



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

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Governor

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Allen Imig
Executive Director

Board Members

Ken Kidder, President
Fred Randolph, Vice President
Melanie Seamans, Member
David Hasseltine, Member
Pauline Campbell, Member
Nina Louis, Member
Susan Archer, Member
Charles Seal-Villafranca, Member

MINUTES
REGULAR MEETING

January 14, 2019

The Board's mission is to protect the health, welfare, and safety of the public who seek and use the services of nursing care institution administrators and assisted living facility managers.

1. **CALL TO ORDER**

President Kidder called the meeting to order at 9:07 a.m.

2. **ROLL CALL**

Present: Ken Kidder, Fred Randolph (arrived at 9:10 a.m.), David Hasseltine, Pauline Campbell, Nina Louis, Susan Archer, Charles Seal-Villafranca

Absent: Melanie Seamans

Attendance: Allen Imig, ED, Phil Smyth, Investigator, Zakiya Mallas, Licensing Specialist, Sabrina Khan, AAG, Michael Raines, AAG

3. **CALL TO THE PUBLIC**

No one wished to speak.

4. **APPROVAL OF MINUTES**

A. Board Review, Consideration and Action on Approval of Minutes

1. December 10, 2018 Regular Board Meeting Minutes

Member Hasseltine made a motion that was seconded by Member Villafranca to approve the December 10, 2018 regular meeting minutes.

The motion passed 6 – 0, with Members Kidder, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

5. **FORMAL ADMINISTRATIVE HEARINGS OR MOTION TO DEEM ALLEGATIONS ADMITTED**

A. Formal Administrative Hearing or Motion to Deem. Allegations Admitted

2. DeLeon, Joseph 17-51 Manager

Member Kidder presided over the hearing.

Mr. DeLeon was present and not represented by counsel.

A roll call of Board Members included Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca

Ms. Khan, AAG represented the state.

Mr. Raines, was present as the Board's legal advisor.

Opening statements were made by the state and Mr. DeLeon.

Mr. Smith was called as a witness for the state.

The following exhibits were entered into evidence.

1. Amended Notice of Hearing and Complaint
2. Consent agreement and Order

Testimony was given that Mr. DeLeon did not complete the manager training course or pass the Board's manager exam.

Mr. DeLeon testified on his own behalf and admitted he did not complete the terms of probation.

Ms. Khan made a closing argument to revoke Mr. DeLeon's certificate for non-compliance.

Mr. DeLeon made a brief closing argument.

Member Campbell made a motion which was seconded by Member Villafranca that the Board the State has demonstrated by a preponderance of the evidence the parties and jurisdiction and factual allegations in the Complaint and the Board adopts these allegations as the Board's findings of fact.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

Member Villafranca made a motion that was seconded by Member Kidder that the Board finds that the findings of fact constitute a violation of the statutes and rules set forth in the Complaint and the Board adopt those alleged violations as the Conclusions of Law.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

Member Campbell made a motion that was seconded by Member Randolph that the Board revoke Mr. DeLeon's manager certificate.

Roll call vote passed 7 – 0 with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

3. Chavanne, Willy 18-41 Manager

Member Kidder presided over the hearing.

Mr. Chavanne was present and not represented by counsel.

A roll call of Board Members included Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca

Ms. Khan, AAG represented the state.

Mr. Raines was present as the Board's legal advisor.

Opening statements were made by the state and Mr. Chavanne.

Mr. Smith was called as a witness for the state.

The following exhibits were entered into evidence.

1. Amended Notice of Hearing and Complaint
2. Consent agreement and Order

Mr. Chavanne testified on his own behalf. He has not taken the class and does not have money to do so.

Ms. Khan made a brief closing statement. Mr. Chavanne has not completed any of the consent agreement terms.

Member Villafranca made a motion which was seconded by Member Campbell that the Board the State has demonstrated by a preponderance of the evidence the parties and jurisdiction and factual allegations in the Complaint and the Board adopts these allegations as the Board's findings of fact.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

Member Campbell made a motion that was seconded by Member Villafranca that the Board finds that the findings of fact constitute a violation of the statutes and rules set forth in the Complaint and the Board adopt those alleged violations as the Conclusions of Law.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

Member Kidder made a motion that was seconded by Member Campbell that the Board revoke Mr. Chavanne's manager certificate.

