

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of May 19, 2016

Board Members Present:

Vice Chairman:
Jose Gonzales, RCP
Michelle O'Hair –Schattenberg, Esq
Nicholas Walters, Esq
Alan Crawford, RCP
Kathy Rineer, RCP

Board Members Absent:

Board-Chairman: Tracy
Cagan, RCP

Staff Present:

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

Legal Counsel Present:

Frankie Shinn-Eckberg, AAG

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Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of May 19, 2016

CALL TO ORDER

The Meeting was called to order at 9:05AM by Vice Chairman Gonzales.

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 Rineer.

VOTE: Motion passed (5-0).

C-1 APPROVAL OF MINUTES

Recommended for Approval

Regular Session Minutes for April 21, 2016 meeting

Regular Session Minutes from May 12, 2016 teleconference meeting

C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Dawn Blackstock	Charleen Brown	Mikala Brunner	Anthony Farias
Kayla Forbis	Alfred Grijalva	Naeema Hagi	Massiullah Hakim
Angela Haven	Erika Hernandez	Joshua Labadie	Brian Madnick
Yasmin Mojadedi	Robert Moreno	Gina Morrison	David Moseley
Israel Nevarez	Francisca Robles Reyes	Timothy Sanders	Reyna Salas
Sabrina Silvas	Debra Smith	Wesley Smith	Kathleen Spinogatti
Kimmi Sterk	Sha'Mya Taylor	Kayla Thompson	Donica Tilley

C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

Benjamin Barton	Ronald Davis	Mark Hannah	Shandi Rea
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C-4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Patricia Allred	Melinda Bradley	Jennifer Brendel	Jonathan Carroll
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Ryan Collins	Gary Cox	Gayle Curtis	Anita Erickson
Eleanor Friedrich	Dax Gelvin	Gregory Guerrero	Lawrence Hairston
Geoffrey Isacoff	Christina Johnson	Evangeline Kontos	Theresa Long
Efrain Lopez	Matthew Moran	Carla Moutinho	Daniel Mudrich
Krystal Ozuna	Sharonne Panes	Beth Sierras	Jocelyn Thilges
Deanna Vanzee-Manley	Travis Vigileos	Jeff Wright	Karla Young-Phillips
April Zabel			

C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of license expirations to the following individuals:

Rick Boebel	James Bradshaw	Chester Brock	Veronica Campuzano
Roxanna Corral	Charles Cox	Paul Daniels	Jesse Diaz
Debra Hanley-Griswold	Frank Kaplan	Sharon Kristick	James Limon
Gary Marker	Aurelian Matei	Sheryl Moneyemaker	Dawn Reaves
Casey Simon	Elise Soza	Ky Stodolak	Jill Weeks

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

Kimberly Armstrong	Nancy Cangemi	Ashley Czarsty	Robert Fincher
Mary Beth Finlay	Victor Garibay	Holly Joice	Charles Lopez
Daniel Peters	Michelle Platero		

C- 7 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, June 16, 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. Ballentine, Alycia Case Number C003468-16-009043
Vice Chairman Gonzales announced the case and commenced the interview at 11:55AM. RCP Ballentine was present. Executive Director Confer presented a summary of the case.

MOTION: Board Member Walters to deny request. Seconded by Board Member Gonzales.

VOTE: Motion passed (5-0).

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

2. Northey, Dwain Case Number C003503-16-007409 (9:10AM)
Vice Chairman Gonzales announced the case and commenced the interview at 9:10AM. RCP Northey 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 adopt Findings of Fact and Parties and Jurisdiction. Seconded by Board Member Crawford.

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

MOTION: Board Member O’Hair-Schattenberg to adopt Conclusions of Law. Seconded by Board Member Walters.

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

MOTION: Board Member Walters to revoke license. Seconded by Board Member Rineer.

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

3. Starr, Mark Case Number C003511-16-007498 (10:05AM)
Vice Chairman Gonzales announced the case and commenced the interview at 10:15AM. RCP Starr 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 adopt Findings of Fact. Seconded by Board Member Gonzales.

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

MOTION: Board Member O'Hair-Schattenberg to adopt Conclusions of Law. Seconded by Board Member Crawford.

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

MOTION: Board Member Crawford to suspend license for violation of his probation. Staff to make a formal request to have him appear for a quarterly meeting to the next Board meeting and demonstrate that he can safely practice respiratory care. Seconded by Board Member Walters.

VOTE: Withdrawn

MOTION: Board Member Walters to suspend license for violation of his probation until he can provide proof that he can safely practice respiratory care, meet with the Board, and until released by the Board. 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. Leifried, Christina Case Number C003506-16-011003 Vice Chairman Gonzales announced the case and commenced the interview at 11:08AM. RCP Leifried was present. Investigator Geriminsky presented a summary of the cases.

