



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

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Jack Confer
Executive Director

DRAFT MINUTES REGULAR MEETING
April 10, 2023

I. ROLL CALL

Vice President Archer called the meeting to order at 9:24 a.m.

Vice President Archer, Member Brimhall, Member Cook, Member Felix, and Member Koford were present in person. President Kidder was present by telephone.

In Attendance: Executive Director Jack Confer, Admin Assistant Jaedyn Sanchez, Investigator Phil Smith, Deputy Director Donita McGlasson, Assistant Attorney General Mark Harris, Assistant Attorney General Diane DeDea.

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

Executive Director Confer stated that Member Felix recused herself from case number 2022-NCI-0523 involving manager Seth W. Amolo and case number 2022-NCI-0529 involving manager Erin E. Masterson.

III. CALL TO THE PUBLIC

No one wishes to speak.

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

Approval of minutes was postponed at the request of the Executive Director.

V. REVIEW, CONSIDERATION, POSSIBLE DISCUSSION ON REQUEST FOR REHEARING OR REVIEW OF DECISION PURSUANT TO AAC R4-33-106

A. Remigius Uzoma, Complaint No.: 2022-NCI-0144

Remigius Uzoma appeared and represented himself to request a reconsideration or rehearing for the revocation order execution on February 21, 2023. Assistant Attorney General Harris outlined the case to the Board. Manger Uzoma answered several questions from the Board and gave details of the matter. Assistant Attorney General DeDea provided clarification of Manager Uzoma's request to the Board. After a brief discussion, the Board voted on the matter.:

MOTION: Member Brimhall made a motion to hold a Hearing to review the prior decision. Seconded by Vice President Archer.

ROLL CALL VOTE: Motion Passed: 4-2

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes		x				x	x		x
No	x							x	
Absent			x	x	x				
Recused									

MOTION: Vice President Archer made a motion, seconded by Member Felix, in lieu of Hearing the Respondent may enter into the Consent Agreement previously offered and a final resolution in the matter.

ROLL CALL VOTE: Motion Passed unanimously: 6-0

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

B. Adaoma Esochaghi, Complaint No.: 2021-NCI-0206, 21-184

Adaoma Esochaghi was not present at the meeting. Adaoma Esochaghi and counsel of record were provided notice of the meeting. After a brief discussion, the Board voted.

MOTION: President Kidder made a motion to deny the rehearing, seconded by Vice President Archer.

ROLL CALL VOTE: Motion Passed unanimously: 6-0

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTIONS TO DEEM ALLEGATIONS ADMITTED:

A. Formal Hearing Georgiana Salagean, 2022-NCI-0256 9:15AM

Georgiana Salagean was present and represented herself. Assistant Attorney Mark Harris summarized the case for the Board. Manager Salagean requested to continue the formal hearing at this board meeting. The Board discussed the matter with Assistant Attorney General Harris.

MOTION: Member Brimhall motioned to continue the formal hearing seconded by Member Felix.

ROLL CALL VOTE: Motion Passed unanimously: 6-0

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

Assistant Attorney General Harris called Investigator Philip Smyth as a witness for the State. Smyth answered the questions from Assistant Attorney General Harris for the Board.

The state requested that exhibits 1-9 into evidence.

MOTION: Vice President Archer motioned to enter Exhibits 1-9 into evidence

ROLL CALL VOTE: Motion Passed unanimously: 6-0.

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion seconded by Vice President Archer to adopt the allegations of unprofessional conduct from the complaint and notice of hearing as Findings of Facts and Conclusions of Law.

ROLL CALLVOTE: Motion Pass unanimously: (6-0)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion seconded by Member Brimhall that the Findings of Facts constitute a violation of the Statutes in Paragraphs 1-4.

ROLL CALL VOTE: Motion Does Not Pass: (3-3)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x					x		x	
No		x					x		x
Absent			x	x	x				
Recused									

MOTION: Vice President Archer made a motion seconded by Member Felix that the Findings of Facts does not constitute a violation of the Statutes in Paragraphs 1-4.

ROLL CALL VOTE: Motion Does Not Pass: (3-3)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes		x					x		x
No	x					x		x	
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion seconded by Member Brimhall that there is sufficient evidence of unprofessional conduct as outlined in Paragraphs 1-4.

