

Notice and Agenda for Public Meeting of the Board of Respiratory Care Examiners

Regularly Scheduled Meeting of April 20, 2023

Board Members Present:

Chair: Tracy Cagan, RCP
Vice Chair: Alan Crawford, RCP
Becky Brimhall, Public Member
Kimberlee Cota, RCP

Board Members Absent:

Dr. Leslie Easley
James Love, RCP

Staff Present:

Acting Executive Director:
Jack Confer

Acting Deputy Director:
Donita McGlasson

Legal Council for the State:

Elizabeth Campbell, AAG
Diane DeDea, AAG

Administrative Assistant:
Katja Garcia

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Board of Respiratory Care Examiners and to the public that the Board of Respiratory Care Examiners will hold a meeting open to the public on Thursday, **April 20, 2023 at 9:00AM at 1740 West Adams Street, Conference Room B in Phoenix, AZ 85007**. The Board may vote to go into Executive Session for any matter on the agenda to obtain legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(3). In addition, the Board may vote to go into Executive Session to consider or review records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law pursuant to A.R.S. § 38-431.03 (A)(2) and may be convened on item numbers II (A thru C), and III (A thru I). Executive Sessions will not be open to the public.

The Board may address the agenda items in any order within the time frame indicated, and may carry over matters to a later time when necessary. The Board reserves the right to change the order of items on the agenda, except for matters set for a specific time.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Executive Director, Jack Confer, at (602) 542-5995. Requests should be made as early as possible to allow time to arrange the accommodation. This document can be made available in alternative formats.

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Notice and Agenda for Public Meeting of the Board of Respiratory Care Examiners

April 20, 2023 Regular Board Meeting
9:00AM
1740 W. Adams Street, Conference Room B, Phoenix, AZ 85007

I. CALL TO ORDER:

Chairlady Cagan called the meeting to order at 9:03 am.

II. ROLL CALL:

	Staff:	State:
Chairlady Cagan	Executive Director, Jack Confer	Assistant Attorney General, Elizabeth Campbell
Vice Chair Crawford	Deputy Director, Donita McGlasson	Assistant Attorney General, Diane DeDea
Chair Member Brimhall	Administrative Assistant, Katja Garcia	
Chair Member Cota		

III. DECLARATION OF CONFLICT OF INTERESTS: None

IV. ESTABLISH DATE AND TIME OF NEXT BOARD MEETING:

A. NEXT SCHEDULED BOARD MEETING IS May 18, 2023 at 9:00 am

V. POSSIBLE REVIEW, CONSIDERATION, DISCUSSION AND/OR VOTE/ACTION TO APPROVE OR DENY A REQUEST FOR REHEARING OR REVIEW OF A PRIOR DECISION PURSUANT TO AAC R4-45-302.

A. Watson, Johnathan Case No. 2020-RCE-0037

Chairlady Cagan announced the case. RCP Watson was not present. AAG Campbell was present for the State.

MOTION: Vice Chairman Crawford to deny request for review or rehearing. Seconded by Board Member Cota.

O CA VOTE: Motion passed (4-0)

Chairlady Cagan announced the case. RCP Acevedo-Vargas was present and represented himself. AAG Campbell was present for the State and summarized the case. RCP Acevedo-Vargas answered questions from the Board. AAG DeDea provided legal advice to staff. ED, Confer asked questions to the respondent.

MOTION: Chair member Cota to grant motion for rehearing. Seconded by Chair Member Brimhall.

ROLL CALL VOTE: Tie: 2-2, Vice Chair Crawford and Chairlady Cagan voted Nay.

The Board discussed the case in more detail.

MOTION: Vice Chairman Crawford to grant request for review and rehearing based on newly discovered material. Seconded by Chair Member Brimhall.

ROLL CALL VOTE: Motion passed (4-0)

VI. CONSENT AGENDA:

All items listed within Consent Agenda are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners and may be enacted by one motion. The Board has the discretion to pull any of the matters from the block vote for separate discussion and consideration if Board a member so requests; in which event the item will be removed from the Consent Agenda and discussed separately.

A. INITIAL REVIEW, CONSIDERATION AND POSSIBLE CONSOLIDATION OF CASES AND ACTION ON INVESTIGATION OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT

10. Beltran, James-Paul 2023-RCE-0010

Chairlady Cagan announced the case. RCP Beltran was present and represented himself. ED Confer summarized the case for the board. RCP Beltran summarized his position on the matter.

MOTION: Vice Chair Crawford to issue a non-disciplinary Letter or Concern. The Board's concern is the required education was not completed at the time of renewal. Seconded by Chair Member Brimhall.

VOTE: 4-0 Motion passes

24. Mann, Grant 2023-RCE-0024

Chairlady Cagan announced the case. RCP Mann was present and represented himself. ED Confer summarized the case for the board. RCP Mann summarized his position on the matter.