Roll call vote passed 7 – 0 with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

The formal hearing was concluded.

6. COMPLAINT CASE

A. Consent Agenda to not open a complaint investigation on the facility manager that is related to an ADHS enforcement action.

- | | Facility Name |
|-----|------------------------------------|
| 4. | Brookdale East Mesa |
| 5. | Desert Haven |
| 6. | Desert Hills Assisted Living, LLC |
| 7. | Desert Sky Assisted Living |
| 8. | Golden Joy Senior Care LLC |
| 9. | Heritage at Carefree Senior Living |
| 10. | Little Touch of Europe |
| 11. | North Star Adult Care Home |
| 12. | The Pasadena at Yellowstone |
| 13. | The Springs of Scottsdale |
| 14. | The Stratford |
| 15. | Sunrise Assisted Living Home II |

Member Kidder made a motion that was seconded by Member Randolph to not open a complaint investigation on the facility manager listed from 4 through 15.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

B. Board Review, Consideration and Action regarding new complaints:

	Complaint #	Licensee	Title	Open Date
16.	18-162	Balliet, Brian	Administrator	05/11/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a recertification survey and complaint investigations at Avalon Southwest Health and Rehabilitation, located at 2900 E. Milber St., Tucson and identified 18 deficiencies in 18 different areas. Some of the deficiencies included:

- Facility failed to ensure resident was informed of risks and benefits of psychoactive medications.
- Facility failed to ensure safe smoking environment

Mr. Balliet was present and answered the Board’s questions. The company’s regional staff did not allow the proper or adequate staffing of the facility.

DHS took enforcement action on one violation and assessed a civil money penalty of \$250.00.

Member Kidder made a motion that was seconded by Member Randolph to dismiss complaint 18-162 against Brian Balliet, for insufficient evidence of a violation.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

17.	18-250	Radow, Paul	Manager	10/12/18
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Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Sunridge Village, located at 839 Langdon Dr., Bullhead City and identified 11 deficiencies of which 3 were repeat, in 7 different areas. Some of the deficiencies included:

- Manager failed to ensure policies and procedures related to first aid and CPR (repeat)

- Manager failed to ensure service plan requirement was met
- Manager failed to ensure pressure sore requirement was met

DHS took enforcement action on four violations and assessed a civil money penalty of \$2,000.00.

Mr. Radow was present along with his counsel David Cohen and answered the Board's questions. Mr. Radow hung his license at the facility but did not ever go there to visit or supervise. The owner and a regional person were running the day to day operations.

Member Kidder made a motion that was seconded by Member Campbell that the Board finds insufficient evidence of a violation in complaint 18-250 involving manager Paul Radow, but issue a letter of concern. The Board's concern was that the manager failed to provide sufficient oversight of facility operations.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

18. 18-252 Parker, Soloneca Manager 10/23/18

Investigator Smyth summarized the complaint for the Board. Board staff received a letter of complaint from Mary Williams the daughter of a former resident at Casadora Manor, located at 2371 E. Bellerive Pl, Chandler. Ms. Williams alleged:

- Facility failed to notify law enforcement following an elopement
- Manager failed to ensure provide financial documents

DHS and APS conducted investigations which were unfounded.

Member Archer disclosed she knows the manager but would it would not influence her decision.

After hearing from Ms. Parker, Member Kidder made a motion that was seconded by Member Kidder to dismiss complaint 18-252 against, for insufficient evidence of a violation.

The motion passed 5 – 2, with Members Kidder, Randolph, Louis Archer and Villafranca voting aye. Members Campbell and Hasseltine voted nay.

19. 18-206 Martinez, Guadalupe Manager 07/02/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Cimarron Assisted Living, located at 1101 W. Cimarron, Nogales and identified 24 deficiencies 5 were repeat, in 9 different areas. Some of the deficiencies included:

- Manager failed to ensure service plan requirement was met
- Manager failed to ensure disaster plan requirement was met
- Manager failed to ensure reference check requirement was met

DHS took enforcement action on five violations and assessed a civil money penalty of \$1,500.00.

