



**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**

Ken Kidder, President  
Susan Archer, Vice President  
Pauline (Wally) Campbell, Member  
Fred Randolph, Member  
Melanie Seamans, Member  
James Steven, Member

**MINUTES  
REGULAR MEETING**

March 21, 2022

**I. CALL TO ORDER**

Vice President Archer called the meeting to order at approximately 9:00 a.m.

**II. ROLL CALL**

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

Attendance: Executive Director Jack Confer, Chief Investigator Brandon Eaden, Licensing Administrator Mona Leonard, and Assistant Attorney General Seamus Monaghan

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

There were no conflicts of interest.

**IV. CALL TO THE PUBLIC**

No one wishes to speak.

**V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES**

A. Regular Meeting Minutes, March 7, 2022

Member Campbell made a motion seconded by Member Seamans to approve the March 7, 2022 regular meeting minutes.

Motion passed (6-0).

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

### **A. CONSENT AGENDA:**

Consent agenda items may be considered as a single action unless a Board member or interested party wishes to remove an item for discussion.

Staff Recommendation for Disciplinary Consent Agreement(s):

4. 21-154 Wilson, Connie Manager

Chief investigator Eaden summarized the case for the board. Ms. Wilson was present at the meeting and answered the questions from the board. Ms. Wilson stated that she works at the home one to two hours a week. Ms. Wilson stated that the caregiver had to leave the home and the residents were left with the housekeeper who was unable to speak English. Ms. Wilson stated that she was not notified that there was a surveyor at the facility when the deficiencies were identified.

Member Seamans made a motion seconded by Vice President 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 21-154 involving manager Connie Wilson 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 \$595.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in ethics
- d) 3 hours of Board approved continuing education in environmental standards

Motion passed (6-0).

5. 21-159 Hawkins, Robin Manager

Chief Investigator Eaden summarized the case for the board. Ms. Hawkins was present at the meeting and answered the questions from the board. Ms. Hawkins state that the fingerprint clearance card application was filled out however she failed to mail out the application. Ms. Hawkins stated that she will now ensure fingerprint clearance card applications are mailed by keeping a receipt from the post office the day the application was mailed out. She will also follow up with DPS within ten days to ensure DPS receives the application.

President Kidder made a motion seconded by Member Randolph to issue a letter of concern to manager Robin Hawkins. The board's concern is the manager failed to follow the required fingerprint guidelines.

Motion passed (6-0).

7. 21-162 Baker, Cindi Manager

Chief Investigator Eaden summarized the case for the board. Ms. Baker was present at the meeting and answered the questions from the board. Ms. Baker stated that she no longer manages the home and she did notify the board. Ms. Baker stated that there was a lack of communication between her and the owner of the facility. Ms. Baker stated that the owner of the facility is the employee who did not have a CPR and Frist Aid certification. After the survey he passed his CPR and First Aid course and now has a valid certificate. Ms. Baker stated that she now manages two homes and there were no deficiencies identified in the recent surveys at those homes.

Vice President Archer made a motion seconded by Member Kidder to issue a letter of concern to manager Cindi Baker. The board's concern is the manager failed to provide sufficient oversight of the care home.

Motion passed (4-2).

## **VI. FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTION TO DEEM ALLEGATIONS ADMITTED**

A. Formal Administrative Hearings, Consent Agreement or Motion to Deem Allegations Admitted.

1. 21-069 Ruiz, Vivian Manager (9:45AM)  
AAG Seamus Monaghan stated that the state is negotiating a consent agreement for Ms. Ruiz and there is a motion to continue the hearing. Vivian Ruiz's attorney, Sarah Stark, was present at the meeting.

President Kidder made a motion seconded by Vice President Archer to grant the continuation for 60 days.

Motion passed (6-0).

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

### A. CONSENT AGENDA:

Consent agenda items may be considered as a single action unless a Board member or interested party wishes to remove an item for discussion.

8. 21-163 Murillo, Arturo Manager  
Chief Investigator Eaden summarized the case for the board. Mr. Murillo was present at the meeting and answered questions from the board. Mr. Murillo stated that he owner's wife was left with the residents and she called 911 because she did not feel secure taking care of the residents. Mr. Murillo stated that the owner of the facility needs to hire a new staff member. Mr. Murillo stated that he manages two facilities and he also works as a caregiver at a third facility.

Member Seamans made a motion seconded by Member Campbell 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 21-163 involving manager Arturo Murillo 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 \$732.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in ethics

Motion passed (6-0).

Ten-minute break.

