



**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

BOARD MEETING MINUTES, MARCH 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 Hill, Member Cook, Member Felix, and Member Koford were present in person. Member Brimhall was excused.

Attendance: Executive Director Jack Confer, Deputy Director Donita McGlasson, Project Specialist Aileen Barajas, Investigator Phil Smith and Assistant Attorney General Jeanne Galvin.

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

Board Member Hill disclosed an association with the Respondent in Case# 2022-NCI-0434 which would not preclude her from hearing the case.

Board Member Felix recused herself from Case#'s 2022-NCI-0431 & 2022-NCI-0445

III. CALL TO THE PUBLIC

No public comment received.

IV. 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).

A. Draft February Regular Meeting Minutes, February 13, 2023

MOTION: Vice President Archer to approve the draft February 13, 2023 minutes. Seconded by Board Member Campbell.

VOTE: Motion passed unanimously: 8-0.

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V. REVIEW, CONSIDERATION, POSSIBLE DISSUCSSION ON REQEUST FOR REHEARING OR REVIEW OF DECISION PUSUANT TO AAC R4-33-106

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

Regimus Uzoma did not appear in person; however, he did submit a request to postpone this matter in writing prior to the Board meeting.

MOTION: Board Member Campbell to postpone this matter to the April 2023 regular meeting. Seconded by Vice President Archer.

VOTE: Motion passed unanimously: 8-0.

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

A. Andrew H. Phiri Manager Application 2023-NCI-0058

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

MOTION: President Kidder to enter Executive Session to receive legal advice. Seconded by Board Member Campbell.

VOTE: Motion passed unanimously: 8-0.

The Board recessed Open Session and entered to Executive Session at 9:20AM.
The Board reconvened Open Session at 9:33AM.

The Board briefly discussed the application and AAG Galvin answered questions from the Board.

MOTION: President Kidder to approve the application for manager certificate. Seconded by Vice President Archer.

VOTE: Motion passed unanimously: 8-0.

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

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

1. 2022-NCI-0355 Christopher E. Diddle-Esteban

Manager Diddle-Estban appeared and represented himself before the Board in the matter. Investigator Smyth provide a summary of the case and allegations. Manager Diddle Esteban answered several questions from the Board and gave details of the matter. After brief discussion the Board voted on the matter:

MOTION: President Kidder to offer a Consent Agreement to Manager Diddle-Esteban to be signed within 10 days or the matter will be forwarded to formal hearing or a violation of ARS 36-

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446.07(B)(3), ARS 446(10), AACR4-33-407(A) and (B)(1). The consent agreement shall include the following conditions: Suspension of Certificate, but stay the Suspension if the terms of Probation are met within the 3 month Probationary period; reimburse the Board \$601.33 for investigative costs; and complete 3 hours of Continuing Education in each of the following areas: Medication Management, Personnel Requirements and Emergency/Disaster Preparedness. Seconded by Board Member Campbell.

ROLL CALL VOTE: Pass 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									

2. 2022-NCI-0407 Carlos N. Jorge

Manager Jorge appeared and represented himself before the Board in the matter. Also appearing in support was his spouse, she is also a certified manager. Investigator Smyth provided a summary of the case and allegations. Manager Jorge and wife answered several questions and explained their side of the matter. After brief discussion the Board voted on the matter:

MOTION: President Kidder to offer a Consent Agreement to Manager Jorge to be signed within 10 days or the matter will be forwarded to formal hearing or a violation of ARS 36- 446.07(B)(3), ARS 446(10), AACR4-33-407(A) and (B)(1). The consent agreement shall include the following 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; and complete 3 hours of Continuing Education in each of the following areas: Recording Keeping and Personnel Requirements (6 total). Seconded by Board Member Campbell.

ROLL CALL VOTE: Motion and Second pass 7-1.

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		x	x	

		Archer		Steven	Hill		Felix	Cook	Koford
Yes			x	x	x		x		x
No	x	x						x	
Absent						x			
Recused									

6. 2022-NCI-0419 Irineo Inghram Ambrocio

Manager Ambrocio appeared before the Board and represented himself in this matter. Investigator Smyth provided a summary of the case and allegations. Manager Ambrocio summarized the current status of the facility and communication with his staff. In addition, he answered several questions pertaining to the facts in this matter. After brief discussion the Board voted on the matter:

MOTION: President Kidder to offer a Consent Agreement to Manager Ambrocio 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), ARS 446(10), AACR4-33-407(A) and (B)(1). The consent agreement shall include the following 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; and complete 3 hours of Continuing Education in each of the following areas: Medication Management and Ethics (6 total). Seconded by Board Member Felix.

