



**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
James Steven, Member
Rebecca Hill, Member
Becky Brimhall, Member

BOARD MEETING MINUTES

December 12, 2022

I. ROLL CALL

President Kidder called the meeting to order at 9:02 a.m.

President Kidder, Vice President Archer, Member Campbell, Member Steven, Member Brimhall, and Member Hill were present in person.

Attendance: Executive Director Jack Confer, Project Specialist Elizabeth Bronold, Investigator Phil Smith, Assistant Attorney General Seamus Monaghan, and Assistant Attorney General Carrie Smith

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

Member Brimhall stated that she has a conflict of interest with case number 2022-NCI-0246 involving manager Bonnie M. Hollabaugh.

III. CALL TO THE PUBLIC

No one wishes to speak.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES

A. Draft Regular Meeting Minutes, September 19, 2022

MOTION: Member Campbell made a motion seconded by Member Brimhall to approve the September 19, 2022 Board meeting minutes.

VOTE: Passed (6-0).

**VII. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE REVIEWS
(SCHEDULED FOR MORNING SESSION, 9:00AM)**

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

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

December 12, 2022 Board Meeting

- | | | |
|-----|---------------|----------------------|
| 1. | 2022-NCI-0212 | Nereida O. Chavarria |
| 2. | 2022-NCI-0213 | Maria D Borboa |
| 3. | 2022-NCI-0218 | Betsy P McCoy |
| 4. | 2022-NCI-0225 | Alexander Harris |
| 5. | 2022-NCI-0231 | Pamela Orlich |
| 6. | 2022-NCI-0243 | Gina M Razdan |
| 7. | 2022-NCI-0245 | Ralph Bourne |
| 8. | 2022-NCI-0247 | Victoria Whitehat |
| 9. | 2022-NCI-0250 | Ionut P Callini |
| 10. | 2022-NCI-0251 | Mary Elizabeth Mizer |
| 11. | 2022-NCI-0261 | Ryan M Love |

MOTION: President Kidder made a motion seconded by Vice President Archer to adopt the staff recommendation for agenda items VII (B) (1-11) and issue a non-disciplinary letter of concern.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

- C. Staff Recommendation for Dismissal(s)
- | | | |
|-----|---------------|--------------------------------|
| 1. | 2021-NCI-0074 | Avigale Plana |
| 2. | 2022-NCI-0060 | Joseph Adams |
| 3. | 2022-NCI-0102 | Christi Irwin |
| 4. | 2022-NCI-0103 | Christi Irwin |
| 5. | 2022-NCI-0111 | No Manager |
| 6. | 2022-NCI-0145 | No Manager |
| 7. | 2022-NCI-0170 | Melinda Leibfried |
| 8. | 2022-NCI-0171 | Melinda Leibfried |
| 9. | 2022-NCI-0172 | Melinda Leibfried |
| 10. | 2022-NCI-0173 | Melinda Leibfried |
| 11. | 2022-NCI-0174 | Mark Muir |
| 12. | 2022-NCI-0196 | Felicia Maize |
| 13. | 2022-NCI-0214 | Emanuela Marcela Hatos |
| 14. | 2022-NCI-0215 | Lyddia M Getaweru |
| 15. | 2022-NCI-0216 | Dana Blaj |
| 16. | 2022-NCI-0217 | Heather Stuart Minery |
| 17. | 2022-NCI-0220 | Joshua C Bimhall |
| 18. | 2022-NCI-0221 | Julie Northern |
| 19. | 2022-NCI-0222 | William Hymas |
| 20. | 2022-NCI-0224 | Tiffany Ann Worley |
| 21. | 2022-NCI-0236 | Kimberly S Schul |
| 22. | 2022-NCI-0240 | Franklin R. Najarro Marroquin |
| 24. | 2022-NCI-0248 | Rose-Marie L. Neely |
| 25. | 2022-NCI-0253 | Misty Lumberry |
| 26. | 2022-NCI-0254 | No Manager, Park Senior Villas |