9. 21-140 Ortega, Amador Manager  
Chief Investigator Eaden summarized the case for the board. Mr. Ortega was present at the meeting along with his attorney, Cynthia Patane. Mr. Ortega stated that he was present at the time of the survey and he wrote the plan of correction. Mr. Ortega stated that the CNA who was working with assisted living residents is now a certified caregiver. Mr. Ortega stated that he now sits down once a quarter to go through all of the certifications with his staff. He is notified by human resources which certifications such as CPR or fingerprint clearance card need to be updated within the next 30 days.

Member Kidder made a motion seconded by Member Campbell to issue a letter of concern to manager Amador Ortega. The board's concern is the manger failed to ensure compliance with personnel requirements.

Motion passed (6-0).

10. 21-151 Laurente, Ulysses Manager  
Chief Investigator Eaden summarized the case for the board. Mr. Laurente was present at the meeting and answered the question from the board. Mr. Laurente stated that he filed and informal dispute resolution with DHS which is what lead to the administrative hearing.

Member Seamans made a motion seconded by Member Steven 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 21-151 involving manager Ulysses Laurente 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 \$559.00
- b) 3 hours of Board approved continuing education in medication management
- c) 3 hours of Board approved continuing education in record keeping
- d) 3 hours of Board approved continuing education in service plans
- e) 3 hours of Board approved continuing education in ethics

Motion passed (6-0).

11. 21-155 Dominguez, Melissa Manager

Chief Investigator Eaden summarized the case for the board. Ms. Dominquez was present at the meeting and answered the questions from the board. Ms. Dominquez stated that she was the manager when the repeat deficiencies originally occurred. Mrs. Dominquez stated that she did not write the policies and procedures but she did sign off on them. She stated that the policies and procedures state that the manager is the only employee who is authorized to sign off on documentation.

Vice President Archer made a motion seconded by Member Seamans 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 21-155 involving manager Melissa Dominquez 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 \$555.00
- b) 3 hours of Board approved continuing education in service plans
- c) 3 hours of Board approved continuing education in record keeping
- d) 3 hours of Board approved continuing education in residency agreements
- e) 3 hours of Board approved continuing education in ethics

Motion passed (6-0).

12. 21-174 Ugay, Carmen Manager

Chief Investigator Eaden summarized the case for the board. Ms. Ugay was present at the meeting and answered the questions from the board. Ms. Ugay stated that she only works as a manager and does not work as a caregiver at the home.

Member Seamans made a motion seconded by President Kidder 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 21-174 involving manager Carmen Ugay 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 \$563.00
- b) 3 hours of Board approved continuing education in medication management
- c) 3 hours of Board approved continuing education in service plans
- d) 3 hours of Board approved continuing education in residency agreements

Motion passed (6-0).

13 21-150 Jarda, Lydia Manager

Chief Investigator Eaden informed the board that Ms. Jarda's case is on the agenda twice. He stated that the recommendation is for the case to be dismissed.

14. 21-131 Fuangunyi, Fuanjia Manager

Chief Investigator Eaden summarized the case for the board. Ms. Fuangunyi was present at the meeting and she answered the questions from the board. Ms. Fuangunyi stated that she has been a manger previously but she let her certificate lapse and she recently became recertified.

President Kidder made a motion seconded by Member Campbell 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 21-131 involving manager Fuanjia Fuangunyi 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 \$594.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in service plans
- d) 3 hours of Board approved continuing education in residency agreements
- e) 3 hours of Board approved continuing education in environmental standards

Motion passed (6-0).

Staff Recommendation for Non-Disciplinary Letter of Concern(s):

15.	21-130	Dunn, Liezel	Manager
16.	21-132	Odey, Baerbel	Manager
17.	21-152	Moreno, Maria	Manager

President Kidder made a motion seconded by Member Campbell to take the staff recommendation for non-disciplinary letter of concern for cases 21-130, 21-132, and 21-152.

Motion passed (6-0).

Staff Recommendation for Dismissal(s)

18.	21-118	Friend, Rosemarie	Manager
19.	21-129	Otero-Gross, Lenette	Manager
20.	21-133	Johnson, Ramona	Manager
21.	21-134	Maravillas, Czeick	Manager
22.	21-135	Baker, Chardae	Administrator
23.	21-137	Iyere, Kingsley	Manager
24.	21-153	Sigala, Alma	Manager
25.	21-158	Ochoa, Evelyn	Manager
26.	21-141	Simmons, Estella	Manager
27.	21-156	Brown, Joseph	Manager
28.	21-150	Jarda, Lydia	Manager
29.	21-161	Calini, Lidia	Manager
30.	21-165	Casais, Rochelle	Manager
31.	21-166	Sneller, Neal H	Manager
32.	21-168	Castillo, Michael J	Manager

Chief Investigator Eaden stated that the manager involved in case 21-134 requested to voluntary surrender their certificate. AAG Monaghan stated that the board can take the recommendation to dismiss the complaint and put the certificate holder in inactive status rather than issue disciplinary action.

