



**BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND  
ASSISTED LIVING FACILITY MANAGERS**

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**Douglas A. Ducey**  
Governor

**Jack Confer**  
Executive Director

**Board Members**

Pauline (Wally) Campbell, President

Ken Kidder, Member

Fred Randolph, Member

Melanie Seamans, Member

Susan Archer, Member

James Steven, Member

**MINUTES REGULAR MEETING**

February 28, 2022

**I. CALL TO ORDER**

President Campbell called the meeting to order at 9:01 a.m.

**II. ROLL CALL**

President Campbell, Member Archer, Member Steven were present in person; Member Randolph, Member Seamans and Member Kidder were present by telephone.

Attendance: Executive Director Jack Confer, Chief Investigator Brandon Eaden, Licensing Administrator Mona Leonard, Project Specialist Elizabeth Bronold, and Assistant Attorney General Justin Larson

**III. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503**

There were no conflicts of interest.

**IV. CALL TO THE PUBLIC**

Joel Wurffel filled out a call to the public form and was called to speak to the board. Mr. Wurffel stated that he was here to address a complaint he submitted to the Board. He stated that he would rather discuss the information when the board gets to the agenda item.

**VII. REVIEW, DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATOR LICENSURE AND  
MANAGER CERTIFICATION**

President Campbell moved to agenda item VII.

- A. Individual Board Review, Consideration and Action on Applicants Temporary and/or Permanent Administrator License or Manager Certificate. If approved, pending passing all required examinations within the substantive timeframe or the license or certificate will be denied.

### **1. Coleman, Brittany**

Licensing Administrator, Mona Leonard, presented the case to the board. Ms. Coleman was present at the board meeting and she answered the questions from the board. She stated that she has a level one fingerprint clearance card and she did get her CNA certification.

Member Kidder made a motion seconded by President Campbell to approve Ms. Coleman's application for a manager's certificate.

Motion passed (6-0).

### **2. Degn, Zachary**

Licensing Administrator, Mona Leonard, presented the case for the board. Zachary Degn was present at the meeting and answered the questions from the board.

Mr. Degn stated that he has completed the AIT program and he has an active administrator license in Ohio. Executive Director Confer explained to the board that this application was brought before them to determine the approval of the application because Mr. Degn has previous disciplinary action in another state.

Member Kidder made a motion seconded by President Campbell to approve Mr. Degn's application for an administrator license.

Motion passed (6-0).

### **3. Fischer, Linda**

Licensing Administrator, Mona Leonard, presented the case for the board. Ms. Fischer was present at the meeting and answered the questions from the board.

Ms. Fischer stated that the discontinued medications that were kept were not narcotics and the medications were not expired. She stated that the medications were not given to other residents. She stated that if she were in the same position now she would destroy the medications. She stated that she has remained in good standing with the nursing board and she still has her license.

Member Archer made a motion seconded by President Campbell to approve Ms. Fischer's application for a manager's certificate.

Motion passed (6-0).

### **4. Gonzales, Nikkita**

Licensing Administrator, Mona Leonard, present the case for the board. Ms. Gonzales was present at the meeting and answered the questions from the board.

Ms. Gonzales stated that she did not answer truthfully to the question if she had ever been arrested because she was not actually arrested she was cited. Ms. Gonzales stated that she has not been arrested or cited since the two previous incidences.

President Campbell made a motion seconded by Member Archer to approve Ms. Gonzales' application for a manager's certificate.

Motion passed (6-0).

### **5. Reilly, Ryan**

Licensing Administrator, Mona Leonard, presented the case to the board. Ryan Reilly was present and answered the questions from the board.

Mr. Reilly stated that when he took the books from a family's home he had to go into the home through the screen door. He stated has since graduated with his bachelor's degree. He stated that his plan if he gets certified he would manage a family owned and operated center in Tucson, Arizona. Mr. Reilly stated he is working as a manager designee. He stated that there is not currently a manager at the facility and DHS is aware of this.

Member Archer made a motion seconded by Member Steven to approve the application of Ryan Reilly when he passes the State of Arizona Manager Examination.

Motion passed (4-2).

### **6. Stutsman, Michelle**

Michelle Stutsman was not present at the meeting and the agenda item was moved to next months meeting.

### **7. Owen, Vanessa**

Vanessa Owens was not present at the meeting this item was moved to the next board meeting.

### **8. Lyde, Yvette**

Yvette Lyde was not present at the meeting this item was moved to the next board meeting.

### **9. Campbell, Alyssa**

Licensing Administrator, Mona Leonard, presented the case for the board. Alyssa Campbell was present at the meeting and answered the questions from the board.

Ms. Campbell stated that she is currently working at a community in central Phoenix as the activity director.

