



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

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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
Jeffrey Cook, Member
Kerri Felix, Member
Nathan Koford, Member

**MINUTES REGULAR MEETING, MORNING
DOCKET February 13, 2023**

I. ROLL CALL

President Kidder called the meeting to order at 9:03 a.m.

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

Attendance: Executive Director Jack Confer, Project Specialist Elizabeth Bronold, Investigator Phil Smith, Deputy Director Donita McGlasson, Assistant Attorney General Seamus Monaghan, Assistant Attorney General Elizabeth Campbell, and Assistant Attorney General Diane Dedeo.

II. NEW BOARD MEMBER WELCOME AND INTRODUCTION

The three new board members introduced themselves.

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

Executive Director Confer stated that Member Felix recused herself from case number 2022-NCI-0371 involving manager Kimberly Gaunt and case number 2022-NCI-0463 involving manager Jamie Jackson.

Member Brimhall recused herself from case number 2022-NCI-0246 involving manager Bonnie Hollabaugh and case number 2022-NCI-0332 involving manager Paul Bomongcag.

Member Koford recused himself from case 2022-NCI-0276 involving manager Melinda Leibfried.

IV. CALL TO THE PUBLIC

No one wishes to speak.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES 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). Board Review, Consideration

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and Action on Approval of Minutes

A. Draft December Regular Meeting Minutes, December 12, 2022

MOTION: Member Campbell made a motion seconded by Vice President Archer to approve the December 12, 2022 meeting minutes.

VOTE: Passed (9-0).

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTIONS 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 Margie Couzens, 21-124 9:05AM

Assistant Attorney General Monaghan summarized the case for the Board. Margie Couzens was not present at the meeting.

The state requested that exhibits 1-6 be entered into evidence.

MOTION: President Kidder made a motion seconded by Vice President Archer to approve exhibits 1-6.

VOTE: Passed (9-0).

Assistant Attorney General Monaghan called Project Specialist Elizabeth Bronold as a witness.

Project Specialist Bronold answered the questions from Assistant Attorney General Monaghan for the Board.

MOTION: President Kidder made a motion seconded by Member Campbell adopt the allegations of unprofessional conduct from the complaint and notice of hearing as findings of fact and conclusions of law.

VOTE: Passed (9-0).

MOTION: President Kidder made a motion seconded by Vice President Archer to revoke Margie Couzens’s Manager certificate

VOTE: Pass (8-1). Member Felix voted nay.

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		x	x
No							x		

Absent									
Recused									

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B. Formal Hearing – Andrei Gondec, 2022-NCI-0017 9:15AM Assistant Attorney General Monaghan summarized the case for the Board. He stated that Mr. Gondec did not respond in a timely manner to the complaint and notice of hearing. Andrei Gondec was present at the meeting and answered the questions from the Board.

Mr. Gondec stated that he is not disputing the facts of the matter.

MOTION: President Kidder made a motion seconded by Member Campbell to find the allegations of unprofessional conduct in the complaint and notice of hearing as findings of fact and conclusions of law based upon Mr. Gondec’s stipulation.

VOTE: Passed (9-0).

MOTION: President Kidder made a motion seconded by Member Brimhall adopt the parties and jurisdictions of unprofessional conduct in the complaint and notice of hearing as conclusions of law.

VOTE: Passed (9-0).

Mr. Gondec stated that he wished to continue working as a manager and does not want to give up his certificate. He stated he has not been managing a home since last year. Member Hill stated that she is not comfortable giving the licensee more time to complete the terms of the consent agreement. She stated that the Board has already been very lenient with allow more time to complete the requirements, and Mr. Gondec still did not complete the terms of the consent agreement.

MOTION: President Kidder made a motion seconded by Vice President Archer to revoke Andrei Gondec’s manager certificate.

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

C. Formal Hearing – Cheryl L Wartenberg, 21-175 9:25AM Assistant Attorney General Monaghan summarized the case for the Board. He stated that the matter was moved forward quickly based upon

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

E. Formal Hearing Remigius Uzoma, 2022-NCI-0144 9:55AM Assistant Attorney General Monaghan summarized the case for the Board. Remigius Uzoma was not present at the meeting.