ROLL CALL VOTE: Motion Passed: (4-2)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x					x		x	x
No		x					x		

Absent			x	x	x				
Recused									

MOTION: Board Member Felix motioned the Board, seconded by President Kidder to Order, pursuant to A.R.S. § 36-446.07, for 6 months of probation, to be stayed as long as the terms of the Order are met within the probationary period. A civil penalty in the amount of \$500.00 and 3 hours each of continuing education in the areas of emergency and disaster preparedness and, personnel requirements.

ROLL CALL VOTE: Motion Passed: (5-1)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x					x	x	x	x
No		x							
Absent			x	x	x				
Recused									

B. Formal Hearing – Ernesta Pearl, 2022-NCI-00170296 9:30AM

Manager Pearl was not present. Assistant Attorney General Harris summarized the case for the Board.

MOTION: Vice President Archer made a motion, seconded by member Felix, to grant the states motion to deem the allegations as admitted.

ROLL CALL VOTE: Motion Passed unanimously: (6-0)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: Member Brimhall made a motion, seconded by Member Cook, to adopt the allegations of unprofessional conduct as Findings of Facts and Conclusion of Law.

ROLL CALL VOTE: Motion Passed unanimously: (6-0)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x

No									
Absent			x	x	x				
Recused									

MOTION: Vice President Archer made a motion, seconded by Member Brimhall, to revoke Ernesta Pearl’s Managers Certificate.

ROLL CALL VOTE: Motion Passed unanimously: (6-0)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

BREAK 10:40AM-10:50AM

C. Formal Hearing – Troy Young, 2022-NCI-0135

Assistant Attorney General Harris summarized the case for the Board. Manager Young was present for the meeting and represented himself. Manager Young summarized his position and answered questions from the Board.

Assistant Attorney General Harris called Investigator Philip Smyth as a witness for the State. Smyth answered the questions from Assistant Attorney General Harris for the Board.

The state requested that exhibits 1-8 into evidence.

MOTION: Member Brimhall made a motion, seconded by Member Cook, to admit Exhibits 1-8 into evidence.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

Manager Young requested his Exhibit A be put into evidence

Motion: Vice President Archer made a motion, seconded by Member Felix, to admit Manager Young’s Exhibit A into evidence.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

Executive Director Jack Confer was sworn in as a witness for the state. Executive Director Confer showed Manager Young the document that are related to his licensing profile.

MOTION: Member Brimhall made a motion, seconded by Member Cook, that the Findings of Facts constitutes a violation of the Statutes set forth in Paragraphs 1-4.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion, seconded by Member Brimhall to adopt the allegations of unprofessional conduct as Findings of Fact as Conclusions of Law.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion, seconded by Vice President Archer, to issue a non-disciplinary Letter of Concern. The Boards concern is the Manager failed to file a Notice of Appointment with the NCIA Board.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				

Recused									
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Executive Director Confer raised a concern that a Non-Disciplinary Letter of Concern, may not be the appropriate resolution for the complaint, as the Board has found a violation of unprofessional conduct. After a brief discussion with the Board and Assistant Attorney General DeDea, the Board concluded a monetary civil penalty would be appropriate, along with the Letter of Concern.

MOTION: President Kidder made a motion, Seconded by Member Brimhall, to amend the previous motion to include a \$250.00 Civil Penalty.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

D. Formal Hearing – Anita McMillon, 2022-NCI-0274 10:00AM

Manager McMillon was present and represented herself. Assistant Attorney General Harris summarized the case for the Board. Manager McMillon answered questions from the Board and summarized her position on the matter.

Assistant Attorney General Harris called Investigator Philip Smyth as a witness for the State. Smyth answered the questions from Assistant Attorney General Harris for the Board.

The state requested that exhibits 1-9 into evidence.

MOTION: President Kidder made a motion, seconded by Vice President Archer, to admit Exhibits 1-9 into evidence.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: Vice President Archer made a motion, seconded by Member Brimhall made a motion that the Findings of Facts in paragraphs 1-3 and allegations in paragraphs 1-4 constitute a violation of the Statutes set forth in Paragraphs 1-4.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: Vice President Archer made a motion, seconded by Member Koford, to adopt the alleged violations as Conclusions of Law.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion the Board, seconded by Member Brimhall, to Order, pursuant to A.R.S. § 36-446.07, for 3 months of probation, to be stayed as long as the terms of the Order are met within the probationary period. A civil penalty in the amount of \$473.94 and 3 hours each of continuing education in the areas of: environmental standards, record keeping, personnel requirements and ethics.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

E. Formal Hearing Shaista Hamed, 2022-NCI-0298

Manager Hamed was present and represented herself. Assistant Attorney General Harris summarized the case for the Board. Manager Hamed answered questions from the board and summarized her position on the matter.