Member Archer made a motion seconded by President Campbell to approve Ms. Campbell's application for a manager's certificate.

Motion passed (6-0).

## **VI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE REVIEWS**

- A. Consent Agenda to not open a complaint investigation on the facility manager that is related to an ADHS enforcement action.

### **Facility Name**

1. Hope Haven Assisted Living Home
2. St. Charles Place III
3. Haven of Camp Verde ALF, LLC
4. Grace Living Care
5. Inspirations of River Centre
6. Vienna Care Home
7. Better Life Assisted Living

Member Kidder made a motion seconded by Member Archer to not open a case on agenda items VI (A)(1-7).

B. Board Review, Consideration and Possible Action regarding new complaints:

	Complaint#	Licensee	Title
<b>1.</b>	<b>2022-NCI-0009</b>	<b>Lumpkin, Janet</b>	<b>Administrator</b>

This agenda item was moved to next months meeting.

<b>2.</b>	<b>2022-NCI-0010</b>	<b>Loveless, Samuel G.</b>	<b>Administrator</b>
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Chief Investigator Eaden presented the case for the board. Samuel Loveless was present at the meeting and answered questions from the board.

Mr. Loveless stated that there was an investigation conducted after the incident. He stated that all of the CNAs who were involved in the transfer had consistent stories and the transfer was properly executed. Mr. Loveless stated that the resident had mild osteoporosis. He stated that all of the resident's medications are PRN and that the MAR showed that she had not received any of the medications since December 15<sup>th</sup>.

Mr. Loveless stated that the complainant is not allowed at the facility because she attempted to abduct her mother from the facility three different times. All of these were reported to the police and the police reports were submitted.

Sandra Almodova, the complainant, was present at the meeting and answered the questions from the board. Stated that the facility would accept her mother back into the facility if Ms. Almodova wrote a letter to the facility apologizing. She stated that her brother was the power of attorney however that was revoked. She stated she did not know if her brother was power of attorney or not currently. She stated that her mother who is mentally competent has not filed any complaints about the facility anywhere.

Member Archer made a motion seconded by Member Kidder to dismiss complaint 2022-NCI-0010 against Administrator Samuel Loveless be dismissed.

Motion passed (6-0).

<b>3.</b>	<b>2022-NCI-0011</b>	<b>Oghe-McElroy, Debra</b>	<b>Administrator</b>
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Debra Oghe-McElroy was not present at the meeting and the item was moved to the next meeting.

<b>4.</b>	<b>21-98</b>	<b>Stapleton, Terri</b>	<b>Manager</b>
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Chief Investigator Eaden presented the case to the board. Terri Stapleton was present along with the wellness director at the meeting and answered the questions from the board.

Ms. Stapleton stated that DHS was recently at the facility and did not substantiate any allegations. She presented the letter from DHS stating that the allegations were not substantiated. She stated that the resident was evicted due to threatening his roommate and harassing staff.

The complainant, Debra Ohlinger, was present at the meeting along with Mr. Ohlinger, her husband and consultant. Debra Ohlinger answered the questions from the board. She stated that she wanted a lock on her father's door at the facility. She stated that she witnessed her father's roommate going into his room. Mr. Ohlinger stated that the manager of the facility was hard to get in contact with and there was no attempted by management to follow through on things. Ms.

Ohlinger stated that she was in contact about complaints often since her complaints were not being addressed.

Ms. Ohlinger stated that she submitted forms to get her father his own apartment at the facility. She stated that had her father been moved to a private apartment he would not have been evicted.

Member Kidder made a motion seconded by Member Randolph to dismiss complaint 21-98 against manager Terri Stapleton.

Motion passed (6-0).

**5. 2022-NCI-0012 Borboa, Glynis Manager**

Glynis Borboa was not present at the meeting and the item was moved to the next meeting.

**6. 21-170 Anderson, Ryan Administrator**

Chief Investigator Eaden presented the case to the board. Ryan Anderson was present at the meeting and answered the questions from the board.

Member Kidder made a motion seconded by Member Archer to dismiss complaint 21-170 against Administrator Ryan Anderson.

**7. 21-171 Anderson Ryan Administrator**

Chief Investigator Eaden presented the case to the board. Ryan Anderson was present at the meeting and answered the questions from the board.

Mr. Anderson stated that the complaint was a misunderstanding. He stated that there were audits conducted and the facility had plenty of food. Mr. Anderson stated that it is correct that residents received potato salad sandwiches for a meal, and he stated that no it is not a nutritional meal for residents. Mr. Anderson stated that the cook had misread the menu and made potato salad instead of tuna salad, and Mr. Anderson was not aware of this at the time of the incident. He stated that the cook who made the error is no longer with the facility.

Mr. Anderson stated that the facility uses services from national nutrition alliance.