MOTION: President Kidder made a motion seconded by Vice President Archer to grant the state’s motion to deem the allegations as admitted.

VOTE: Passed (8-0).

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

VOTE: Passed (8-0).

MOTION: President Kidder made a motion seconded by Vice President Archer to revoke Remigius Uzoma’s manager certificate.

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VOTE: Passed (8-0).

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	x	x
No									
Absent					x				
Recused									

10-minute break.

VIII. CONSENT AGENDA ITEMS: 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 or block vote. The Board remove an item from the consent agenda for discussion.

C. Staff Recommendation for Dismissal(s)

1. 2022-NCI-0049 Ruben Puha

2. 2022-NCI-0246 Bonnie M. Hollabaugh
3. 2022-NCI-0309 Lourdes Killeen
4. 2022-NCI-0319 Joey A. Bumanlag
5. 2022-NCI-0332 Paul Bomongcag
6. 2022-NCI-0333 Tammie M Easterly
7. 2022-NCI-0340 Luis A Contreras
8. 2022-NCI-0343 Ethan Bramschreiber
9. 2022-NCI-0347 Petra Preda
10. 2022-NCI-0348 John N Kabata
11. 2022-NCI-0351 Dorry A. Arnold
12. 2022-NCI-0357 Courtney S. Flowers
13. 2022-NCI-0369 Lidia Ana Babeti
14. 2022-NCI-0371 Kimberley Gaunt
15. 2022-NCI-0375 Amber Monique Porter
16. 2022-NCI-0376 Shanon Gibbs
17. 2022-NCI-0460 Ethan Bramschreiber

MOTION: President Kidder made a motion seconded by Member Campbell to dismiss cases listed on agenda items VII (C) 1, 3, 4, 6-13, and 15-17.

VOTE: (8-0).

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	x
No									
Absent					x				
Recused							x		

MOTION: President Kidder made a motion seconded by Member Campbell to dismiss cases listed on agenda items VII (C) 2 and 5.

VOTE: Passed (6-0-2). Member Brimhall and Member Felix recused.

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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				

Recused						x	x		
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MOTION: President Kidder made a motion seconded by Member Campbell to dismiss case listed on agenda item VII (C) (14).

VOTE: Passed (7-0-1). Member Felix recused.

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	x
No									
Absent					x				
Recused							x		

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

1. 2022-NCI-0065 Maria Karina Adrias Mijares
2. 2022-NCI-0317 Tanisha Sanchez
3. 2022-NCI-0320 Sheri M Novak
4. 2022-NCI-0339 Bella Khaimova
5. 2022-NCI-0353 Mary Vlad
6. 2022-NCI-0354 Teresita Mathis
7. 2022-NCI-0359 Dustin M Godfrey
8. 2022-NCI-0360 Geraldine V Griffiths
9. 2022-NCI-0363 Russ Razinn
10. 2022-NCI-0367 Cameron Loe Farr
11. 2022-NCI-0368 Aurea A Plotado
12. 2022-NCI-0372 Jennifer E Nealon

MOTION: President Kidder made a motion seconded by Vice President Archer to issue a non-disciplinary letter of concern to the licensees listed under agenda items VIII (B) 1-12. The concern stating what is listed in the staff recommendation.

VOTE: Passed (8-0).

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	x	x
No									
Absent					x				

Recused									
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A. Staff Recommendation for Disciplinary Consent Agreement(s):
3. 2022-NCI-0299 Connie A Edmonds

Connie Edmonds’ attorney, Jennifer Wassermann, was present at the meeting. Ms. Wasserman stated that Ms. Edmonds is not present because she has work obligations. Ms. Wasserman requested that the Board take

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into consideration the fact that DHS has accepted the plan of correction provided by Ms. Edmonds.

Investigator Phil Smith summarized the case for the Board.

