

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of May 21, 2015

**Board Members Present:**

Board Chairman: Tracy Cagan, RCP

Vice Chairman: Jose Gonzales, RCP

Chuck Ramirez, RCP

Jeannette Kieffer, RCP

Michelle O'Hair –Schattenberg, Esq

Nicholas Walters, Esq

**Board Members Absent:**

**Staff Present:**

Executive Director:

Jack Confer

Susan Mathein

**Legal Counsel Present:**

Frankie Shinn-Eckberg, AAG

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# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of May 21, 2015

## CALL TO ORDER

The Meeting was called to order at 9:03 a.m. by Board Chairman Cagan.

Board Member Kieffer arrived at 9:34 a.m.

A break was taken at 9:40 a.m.

A break was taken 11:49 a.m.

## 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 Ramirez to approve. Seconded by Board Member Walters.

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

### **C-1 APPROVAL OF MINUTES**

Recommended for approval

Regular & Executive Session Meeting Minutes for April 16, 2015

### **C-2 ACTION ON APPLICATIONS FOR LICENSURE**

#### **i. Initial License**

Recommended for approval by the Executive Director

Jennifer Bevan	Andrea Bonney	Susan Cook
Nicole Durazo	Irmela Fischer	Christopher Fite
Sonia Gurrister	Mark Henderson	Amanda Kennedy
Cynthia Kozlowski	Matthew Manheimer	David McGhee
Ranko Pepic	Ellen Rarick	Terri-Lynne Reeber
Shelby Seifers	Harry Slade	Guadalupe Valenzuela
Tianna Williams		

#### **ii. Re-Application for Professional License**

Recommended for Ratification by the Executive Director

Mitchell Grossman

#### **iii. Temporary License**

Recommended for approval by the Executive Director

Tara Alvarado	Lori Caldwell	James Dickey
Meghan Eisner	Alyssa Martell	Hang Nguyen
Stephanie Parnell	Sylvia Stone	Menard Thach
Nicoletta Yazzie		

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

**Recommended for closing of application files**

Wendy Arevalo	Jeffery Fitzgibbons	Robert Blackmore
Wilbert Lacy	Jeremy Leggett	James Levan

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

**Recommended for closing of inactive files**

Jessica Lloyd	Barbara Salisbury	Shirley Desvignes
Randi Dusick	Chauncy Bailey	Gwen Bilek
William Lee	Bonnie Laney	Bradley Meerfeld
Walter Ruth	Charles Mullins	Anthony Randall
Michael Evers	Gina Walker	Kimberlee Berkbigler
Misty Curry	Mark Wood	Frederick Gregory
Kristin Alexander	Anthony Kellogg	Heather McKelvy
Kari Walker	Charles Borsane	Helen Batey
Tracy Watson	Dustin Hughes	Joy Berguin
Melinda Lucerne	Sandra Meza	Anita Nitsche
Lupe Livingston		

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

**Recommend sending notice of license expirations to the following individuals**

Marisela Escobar	Eugene Zarzecki	Christopher Ellis
April Gilmore	Scott Sharick	Dolores Edmonds
Gary Lynch	Paula Gipson	Kellee Mikac
Eric George	Lily Jean Flowers	Cleveland Claridge
Kimberly Maurer	Jason Trinklein	Christine MacGlashan
Cecil Morrison	Bunny Rayburn	Lyndon Bradshaw
Rachel Luca	Troy Coates	Cynthia Molle
Jessica Allen		

**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**

Johanna Arguello	Mark Burzawa	Hector Cabrera
Larissa Hunsaker	Jennifer Huston	Laura Lizarraga Ruiz
Abdirahman Mursal	Daniel Ramos	

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

**Scheduled date of next Board Meeting**

Thursday, June 18th, 2015 at 9:00 a.m.

## REGULAR AGENDA

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

### **R-2 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)**

1. Johnson, Victoria Case Number C003267-15-001858  
Chairman Cagan announced the case and commenced the interview. RCP Johnson was not present. Executive Director Confer reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (6-0).

2. Dunbar, Dontaye Case Number C003311-15-011184  
Chairman Cagan announced the case and commenced the interview. RCP Dunbar was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Dunbar addressed the Board Members regarding the matter.

**MOTION:** Board Member Ramirez to accept the Findings of Fact and Conclusions of Law and to issue a Probation Order for 1 year with 10 hours of classes regarding ethics & boundaries. These classes would be in addition to the 20 CEU for his regular renewal. Seconded by Chairman Cagan.