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- 27. 2022-NCI-0255 Dymphyna S Lamba
- 28. 2022-NCI-0257 Nichole Tonemah
- 29. 2022-NCI-0258 Heidi McLester
- 30. 2022-NCI-0259 Ellen Marie Adams
- 31. 2022-NCI-0260 N/A: Park Senior Villas
- 32. 2022-NCI-0263 Patty C Michael
- 33. 2022-NCI-0264 William Hymas
- 34. 2022-NCI-0265 Megan Blair Majors
- 35. 2022-NCI-0266 Amy J Lloyd
- 36. 2022-NCI-0271 Jaron Ray Watson
- 37. 2022-NCI-0272 Jannea Michelle Downs
- 38. 2022-NCI-0277 Victoria E English
- 39. 2022-NCI-0278 No Manager
- 40. 2022-NCI-0305 Sharon Powell
- 41. 2022-NCI-0383 Meriam J Arguillo

MOTION: President Kidder made a motion seconded by Vice president Archer to dismiss complaints listed in agenda items VII (C) (1-22 and 24-41).

VOTE: Passed (5-1).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x		x
No					x	
Abstain						
Absent						

23. 2022-NCI-0246 Bonnie M. Hollabaugh
This case was moved to the next Board meeting.

V. FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTION TO DEEM ALLEGATIONS ADMITTED:

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).

A. Formal Hearing – Christine J. Carlos, Case# 21-142, 2021-NCI-0169

AAG Monaghan present the case to the Board. Christine Carlos was not present at the meeting. Carrie Smith, Assistant Attorney General appeared as the Independent Advisor to the Board.

MOTION: President Kidder made a motion seconded by Vice President Archer to deem the allegations in the notice of hearing as admitted.

VOTE: Passed (6-0).

MOTION: Vice President Archer made a motion seconded by Member Campbell to adopt the allegations as findings of fact and conclusions of law.

VOTE: Passed (6-0).

President Kidder made a motion seconded by Member Campbell to revoke Christine Carlos’s Manager Certificate.

Motion passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

B. Formal Hearing – Carlos Robles, Case# 2021-NCI-0183

AAG Monaghan summarized the case for the Board. Carlos Robles was not present at the meeting. Carrie Smith wording.

MOTION: Vice President Archer made a motion seconded by Member Brimhall to deem the allegations in the notice of hearing as admitted.

VOTE: Passed (6-0).

MOTION: Vice President Archer made a motion seconded by President Kidder to adopt the allegations as findings of fact and conclusions of law.

VOTE: Passed (6-0).

MOTION: Member Campbell made a motion seconded by Member Brimhall to revoke Carlos Robles’s Manager Certificate.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

E. Formal Hearing – Bettina Nowak, Case# 21-35, 2021-NCI-0045

Bettina Nowak was not present at the meeting. She informed the Board that she would not be able to make it to the meeting.

MOTION: Member Campbell made a motion seconded by Member Brimhall to move the hearing to the next Board meeting.

VOTE: Passed (6-0).

10-minute break.

C. Formal Hearing – Sabino Duarte Quitlib, Case# 21-144, 2021-NCI-0172

AAG Monaghan summarized the case for the Board. Sabino Duarte Quitlib was not present at the meeting. Carrie Smith wording.

MOTION: Member Campbell made a motion seconded by Member Brimhall to deem the allegations in the notice of hearing as admitted.

VOTE: Passed (6-0).

MOTION: Vice President Archer made a motion seconded by President Kidder to adopt the factual allegations as findings of facts and conclusions of law.

VOTE: Passed (6-0).

MOTION: President Kidder made a motion seconded by Vice President Archer to revoke Sabino Duarte Quitlib’s Manager Certificate.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

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

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.

A. Jeffrey Cook Manager Application

Executive Director Confer summarized the case for the Board. Jeffery Cook was present at the meeting and answered the questions from the Board. Mr. Cook already has his Nursing Care Institution Administrator License. He stated that he was out of work for a little while so he decided to apply for his Manager Certificate to expand his job search.

President Kidder made a motion seconded by Member Campbell to approve Jeffery Cook’s manager certificate applications.

Motion passed (6-0).

B. Briana Fischer Manager Application

Executive Director Confer summarized the case for the Board. Briana Fischer was present at the meeting and answered the questions from the Board. Ms. Fischer stated that with her manager certificate she plans to become an Executive Direct at Brookdale Senior Living. She stated that since her incident in 2009 she became a caregiver and worker her way up to where she is now.

MOTION: Member Brimhall made a motion seconded by Vice President Archer to approve Briana Fischer’s manager certificate application.