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-0299 involving manager Connie Edmonds 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 in the amount of \$547.49
- b) 3 hours of Board approved continuing education in medication management
- c) 3 hours of Board approved continuing education in personnel requirements
- d) 3 hours of Board approved continuing education in quality assurance
- e) 3 hours of Board approved continuing education in service plans

VOTE: Passed (8-0).

President Kidder rescinded his previous motion.

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-0299 involving manager Connie Edmonds 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 \$547.59
- b) 3 hours of Board approved continuing education in medication management
- c) 3 hours of Board approved continuing education in personnel requirements
- d) 3 hours of Board approved continuing education in quality assurance
- e) 3 hours of Board approved continuing education in emergency and disaster preparedness
- f) 3 hours of Board approved continuing education in service plans

VOTE: Passed (8-0).

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	x	x

No									
Absent					x				
Recused									

1. 2022-NCI-0118 Warlito T Bautista

Investigator Phil Smith summarized the case for the Board. Warlito Bautista was present at the meeting and answered the questions from the Board. Mr. Bautista spends approximately two days a week at the facility. Executive Director Confer spoke with Mr. Bautista on the phone informing him that Board staff has not received his response to the complaint. Mr. Bautista stated that the DHS survey occurred while he was out of town. He stated that he is not in charge of hiring employees. His designee is the owner of the home and he is the one who is in charge of hiring.

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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-0118 involving manager Warlito Bautista 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 in the amount of \$601.33
- b) Complete the 40-hour manager training program
- c) Successfully pass the Arizona State examination for managers administered by the Board

VOTE: Passed (8-0).

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	x	x
No									
Absent					x				
Recused									

Member Hill was back on the call at approximately 10:50 a.m.

2. 2022-NCI-0276 Melinda Leibfried

Investigator Phil Smith summarized the case for the Board. Melinda Leibfried was present at the meeting and summarized the case for the Board. Ms. Leibfried stated that she has had her certificate hanging at Heritage Village since March 2022 and she has worked for the company for approximately seven years. She stated that the previous manager left the end of February 2022. Ms. Leibfried stated that when she took over as manager

her first priority was getting the personnel records in order. She stated that there was never a concern about the care that the residents were receiving. Ms. Leibfried stated that she was in all of the houses ensuring that each one was appropriately staffed.

Ms. Leibfried stated that she did sign her consent agreement from the December 12, 2022 meeting. She did find a course to take the 40-hour manager training program from her consent agreement from the previous meeting.

MOTION: President Kidder made a motion seconded by Vice President Archer to issue a non-disciplinary letter of concern. The Board’s concern is the manger failed to implement proper personnel requirements.

VOTE: Pass (5-3-1). Member Campbell voted nay, Member Steven voted nay, Member Hill voted nay. Member Koford recused.

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	x	x				
Absent									
Recused									x

4. 2022-NCI-0316 Catherine F Sardella

Catherine Sardella was present at the meeting and answered the questions from the Board. Ms. Sardella stated that the resident had been at her home for three years and the resident has not had any issues with care in that time. She stated that her husband is a nurse and either Ms. Sardella or her husband is at the facility.

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Investigator Phil Smith summarized the case for the Board. Ms. Sardella stated that she spends approximately 4 hours a day at the home. She stated that her previous statement she read was not for this complaint. She stated that her daughter is the owner of the home and Ms. Sardella is the manager. She stated that her and her daughter do the hiring for the home.

Ms. Sardella stated that her caregiver was the person who put white out on the MAR. She stated that she told the caregiver to cross out the error and initial the MAR in the future.

President Kidder stated his concern is that Ms. Sardella knows what she should be doing to correct the deficiencies, however it is not getting done.

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-0316 involving manager Catherine Sardella 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 in the amount of \$601.33
- b) Complete the 40-hour manager training program

c) Successfully pass the Arizona State examination for managers administered by the Board

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

10-minute break.

5. 2022-NCI-0318 Nora Tupee Dartoe

Investigator Phil Smith summarized the case for the Board. Nora Tupee Dartoe was present at the meeting and answered the questions from the Board. Ms. Dartoe stated that the facility is licensed for 88 residents. She stated that they are conducting in service training for the employees at the facility. She stated that the designee in charge at the time of the deficiency is no longer with the facility.