**ROLL CALL VOTE:** Motion passed (3-2). Board Members O'Hair-Schattenberg and Walters voted nay. Board Member Kieffer abstained.

3. Starr, Mark Case Number C003325-15-007498  
Chairman Cagan announced the case and commenced the interview. RCP Starr was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Starr addressed the Board Members regarding the matter.

**MOTION:** Board Member Ramirez to move to an Informal Interview to review the drug screen from Mountain View. Motion died for lack of a second.

**SECOND MOTION:** Board Member O'Hair-Schattenberg to issue a Non-Disciplinary Order of Probation for 3yrs excluding AA/NA, IID. Seconded by Vice Chairman Gonzales.

After further discussion Board Members chose to add quarterly reports from the PCP.

**VOTE:** Motion passed (5-0). Board Member Kieffer recused

herself from this matter.

### **R-3 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT**

1. Cota, Susan Case Number C003303-15-005604  
Chairman Cagan announced the case. RCP Cota was not present. Executive Director Confer reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (6-0).

2. Davis, Johna Case Number C003351-15-008793  
Chairman Cagan announced the case. RCP Davis was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Davis addressed the Board Members regarding the matter.

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

**VOTE:** Motion passed (6-0).

3. Evensiosky, Joseph Case Number C003350-15-008370  
Chairman Cagan announced the case. RCP Evensiosky was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Evensiosky addressed the Board Members regarding the matter.

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

**VOTE:** Motion passed (4-2).

4. Gallegos, Tony Case Number C003287-15-004816  
Chairman Cagan announced the case. RCP Gallegos was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Ramirez to dismiss. Seconded by Board Member Walters.

**VOTE:** Motion passed (6-0).

5. McBee, Marc Case Number C003332-15-010031  
Chairman Cagan announced the case. RCP McBee was not present. Executive Director Confer reviewed the allegations for the Board Members.

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

**VOTE:**

Seconded by Board Member Walters.  
Motion passed (6-0).

6. Northey, Dwain Case Number C003238-15-007409  
Chairman Cagan announced the case. RCP Northey was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:**

Board Member Walters to offer a consent agreement with a civil penalty of \$10.00 per missing CEU to be paid within 60 days and the provision that if the consent agreement is not signed, the matter will be moved to an Informal Interview. Seconded by Board Member Ramirez.

**VOTE:**

Motion passed (6-0).

7. Reed, Parker Case Number C003312-15-010812  
Chairman Cagan announced the case. RCP Reed was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Reed addressed the Board Members regarding the matter.

**MOTION:**

Board Member Walters to offer a consent agreement not to practice until such time that the Board can review the matter. Motion failed for lack of a second.

**SECOND MOTION:**

Board Member Walters to offer a consent agreement for a standard Rehabilitative probation. Seconded by Board Member Kieffer.

**VOTE:**

Motion passed (4-0). Board Members Ramirez and O'Hair-Schattenberg recused themselves from this matter.

8. Watkins, Stephanie Case Number C003340-15-008952  
Chairman Cagan announced the case. RCP Watkins was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Watkins addressed the Board Members regarding the matter.

**MOTION:**

Board Member Walters to move this matter to an Informal Interview and request more information regarding the licensee's job description. Seconded by Board Member Ramirez.

**VOTE:**

Motion passed (6-0).

**Cases Recommended for Dismissal/Referral**

- A. Padgett, Charles Case Number C003221-15-007708  
Chairman Cagan announced the case. RCP Padgett was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:**

Board Member Walters to dismiss. Seconded by

**VOTE:** Chairman Cagan.  
Motion passed (6-0).

B. Martinez, Mario Case Number C003222-15-007239  
Chairman Cagan announced the case. RCP Martinez was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to dismiss.  
Seconded by Board Member Walters.

**VOTE:** Motion passed (6-0)

C. Brown, Stephen Case Number C003224-15-001410  
Chairman Cagan announced the case. RCP Brown was not present. Executive Director Confer reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (6-0).

D. Dawson, Rebecca Case Number C003207-14-004224  
Chairman Cagan announced the case. RCP Dawson was not present. Executive Director Confer reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (6-0).

E. Fullylove, Charles Case Number C003278-15-003195  
Chairman Cagan announced the case. RCP Fullylove was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Vice Chairman Gonzales to review this matter at a  
future meeting. Seconded by Chairman Cagan.