VOTE: Passed (6-0).

C. Monica Lopez

Manager Application

Executive Director Confer summarized the case for the Board. Monica Lopez was present at the meeting and answered the questions from the Board. Ms. Lopez stated that she embraced recovery and she does not drink to this day. She stated that her and her nephew have opened up an Assisted Living Facility in Arizona. If she is granted her manager certificate she will work as the manager of the facility.

MOTION: President Kidder made a motion seconded by Vice President Archer to approved Monica Lopez's manager certificate application.

VOTE: Passed (6-0).

D. Melinda Hawkins

Administrator & Manager Application

Executive Director Confer summarized the case for the Board. Melinda Hawkins was present at the meeting and answered the questions from the Board. Ms. Hawkins stated that she has been working in healthcare for 27 years. She stated that four years after the incident she attended nursing school and now holds a nursing license.

MOTION: President Kidder made a motion seconded Member Campbell to approve Melinda Hawkins's applications for a manager certificate and administrator license.

VOTE: Passed (6-0).

E. Shelly Rodriquez

Manager Application

Executive Director Confer summarized the case for the Board. Shelly Rodriquez was present at the meeting and answered the questions from the Board. Ms. Rodriquez stated that she had let her certificate lapse due to personal issues she was dealing with and she forgot to renew.

MOTION: President Archer made a motion seconded by Vice President Archer to approve Shelly Rodriquez's manager application.

VOTE: Passed (6-0).

F. Jermaine Williams

Administrator Application

Executive Director Confer summarized the case for the Board. Jermaine Williams was present at the meeting and answered the questions from the Board. Mr. Williams stated that he currently works as an Assistant Administrator and hopes to move into an Administrator role if granted his license. Mr. Williams stated that since his arrest he has completed his master's degree and became a mentor to fraternity students in the little brother program.

Member Brimhall made a motion seconded by to approve Jermaine Williams's administrator license application.

VOTE: Passed (6-0).

G. Alma Jakupi

Manager Application

Executive Director Confer summarized the case for the Board. Alma Jakupi was present at the meeting and answered the questions from the Board. Ms. Jakupi stated that she had just moved to the United States when she was arrested. She stated that it was the hardest time in her life. Since the arrest she started taking classes and learning English and she continues to improve herself. She stated that if she is granted her certificate she

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will eventually become the manager of the facility she currently works at.

MOTION: Vice President made a motion seconded by Member Brimhall to approve Alma Jakupi's manager application.

VOTE: Passed (6-0).

V. **FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTION TO DEEM ALLEGATIONS ADMITTED:**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).

D. Formal Hearing – Mirtha Felix, Case# 21-79, 2021-NCI-0109

AAG Monaghan summarized the case for the Board. Mirtha Felix was present at the meeting. Carrie Smith appearance Ms. Felix stated that she does not want to lose her certificate and she is prepared to do everything she can to keep it. She hopes that the Board will give her another opportunity.

Project Specialist Elizabeth Bronold stated that Ms. Felix did take the Manager Training Program and pass, however, she did not pass the Arizona Manager Exam. Ms. Felix took the exam once and failed.

Ms. Felix stated that she owns her own facility and she was the manager of her facility.

Ms. Felix stated that she does not currently have a manager at her facility. Executive Director Confer stated that Ms. Felix's manager certificate has been suspended since September.

Member Hill stated to the other Board Members that she recommends that the Board take the strongest action possible against Ms. Felix's manager certificate.

MOTION: Member Campbell made a motion seconded by Vice President Archer to deem the allegations in the notice of hearing as admitted.

VOTE: Passed (6-0).

MOTION: President Kidder made a motion seconded by Member Campbell to adopt the factual allegations as findings of fact and conclusions of law. With the modification of paragraph four to reflect that the reimbursement of investigative costs and the 40-hour manager training course were completed. The respondent did not successfully pass the State's Manager Examination.

VOTE: Passed (6-0).

Ms. Felix stated to the Board that she would like another opportunity from the Board. She stated that she would like to take more classes to learn more and continue improving.

President Kidder stated that his concerns are that there were a number of deficiencies in a many different areas, the respondent failed to submit a response to the Board, and the respondent's failure to pass the State's Manager Examination. President Kidder stated that the State Exam is a minimum requirement to be certified as a manager.