Assistant Attorney General Harris called Investigator Philip Smyth as a witness for the State. Smyth answered the questions from Assistant Attorney General Harris for the Board.

The state requested that exhibits 1-8 into evidence.

MOTION: Vice President Archer made a motion, seconded by Member Cook, to admit Exhibits 1-8 into evidence.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: Vice President Archer made a motion, seconded by Member Brimhall to adopt the allegations as Findings of Fact.

ROLL CALL VOTE: Motion Passed unanimously: (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion seconded by Member Brimhall that the Findings of Facts constitutes a violation of Statutes and Rules.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: Board Member Brimhall motioned the Board seconded by Member President Kidder, to issue and Order, pursuant to A.R.S. § 36-446.07, for 3 months of probation, to be stayed as long as the terms of the Order are met within the probationary period. A civil penalty in the amount of \$500.00 and 3 hours each of continuing education in the areas of: Medication Management, Residency Rights, and Environmental Standards.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

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

A. Janel Konkel Administrator Application 2023-NCI-0153

Applicant Konkel appeared and represented herself in this matter. Staff provided a summary to the Board that included the applicants background and reason for the review.

MOTION: Vice President Archer made a motion, seconded by Member Felix, to approve the application for Administrator License.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

B. Lorena Monique Watson Manager Application 2023-NCI-0154

Applicant Watson appeared and represented herself in this matter. Staff provided a summary to the Board that included the applicants background and reason for the review.

MOTION: President Kidder made a motion, seconded by Vice President Archer, to approve the application for Manager Certificate.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

VII. CONSENT AGENDA ITEMS: REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE

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

- | | | |
|-----|---------------|--------------------|
| 3. | 2022-NCI-0494 | Herbert G. Strauss |
| 4. | 2022-NCI-0495 | Teresa S. Bush |
| 7. | 2022-NCI-0500 | William S. Fisher |
| 18. | 2022-NCI-0536 | Ilie Jachian |

MOTION: President Kidder made a motion, seconded by Vice President Archer to accept the staff recommendation for agenda items 3, 4, 7, and 18

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes						x	x	x	x
No	x	x							
Absent			x	x	x				
Recused									

BREAK 12:49 PM – 1:03 PM

2. 2022-NCI-0488

Thien Cao

Investigator Phil Smyth summarized the case for the Board. Manager Cao was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: Member Brimhall made a motion, seconded by Member Felix to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$601.33 for investigative costs; complete 3 hours each of continuing education in the areas of Service Plans, Personnel Standards, and Ethics, to be completed within 3 months.

ROLL CALL VOTE: Passed (4-2).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes						x	x	x	x
No	x	x							
Absent			x	x	x				
Recused									

5. 2022-NCI-0497

Esther N Bauer

Investigator Phil Smyth summarized the case for the Board. Manager Bauer was present at the meeting with her son and they both answered questions from the Board. Manager Bauer informed the Board she took the initiative to take continuing education courses in the areas of Record Keeping, Personnel Standards and Resident Rights. After a brief discussion, the Board voted on the matter:

MOTION: President Cook made a motion, seconded by Vice President Archer to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$542.82 for investigative costs; complete 3 hours each of continuing education in the area of Medication Management, to be completed within 3 months.

ROLL CALL VOTE: Passed (5-1).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x					x	x	x
No						x			
Absent			x	x	x				
Recused									

6. 2022-NCI-0498

Benjamin V. Tejada

Investigator Phil Smyth summarized the case for the Board. Manager Tejada was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: Board Member Brimhall made a motion, seconded by Member Koford to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$569.70 for investigative costs; complete the 40-hour Manager Training and associated examination within 3 months.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

8. 2022-NCI-0504

Russell F. Sylvester

Investigator Phil Smyth summarized the case for the Board. Manager Sylvester was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: President Kidder made a motion, seconded by Member Brimhall to offer a non-disciplinary Letter of Concern. The Boards concern is the manager failed to ensure a policy and procedure was implemented to protect the health and safety of a resident that covered cardiopulmonary resuscitation (CPR) training and first aid training.

