

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of November 19, 2015

**Board Members Present:**

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

**Board Members Absent:**

**Staff Present:**

Executive Director:  
Jack Confer  
Investigator:  
David Geriminsky  
Administrative Assistant:  
Kathy Stone  
Stephanie Mathews (Intern)

**Legal Counsel Present:**

Frankie Shinn-Eckberg, AAG

# Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of November 19, 2015

## CALL TO ORDER

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

A 7 minute break was taken at 10:05AM

A 3 minute break was taken at 12:27PM

## 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 Walters to approve. Seconded by Board Member O'Hair-Schattenberg.

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

### C-1 APPROVAL OF MINUTES

Recommended for approval

September 17, 2015 Regular Session Minutes

September 17, 2015 Executive Session Minutes

### C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Initial issued

Recommended for approval by the Executive Director

Amy Acuna	Rita Arballo	Katarina Avery	Homer Avilia
Heather Boggs	Terry Brown	Nicole Buch	Sharon Buczko
Shea Campbell	Liliana Casillas	Lauren Castano	Amber Corbett
Natasha David	Alexandra Devine	Alejandro Diaz	Guadalupe Dominguez
Tiffani Faiello	Kari Fulton	Osvaldo Garcia Esquivel	Joseph Grado
Dana Guillory	Kalynn Guisto	Jaleesa Hendrickson	David Holm
Shawna Lock	Wayne Matthews	Kendra Melvin	Amburlee Mier
Phillip Ortiz	Christina Pedregon	Terri Pompa	Patricia Poulin
Henry Quintana	Carol Radina	Kenneth Reed	Autumn Richardson
Christian Rochin	Glenda Rodgers	Henry Ruiz	Sara Selby
Rebecca Sonn	Marcus Sumbler	Tory Taylor	Eric Torres
Fhad Udjuni	Felecia Varkalis	Lindsey Velaski	De'Anne Wagoner
Maggie Weeks-Rodriguez	Samuel Woods		

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

**Recommended for closing of application files**

Timothy Aishman	Jamie Blute	Erin Carter	Valerie Fink
Heather Finnerty	Iqbal Singh	James Smith	Michelle Spencer

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

**Recommended for closing of inactive files**

Deborah Adams	Candice Archer	Brian Austin	Mark Baldwin
Victoria Bowen	Cristin Castillo	Fredrick Cook	Alexandria Cordova
Danette Coronado	Marie Crawford	Ebony Daniels	Mary Jane Davis
Dana Drummond	Heather Dudley	Gregory Dyrness	Dominique Edwards
David Eicke	Louis Ellender	Cynthia Encinas	Rodney Flickinger
Kristina Gallarzo	Jennifer Glover	Alyssa Gomez	Andrew Griffin
Leslie Gurule	Lindsey Gustason	Tressa Hale	Randall Hammel
Jeff Harris	Jane Hoyt	Kevin Huynh	Ann Justich
Linda Keck	George Kirk	Julie Kline	Roy Kolden
Yoseph Koomsa	Michael Leek	Travis Leonberger	Barbara Lesley
Jessica Liederer	Terrence Mallory	Lilia Marquez	John McCarville
Diana McGavren	Dora Medina	Gordon Mickelson	Shawn Montano
Ethel Murray	Coleman Nagy	Lily Nguyen	Sharan Obregon
Jeffery Oliver	Patti Orbin	Erin Phelps	John Piacente
Jacqueline Piriczky	Terry Pirolo	Nicole Pitts	Louise Potter
Kelley Quella	Tasha Radonski	Anne Marie Renaud	Juan Rivera
Steve Roberts	Jennifer Sackmann	Jodette Sassano	Susan Scheel
Roger Shank	Amanda Simmons	Donald Spicer	Jennifer St. John
Keith Starnes	Shannon Staszak	Barbara Stice	Rebecca Stokes
Ryan Taylor	John Thorp	Rebecca Todd	Gary Townsend
Venencia Townsend	Prakash Tralshawala	Steven Ulmer	Gloria Valderrama
Michael Vourazeris	Bobijo Wadsworth	Timothy Warren	Mary Jane Welch
Andrea Whitman	Barbara Wichert	Ceola Wright	Lori Wysong
Perry Wysong			

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

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

Joseph Abney	Susan Anderson	Katalina Aregullin	John Bond
Traci Broadnax	Anne Brown	Britney Bryant	Jeremy Busche
Hector Cabrera	Casey Carter	Emily Cline	John Conniff
Suchanart DePaul	Michael DiGregorio	John Durbano	Kevyn Elkins
Stephanie Gayden	Laura Hadley	Laree Hall	Richard Henigan
Elizabeth Ibarra	Keophaythoune Mack	Heather McNorton	Mindy Merritt
Linda Myers	Leticia Napoles	Lupita Neustaedter	Melissa Offutt
Madeline Ramsey	Kevin Rippey	Lindsey Seilinger	Craig Tambatamba

