

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of March 17, 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

Board Member Walters was excused
at 12:10PM

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of March 17, 2016

CALL TO ORDER

The Meeting was called to order at 9:00AM by Vice Chairman Gonzales.
A 3 minute break was taken at 10:20AM.

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 February 18, 2016

C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Brittany Bowen	Alton Cumberbatch	Lauren Delgado	John Downey
Miguel Galindo	Dorothy Guerra	Presley Ivers	Andrea Kissinger
Syd Nessary	Ruben Parker	Frank Rojas	Mary Concepcion Soleta
Nicole Thexton	Brittany Tringali	Ashley Wise	

C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files
Christopher Brown

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

Recommended for closing of inactive files

Shannon Barnes	Jeffrey Bills	Jim-Lawrence Cabrera	Andria Carrington
Carson Collingsworth	Tobit Cosa	Stacey Didio	Leona Feeley

Christopher Flores
Rita Lazeroff
Warren Martindale
Ping Qiu
John Snyder

Jimmy Gamboa
Diana Mackenzie
Carlos Montano
Amanda Rosales
William Stever

Leticia Johns
Barbara Mangan
Linda Pickett
Lisa Serrano
Valerie Straw

Denay Jones
Michael Martin
Samantha Provencio
Mary Jane Silver

C- 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of license expirations to the following individuals:

Ali Amanat
David Blankenship
Ronald Crandell
Frances Jones
Rebecca Prechtel
Steven Saunders
Joanie Vrbanic

Larry Anderson
Alexandra Cheek
Lorinda De Long
Laura Lizarraga Ruiz
Jamie Riddle
Rachelle Schrader
Randy Whitsitt

Michael Anderson
Betsy Cisson
Michael Field
Tina Marler
Mary Rub
Jinelle Thatcher

Kerrin Beaufeaux
Jolene Crain
Darryl Jakes
Winford O'Gorman
Dennis Ryan
Nathan Vierra

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

Laurie Bonham
Timothy Hortman
Larissa Muresan

Sean Friel
Shaneequa Johnson
Mark Noe

Stacie Goodman
Christina Leifried

Cameron Hall
Diana Mancia

C - 7 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting
Thursday, April 21, 2016 at 9:00 AM.

REGULAR AGENDA

R-1 AUDITOR GENERAL UPDATE ON PERFORMANCE AUDIT AND SUNSET REVIEW

MOTION: Board Member O’Hair-Schattenberg to enter Executive Session on update of Performance Audit and Sunset Review. Seconded by Board Member Rineer.

VOTE: Motion passed (5-0).

The Board entered Executive Session at 9:03AM. The Board returned to Open Session at 9:34AM.

R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

None

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

1. Pew, Steven Case Number C003393-15-008976
Vice Chairman Gonzales announced the case and commenced the hearing at 9:35AM. RCP Pew was present with Darius M. Nickerson VI, Attorney. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding.

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

VOTE: Motion passed (5-0).

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

1. Perez, Michael Case Number C003384-15-009711
Vice Chairman Gonzales announced the case and commenced the interview at 11:07AM. RCP Perez was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to offer a non-disciplinary consent agreement with 6 hours of continuing education (CE) in “Emergency Procedures and Non-invasive Positive Ventilation”. These hours are to be preapproved by the Executive Director within 30 days and completed within 90 days from the approval date. Seconded by Board Member Rineer.

VOTE: Motion passed (5-0).

2. Milk, Debra Case Number C003415-16-002823
Vice Chairman Gonzales announced the case and commenced the interview at 10:30AM. RCP Milk was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to dismiss. Seconded by Board Member O'Hair-Schattenberg.
VOTE: Motion passed (5-0).

3. Pew, Steven Case Number C003393-15-008976

This matter was finalized in section R-3 above.

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

1. Ballentine, Alycia Case Number C003468-16-009043
Vice Chairman Gonzales announced the case. RCP Ballentine was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Ballentine addressed the Board Members regarding the matter.

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

2. Kilgore, Teri Case Number C003480-16-006292
Vice Chairman Gonzales announced the case. RCP Kilgore was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Kilgore addressed the Board Members regarding the matter.

MOTION: Board Member O'Hair-Schattenberg to dismiss. Seconded by Board Member Walters.
VOTE: Motion passed (4-1). Board Member Gonzales was nay.

3. Stokes, Tricia Case Number C003497-16-009307
Vice Chairman Gonzales announced the case. RCP Stokes 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 \$50 per shift worked without a license (6) due within 90 days. Seconded by Board Member Crawford.
VOTE: Motion passed (4-0). Board Member Rineer was recused.

4. McMinn, Laura Case Number C003481-16-011243
Vice Chairman Gonzales announced the case. RCP McMinn was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Rineer to offer a non-disciplinary consent agreement to pay \$10 per missing CE (20) and complete 20 CE's within 90 days.