MOTION: President Kidder made a motion seconded by Member Brimhall to revoke Mirtha Felix's manager certificate.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE REVIEWS (SCHEDULED FOR MORNING SESSION, 9:00AM)

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

A. Staff Recommendation for Disciplinary Consent Agreement(s):

13. 2022-NCI-0238 Kathi Yap

Investigator Phil Smith summarized the case for the Board. Kathi Yap was present at the meeting along with her Attorney, Greg Harris. Ms. Yap stated that the person who was not a caregiver was a CNA from an agency. She stated that she felt as though she was helping her residents by bringing in more staff from an agency. She found that the documentation from the agency did not meet the state’s requirements. She stated that now when she requests a caregiver from an agency she review the caregivers file before they are allowed to work in the facility. She took a class in personnel requirements since the deficiency was cited. Ms. Yap stated that the CNA did not pass medications at the facility.

MOTION: Vice President Archer made a motion seconded by Member Brimhall to dismiss complaint 2022-NCI-0238 against manager Kathi Yap.

VOTE: Failed (2-4)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes		x				x
No	x		x	x	x	
Abstain						
Absent						

MOTION: President Kidder made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern to manager Kathi Yap. The Board’s concern is the manager failed employ appropriately trained caregivers.

VOTE: Failed (2-4).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x		x			
No		x		x	x	x
Abstain						
Absent						

MOTION: Member Hill made a motion seconded by Member Steven to issue a non-disciplinary letter of concern to manager Kathi Yap. The Board’s concern is the manager failed employ appropriately trained caregivers and

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 failed to ensure service plans were updated appropriately.

VOTE: Failed (4-2).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes				x	x	
No	x	x	x			x
Abstain						
Absent						

MOTION: Vice President Archer made a motion seconded by Member Brimhall to dismiss complaint 2022-NCI-0238 against manager Kathi Yap.

VOTE: Failed (3-3).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x				x
No			x	x	x	
Abstain						
Absent						

MOTION: Member Hill made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern to manager Kathi Yap. The Board's concern is the manager failed employ appropriately trained caregivers.

VOTE: Motion passed (4-2).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x		x	x	x	
No		x				x
Abstain						
Absent						

5. 2022-NCI-0205 Marian Ciolac

Investigator Phil Smith summarized the case for the Board. Marian Ciolac was present at the meeting along with his Attorney, Jennifer Wasserman. Mr. Ciolac stated that the medication in question was and over the counter topical cream. The medication was from a home health agency. Mr. Ciolac stated that he did get a written order within the 14-day time frame. He stated that he will now check the MAR on a daily basis to ensure that they are signed properly. Mr. Ciolac stated that he has new caregivers and he has a quality assurance meeting each week with the staff.

MOTION: 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 2022-NCI-0205 involving manager Marian Ciolac 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

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 completed within 3 months:

- a) Reimbursement of investigative costs in the amount of \$575.00
- b) 3 hours of Board approved continuing education in medication management
- c) 3 hours of Board approved continuing education in service plans

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

6. 2022-NCI-0219 Sergiu D Lupescu

Investigator Phil Smith summarized the case for the Board. Sergiu Lupescu was present at the meeting along with his Attorney, Jennifer Wasserman.

Vice President Archer stated that she does know Mr. Lupescu, but she does not have any independent knowledge of the complaint.

Mr. Lupescu stated that he was hanging his manager certificate at the facility to help the person who owned the home. He stated that he was only hanging his certificate at the facility for a few months. Mr. Lupescu stated that the owner of the home is a nurse practitioner and the owner works on-site at the facility.

MOTION: 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 2022-NCI-0219 involving manager Sergiu Lupescu 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 6 months:

- a) Reimbursement of investigative costs in the amount of \$512.00
- b) Successfully pass the 40-hour manager training program
- c) Successfully pass the State Assisted Living Facility Manger Exam

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

10-minute break

The Board members discussed doing a block vote to take the staff recommendation for consent agreement for the rest of the morning agenda cases.