MOTION: Vice Chair Crawford to issue a non-disciplinary Letter or Concern. The Board's concern is the required education was not completed at the time of renewal. Seconded by Chair Member Brimhall.

VOTE: 4-0 Motion passes

25. McGinnis, Gina

2023-RCE-0025

Chairlady Cagan announced the case. RCP McGinnis was present and represented herself. ED Confer summarized the case for the board. RCP McGinnis summarized her position on the matter.

MOTION: Vice Chair Crawford to Dismiss the case. Seconded by Chair Member Brimhall.

VOTE: 4-0 Motion passes

26. Millett, Jason

2023-RCE-0026

Chairlady Cagan announced the case. RCP Millett was present and represented himself. ED Confer summarized the case for the board. RCP Millet summarized his position on the matter.

MOTION: Vice Chair Crawford to issue a non-disciplinary Continuing Education Order to complete required CEU and CEU's cannot be added to current licensure period.

AAG Campbell discussed options with the board.

MOTION AMENDED: Vice Chair Crawford amended the previous motion to issues a Consent Agreement complete required CEU and CEU's cannot be added to current licensure period.

Board further discussed the matter.

MOTION: Chair member Brimhall to table to case to the next board meeting. Seconded by Vice Chair Crawford

VOTE: 4-0 Motion passes

28. Mustafic, Elvis

2023-RCE-0028

Chairlady Cagan announced the case. RCP Mustafic was present and represented himself. ED Confer summarized the case for the board. RCP Mustafic summarized his position on the matter.

MOTION: Vice Chair Crawford to issue a Non-Disciplinary Letter of Concern. The Boards concern is at the time of renewal, the required continuing education was not complete. Seconded by Chair member Cota.

VOTE: 4-0 passes

31. Perez, Saddi

2023-RCE-0031

Chairlady Cagan announced the case. RCP Perez was present and represented herself. ED Confer summarized the case for the board. RCP Perez summarized her position on the matter.

MOTION: Vice Chair Crawford to issue a Non-Disciplinary Letter of Concern. The Boards concern is at the time of renewal, the required continuing education was not complete. Seconded by Chair member Cota.

VOTE: 4-0 passes

37. Storms, Angela

2023-RCE-0037

Chairlady Cagan announced the case. RCP Storms was present and represented herself. ED Confer summarized the case for the board. RCP Storms summarized her position on the matter.

MOTION: Vice Chair Crawford to issue a Non-Disciplinary Letter of Concern. The Board's concern is at the time of renewal, the required continuing education was not complete. Seconded by Chair member Cota.

VOTE: 4-0 passes

38. Tran, Nhi

2023-RCE-0038

Chairlady Cagan announced the case. RCP Tran was present and represented herself. ED Confer summarized the case for the board. RCP Tran summarized her position on the matter.

MOTION: Vice Chair Crawford to issue a Continuing Education Order to provide the board with the required live and ethics CE requirements within 30 days. Failure to do so will result in formal hearing. Seconded by Chair member Cota.

VOTE: 4-0 passes

39. Hegele, Christopher

2023-RCE-0039

Chairlady Cagan announced the case. RCP Hegele was present and represented himself. ED Confer summarized the case for the board. RCP Hegele summarized his position on the matter.

MOTION: Vice Chair Crawford to dismiss. Seconded by Chair member Brimhall.

VOTE: 4-0 passes

04. Fowler, Thuy

2023-RCE-0004

Chairlady Cagan announced the case. Ms. Fowler was present and represented herself. ED Confer summarized the case for the board. Ms. Fowler summarized her position on the matter. ED Confer will reach out to Ms. Fowler to provide further direction.

MOTION: Vice Chair Crawford to table the case and reach out to Board staff. Seconded by Chair Member Brimhall.

VOTE: 4-0 passes

08. Ballentine, Spencer

2023-RCE-0008

Chairlady Cagan announced the case. RCP Ballentine was present and represented himself. ED Confer summarized the case for the board. RCP Ballentine summarized his position on the matter.

MOTION: Vice Chair Crawford to issue a Continuing Education Order to complete required CE within 30 days. CE units for order cannot be used for current licensing period. Failure to do so will result in a formal hearing.

Seconded by Chair Member Cota.

VOTE: 4-0 passes

POSSIBLE REVIEW, CONSIDERATION, DISCUSSION AND/OR VOTE/ACTION TO APPROVE OR DENY A REQUEST FOR REHEARING OR REVIEW OF A PRIOR DECISION PURSUANT TO AAC R4-45-302.

A. Johnathan Watson, 2020-RCE-0037 appeared in person and stated he had an emergency which prevented him from being present at the start of the meeting when his case was heard. The Board agreed to reach out to AAG DeDea to see if she was available to hear his case at today's meeting.

Chairlady Cagan announced the case. RCP Hill was not present. ED Confer summarized the case for the board.