VOTE: Seconded by Board Member O’Hair-Schattenberg.
Motion passed (4-0).

5. Binns, Yvette Case Number C003496-16-008480
Vice Chairman Gonzales announced the case. RCP Binns was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Crawford to offer a non-disciplinary consent agreement to pay \$10 per missing CE (20) and complete 20 CE’s within 90 days.
Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

6. Mancia, Diana Case Number C003498-16-007955
Vice Chairman Gonzales announced the case. RCP Mancia was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Rineer to offer a non-disciplinary consent agreement to pay \$10 per missing CE (20) and complete 20 CE’s within 90 days.
Seconded by Board Member O’Hair-Schattenberg.

VOTE: Motion passed (4-0).

7. Cotton, Megan Case Number C003494-16-009520
Vice Chairman Gonzales announced the case. RCP Cotton was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Cotton addressed the Board Members regarding the matter.

MOTION: Board Member Walters to offer a non-disciplinary consent agreement to include 9 hours of “Ethics and Boundaries” training preapproved by the Executive Director within 30 days and completed within 180 days.
Seconded by Board Member Gonzales.

VOTE: Motion passed (5-0).

8. Northey, Dwain Case Number C003503-16-007409
Vice Chairman Gonzales announced the case. RCP Northey was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Rineer to move this matter to a Formal Hearing.
Seconded by Board Member O’Hair-Schattenberg.

VOTE: Motion passed (4-0).

9. Harris, Danny Case Number C003440-16-009984
Vice Chairman Gonzales announced the case. RCP Harris was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Crawford to move this matter to an Informal Hearing.
Seconded by Board Member Gonzales.

VOTE: Motion failed.

MOTION: Board Member O'Hair-Schattenberg to table this matter to next Board meeting to allow staff to obtain additional information. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

10. Rosales, Ethmundo Case Number C003467-16-010786
Vice Chairman Gonzales announced the case. RCP Rosales was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Rosales 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 Crawford was recused and Board Member Gonzales was nay.

Cases Recommended for Dismissal/Referral

11. Tomlinson, Andrew Case Number C003492-16-004587
Vice Chairman Gonzales announced the case. RCP Tomlinson was present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0).

12. Tomlinson, Andrew Case Number C003483-16-004587
Vice Chairman Gonzales announced the case. RCP Tomlinson was present. Investigator Geriminsky reviewed the allegations for the Board Members.

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

VOTE: Motion passed (5-0)

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

1. Sayegh, Robert Case Number P001092-15-007498
Vice Chairman Gonzales announced the case. RCP Sayegh was present telephonically. Investigator Geriminsky reviewed his request to terminate his probation for the Board Members.

MOTION: Board Member Walters to grant termination of probation. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (5-0).

2. Starr, Mark Case Number P001070-15-005758
Vice Chairman Gonzales announced the case. RCP Starr was not present. Investigator

Geriminsky reviewed overview of probation compliance for the Board Members.

MOTION: Board Member O'Hair-Schattenberg to move this matter to a Formal Hearing. Seconded by Board Member Crawford.

VOTE: Motion passed (4-0).

3. Reed, Parker Case Number P001094-15-010812
Vice Chairman Gonzales announced the case. RCP Reed was present. Investigator Geriminsky reviewed his compliance/non-compliance with his probation for the Board Members.

MOTION: No action was taken at this time on the incident presented. RCP Reed was told to continue and finish his rehabilitative program while still on probation.

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

Executive Director gave the Board updates on the following:

1. Application, Investigation & Probation Reports
2. Cash Flow Statement December 2015
3. Board Policy (Possible Discussion, Action & Vote)
 - a. Licensing Fee Refunds Procedure
4. Proposed 2016 Legislation
5. Draft Rules and Economic Impact Statement
6. JLBC & OSPB Budget Proposals, FY2017

R-8 CALL TO THE PUBLIC

R-9 ITEMS TO BE PLACED ON A FUTURE AGENDA

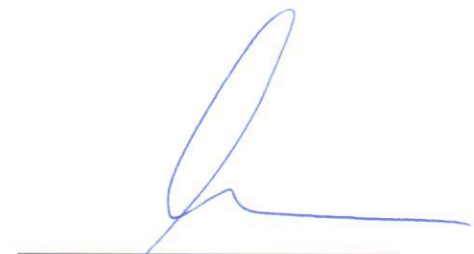
1. Discuss penalty for not disclosing misdemeanors that may affect patient safety within 10 working days.

R-10 ADJOURNMENT

Board Vice Chairman Gonzales adjourned the meeting at 12:47PM.

Dated this 23rd day of MAY 2016





Jack Confer
Executive Director