a civil penalty of \$500 and complete 20 CEU's within 90 days. If consent agreement is not signed, move matter to an informal interview. Seconded by Vice Chairman Member Gonzales.

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

2. Muresan, Larissa Case Number C003505-16-011166  
Chairman Cagan announced the case. RCP Muresan was not 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 civil penalty of \$500 and complete 20 CEU's within 90 days. Seconded by Vice Chairman Member Gonzales.

**VOTE:** Motion withdrawn.

**MOTION:** Board Member O'Hair-Schattenberg to offer a non-disciplinary consent agreement to pay a civil penalty of \$250 and complete 20 CEU's within 90 days. If consent agreement is not signed, move matter to an informal interview. Seconded by Vice Chairman Member Gonzales.

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

**R-5 CONSIDERATION, REVIEW, DISCUSSION AND POSSIBLE ACTION ON INTERIM CONSENT AGREEMENT**

1. Reed, Parker Case Number C003529-16-010812 & P001094-15-010812  
Chairman Cagan announced the case. RCP Reed was not present. This matter was continued pursuant to the request of the Respondent's legal representative.

**R-6 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT**

1. Richman, Zeanee Case Number C003508-16-010950  
Chairman Cagan announced the case. RCP Richman was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Richman addressed the Board Members regarding the matter.

**MOTION:** Vice Chairman Member Gonzales to dismiss. Seconded by Board Member Rineer.

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

2. Hortman, Timothy Case Number C003495-16-003515  
Chairman Cagan announced the case. RCP Hortman was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to offer a non-disciplinary consent agreement to pay \$1650.00 (\$900 for 18 missed work shifts, \$500 for lack of 20 CEU's and \$250 for non-disclosure of criminal incident) within 12 months. If consent agreement is not signed, move matter to an informal hearing. Seconded by Board Member Rineer.

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

3. Smith, Kelly Case Number C003510-16-010729  
Chairman Cagan announced the case. RCP Smith was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Smith addressed the Board Members regarding the matter.

**MOTION:** Board Member O'Hair-Schattenberg to offer a non-disciplinary consent agreement to pay \$250 civil penalty within 90 days for failing to report the incident within 10 days. Seconded by Board Member Rineer.

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

4. Hall, Cameron Case Number C003487-16-007962  
Chairman Cagan announced the case. RCP Hall was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Member Gonzales to table this matter to allow staff to obtain additional information regarding his current job description. Seconded by Board Member Rineer.

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

5. Swaim, Kimberly Case Number C003428-16-005151  
Chairman Cagan announced the case. RCP Swaim was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to put item on next month's agenda to move this matter to an informal interview if consent agreement is not signed. Seconded by Vice Chairman Member Gonzales.

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

6. Reed, Parker Case Number C003529-16-010812 & P001094-15-010812

This matter was postponed in conjunction with R-5 above.

#### Cases Recommended for Dismissal/Referral

7. Uribe, Esmeralda Case Number C003522-16-008461  
Chairman Cagan announced the case. RCP Uribe was 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 (4-0).

8. Tomlinson, Andrew Case Number C003562-16-004587  
Chairman Cagan announced the case. RCP Tomlinson was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to dismiss. Seconded by Vice Chairman Member Gonzales.

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

9. Tomlinson, Andrew Case Number C003526-16-004587  
Chairman Cagan announced the case. RCP Tomlinson 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 (4-0).

10. Kostura, Priscilla Case Number C003525-16-007570  
Chairman Cagan announced the case. RCP Kostura was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Member Gonzales to dismiss. Seconded by Board Member Rineer.

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

11. Kostura, Priscilla Case Number C003501-16-007570  
Chairman Cagan announced the case. RCP Kostura was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Member Gonzales to dismiss. Seconded by Board Member Rineer.

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

12. Delgado, Mia Case Number C003535-16-009172  
Chairman Cagan announced the case. RCP Delgado 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 (4-0).

#### R-7 DISCUSSION/ACTION ON APPLICATION INTERVIEW FOR LICENSURE

1. Call, Aaron Case Number C003569-16-011915  
Chairman Cagan announced the case. RCP Call was present. Licensing Specialist Stone reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to approve upon receipt of an amended application with no additional fees.  
Seconded by Board Member Rineer.

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

2. Deac, Cosmina Case Number C003567-16-011896  
Chairman Cagan announced the case. RCP Deac was present. Licensing Specialist Stone reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to approve upon receipt of an amended application with no additional fees.  
Seconded by Board Member Rineer.

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

#### R-8 DISCUSSION/ACTION ON RATIFICATION OF CONSENT AGREEMENTS

1. Encinas, Richard Case Number C003530-16-010307  
Chairman Cagan announced the case. RCP Encinas was not present. Frankie Shinn-Eckberg, Assistant Attorney General reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to ratify consent to terminate license. Seconded by Vice Chairman Member Gonzales.

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

#### R-9 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

1. Application, Investigation & Probation Reports  
Investigator Geriminsky gave the Board an update.
2. Cash Flow Statement December 2016
3. Five Year Rule Review (Possible Discussion, Action & Vote)
4. Fee Increase (Possible Discussion, Action & Vote)  
Director Confer gave the Board an update.
5. Executive Director Evaluation  
Director Confer gave the Board an update.

#### R-10 CALL TO THE PUBLIC

None

#### R-11 ITEMS TO BE PLACED ON A FUTURE AGENDA

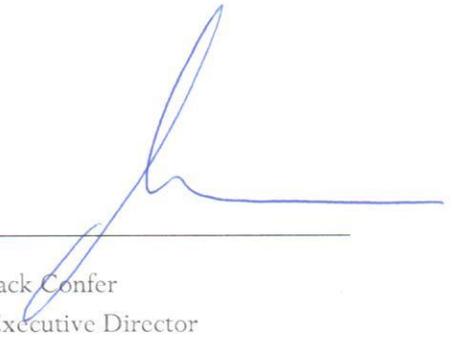
None

#### R-12 ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 11:50AM.

Dated this 16<sup>TH</sup> day of NOVEMBER 2016



  
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Jack Confer  
Executive Director

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