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- | | | |
|-----|---------------|-------------------------|
| 1. | 2022-NCI-0104 | Melinda Leibfried |
| 2. | 2022-NCI-0105 | Melinda Leibfried |
| 3. | 2022-NCI-0134 | Sharon Powell |
| 4. | 2022-NCI-0135 | Troy D Young |
| 7. | 2022-NCI-0223 | Teresa Thoma |
| 8. | 2022-NCI-0227 | Diana Iacobucci |
| 9. | 2022-NCI-0230 | Melinda Leibfried |
| 10. | 2022-NCI-0232 | Carmecita Ilem |
| 11. | 2022-NCI-0234 | Melissa Waterfall |
| 12. | 2022-NCI-0237 | Jorge E Hornos |
| 13. | 2022-NCI-0238 | Kathi Yap |
| 14. | 2022-NCI-0239 | Valentina Wilder |
| 15. | 2022-NCI-0241 | Maria D. Ramirez Villa |
| 16. | 2022-NCI-0242 | Aram Sarkisyan |
| 17. | 2022-NCI-0244 | Marie Eid |
| 18. | 2022-NCI-0249 | Gabriela C. Pop |
| 19. | 2022-NCI-0252 | Wanda Tutelo |
| 20. | 2022-NCI-0256 | Georgiana Salagean |
| 21. | 2022-NCI-0262 | Jonahphel B. Cimafranca |
| 22. | 2022-NCI-0269 | Ernesta D Pearl |
| 23. | 2022-NCI-0274 | Anita McMillon |
| 24. | 2022-NCI-0275 | Fanel Buliga |
| 25. | 2022-NCI-0401 | Besty P McCoy |

MOTION: President Kidder made a motion seconded by Member Brimhall to adopt the consent agreements as listed in the staff recommendations for cases in agenda items VII (A) (1-4, 7-12, and 14-25). If the consent agreement is not accepted then the Respondent can reach out to Board staff to be scheduled for a Board meeting at a later date.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

Break until 1:00 p.m.

**AGENDA REGULAR MEETING, AFTERNOON DOCKET 1:00 PM
December 12, 2022**

I. ROLL CALL

President Kidder called the meeting back to order at 1:02 p.m.

President Kidder, Vice President Archer, Member Campbell, Member Steven, Member Brimhall, and Member Hill were present in person

December 12, 2022 Board Meeting

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

There were no conflicts of interest.

III. CALL TO THE PUBLIC

No one wishes to speak.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE REVIEWS (SCHEDULED FOR AFTERNOON DOCKET, 1:00PM)

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

C. Staff Recommendation for Dismissal(s)

- 1. 2022-NCI-0169 Anuca Komerdelj
- 2. 2022-NCI-0267 Antonio B Briongos Jr
- 4. 2022-NCI-0283 Gary B Hughes
- 5. 2022-NCI-0293 Yesmeen Kassandra Teran
- 6. 2022-NCI-0297 Akilah D Phillips
- 7. 2022-NCI-0300 William Shane Fisher
- 8. 2022-NCI-0306 Terry K Speth
- 9. 2022-NCI-0307 Audrey Fontanilla
- 10. 2022-NCI-0308 Delilah J. Reyes
- 12. 2022-NCI-0314 Thomas M Woodworth
- 13. 2022-NCI-0322 Ana Cecelia M Agres
- 14. 2022-NCI-0323 Santos C. Dancel Jr.
- 15. 2022-NCI-0324 Joey B Ocuaman
- 16. 2022-NCI-0326 Diasyry S Amparo
- 17. 2022-NCI-0328 Reah J Matyas
- 18. 2022-NCI-0338 Brittany Ann Williams
- 19. 2022-NCI-0364 Thomas M Woodworth
- 21. 2022-NCI-0402 Felix Jose Amante
- 22. 2022-NCI-0403 Mark Anthony M Garcia
- 23. 2022-NCI-0458 Suzanne M Porter

Member Hill requested that cases listed on agenda items IV (C) (3, 11, and 20).

MOTION: President Kidder made a motion seconded by Vice President Archer to dismiss cases listed in agenda items IV(C) (1-23) except for cases 3, 11, and 20.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

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

- 1. 2022-NCI-0285 Genalin P Pagulayan
- 2. 2022-NCI-0288 Edyta Wieczorek
- 3. 2022-NCI-0290 Anne W Kabata

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- | | | |
|-----|---------------|--------------------------|
| 4. | 2022-NCI-0301 | Beverly Jasuta |
| 5. | 2022-NCI-0303 | Marriza Guevara Palacios |
| 6. | 2022-NCI-0312 | Antonio S Camillo |
| 7. | 2022-NCI-0325 | Cynthia J Irish |
| 8. | 2022-NCI-0327 | Annette L. Lopez |
| 9. | 2022-NCI-0334 | Cornelia Rosca |
| 10. | 2022-NCI-0335 | Ana M Cu |
| 11. | 2022-NCI-0336 | Gerry T Gatus |
| 12. | 2022-NCI-0337 | Marsha H King |

MOTION: President Kidder made a motion seconded by Vice President Archer to accept Board staff recommendations and issue a non-disciplinary letter of concern for the cases listed in agenda items IV(B) (1-12).