Joe Valles  
Patricia Ward

Jeremy Van Wolferen  
Toya Wolo

Steven Walker  
Shirl Yergler

Rebel Wallace

### **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

Jennifer Aguirre  
Valerie Fink  
Genesis Parrish  
Lashelia Walker

Charlene Begay  
Ashley Gagnon  
Kenneth Penton  
Monica Yanez

Danny Delaria  
Bonnie Mason  
Vicki Reed

Anne Marie Dewey  
Margot Meissner  
Allyson Wachter

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

Scheduled date of next Board Meeting

Thursday, December 17, 2015 at 9:00 AM.

FINAL

## 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)**

1. Curdo, Georgia Case Number C003399-16-008660  
Chairman Cagan announced the case and commenced the interview at 11:07 AM. RCP Curdo was 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 the matter.

**MOTION:** Board Member O’Hair-Schattenberg to enter Executive Session to review confidential medical records that were being presented in this matter. Seconded by Board Member Walters.

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

The Board entered Executive Session at 11:16AM. The Board returned to Open Session at 11:24AM.

The Board held further discussion and considered the matter.

**MOTION:** Board Member O’Hair-Schattenberg to adopt the Findings of Facts as alleged in the Complaint and Notice of Hearing. Seconded by Board Member Walters.

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

**MOTION:** Board Member O’Hair-Schattenberg to adopt the Conclusions of Law as alleged in the Complaint and Notice of Hearing (violations 1, 2, 3, 4, 5 & 7). Seconded by Board Member Gonzales.

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

**MOTION:** Board Member O’Hair-Schattenberg to accept the 3 years of probation, as alleged in the Complaint and Notice of Hearing, including 1 year of suspension and Board review after completion of suspension. Seconded by Board Member Crawford.

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

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

1. McGowan, Bridget Case Number C003386-15-006713  
Chairman Cagan announced the case. RCP McGowan was not 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 passed (6-0).

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

1. Ellis, Tighe Case Number C003403-16-010246  
Chairman Cagan announced the case. RCP Ellis was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Ellis addressed the Board Members regarding the matter.

**MOTION:** Board Member Crawford to offer a non-disciplinary consent agreement to pay \$200 (\$50 per shift) to be paid within 60 days for working without a license. Seconded by Board Member Rineer.  
**VOTE:** Motion passed (6-0).

2. Forbis, Kathryn Case Number C003398-16-007128  
Chairman Cagan announced the case. RCP Forbis was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Forbis addressed the Board Members regarding the matter.

**MOTION:** Board Member Walters to dismiss. Seconded by Board Member O’Hair-Schattenberg.  
**VOTE:** Motion passed (3-1). Board Member Gonzales voted nay. Board Member Rineer & Board Member Crawford were recused.

3. Gagnon, Ashley Case Number C003421-16-011309  
Chairman Cagan announced the case. RCP Gagnon 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 Walters.  
**VOTE:** Motion passed (6-0).

4. Gutierrez, Debra Case Number C003419-16-007190  
Chairman Cagan announced the case. RCP Gutierrez was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

**VOTE:** Motion withdrawn from Board Member Gonzales.

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

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

5. Molina, Martin Case Number C003413-16-006685  
Chairman Cagan announced the case. RCP Molina was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Molina addressed the Board Members regarding the matter.

**MOTION:** Board Member O'Hair-Schattenberg to lift Order. Seconded by Board Member Rineer.

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

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

**VOTE:** Motion passed (5-1). Crawford voted nay.

6. Pew, Steven Case Number C003393-15-008976  
Chairman Cagan announced the case. RCP Pew 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 Gonzales.

**VOTE:** Motion passed (5-1). Board Member O'Hair-Schattenberg voted nay.

7. Ramirez, Alma Case Number C003392-15-009008  
Chairman Cagan announced the case. RCP Ramirez was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Ramirez addressed the Board Members regarding the matter.

**MOTION:** Board Member O'Hair-Schattenberg to offer a non-disciplinary consent agreement with a civil penalty for \$100 to be paid within 30 days for failure to report incident. Seconded by Board Member Walters.

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

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

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

8. Ramirez, Nancy Case Number C003378-15-011010  
Chairman Cagan announced the case. RCP Ramirez was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

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

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

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

9. Sutkovic, Adnan Case Number C003397-16-009335  
Chairman Cagan announced the case. RCP Sutkovic was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Sutkovic addressed the Board Members regarding the matter.