Case Number C003506-16-01103

MOTION: Board Member Crawford to offer a non-disciplinary consent agreement to pay a civil penalty of \$200 and submit 20 CEU's within 60 days. Seconded by Board Member Rineer.

VOTE: Motion passed (5-0).

Case Number C003513-16-01103

MOTION: Board Member O'Hare-Schattenberg to offer a non-disciplinary consent agreement to pay \$250 within 60 days for failure to disclose arrest within 10 days of being charged and failing to report it appropriately on a renewal application. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

2. Kanios, Julie Case Number C003484-16-010618
Vice Chairman Gonzales announced the case and commenced the interview at 9:32AM. RCP Kanios was present. Investigator Geriminsky presented a summary of the case.

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

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

3. Ortiz, Samuel Case Number C003502-16-005802
Vice Chairman Gonzales announced the case. RCP Ortiz was not present. Investigator Geriminsky presented a summary of the case.

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

VOTE: Motion passed (5-0).

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

1. POSTPONED

2. Maturo, Catherine Case Number C003489-16-005985
Vice Chairman Gonzales announced the case. RCP Maturo was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Maturo addressed the Board Members regarding the matter.

MOTION: Board Member O’Hair-Schattenberg to offer a non-disciplinary consent agreement to pay a civil penalty of \$250 within 60 days for failure to report the incident within 10 days. Seconded by Board Member Crawford.

VOTE: Motion passed (3-2). Board Members Rineer and Walters voting nay.

3. Marvin, Arthur Case Number C003518-16-006039
Vice Chairman Gonzales announced the case. RCP Marvin was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member O’Hair-Schattenberg to issue a non-disciplinary Letter of Concern for failing to report for scheduled duty without properly advising appropriate personnel. Seconded by Board Member Crawford.

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

4. Parks, Kimberly Case Number C003509-16-008562
Vice Chairman Gonzales announced the case. RCP Parks was present. Investigator

Geriminsky reviewed the allegations for the Board Members. RCP Parks addressed the Board Members regarding the matter.

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

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

5. Willson, Daniel Case Number C003493-16-005605
Vice Chairman Gonzales announced the case. RCP Willson was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0).

6. Meyer, Cherilyn Case Number C003499-16-000472
Vice Chairman Gonzales announced the case. RCP Meyer was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Meyer addressed the Board Members regarding the matter.

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

VOTE: Motion passed (5-0).

POSSIBLE SUMMARY SUSPENSION OF LICENSE

7. McGowan, Bridget Case Number C003554-16-006713
Vice Chairman Gonzales announced the case. RCP McGowan was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Gonzales to find that the public health safety and welfare imperatively requires emergency action and to Summarily Suspend the license held by RCP McGowan. Seconded by Board Member Crawford.

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

R-6 DISCUSSION/ACTION ON APPLICATION INTERVIEW FOR LICENSURE

1. Tilley, Donica Case Number C003527-16-011910
Vice Chairman Gonzales announced the case. RCP Tilley was present. Licensing Specialist Stone reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0).

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

1. Application, Investigation & Probation Reports
Deferred to next meeting.
2. Cash Flow Statement December 2016
Deferred to next meeting.
3. Board Policy (Possible Discussion, Action & Vote)
 - a. Continuing Education Enforcement Matrix
MOTION: Board Member O’Hair-Schattenberg to approve amended matrix. Seconded by Board Member Gonzales.
VOTE: Motion passed (5-0).
 - b. Criminal Reporting
Deferred to next meeting
 - c. Death Certificate Policy for License Closure
Deferred to next meeting.
3. Draft Response to Auditor General Report (Executive Session)
Executive Director Confer handed out the draft response to the Board members for their review.
4. Discussion of Fee Increase for Funding of Proposed License Database
Executive Director Confer discussed the fee increase with the Board members.
5. NBRC State Licensure Liaison Representative, August 26-27, Olathe, Kansas
By consensus, the Board nominated Board Member Crawford to attend.
6. CLEAR Annual Educational Conference, Portland, Oregon
Deferred to next meeting.

R-8 CALL TO THE PUBLIC

Adam Raygoza addressed the Board.

R-9 ITEMS TO BE PLACED ON A FUTURE AGENDA

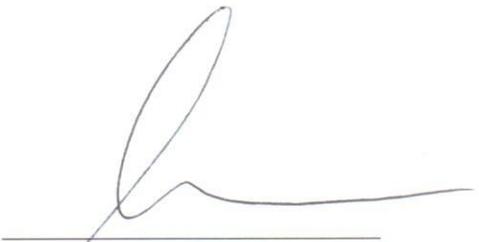
None

R-10 ADJOURNMENT

Board Vice Chairman Gonzales adjourned the meeting at 1:07PM.

Dated this 19th day of JULY 2016





 Jack Confer
 Executive Director