VOTE: Passed 7-1.

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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	x
No				x					
Absent									
Recused						x			

8. 2022-NCI-0424 Violeta Avram

Manager Avram appeared before the Board and represented herself in this matter. Investigator Smyth provided a summary of the case and allegations. Manager Avram stated that she has been in the industry for 26 years and provided the Board with an explanation of the case. Manager Avram answered several questions pertaining to the facts in this matter. After brief discussion the Board voted on the matter:

MOTION: President Kidder to offer a Consent Agreement to Manager Avram 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), ARS 446(10), AACR4-33-407(A) and (B)(1). The consent agreement shall include the following 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; and complete 3 hours of Continuing Education in each of the following areas: Medication Management, Service Plans and Personnel Requirements (9 total). Seconded by Board Member Hill.

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									

9. 2022-NCI-0434 Kelly F. Bojorquez

Manager Bojorquez appeared before the Board and represented herself in this matter. Manager Bojorquez provided the Board with a supplemental packet of information for their review. Investigator Smyth provided a summary of the case and allegations. Manager Bojorquez summarized her side of the issue and answered Board questions concerning the fact pattern. After brief discussion the Board voted on the matter:

MOTION: Board Member Kidder to dismiss this matter. Seconded by Board Member Archer.

VOTE: Motion passed unanimously, 8-0.

4. 2022-NCI-0480 Jocelyn R Jasper

Manager Jasper appeared before the Board and represented herself in this matter. Investigator Smyth provided a summary of the case and allegations. Manager Jasper reviewed the reviewed the DHS enforcement action and plan of correction The Board briefly discussed the matter.

MOTION: Board Member Kidder to dismiss this matter. Seconded by Board Member Campbell.

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VOTE: Motion passed unanimously, 7-1. Board Member Hill voted nay.

5. 2022-NCI-0579 Susan E. Wielechowski

Manager Wielechowski appeared and represented herself in this matter. Investigator Smyth provided a summary of the case and allegations. Manager Wielechowski explained the enforcement action from DHS and the reason why it occurred. The Board briefly discussed the matter.

MOTION: Vice President Archer to dismiss this matter. Seconded by President Kidder.

VOTE: Motion passed unanimously, 8-0.

- 4. 2022-NCI-0416 Ladywinnie Amoo Allison
- 7. 2023-NCI-0017 Benavides Eusebio Torreno
- 10. 2022-NCI-0435 Felipe B. Parena
- 11. 2022-NCI-0439 Teodor P. Cristea
- 12. 2022-NCI-0478 Kimberley L Delgado
- 14. 2022-NCI-0484 Jonathan Gonzvar
- 16. 2023-NCI-0017 Benavides Eusebio Torreno

MOTION: President Kidder to accept the staff recommendation for agenda items 4, 7, 10, 11, 12, 14, 16 with suggested probationary terms recommended by staff. Seconded by Vice President Archer.

VOTE: Motion 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									

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

- 1. 2022-NCI-0417 Joan Nugpo Lichauco
- 2. 2022-NCI-0428 Lemuel J. Tanglao
- 3. 2022-NCI-0429 Geraldine P. Bacon
- 4. 2022-NCI-0436 Keith F. Boal
- 5. 2022-NCI-0440 Susan E. Wielechowski
- 6. 2022-NCI-0443 Alma L Ramon
- 7. 2022-NCI-0444 Litsas A. Dumagpi
- 8. 2022-NCI-0445 Regan F. Stone
- 9. 2022-NCI-0449 Sandra M Pangerl
- 10. 2022-NCI-0450 Arturo C. Murillo
- 11. 2022-NCI-0451 Floare Mangrau
- 12. 2022-NCI-0454 Jose Paul Guzman
- 13. 2022-NCI-0456 Robert S. Larson
- 14. 2022-NCI-0481 Joan May Pomperada Cook

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- 15. 2022-NCI-0482 Guadalupe Martinez
- 16. 2022-NCI-0490 Lorie Ann B. Horton

MOTION: President Kidder to accept the staff recommendation to issue a Letter of Concern and block vote the Conent Agenda VII, B 1 – 16. Seconded by Board Member Campbell