**MOTION:** Board Member Crawford to offer a non-disciplinary consent agreement with a civil penalty for \$100 to be paid within 30 days for failure to report incident. If not paid, move to an informal hearing. Seconded by Board Member Walters.

**VOTE:** Motion passed (5-1). Board Member Rineer was requisiced.

**MOTION:** Board Member O’Hair-Schattenberg dismissed DUI charge. Seconded by Board Member Walters.

**VOTE:** Motion passed (5-1). Board Member Rineer was requisiced.

10. Vidal, Michael Case Number C003363-15-010645  
Chairman Cagan announced the case. RCP Vidal 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 Walters.

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

11. Mann-Wilson, Margaret Case Number C003391-15-006360  
Chairman Cagan announced the case. RCP Mann-Wilson was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (5-1). Board Member Rineer was recused.

12. Lopez, Henry Case Number C003418-16-000000  
Chairman Cagan announced the case. RCP Lopez was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (5-1). Board Member Rineer was recused.

13. Hannibal, Barbara Case Number C003420-16-009871  
Chairman Cagan announced the case. RCP Hannibal was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

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

**Possible Summary Suspension Pursuant To A.R.S. 32-3553(E)**

14. Goss, Karen Case Number C003441-16-006965  
Chairman Cagan announced the case. RCP Goss was present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

**VOTE:** Motion passed (6-0). Board Member Rineer was recused.

**R-5 CONSIDERATION, DIRECTION, AND POSSIBLE ACTION ON CONTINUING EDUCATION AUDIT & POLICY REVIEW/APPROVAL**

Ms. Mathews gave the Board a presentation on the agency's most recent audit on continuing education (CE). The Board discussed having the Director send consent orders to the licensees who did not pass the audit. The Board also wanted to have this item put on next month's agenda to think about a plan and update policy on CE audits.

**R-6 CONSIDERATION AND POSSIBLE ACTION ON PROBATION COMPLIANCE/STATUS/REVIEW AND/OR TERMINATION REQUEST**

- 1. Gilmore, Erica Case Number P001036-13  
Chairman Cagan announced the case. RCP Gilmore was not present. Investigator Geriminsky reviewed her request to terminate her probation for the Board Members.

**MOTION:** Board Member Gonzales denied request to terminate probation. Seconded by Board Member Walters.  
**VOTE:** Motion passed (6-0).

**R-7 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE OR RENEWAL**

- 1. Babjak, Kim Case Number C003425-16-011703  
Chairman Cagan announced the case. RCP Babjak was present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member O’Hair-Schattenberg to grant the license. Seconded by Board Member Walters.  
**VOTE:** Motion passed (5-1). Board Member Gonzales was nay.

- 1. Salais, Priscilla Case Number C003426-16-011714  
Chairman Cagan announced the case. RCP Salais was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

**MOTION:** Board Member Walters to grant the license. Seconded by Board Member O’Hair-Schattenberg.  
**VOTE:** Motion passed (6-0).

**R-8 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT**

- 1. Application Report
- 2. Investigation & Probation Report
- 3. Sunset Audit (Information and General Discussion)
- 4. Cash Flow Statement October 2015
- 5. Update Databank Reporting
- 6. NBRC Annual Conference
- 7. Draft Rules and Economic Impact Statement
- 8. IBM, Information Technology Project, Contractor
- 9. CLEAR, January Meeting

**MOTION:** Board Member Walters to approve Executive Director to attend. Seconded by Board Member O’Hair-Schattenberg.  
**VOTE:** Motion passed (6-0).

- 10. Legislation for next year

11. Whitehouse Report Occupational Licensing, July 2015

**R-9 CALL TO THE PUBLIC**

None

**R-10 ITEMS TO BE PLACED ON A FUTURE AGENDA**

1. Update policy on continuing education audits

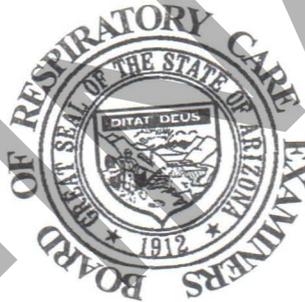
**R-11 DISCUSSION/ACTION ON ELECTION OF OFFICERS**

1. This item has been postponed to the January 2016 agenda.

**R-12 ADJOURNMENT**

Board Chairman Cagan adjourned the meeting at 1:24PM.

Dated this 18<sup>th</sup> day of December 2015



  
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Jack Confer  
Executive Director