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

December 14, 2023

Board Members Present:

Board Chairman: Tracy Cagan,
RCP
Kimberlee Cota, RCP
Becky Brimhall, Public Member
Vice Chairman: Alan Crawford,
RCP
Dr. Leslie Easley, D.O.

Board Members Absent:

Staff Present:

Interim Executive Director:
Jack Confer
Interim Deputy Director:
Donita McGlasson
Licensing Administrator:
Katja Garcia
Program & Project Specialist:
Rachael Fowkes
Administrative Assistant:
Jossilen Baysinger

Legal Counsel Present:

Elizabeth Campbell, A.A.G.

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

I. CALL TO ORDER:

The Meeting was called to order at 9:02AM by Chairman Cagan.

The Meeting paused for a five-minute break at 11:15AM and reconvened at 11:20AM.

II. ROLL CALL:

Present were Chair Tracy Cagan, Vice Chair Alan Crawford, Board Member Becky Brimhall and Board Member Kimberlee Cota. Also present were Interim Executive Director Jack Confer, Interim Deputy Director Donita McGlasson, Licensing Administrator Katja Garcia, Program & Project Specialist Rachael Fowkes, Administrative Assistant Jossilen Baysinger, and A.A.G. Elizabeth Campbell.

III. DECLARATION OF CONFLICT OF INTERESTS:

IV. APPROVAL OF MINUTES:

A. Regular Board Meeting Minutes, October 26, 2023

MOTION: Vice Chairman Crawford to approve. Seconded by Board Member Easley.

VOTE: Motion passed (5-0).

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

A. Espinoza, Jasmine Case# 2023-RCE-0045
Board Chairman Cagan announced the case. RCP Espinoza was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Easley.

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

B. Abina, Iliana Case# 2023-RCE-0047
Board Chairman Cagan announced the case. RCP Abina was not present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to issue a non-disciplinary Letter of Concern. Seconded by Board Member Brimhall.

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

C. Rojas, Phil Case# 2023-RCE-0048
Board Chairman Cagan announced the case. RCP Rojas was not present. Executive Director Confer reviewed the allegations for the Board Members

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

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

D. Hartin, Mitchell Case# 2023-RCE-0049
Board Chairman Cagan announced the case. RCP Hartin was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to issue a non-disciplinary letter of concern for leaving his assigned work facility without proper hand-off. Seconded by Board Member Brimhall.

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

E. Kwasiborski, James Case# 2023-RCE-0050
Board Chairman Cagan announced the case. RCP Kwasiborski was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to issue a non-disciplinary letter of concern for working on an expired license. Seconded by Board Member Cota.

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

MOTION: Vice Chairman Crawford to open an investigation on RCP Kwasiborski's supervisor. Seconded by Board Member Brimhall.

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

F. Castillo, Cristin Case# 2023-RCE-0051
Board Chairman Cagan announced the case. RCP Castillo was not present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to move this matter to an informal interview. Seconded by Board Member Brimhall.

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

G. Torres Mercado, Manuel Case# 2023-RCE-0052
Board Chairman Cagan announced the case. RCP Torres Mercado was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Cota.

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

H. Ibarra, Ernesto Case# 2023-RCE-0056
Board Chairman Cagan announced the case. RCP Ibarra was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Board Member Easley to dismiss this matter. Seconded by Vice Chairman Crawford.

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

I. Thomas, Marcus Case# 2023-RCE-0058
Board Chairman Cagan announced the case. RCP Thomas was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to issue a disciplinary consent agreement for a Decree of Censure. Seconded by Board Member Easley.

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

J. Downing, Lonnie Case# 2023-RCE-0059
Board Chairman Cagan announced the case. RCP Downing was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to dismiss. Seconded by Board Member Cota.

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

K. Morris, Kyle Case# 2023-RCE-0060
Board Chairman Cagan announced the case. RCP Morris was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Easley.

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

L. Garcia, Daniel Case# 2023-RCE-0061
Board Chairman Cagan announced the case. RCP Garcia was present. Executive Director Confer reviewed the allegations for the Board Members

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

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

M. Russell, John Case# 2023-RCE-0062
Board Chairman Cagan announced the case. RCP Russell was not present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford issue an interim order for a psychological evaluation. Seconded by Board Member Cota.

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

- N. Lopez, Jr., Henry Case# 2023-RCE-0063
Board Chairman Cagan announced the case. RCP Lopez was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Easley.

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

- O. Dempsay, Brandie Case# 2023-RCE-0064
Board Chairman Cagan announced the case. RCP Dempsay was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to dismiss this matter. Seconded by Board Member Brimhall.

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

- P. Holman, Erik Case# 2023-RCE-0065
Board Chairman Cagan announced the case. RCP Holman was not present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Board Member Brimhall to move this matter to a Formal Hearing and request a psychological evaluation. Seconded by Vice Chairman Crawford.

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

- Q. Czarsty, Ashley Case# 2023-RCE-0066 & 2023-RCE-0067
Board Chairman Cagan announced the case. RCP Czarsty was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to issue a non-disciplinary letter of concern. Seconded by Board Member Easley.

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

- R. Lopez, Sr., Henry Case# 2023-RCE-0063
Board Chairman Cagan announced the case. RCP Lopez was not present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to issue a cease and desist order and refer this case to the Attorney General's office for criminal prosecution. Seconded by Board Member Easley.

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

- S. McCabe, Jodi Case# 2023-RCE-0069
This matter was removed from the agenda by Interim Director Jack Confer.

T. Ogroske, Maria Case# 2023-RCE-0070
Board Chairman Cagan announced the case. RCP Ogroske was present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Board Member Easley to issue a non-disciplinary Letter of Concern for working on an expired license. Seconded by Vice Chairman Crawford.

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

U. Fowler, Thuy Case# 2023-RCE-0004
Board Chairman Cagan announced the case. RCP Fowler was not present. Executive Director Confer reviewed the allegations for the Board Members

MOTION: Vice Chairman Crawford to dismiss the matter with a note that it will resurface if RCP Thuy chooses to reapply. Seconded by Board Member Cota.

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

VII. EXECUTIVE DIRECTOR REPORT:

- A. Application, Investigation & Probation Reports (Board Update & Status)
- B. Financial Report
- C. 2025 Budget (Possible Vote & Discussion)
- D. ISA & Staffing (Discussion & Possible Vote)
- E. Performance Audit & Draft Sunset Review Response (Possible Discussion & Vote).
- F. Conflict of Interest Policy & Procedure (Possible Discussion & Vote).

VIII. CALL TO THE PUBLIC

None.

VIII. ITEMS TO BE PLACED ON A FUTURE AGENDA

None.

IX. ADJOURNMENT

The meeting was adjourned at 12:05AM by Chairman Cagan.

DATED this ____ day of December 2023.

Jack Confer
Interim Executive Director