President Kidder made a motion seconded by Member Seamans to dismiss cases on agenda items VII(A) (18-32).

Motion passed (6-0).

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

**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. Scott, Amber Manager

Licensing Administrator Leonard summarized the case for the board. Ms. Scott was present at the meeting and answered the questions from the board. Ms. Scott stated that right now she is working as a hospice social worker. Licensing Administrator Leonard stated that Ms. Scott has passed the Arizona Manager Exam and paid her issuance fee.

Member Campbell made a motion seconded by Member Seamans to grant Amber Scott an assisted living facility manager certificate.

Motion passed (6-0).

5. Grant, Rebecca Manager

Licensing Administrator Leonard summarized the case for the board. Executive Director Confer stated that Ms. Grant did answer truthfully to the questions regarding her arrest, she completed her court orders, and the criminal charges against her were dismissed. Executive Director Confer suggested to the board to grant the certificate to Ms. Grant when she passes her exam.

President Kidder made a motion seconded by Member Campbell to approve Rebecca Grant's application if she passes the Arizona Manager Exam within the allowed time frame.

Motion passed (6-0).

6. Owen, Vanessa Manager

Licensing Administrator Leonard summarized the case for the board. Ms. Owen stated that she was a teenager when the incident occurred. She currently works at Cottonwood Village and she plans to manage that facility with her manager certificate.

Vice President Archer made a motion seconded by Member Campbell to grant Vanessa Owen her manager certificate as long as her application is complete.

Motion passed (6-0).

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

**A. CONSENT AGENDA:**

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3. 21-149 Amolo, Seth Manager

Chief investigator Eaden summarized the case for the board. Mr. Amolo was present at the meeting and answered the questions from the board. Mr. Amolo stated that if someone took the caregiver course after 2013 their certificate can be found online. Chief Investigator Eaden stated that he spoke with the owner of the facility and she too did not understand the difference between responding to NCIA Board and DHS. Mr. Amolo stated he has been a manager since 2013. Mr. Amolo stated that since 2013 his facilities have had inspections almost every year and this is the only one that was sent to enforcement action.

Vice President Archer made a motion seconded by President Kidder to dismiss complaint 21-149 against manager Seth Amolo.

Motion passed (6-0).

1. 21-100 Fayne, Deborah Manager

6. 21-160

Robles, Carlos

Manager

Vice President Archer made a motion seconded by Member Campbell to take the staff recommendation and offer a disciplinary consent agreement to the managers involved in the complaints listed on agenda items VII(A) (1, 6).

Motion passed (6-0).

2. 21-109

Maize, Felicia

Manager

Chief Investigator Eaden summarized the case for the board. Ms. Maize was not present at the meeting. Ms. Maize stated she was no longer the manager of the facility when the DHS inspection occurred. Chief Investigator Eaden stated that DHS informed him that Dr. Villafranca was the interim manager at the time of the survey. AAG Monaghan informed the board that they can continue the matter in order to allow board staff to gather more investigative materials.

Vice President Archer made a motion seconded by President Kidder to continue until the investigation is completed by board staff.

Motion passed (6-0).

#### **IX. BOARD PRESIDENT'S REPORT:**

President Kidder stated he does not have a board report for this month.

#### **X. EXECUTIVE DIRECTOR REPORT**

##### **A. Budget Update**

Executive Director Confer gave a budget update for the board. He stated that the board members have not received their \$30 per board meeting since last July. This issue has since been corrected and board members will receive their compensation this week.

##### **C. Legislation Update**

Executive Director Confer stated that both of the NCIA Board senate bills passed. He stated that some of the licensing changes should be implemented fairly quickly.

##### **B. Licensing & Investigation Statistics**

Executive Director Confer informed the board that there are currently over 200 open investigations. He stated that NAB is having its annual meeting in Chicago this year in June. They pay for one person to attend the NAB conference.

Member Campbell made a motion seconded by Member Seamans to approve one member to attend the NAB 2022 annual conference in Chicago.

Motion passed (6-0).

#### **XI. FUTURE ITEMS AND MEETING DATES**

April 11, 2022

April 25, 2022

Executive Director Confer stated that there was a second meeting added in April to help get caught up with investigations.

#### **XII. ADJOURNMENT**

Vice President Archer adjourned the meeting at approximately 1:00 p.m.



Jack Confer, Executive Director

FINAL