MOTION: Vice President Archer made a motion seconded by President Kidder that compliant 2022-NCI-0318 against Nora Dartoe be dismissed.

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

8. 2022-NCI-0345 Virginia Pop Dendrino

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Investigator Phil Smith summarized the case for the Board. Virginia Pop Dendrino was present at the meeting and answered the questions from the Board. Ms. Dendrino stated that she put her certificate up in 2020 at the facility, and she removed it in February 6, 2022. She stated she was not involved in the operations of the facility. Ms. Dendrino stated that her certificate is currently being used at a different care home. She stated that she went to the facility twice in the two years that she worked there. Ms. Dendrino stated that in the future if the owner of the facility she is hanging her certificate at does not allow her at the home she will take her certificate down. Ms.

	Kidder	nt Archer	Campbell	Steven	Hill	Brimhall	Felix	Cook	Koford
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Yes	x	x	x	x	x	x	x	x	x
No									
Absent									
Recused									

- 6. 2022-NCI-0321 Liliana Sullins
- 7. 2022-NCI-0341 James W Williams
- 9. 2022-NCI-0346 Dionathan M Plantado
- 11. 2022-NCI-0352 Sandra M O'Connell
- 12. 2022-NCI-0356 Dianne M Siongco

MOTION: President Kidder made a motion seconded by Vice President Archer to adopt the staff recommendation and issue disciplinary consent agreements to the licensees listed in the cases on agenda items VIII (A) 6, 7, 9, 11, and 12.

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

VII. 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. Chris James Church Administrator Application 2023-NCI-0021 Executive Director Confer summarized the case for the Board. Chris Church was present at the meeting and answered questions from the Board. Mr. Church stated that he held medical license in multiple different states. His medical license has been reinstated and is in probations status currently. He does hold a valid fingerprint clearance card.

Mr. Church stated that he is not currently working at a skilled nursing facility, however, if issued his license he would accept a position at a facility in Globe, AZ. Mr. Church stated that he has not been able to find a job as a physician because he has not worked as a physician for so long. Mr. Church stated that there was a criminal investigation in to the incident, but there were no criminal charges.

Mr. Church stated that he got his MBA in hopes of working in a managerial role where he could utilize his medical background. He stated that he could not make use of his MBA in that capacity since he was placed on the Office of Inspector General Exclusion list.

MOTION: Member Hill made a motion seconded by Vice President Archer to deny Chris Church’s administrator application.

Member Steven asked if the Board would consider offering Mr. Church the option to withdraw his application before the Board denies the application.

Mr. Church stated that he will withdraw his application.

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Member Hill rescind her motion seconded by Vice President Archer.

B. David Gonzalez Manager Application 2023-NCI-0022 Executive Director Confer summarized the case for the Board. David Gonzalez was present at the meeting and answered the questions from the Board. Mr. Gonzalez stated that his charge was from when he was eighteen years old. He has not been in any trouble since. He stated that since his time in prison he went back to school and he now owns his own business. He stated that him and his wife would like to open their own home.

Vice President Archer stated that she has some concerns because they do need to deal with controlled substances in assisted living.

MOTION: President Kidder made a motion seconded by Member Brimhall to approve David Gonzalez’s manager application.

VOTE: Passed (8-1). Member Campbell voted nay

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	x	x
No			x						
Absent									
Recused									

10-minute break.

VI. CALL TO THE PUBLIC

No one wishes to speak.

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

Member Felix stated that she has conflict of interest with cases 2022-NCI-0393 involving manager Maria Bernadeth R. Quinney and 2022-NCI-0463 involving manager Jamie Jackson.

IX. CONSENT AGENDA ITEMS: 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 or block vote. The Board remove an item from the consent agenda for discussion.

