

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of November 16, 2017

Board Members Present:

Board Chairman: Tracy Cagan, RCP
Vice Chairman: Jose Gonzales, RCP
Kathy Rineer, RCP
Alan Crawford, RCP
Michelle O'Hair-Schattenberg, Esq.

Board Members Absent:

Staff Present:

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

Legal Counsel Present:

Frankie Shinn-Eckberg, AAG
Michael Raine, AAG

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Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of November 16, 2017

CALL TO ORDER

The Meeting was called to order at 9:00AM by Board Chairman Cagan.
A 5 minute break was taken at 10:45AM.

CONSENT AGENDA

MOTION: Board Member O’Hair-Schattenberg to remove item C8. Seconded by Board Member Vice Chairman Gonzales.

VOTE: Motion passed (5-0).

MOTION: Board Vice Chairman Gonzales to approve items C1 – C7. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

C-1 APPROVAL OF MINUTES

Recommended for Approval

Regular Session Minutes from September 21, 2017 meeting.
Executive Session Minutes from September 21, 2017 meeting.

C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Justin Aguirre	Zoila Alvarez	Stevens Bautista	Paul Bounds
Vanessa Caballero	Daena Carroll	Laura Cordova	Patricia Franco
Danielle Franke	Timothy Harmon Jr.	Ebony Johnson	Kelly Jones
Jacob Knudsen	Dawn LeBlanc	Preston Leftwich	Omar Manriquez Caperon
Ashli Marlow	Marc Nino Matanza	Dora Medina	Amanda Middlebrooks
Ho Nguyen	Caitlin Nystrom	Raquel Pyne	Darin Schmidt
Torrie Staten	Dawn Struble	Amanda Threadgall	Jeremy Van Wolferen
Megan Walden	Carol White	Mariam Yousif	Joshua Zozaya
Jason Antonson	Melissa Arnold	Terry Baxter	Kourtney Biggs
Angelica Boyle	Christopher Carter	Rolando Coto	Eric Diaz
Joshua Fritz	Victoria Hawn	Agustin Hernandez	Leslie Laxson

Christopher Le
Angelica Moore
Valerie Regrutto
Marcus Thomas

Matthew Lizak
Tyler Nimmer
Kassandra Snider
Naomi Wilson

Celeste Lofthouse
Jennifer O'Connor
Leslie Stanley
Jessica Young

Jonathan Mills
Samuel Petra
Amber Sullivan

C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

Cristin Castillo
Marc Russell
Lisa Atkison
Gilberto Escalante
Breanne Hormann
Kimberly Melendrez

Joshua Cosa
Debra VanDiver
Ashley Barkyoub
Miranda Giambanco
Shea Jackson
Katelynn Rippey

Frances Jones
Sharron Wolfe
Line Blackhurst
Bianca Giambanco
Jeanne Johnston
Gennet Russom

Wei Murray
Manuel Acosta
Claudia Diaz
Loryn Hendershot
James Martel
Brittany Williams

C-4 ACTION ON ADMINISTRATIVE CLOSURE OF 90-DAY INACTIVE FILES

Recommended for closing of inactive files

Stephen Barkley
Robert Gibbs
Edgar Middlebrook
Lashelia Walker
Suzanne Jenkins
Gaye Stocke

Rodney Biehl
Faith Hannar
Kaili Mitchell
Sherryl Buchwald
Mayra Lomba
Rhonda Tremblay

Harold Breeding
Patricia Herd
Fabian Murrietta
Lynn Grunden
Richard Mellinger
Jennifer Zonge

Danny Delaria
Janet Knilans
Bryan Platt
Monica Guenther
Staci Quincey

C-5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

Rita Arballo
Charleen Brown
Roxanne De La Rosa
Miguel Galindo
Kasey Hromek
Martha McLaughlin
Violet Rohn
Erin Treanor
Gerardo Zamora
Kimberly Armstrong
Amber Duke
Grace Kim
William McClendon
Reyna Salas
Janice Stafford

Homero Avila
Lawrence Bullock
Susan Deason
Heriberto Garcia
Kristy Kleine
John Moorhead
Jack Selleh
Bruce White
Zulma Aguayo
Amber Bath
Cynthia Evans
David Larson
Yasmin Mojadedi
Lynsey Schraeder
Kayla Thompson

Traci Broadnax
Angela Burney
Grant Dumas
Brandi Granzow
Steven Kramer
Ronald Neal
Debra Smith
Michele Wolf
Evan Americo
Hector Cabrera
Steven Finch
Tammy Lemonds
Leigh Parker
Cole Sexson
Casey Winterrowd

Aaron Brock
Lori Carson
Tracy Flynn
Kristie Hardcastle
Carly Lord
Melissa Phillips
Keila Thomas
Niki Wong
Danitza Arizaga
Michael DeAngelis
Arlene Gilman
Christopher Long
Travis Rice
William Smith

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:

Stacey Coffey
Ashley Lloyd
Henry Ruiz

Jason Ellis
Vicki Stephenson
Nicole Taran

Joshua Estrada
Charles Holley

Latasha Flickinger
Ashlee Kirkman

C-7 DISCUSSION/ACTION ON RATIFICATION OF CONSENT AGREEMENTS

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

A discussion was held to decide whether a December or January meeting would be held due to the relocation of the office.

Scheduled date of next Board meeting:

Thursday, January 18, 2018 at 9:00AM.

REGULAR AGENDA

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

R-2 CONSIDERATION, REVIEW, DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR REHEARING OR REVIEW OF DECISION

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

1. Bonino, Jojo Case Number C003749-17-011026 [9:15AM]
Chairman Cagan announced the case and commenced the interview at 9:17AM. RCP Bonino 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. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

MOTION: Board Member O’Hair-Schattenberg to deem the Factual Allegations. Seconded by Board Vice Chairman Gonzales.