ROLL CALL VOTE: Motion passed unanimously, 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							x		
Absent									
Recused									

C. Staff Recommendation for Dismissal(s):

3. 2022-NCI-0399 Carmen C. Hinkle
4. 2022-NCI-0420 Peter A. Richardson
5. 2022-NCI-0421 Bettina Nowak
6. 2022-NCI-0422 David E. Thomas
7. 2022-NCI-0425 Arsenia C. Fabros
8. 2022-NCI-0426 Sherry J. Norcutt
9. 2022-NCI-0427 Brandy K. Cooper
10. 2022-NCI-0430 Dominic J. Regorgo
11. 2022-NCI-0431 Lori Joanne Higuera
13. 2022-NCI-0438 Steven Mohaupt
14. 2022-NCI-0441 Tiger Lee Pavelka
15. 2022-NCI-0442 Maria C. Varvara
17. 2022-NCI-0447 Ishmael I. Rideaux
18. 2022-NCI-0448 Pamela E. Raskob
19. 2022-NCI-0452 Lorie Ann B. Horton
20. 2022-NCI-0453 Lorie Ann B. Horton
21. 2022-NCI-0455 Maria P. Remitio
22. 2022-NCI-0472 Miranda N. Altamirano
23. 2022-NCI-0473 Wilma B Collado
24. 2022-NCI-0474 Lerma DeLaCruz
25. 2022-NCI-0483 Susan N. Marita
26. 2022-NCI-0486 Holli B. Stack
27. 2022-NCI-0487 Allison Renee Moore-Crum
28. 2022-NCI-0525 Susan E. Wielechowski

MOTION: President Kidder to accept the staff recommendations and block vote and dismiss Agenda items VII, C, 3 through 11, 13 through 15 and 17 through 28 Seconded by Board Member Campbell.

ROLL CALL VOTE: Motion passed unanimously, 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									
Recused						x			

1. 2023-NCI-0052 Stamo Consulting

Training Program Owner Stamo addressed the Board and stated that he did not think that this matter falls within the jurisdiction of the Board. The Board briefly discussed the matter and affirmed its previous decision with the following vote.

MOTION: Board Member Kidder to dismiss this matter. Seconded by Board Member Campbell.

VOTE: Motion passed unanimously, 8-0.

2. 2022-NCI-0366 Carlena I. Ashley

Manager Ashley was not present at the meeting. Board Member Hill stated that she pulled this case from the consent agenda for further discussion. Investigator Smyth provide the Board with an investigative summary. After brief comment and discussion the Board voted.

MOTION: Board Member Hill to issue a non-disciplinary Letter of Concern for failure to maintain proper staffing at the facility, Seconded by Board Member Archer.

VOTE: Motion passed unanimously, 8-0.

12. 2022-NCI-0433 Laarni A. Cana

Manager Cana was present for the complaint review. Investigator Smyth provided a summary of the case and allegations. Manager Cana provide a summary of the matter and the Board asked a couple followup questions.

MOTION: Board Member Hill to dismiss this matter. Seconded by Board Member Archer.

VOTE: Motion passed unanimously, 8-0.

16. 2022-NCI-0446 Penelope Stiff Watkins

Manager Watkins was appeared and represented herself in this matter. Investigator Smyth provided a summary of the case and allegations. Manager Watkins stated that she was not present at the time of the

original DHS inspection, however, did participate in the corrections afterward.

MOTION: Board Member Hill to dismiss this matter. Seconded by Board Member Archer.

VOTE: Motion passed unanimously, 8-0.

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VIII. BOARD PRESIDENT'S REPORT:

None at this time.

IX. EXECUTIVE DIRECTOR REPORT:

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

A. Case Review System/Process

Board Member Hill expanded he request for clarity and why and when cases are dismissed. The Board held general discussion of the history of dismissal recommendations historically. Director Confer offered to draft an enforcement matrix for Board review and set a framework or guideline for consistent decisions.
(Substantive Policy Statement)

B. Budget Update

Director Confer provided an update on the budget and current appropriation.

C. Licensing & Investigation Statistics

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

E. Auditor General NCIA 36-Month Follow-up (possible discussion, consideration & vote) F.
2022 Legislative Update

G. 2023 Proposed Legislation Update

H. Org Chart

X. FUTURE ITEMS AND MEETING DATES

April 10, 2023

May 8, 2023

June 12, 2023

XI. ADJOURNMENT

Jack Confer, Executive Director

FEMVA