C. Staff Recommendation for Dismissal(s)

- 1. 2022-NCI-0377 Adrian A Ang
- 2. 2022-NCI-0385 Mariana Tirsoreanu
- 3. 2022-NCI-0388 Cheryl A. Kelly
- 5. 2022-NCI-0393 Maria Bernadeth R. Quinney
- 6. 2022-NCI-0394 Kathy Visevoan
- 7. 2022-NCI-0397 Erica Runyon
- 8. 2022-NCI-0400 Bennett J Silverman
- 9. 2022-NCI-0404 Maryssa Baker
- 10. 2022-NCI-0405 Irene Hajdu
- 11. 2022-NCI-0437 Karen D Valle
- 12. 2022-NCI-0457 Bennett J Silverman

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- 13. 2022-NCI-0459 Janice Swanner
- 14. 2022-NCI-0463 Jamie L. Jackson
- 15. 2022-NCI-0580 Brenda R. Ritter
- 16. 2022-NCI-0582 Irene Hajdu
- 17. 2022-NCI-0624 Sarovina Barzu

MOTION: President Kidder made a motion seconded by Vice President Archer to dismiss the cases listed on agenda items IX (C)1, 2, 3, 6-13, and 15-17.

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

MOTION: President Kidder made a motion seconded by Vice President Archer to dismiss the cases listed in agenda items IX(C) 5 and 14.

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

1. 2022-NCI-0358 Annette S Quinata

Investigator Phil Smith summarized the case for the Board. Annette Quinata was present at the meeting and answered the questions from the Board. Ms. Quinata stated that she went out to run errands and she got back to the home the surveyor was there. When the surveyor showed up there was just an assistant caregiver present. Ms. Quinata stated that the assistant caregiver is now a certified caregiver. She will not leave the residents alone again without a designee present.

MOTION: President Kidder made a motion seconded by Vice President Archer to issue a non-disciplinary letter of concern. The Board’s concern is that the Manager did not ensure a caregiver was an authorized designee.

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

3. 2022-NCI-0362 Rachelle Lamy

Investigator Phil Smith summarized the case for the Board. Rachelle Lamy was present at the meeting and answered the questions from the Board. Ms. Lamy stated that the assistant caregiver documents in the MAR. She did give in service to the assistant caregiver to teach her now to document in the MAR. She stated that the nurse gave her a verbal order to administer the ibuprofen to the resident. Ms. Lamy stated that she does own the facility she manages. She stated that they have a hospice doctor who visits the home and there is another doctor who comes to the home. Ms. Lamy stated that since the survey she has completed continuing education in medication management.

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-0362 involving manager Rachelle Lamy 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 in the amount of \$536.20
- b) 3 hours of Board approved continuing education in medication management
- c) 3 hours of Board approved continuing education environmental standards
- d) 3 hours of Board approved continuing education personnel requirements
- e) 3 hours of Board approved continuing education record keeping

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

4. 2022-NCI-0365 Holly C Gavazzi

Investigator Phil Smith summarized the case for the Board. Holly Gavazzi was present at the meeting and answered the questions from the Board. Ms. Gavazzi stated that her employee had applied for a good cause exception for her fingerprint clearance card. While she was waiting for the exception to be approved she was still working with residents. Ms. Gavazzi had the employee removed from the schedule immediately. She stated that a resident was supposed to be leaving the home, but the person she had set up to get her was not able to make it. She stated that she did break the policy, however, the resident was safe at the home and taken care of. Ms. Gavazzi has since implemented a 24-hour turnaround time for accepting new residents in the home if the home is at capacity.

MOTION: President Kidder made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern. The Board’s concern is the manager allowed more residents in the home than the home is licensed for.

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

7. 2022-NCI-0380 Elsie Jane R Vopat

Investigator Phil Smith summarized the case for the Board. Elsie Vopat was present at the meeting and answered the questions from the Board. Ms. Vopat stated that she is now keeping track on her calendar the expiration dates of all employees’ CPR.

MOTION: Vice President Archer made a motion seconded by Member Campbell to issue a non-disciplinary letter of concern. The Board’s concern is the manager failed to maintain current CPR records.

VOTE: Passed (9-0).