VOTE: Motion passed (5-0).

MOTION: Board Member O’Hair-Schattenberg to adopt Findings of Fact. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

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

VOTE: Motion passed (5-0).

MOTION: Board Member Crawford to revoke license. Seconded by Board Vice Chairman Gonzales.

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

2. Danner, Sharon Case Number C003766-17-006349 [9:45AM]
Chairman Cagan announced the case and commenced the interview at 9:49AM. RCP Danner 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. Assistant Attorney General, Michael Raine appeared as the Independent Advisor to the Board.

MOTION: Board Member O’Hair-Schattenberg to deem the Factual Allegations. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

MOTION: Board Member O’Hair-Schattenberg to adopt Findings of Fact. Seconded by Board Vice Chairman Gonzales.

VOTE: Motion passed (5-0).

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

VOTE: Motion passed (5-0).

MOTION: Board Member Crawford to revoke license. Seconded by Board Vice Chairman Gonzales.

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

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

1. Shelley, Brian Case Number C003806-18-007113
Chairman Cagan announced the case and commenced the interview at 11:31AM. RCP Shelley was not present. Investigator Geriminsky presented a summary of the case.

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

VOTE: Motion passed (4-0). Board Member Rineer was recused.

2. Hunsinger, Timothy Case Number C003805-18-010269
Chairman Cagan announced the case and commenced the interview at 10:03AM. RCP Hunsinger was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O’Hair-Schattenberg to issue a non-disciplinary order with a civil penalty of \$50 per shift (\$350) for working without a license to be paid within 60 days. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

3. McBee, Marc Case Number C003780-17-010031
Chairman Cagan announced the case and commenced the interview at 11:45AM. RCP McBee was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to issue a non-disciplinary order with a \$250 civil penalty per incident (\$500) for failure to report incidents within statutory timeframe to be paid within 6 months. Seconded by Board Member O’Hair-Schattenberg.

VOTE: Motion passed (5-0).

4. McClendon, William Case Number C003783-17-011181
Chairman Cagan announced the case and commenced the interview at 12:06PM. RCP McClendon was not present. Investigator Geriminsky presented a summary of the case.

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

VOTE: Motion passed (5-0).

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

1. Johnstun, Nikii Case Number C003813-18-004427
Chairman Cagan announced the case. RCP Johnstun was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to dismiss. Seconded by Board Chairman Cagan.

VOTE: Motion passed (3-2). Board Vice Chairman Gonzales and Board Member O’Hair-Schattenberg voted nay.

2. Gorman, Anthony Case Number C003808-18-011748
Chairman Cagan announced the case. RCP Gorman was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to offer a consent order for rehabilitative probation. If not signed, move this matter to a Formal Interview. Seconded by Board Member O’Hair-Schattenberg.

VOTE: Motion passed (5-0).

MOTION: Board Member Crawford to offer a consent order with a civil penalty of \$250 per incident (\$750) for failure to report incidents to be paid within 6 months. If not

signed, move this matter to a Formal Interview.
Seconded by Board Member O’Hair-Schattenberg.

VOTE: Motion passed (5-0).

3. Koch, Brianna Case Number C003814-18-012202
Chairman Cagan announced the case. RCP Koch was present. Investigator Geriminsky presented a summary of the case.

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

VOTE: Motion passed (5-0).

4. Munguia, Christopher Case Number C003810-18-011122
Chairman Cagan announced the case. RCP Munguia was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to move this matter to an
Informal Interview. Seconded by Board Vice Chairman
Gonzales.

VOTE: Motion passed (5-0).

5. Rodela, David Case Number C003816-18-011009
Chairman Cagan announced the case. RCP Rodela was present. Investigator Geriminsky presented a summary of the case.

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

VOTE: Motion passed (5-0).

6. Zadeh, Yashar Case Number C003815-18-010483
Chairman Cagan announced the case. RCP Zadeh was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Vice Chairman Gonzales to issue a Letter of
Concern regarding the Board’s concern that HIPPA
laws were violated on August 29, 2017. Seconded by
Board Member O’Hair-Schattenberg.

VOTE: Motion passed (5-0).

MOTION: Board Vice Chairman Gonzales to have RCP Zadeh
take courses on HIPPA complaints and compliance (6
hours total) within 90 days. Seconded by Board
Member Rineer.

VOTE:

Motion passed (3-2). Board Chairman Cagan and Board Member O’Hair-Schattenberg voted nay.

Cases Recommended for Dismissal/Referral

7. Honeywell, Rachel Case Number C003787-18-008159
Chairman Cagan announced the case. RCP Honeywell was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION:

Board Member O’Hair-Schattenberg to dismiss.
Seconded by Board Vice Chairman Gonzales.

VOTE:

Motion passed (4-0). Board Member Crawford was recused.

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

Updates were given by Jack Confer, Executive Director and Kathy Stone, Licensing Specialist.

1. Application, Investigation & Probation Reports(Board Update & Status)
2. 2018 Legislative Update (Possible Executive Session)
3. FY18 Budget & Update (Discussion)
4. CLEAR Training, Scottsdale, January
5. Office Relocation Update

R-7 CALL TO THE PUBLIC

None

R-8 ITEMS TO BE PLACED ON A FUTURE AGENDA

Discuss what would happen if a licensee does not respond to an allegation within the requested 20 day requirement.

R-9 ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 12:26PM.

Dated this 19th day of March 2018.



Jack Confer
Executive Director