MOTION: Vice Chair Crawford to dismiss the case. Seconded by Chair Member Brimhall.

VOTE: 4-0 passes

2. Anna Aguilera	2023-RCE-0002
3. James Aldridge	2023-RCE-0003
7. Michael Alford	2023-RCE-0007
9. Bret Barker	2023-RCE-0009
11. Cynthia Branham	2023-RCE-0011
12. Deborah Brite	2023-RCE-0012
13. Maria Campagne	2023-RCE-0013
14. Laraine Kimberly	2023-RCE-0014
15. Robert Delgado	2023-RCE-0015
16. Kim Derocher Larsen	2023-RCE-0016
17. Jacqueline Finch	2023-RCE-0017
18. Kristine Garcia	2023-RCE-0018
19. Francis Gladysz	2023-RCE-0019
20. Janice Johnston	2023-RCE-0020
21. Byron Kellogg	2023-RCE-0021
22. Barry Lane	2023-RCE-0022
23. Renee Lentz	2023-RCE-0023
29. Jollene Neuman	2023-RCE-0029
30. Aaron Oliver	2023-RCE-0030
32. Stacey Petersen	2023-RCE-0032
33. Justin Potter	2023-RCE-0033
35. Steven Sleight	2023-RCE-0035
36. James Smith	2023-RCE-0036

The Board has reviewed the cases listed above for issues for failed CEU Audits.

MOTION: Vice Chair Crawford to issue an Order for CE completion within 30 days to comply with Board standards. Failure to do so will result in moving the case to a formal hearing. The required continuing education cannot be utilized for the current licensure period. Seconded by Chair Member Brimhall.

ED Confer clarified if a respondent has already turned in the required CEU documents, a non-disciplinary letter of concern would be issued in place of an order.

VOTE: 4-0 passes

Chairlady Cagan announced the case. RCP Cosa was not present. Vice Chair Crawford recused himself from the case. The Board lost quorum and the case will be tabled to the next board meeting.

06. Gutierrez, Debra

2023-RCE-0006

Chairlady Cagan announced the case. RCP Gutierrez was not present. ED Confer summarized the case for the Board.

MOTION: Chair member Brimhall to set case for an informal interview. Seconded by Vice Chair Crawford.

VOTE: 4-0 Motion Passes

27. Murray, Lisa

2023-RCE-0027

ED Confer advised a late request for postponement was received from RCP Lisa Murray. ED Confer summarized the request for the Board.

MOTION: Vice Chair Crawford to grant the postponement, seconded by Chair member Cota.

VOTE: 4-0 Motion Passes

34. Sawyer, Patti

2023-RCE-0034

Administrative Assistant Garcia summarized the case for the Board.

MOTION: Vice Chair Crawford to issue a CE order with continuing education to be completed within 30 days. Failure to do so will move the case to a formal hearing. The continuing education units cannot be used for the current licensure period. Seconded by Chair Member Cota.

VOTE: 4-0 Motion Passes

5 minute Recess

The Board Re-Visited Agenda item V-A

1. Watson, Johnathan

2020-RCE-0037

Chairlady Cagan announced the case. RCP Watson was present and represented himself. AAG Campbell was present on behalf of the State. AAG DeDea was present on the phone as independent counsel for the State. AAG DeDea summarized what took place earlier when the case was called.

MOTION: Vice Chair Crawford to rescind the previous motion to deny the request for a rehearing. Seconded by Chair Member Brimhall.

VOTE: 3-0 Motion Passes , Chairlady Cagan voted Nay

RCP Watson explained his position on the matter to the Board and answered the Board's questions.

MOTION: Vice Chair Crawford to grant request for rehearing. Seconded by Chair Member Brimhall.

VOTE: 4-0 Motion Passes

VII: EXECUTIVE DIRECTOR REPORT:

1. Open investigations have been noticed and were set for today's meeting.
2. Initial report run against database shows approximately 418 open applications dating back to November 2022. After reviewing, 19 initial licenses were issued and others are being reviewed. Existing staff is working to organize information that has been received. Staff has seen an increase in paper applications.

VIII: CALL TO THE PUBLIC:

Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

1. Tracey Schartz, Director at Gateway Community College, expressed her concern about the licensing situation with Board. She explained how the delay in licensing is affecting graduates. She is asking for transparency from the board and a letter of explanation that she can share in her reports.
2. Dr. Simpson expressed her willingness to volunteer to assist the Board. Executive Director Confer provided a general overview of how volunteers for the State work.

Executive Director Confer took Roll Call for the attendees wishing to receive CEU credit for the meeting. 4 CEU credits will be given, with 2 in the area of Ethics

IX: ITEMS TO BE PLACED ON A FUTURE AGENDA

Vice Chair Crawford would like a financial update at the next board meeting.

X. ADJOURNMENT

Chairlady Cagan adjourned the meeting at 11:45am, on this 20th day of April, 2023



Jack Confer, Acting Executive Director