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

A. Staff Recommendation for Disciplinary Consent Agreement(s):

3. 2022-NCI-0282 Thelma A Sollano

Investigator Phil Smith summarized the case for the Board. Thelma Sollano was present at the meeting and answered the questions from the Board. Ms. Sollano stated that she prefilled the disaster drill schedule and signed off on it and the drill was never completed. She stated that at the time of the survey there were eight residents at the facility. Ms. Sollano stated that she goes to the facility twice a week to check the MAR to ensure it is done correctly. The Board expressed concern regarding the deficiency for the MAR having incorrect documentation.

MOTION: Member Hill 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 2022-NCI-0282 involving manager Thelma Sollano 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:

- a) Voluntary surrender of manager certificate.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

12. 2022-NCI-0296 Dat N Tran

Investigator Phil Smith summarized the case for the Board. Dat Tran was present at the meeting and answered the questions from the Board. President Kidder stated that Mr. Tran has been before the Board before and he has already completed the training program again. President Kidder stated that there are still deficiencies in many different areas, and there does not seem to be any improvement. Mr. Tran stated that he works approximately three to four hours a day. Mr. Tran stated that a resident left the home and the only caregiver who was on the premises followed the resident out of the house and left the other residents unattended. He stated that there was an alarm on the door, however, it was not working at the time of the survey. Mr. Tran stated that one resident did not have a medical record because he got the resident on an emergency basis.

MOTION: 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 2022-NCI-0296 involving manager Dat Tran and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing.

- a) Voluntary surrender of certificate

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

1. 2022-NCI-0199 Helen Tea

Investigator Phil Smith summarized the case for the Board. Helen Tea was present at the meeting along with her Attorney, Jennifer Wasserman. Ms. Tea stated that the extra medication was locked in a cabinet and on Tuesdays she puts the extra medications in the medication cart. Ms. Tea stated that she was in the middle of doing medication administration while the surveyor was there and the surveyor observed a mediset on top of the medication cart. She said that the medication cart was still in her view the entire time.

MOTION: President Kidder made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern to manager Helen Tea. The Board’s concern is the manager failed to properly store medication.

VOTE: Passed (5-1).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x		x	x	x	x
No		x				
Abstain						
Absent						

14. 2022-NCI-0299 Connie A Edmonds

MOTION: President Kidder made a motion seconded by Member Campbell to approve the request for a continuance to the next Board meeting.

VOTE: Passed (6-0).

10-minute break.

21. 2022-NCI-0329 Bruce A Seitelman

Investigator Phil Smith summarized the case for the Board. Bruce Seitelman was present at the meeting along with his Attorney, David Williams. Mr. Williams stated that Mr. Seitelman has taken steps to mediate these issues in the future. Mr. Seitelman and two other staff members participated in training. Mr. Seitelman stated that he took continuing education in the area of abuse and neglect since the survey. Mr. Williams stated that the Hospice Nurse reported the incident to DHS and did not report the issue to the facility. The resident was uncomfortable with a male caregiver helping her preform ADLs. As soon as there was a complaint there was a female hired to chaperone the caregivers assist the resident with ADLs. Mr. Seitelman stated that the resident had her daughter as her power of attorney. The daughter of the resident did not make a complaint to the facility, DHS, or APS. He stated that the daughter was aware that the facility did have only male caregivers when she admitted her mother into the facility.

Mr. Seitelman stated that he verifies that the caregivers who are hired can preform the duties of a caregiver. He has a checklist that he uses when verifying that the caregivers and preform the duties that are required of them.

MOTION: President Kidder made a motion seconded by Vice President Archer to dismiss complaint 2022-NCI-0329 against manager Bruce Seitelman.