ROLL CALL VOTE: Passed (5-1).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x					x	x	x	x
No		x							
Absent			x	x	x				
Recused									

9. 2022-NCI-0513

Marjorie E. Allen

Investigator Phil Smyth summarized the case for the Board. Manager Allen was present at the meeting along with her Manager Designee. They both answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: President Kidder made a motion, seconded by Member Cook to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$592.78 for investigative costs; complete 3 hours each of continuing education in the areas of Medication Management, Personnel Standards, and Environmental Standards, to be completed within 3 months.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

10. 2022-NCI-0517

Kathleen Connolly

Investigator Phil Smyth summarized the case for the Board. Manager Connolly was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: Member Cook made a motion, seconded by Member Brimhall to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$601.33 for investigative costs; complete 3 hours each of continuing education in the areas of Service Plans, Personnel Standards, and Emergency and Disaster Preparedness, to be completed within 3 months.

ROLL CALL VOTE: Passed (5-2).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x					x		x	x
No		x					x		
Absent			x	x	x				
Recused									

11. 2022-NCI-0518

Charlane M Newby

Investigator Phil Smyth summarized the case for the Board. Manager Newby was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: Member Felix made a motion, seconded by Vice President Archer to dismiss the complaint.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

12. 2022-NCI-0519

Christopher E. Didde-Esteban

Investigator Phil Smyth summarized the case for the Board. Manager Didde-Esteban was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: Member Felix made a motion, seconded by Member Cook to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$569.70 for investigative costs; complete 3 hours each of continuing education in the areas of Medication Management and Personnel Requirements, to be completed within 3 months.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

14. 2022-NCI-0524

Mariana A Budincian

Investigator Phil Smyth summarized the case for the Board. Manager Budincian was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: President Kidder made a motion, seconded by Member Cook to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$513.43 for investigative costs; complete 3 hours each of continuing education in the areas of Medication Management, Personnel Requirements, Food Service Standards, and Resident Rights, to be completed within 3 months.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford

Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

BREAK 1:58 PM – 2:10 PM

15. 2022-NCI-0530

Anita L. McMillon

Investigator Phil Smyth summarized the case for the Board. Manager McMillon was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: President Kidder made a motion, seconded by Member Brimhall to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$624.41 for investigative costs; complete 3 hours each of continuing education in the areas of Medication Management, Service Plans, and Personnel Requirements, to be completed within 6 months.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

16. 2022-NCI-0534

Rianna A DeYoung

Investigator Phil Smyth summarized the case for the Board. Manager DeYoung was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: Member Brimhall made a motion, seconded by Member Koford to dismiss the complaint.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x					x	x	x	x
No									
Absent			x	x	x				
Recused									

17. 2022-NCI-0535

Miramar S. Biralde

Investigator Phil Smyth summarized the case for the Board. Manager Biralde was present at the meeting and answered questions from the Board. After a brief discussion, the Board voted on the matter:

MOTION: President Kidder made a motion, seconded by Member Brimhall to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but stay the Suspension as long as the terms of Probation are met; reimburse the Board \$536.80 for investigative costs; complete 3 hours each of continuing education in the areas of Service Plans and Emergency and Disaster Preparedness, to be completed within 3 months.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

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

1. 2022-NCI-0080 Laarni A Cana
3. 2022-NCI-0496 Elixiva Jorge
4. 2022-NCI-0507 Joyce D. Tate
5. 2022-NCI-0515 Amber M. Halkowitz
6. 2022-NCI-0527 Kellie Moats
7. 2022-NCI-0537 Derek Eugene Debbs
8. 2022-NCI-0575 Regina J Bicking

MOTION: President Kidder made a motion, seconded by Vice President Archer to accept the staff recommendation to issue a Non-Disciplinary Letter of Concern(s) for 1-2, 4-8. (Rescinded)

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

Investigator Phil Smyth advised the Board item VII 2 should have been pulled, and not item VII 3.