Member Kidder made a motion seconded by Member Archer to dismiss complaint 21-172 against Administrator Ryan Anderson.

Motion passed (6-0).

**8. 21-172 Martinez, Joaquin Administrator**

Chief Investigator Eaden presented the case to the board. Joaquin Martinez was present at the meeting along with his attorney Cynthia Patane. Mr. Martinez answered the questions from the board.

Mr. Martinez stated that the facility had a Covid-19 unit and admission into the facility stopped. He stated that staff members were tested every day for Covid-19 and if staff members tested positive they were sent home. Staff members were not feeling well were also sent home. Staff has symptoms and temperature checks every day. He stated that there is an infection control nurse on staff.

Member Kidder made a motion seconded by Member Randolph to dismiss complaint 21-172 against Administrator Joaquin Martinez.

Motion passed (6-0).

**9. 21-173 Ile, Samuel Manager**

Chief Investigator Eaden presented the case for the board. Samuel Ile was present at the meeting along with Gregory, the guardian of the resident. Mr. Ile answered the questions from the board

Mr. Ile stated that the complainant visited the facility one time in 875 days. Gregory stated that his mother was on medications through hospice. Gregory stated that his niece, the complainant, wanted to take his mother from the facility and take care of her on her own.

Gregory stated that he was always notified immediately anytime there was an incident with his mother at the facility. Mr. Ile stated that the resident did have a lot of visitors and not one of the other visitors stated that anything was wrong with the facility.

Member Archer made a motion seconded by President Campbell to dismiss complaint 21-173 against Manager Samuel Ile.

Motion passed (6-0).

**10. 21-99 Smith, Eugenia Manager**

Chief Investigator Eaden summarized the case for the board. Eugenia Smith was present at the meeting and answered the questions from the board.

Ms. Smith stated that she no longer works at Lone Mountain Memory Care but she was the manager at the time of the complaint. Ms. Smith stated that she does not know why there was not oxygen for the resident and this is the first time this has happened since she started working at Lone Mountain Memory Care.

Joel Wurffel, the complainant, addressed the board and answered questions. Mr. Wurffel stated that his mother has advanced COPD and she requires oxygen 24/7. Mr. Wurffel stated that he received a call from Lone Mountain stating that they did not have oxygen for his mother at the facility. He stated that he found his mother in the dining room with a dead oxygen tank and she was hypoxic. He stated that this was not the only time he or other family members found his mother hypoxic and an oxygen machine that was turned off.

Mr. Wurffel stated that there was a note taped to her walker and in several places in the room explaining how to check to ensure the resident was receiving oxygen. After this note was posted Mr. Wurffel stated that he still found his mother without oxygen.

Ms. Smith stated that the company that delivers the oxygen delivers during the day and they can make emergency visits during the weekend. She stated that the Director of Nursing was taking care of the situation with Mr. Wurffel's mother's oxygen.

Member Kidder made a motion seconded by Member Archer that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-99 involving manager Eugenia Smith and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$1,353.00
- b) 3 hours of Board approved continuing education in medication management

- c) 3 hours of Board approved continuing education in oxygen administration
  - d) 3 hours of Board approved continuing education in residency agreements
- Motion passed (6-0).

11.	21-92	Ellison, Jeanette	Manager
12.	21-91	Dendrino, Virginia	Manager
13.	21-101	Kelly, Cheryl	Manager
14.	21-102	Weeks, Sherre	Manager
15.	21-111	Opara, Kenneth	Administrator
16.	21-113	Nealon, Jennifer	Manager
17.	21-114	Stone, Regan	Manager
18.	21-115	Brooks, DeLaine	Manager
19.	21-116	Fisher, William	Manager
20.	21-117	Connolly, Kathleen	Manager
21.	21-119	Viloria, Analyn	Manager
22.	21-120	Catana, John	Manager
23.	21-121	Gant, Merlita	Manager
24.	21-122	Turner, Marcia	Manager
25.	21-123	Pedlowska, Edyta	Manager
26.	21-124	Couzens, Margie	Manager
27.	21-125	Errazo-Searles, Marilou	Manager
28.	21-126	Rosness, John	Manager
29.	21-127	Wavomba, Eunice	Manager
30.	21-128	Predmore, Lawrence	Manager
31.	2022-NCI-0004	Adair, Clint	Training Program

Agenda items VI (B) (11-31) were moved to next months meeting.

**VIII. BOARD PRESIDENT’S REPORT:**

**IX. ANNUAL BOARD ELECTION PURSUANT TO A.A.C. R4-33-102**

- A. Election of Board President and Vice-President

This agenda item was moved to next months meeting.

**XII. ADJOURMENT**

President Campbell adjourned the meeting at 12:58 p.m.



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Jack Confer, Executive Director

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