VOTE: Passed (4-2).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x		x		x
No			x		x	
Abstain						
Absent						

- 2. 2022-NCI-0279 Mathesa G Hensley
- 4. 2022-NCI-0284 Elaine Hardy-Hickman
- 5. 2022-NCI-0286 Nicole Suprien
- 6. 2022-NCI-0287 Grace Hanson
- 7. 2022-NCI-0289 Marian A Alcorido
- 8. 2022-NCI-0291 Nancy Aguirre
- 9. 2022-NCI-0292 Heath John Van Gysel
- 10. 2022-NCI-0294 Silvia B Tudose
- 11. 2022-NCI-0295 Dakota Joseph Perry
- 13. 2022-NCI-0298 Shaista H Hamed
- 15. 2022-NCI-0302 Tessie S Serdenia
- 16. 2022-NCI-0304 Analyn M. Garcia
- 17. 2022-NCI-0310 Christine V. Gabriel
- 18. 2022-NCI-0311 Felix Jose Amante
- 19. 2022-NCI-0313 Rosemary T Mayordo
- 20. 2022-NCI-0315 Marie A Tan
- 22. 2022-NCI-0330 Analyn M Garcia
- 23. 2022-NCI-0331 Carlos N Jorge
- 24. 2022-NCI-0462 Linda L Blair

MOTION: President Kidder made a motion seconded by Member Campbell to adopt Board staff recommendations and issue disciplinary consent agreements to the licensees listed in agenda items IV (A) (2,

December 12, 2022 Board Meeting
 4-11, 13, 15-20, and 22-24). If the licensee does not accept the consent agreement they can reach out to Board staff to be placed on the agenda of a future Board meeting.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

C. Staff Recommendation for Dismissal(s)

3. 2022-NCI-0280 Ginger K Hanlon

Investigator Phil Smith summarized the case for the Board. Ginger Hanlon was present at the meeting and answered the questions from the Board. Ms. Hanlon stated that in the exit interview the surveyor stated that there were five deficiencies, and when the statement of deficiencies arrived there were fourteen deficiencies. She stated that the surveyor took photos at the facility and reviewed the photos later. Ms. Hanlon stated that there was documentation that could have been provided to the surveyor while she was at the facility.

MOTION: President Kidder made a motion seconded by Member Campbell to dismiss complaint 2022-NCI-0280 against manager Ginger Hanlon.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

11. 2022-NCI-0309 Lourdes Killeen

Member Hill stated that she requested that this case be taken off the list for dismissal due to the extensive DHS allegations.

MOTION: President Kidder made a motion seconded by Member Campbell to defer the case to the next Board meeting.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

MOTION: President Kidder made a motion seconded by Vice President Archer to dismiss compliant 2022-NCI-0389 against manager Cynthia Irish.

VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall
Yes	x	x	x	x	x	x
No						
Abstain						
Absent						

V. BOARD PRESIDENT’S REPORT:

VI. EXECUTIVE DIRECTOR REPORT:

Board to review, discuss and possibly take action on the following items:

- A. Budget Update**
- B. Licensing & Investigation Statistics**
- C. Auditor General 30 Month Follow-up Report**

Executive Director Confer informed the Board that we received the 30-month follow up report form the Auditor General.

- D. Update: training Program Curriculum and Online Testing Examination Proposed Rules (possible discussion and direction)**
- E. Update: Fingerprinting Proposed Rules (possible discussion & consideration)**

Executive Director Confer stated that the proposed rules are written and board staff is in the process of getting the new rules approved. He stated that we recently had an oral proceeding for the fingerprinting rules and we have submitted the rulemaking to GRRC.

- F. 2022 Legislative Update (Confidential Memorandum form AG’s Office)**
- G. Status Board & Staff Declaration of Conflict Annual Review**
- H. 2023 Proposed Legislation**

Executive Director Confer stated that the Board is supposed to start fingerprinting for federal background checks on all applicants starting January 2023 to comply with statutory changes from last Session. He stated that DPS and the FBI have not granted the Board that authority yet. He stated that if we do not get approval soon we may have to go to the legislature to request an extension.

VII. FUTURE ITEMS AND MEETING DATES

- February 13, 2023
- March 13, 2023

XII. ADJOURNMENT

President Kidder adjourned the meeting at 3:05 p.m.



Jack Confer, Executive Director