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	x	x	x
No									
Absent									
Recused									

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9. 2022-NCI-0384 Hilda Maria Morales

Investigator Phil Smith summarized the case for the Board. Hilda Morales was present at the meeting and answered the questions from the Board. Ms. Morales stated that she now does monthly verifications. She reviews the clinical files at least once a month. She stated that her care services manager is responsible for resident vaccinations. The services manager is a nurse who is full time with the facility. Ms. Morales stated that there was documentation, however, the documentation was not in the resident files. Ms. Morales stated that the current services manager was hired after the previous services manager passed away due to Covid-19.

MOTION: President Kidder made a motion seconded by Vice President Archer to dismiss complaint 2022-NCI 0384 against manager Hilda Morales.

VOTE: Passed (8-1). Member Hill voted nay

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	x	x
No					x				
Absent									
Recused									

- 10. 2022-NCI-0406 Antonio F Arellano**
- 11. 2022-NCI-0412 Maria Jacita D Rivera**
- 13. 2022-NCI-0415 Rosita Rufina I Ignacio**
- 2. 2022-NCI-0361 Felbita M Ratachie**
- 5. 2022-NCI-0370 Lani M. James**
- 6. 2022-NCI-0373 Vilma V Urbina**
- 8. 2022-NCI-0382 Elizabeth R Bearg**

Recused									
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C. Staff Recommendation for Dismissal(s)

4. 2022-NCI-0392 Lupita Aguirre

Investigator Phil Smith summarized the case for the Board. Mariana Balan was present at the meeting and answered the questions from the Board. Lupita Aguirre was not present at the meeting. Member Hill stated that she wanted this case pulled because of the substantiated violations by DHS.

MOTION: Member Hill made a motion seconded by President Kidder to issue a non-disciplinary letter of concern. The Board’s concern is the manager did not verify employee credentials prior to providing care. The manager did not ensure ongoing safety after an accident.

VOTE: Passed (5-4) Member Brimhall voted nay, Member Felix voted nay, Member Cook voted nay, and Member Koford voted nay

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	x	x	x
Absent									
Recused									

XI. EXECUTIVE DIRECTOR REPORT:

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

A. Budget Update

Deputy Director McGlasson stated that we are within our budget.

B. Licensing & Investigation Statistics

C. Joint Legislative Audit Committee (JLAC) Sunset Notification

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D. Update: Training Program Curriculum and Online Testing Examination Proposed Rules (possible discussion and direction)

Executive Director Confer and Project Specialist Bronold summarized what stage in the process the rule packages are.

E. Update: Fingerprinting Proposed Rules (possible discussion & consideration) Executive Director Confer explained to the Board that the FBI has not given the Board approval to do background checks on applicants. He stated that Board staff is working on getting the effective date change.

MOTION: Member Campbell made a motion seconded by President Kidder to change the date for fingerprinting requirements from January 1, 2023 to January 1, 2024.

VOTE: Passed (9-0).

F. 2022 Legislative Update (Confidential Memorandum form AG's Office)

G. Status Board & Staff Declaration of Conflict Annual Review

H. 2023 Proposed Legislation

I. Sunset Review Notification

Executive Director Confer stated that the auditor general will not be sending auditors in the office and we will have an administrative review.

Vice President Archer stated that she would like an item put on the agenda next meeting to discuss continuing education for attending a Board meeting.

XII. BOARD OFFICER ELECTION'S PURSUANT TO A.A.C. R4-33-102

A. Election of Board President

Vice President Archer nominated President Kidder for a second term as president. President Kidder accepted the nomination.

Member Hill left the meeting at approximately 3:05 p.m.

VOTE: (8-0).

B. Election of Board Vice-President

President Kidder nominated Vice President Archer to continue another term as vice president. Member Brimhall seconded.

VOTE: (8-0).

XIII. FUTURE ITEMS AND MEETING DATES

March 13, 2023, April 10, 2023, May 8, 2023

XIV. ADJOURMENT

President Kidder adjourned the
3:08 p.m.

meeting at

Jack Confer, Executive Director