**VOTE:** Motion passed (5-1). Board Member Ramirez voted  
nay.

F. Booth, Janice Case Number C003349-15-007465  
Chairman Cagan announced the case. RCP Booth was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member O'Hair-Schattenberg to move this  
matter to the June meeting. Seconded by Vice  
Chairman Gonzales.

**VOTE:** Motion passed (6-0).

G. Justus, Devon Case Number C003352-15-011095  
Chairman Cagan announced the case. RCP Justus was not present. Executive Director Confer reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (6-0).

H. Sleep Med Case Number C003328-15-000000  
Chairman Cagan announced the case. Sleep Med was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Walters to dismiss and refer to DHS. Seconded by O'Hair-Schattenberg

**VOTE:** Motion passed (6-0).

I. Guenther, Monica Case Number C003291-15-006975  
Chairman Cagan announced the case. RCP Guenther was not present. Executive Director Confer reviewed the allegations for the Board Members.

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

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

**R-4 CONSIDERATION AND ACTION ON POSSIBLE UNPROFESSIONAL CONDUCT PURSUANT TO A.A.C. R4-45-211**

1. Erickson, Michelle Case Number C003372-15-010249  
Chairman Cagan announced the case. RCP Erickson was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Walters to issue a non-disciplinary consent agreement with a civil penalty of \$10.00 per missing CEU and to complete all missing CEU's within 60 days. Seconded by Board Member O'Hair-Schattenberg.

**VOTE:** Motion passed (6-0).

2. Huard, Kenneth Case Number C003371-15-006564  
Chairman Cagan announced the case. RCP Huard was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Huard addressed the Board Members regarding the matter.

**MOTION:** Board Member Ramirez to issue a non-disciplinary consent agreement with a civil penalty of \$10.00 per missing CEU and to complete all missing CEU's within 60 days. Seconded by Board Member Walters.

**VOTE:** Motion passed (6-0).

3. Kidd, Susan Case Number C003373-15-003072  
Chairman Cagan announced the case. RCP Kidd was not present. Executive Director Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Walters to issue a non-disciplinary consent agreement with a civil penalty of \$10.00 per missing CEU and to complete all missing CEU's within 60 days. Seconded by Board Member O'Hair-Schattenberg.

**VOTE:** Motion passed (6-0).

4. Wolf, Danielle Case Number C003374-15-008092  
Chairman Cagan announced the case. RCP Wolf was not present. Executive Director Confer Confer reviewed the allegations for the Board Members.

**MOTION:** Board Member Walters to move this matter to an Informal Interview. Seconded by Board Member Ramirez.

**VOTE:** Motion passed (6-0).

#### **R-5 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE OR RENEWAL**

1. Brown, Barrett Case Number C003379-15-011553  
Chairman Cagan announced the case. RCP Brown was present. Executive Director Confer reviewed the allegations for the Board Members. RCP Brown addressed the Board Members regarding the matter.

**MOTION:** Board Member Kieffer to grant license. Seconded by Board Member O'Hair-Schattenberg.

**VOTE:** Motion passed (6-0).

2. Gutierrez, Raquel Case Number C003380-15-008983  
Chairman Cagan announced the case. RCP Gutierrez was not present. Executive Director Confer reviewed the allegations for the Board Members. RCP Gutierrez addressed the Board Members regarding the matter.

**MOTION:** Board Member Ramirez to renew the license. Seconded by Board Member Walters.

**VOTE:** Motion passed (6-0).

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

1. FY 2014 Cash Flow Projection (April 2015)
2. FY 2014 Revenue, Expenditure, Financial Trends Report (April 2015)

3. Legislation & Rule Update
4. Customer Satisfaction Results
5. Investigation & Probation Status Report (April 2015)
6. Licensing Status Report (April 2015)

**R-7 CALL TO THE PUBLIC**

**R-8 ITEMS TO BE PLACED ON A FUTURE AGENDA**

Maintaining CEUs – further actions for noncompliance

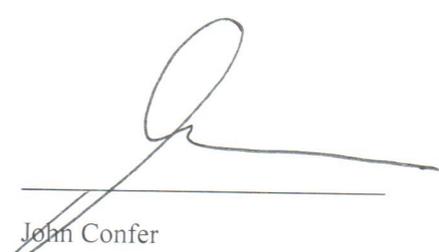
Employers compliance with ceu/renewals

**R-9 ADJOURNMENT**

Board Chairman Cagan adjourned the meeting at 1:20PM.

Dated this 21<sup>st</sup> day of May 2015

**FINAL**



John Confer  
Executive Director

G-25-15  
10:58AM