MOTION: President Kidder made a motion, seconded by Vice President Archer to Rescind the previous motion to accept the staff recommendation to issue a Non-Disciplinary Letter of Concern(s) for 1-2, 4-8.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

MOTION: President Kidder made a motion, seconded by Vice President Archer to accept the staff recommendation to issue a Non-Disciplinary Letter of Concern(s) for 1, 3-8

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

2. 2022-NCI-0493 Analiza V. de Pedro

Investigator, Phil Smyth summarized the details of the complaint involving Manager de Pedro. Investigator Smyth advised the Board he would like to amend his previous recommendation for a Letter of Concern to a Dismissal.

MOTION: President Kidder made a motion, seconded by Vice President Archer to Dismiss complaint 2022-NCI-0493, involving Manager de Pedro.

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

C. Staff Recommendation for Dismissal(s):

MOTION: Vice President Archer made a motion to Dismiss , seconded by Member Brimhall, to dismiss 1-14 and 16-18

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Cook	Member Felix	Member Koford
Yes	x	1				2	x	x	x

No									
Abstain									
Absent			x	x	x				

BREAK 3:38 PM – 4:05PM

- 1. 2021-NCI-0185 Cheryl L. Wartenberg
- 2. 2022-NCI-0160 Jeannette T Darnall
- 3. 2022-NCI-0485 Dioscoro A. Tagle, Jr.
- 4. 2022-NCI-0489 Kathy J. Knudson
- 5. 2022-NCI-0491 Fhad Udjuni
- 6. 2022-NCI-0492 Anne W. Kabata
- 7. 2022-NCI-0499 Julia B Joy
- 8. 2022-NCI-0501 Linda L.Petrillo Ireland
- 9. 2022-NCI-0502 Barbara D. Cozens
- 10. 2022-NCI-0503 Maria E. Mateo
- 11. 2022-NCI-0505 Samuel Ile
- 12. 2022-NCI-0516 No Manager
- 13. 2022-NCI-0520 Erica Avlessi
- 14. 2022-NCI-0521 Regina J. Bicking
- 16. 2022-NCI-0528 Timothy E Bouseman
- 17. 2022-NCI-0565 Nichelle Rynette Johnson-Ridgeway
- 18. 2022-NCI-0623 Elaine D Howard

MOTION: Vice President Archer made a motion, seconded by Member Brimhall to accept the staff recommendation for Dismissal(s).

ROLL CALL VOTE: Passed (6-0).

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	x	x				x	x	x	x
No									
Absent			x	x	x				
Recused									

VIII. BOARD PRESIDENT REPORT:

President Kidder had nothing to report.

IX. EXECUTIVE DIRECTOR REPORT

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

D. 2023 Proposed Legislation update

Executive Director Confer reported the Board was successful in getting an amendment on SB1333 to change the effective date of the fingerprint background check in the statute from January 2023 to July 2025. The change is expected to happen Tuesday 4/11/2023, as the sponsor of SB1333 is going to make the afore motion to get the amendment passed. Executive Director Confer requested a commitment from a couple of Board Members to form a subcommittee to help draft an enforcement matrix that was started a few months ago. Members Brimhall, Felix and Cook volunteered. There was no opposition the subcommittee from the other Board Members.

G. 36-Month Auditor General Follow-up Response

Executive Director Confer reported that staff submitted the final response to the 36-Month Auditor General Report. Executive Director Confer expects the Auditor General to have a final report to the Board within the next month or so.

H. ISA Respiratory Board

Executive Director Confer asks the Board for a vote to enter into an ISA with the Respiratory Board so Executive Director Confer and Deputy Director McGlasson can help the Respiratory Board with transitions the Board is experiencing as a result of the Respiratory Boards Executive Director and Licensing Administrator leaving State employment on short notice. Executive Director Confer advised there is no fiscal impact to the NCIA Board. The Respiratory Board will be funding percentage increases to Executive Director Confer and Deputy Director McGlasson's salaries. Executive Director Confer estimates an increase of workload to be 20-25 hours per week. Member Brimhall disclosed she sits on the Respiratory Board and Assistant Attorney General DeDea is also the Assistant Attorney General for the Respiratory Board.

MOTION: President Kidder made a motion, seconded by Vice President Archer to approve the ISA with the Respiratory Board

ROLL CALL VOTE: Passed (6-0).

XIII. FUTURE ITEMS AND MEETING DATES

May 8, 2023
June 12, 2023
July 10, 2023

XIV. ADJOURNMENT

Vice President Archer adjourned the meeting (4:46 PM)

Jack Confer, Executive Director