After the Board heard from Ms. Martinez Member Archer made a motion that was seconded by Member Randolph to dismiss complaint 18-206 against Guadalupe Martinez, for insufficient evidence of a violation.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

20. 18-236 Metz, Susan Manager 09/20/18

Investigator Smyth summarized the complaint for the Board. DHS conducted two complaint investigations at Ventana Winds, located at 12322 N. 113th, Youngtown and identified two deficiencies in the area of medication services. Some of the deficiencies included:

- Manager failed to ensure medications were administered as ordered
- Manager failed to ensure medication policy and procedure requirement was met

DHS took enforcement action on one repeat violation and assessed a civil money penalty of \$500.00.

Member Louis made a motion that was seconded by Member Randolph to dismiss complaint 18-236 against Susan Metz, for insufficient evidence of a violation.

The motion failed 3 – 4, with Members Randolph, Louis and Archer voting aye. Members Kidder, Villafranca, Campbell and Hasseltine voted nay.

Member Kidder made a motion that was 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 18-236 involving manager Susan Metz 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:

1. Suspension of certificate but stay the suspension as long as terms of the consent agreement are met.
2. Probation for 3 months that includes:
 - a) 3 hours of Board approved continuing education in medication management
 - b) All continuing education classes must be pre-approved by the Board's Executive Director
 - c) Any costs of the probation are those of the certificate holder

A roll call vote passed 4 – 3, with Members Kidder, Villafranca, Campbell and Randolph voting aye. Members Haseltine, Archer and Louis voted nay.

21. 18-238 Munguia, George Manager 09/20/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Caring Hearts Assisted Living, located at 411 E. 34th Tucson and identified eight deficiencies, of which one was a repeat, in four different areas. Some of the deficiencies included:

- Manager failed to ensure service plan requirement was met
- Manager failed to ensure medication storage requirement was met
- Manager failed to ensure toxic material storage requirement was met

DHS took enforcement action on two violations and assessed a civil money penalty of \$750.00.

Mr. Munguia was present and answered the Board's questions. Mr. Munguia spends about one hour a month at the facility. He has a full time job other than managing the facility.

Member Kidder made a motion that was seconded by Member Randolph 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 18-238 involving manager George Munguia 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:

1. Suspension of certificate but stay the suspension as long as terms of the consent agreement are met.
2. Probation for 3 months that includes:
 - a) Reimbursement of investigative costs in the amount of \$250.00
 - b) 3 hours of Board approved continuing education in ethics
 - c) 3 hours of Board approved continuing education in personnel requirements
 - d) 3 hours of Board approved continuing education in environmental standards
 - e) All continuing education classes must be pre-approved by the Board's Executive Director
 - f) Any costs of the probation are those of the certificate holder

A roll call vote passed 6 – 1, with Members Kidder, Randolph, Campbell, Louis Archer and Villafranca voting aye. Member Hasseltine voted nay.

22. 18-242 Catana, John Manager 09/28/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Arizona Golden Life, located at 15111 N. 172nd Surprise and identified five deficiencies in four different areas. Some of the deficiencies included:

- Manager failed to ensure fingerprint clearance card requirement was met
- Manager failed to ensure medication was administered as required
- Manager failed to ensure residency agreement requirement was met

DHS took enforcement action on one violation and assessed a civil money penalty of \$250.00.

Mr. Catana was present and answered the Board's questions regarding the complaint.

Member Kidder made a motion that was seconded by Member Randolph 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 18-242 involving manager John Catana 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:

1. Suspension of certificate but stay the suspension as long as terms of the consent agreement are met.
2. Probation for 3 months that includes:
 - a) Reimbursement of investigative costs in the amount of \$150.00
 - b) 3 hours of Board approved continuing education in medication management
 - c) All continuing education classes must be pre-approved by the Board's Executive Director
 - d) Any costs of the probation are those of the certificate holder

A roll call vote passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

23. 18-254 Dwarka, Rajkumar Manager 10/26/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Susan Care Home, located at 15482 W. Mercer Ln., Surprise and identified two deficiencies. Some of the deficiencies included:

- Manager failed to ensure medication not administered as ordered
- Manager failed to ensure MAR was documented as required

DHS took enforcement action on one violation and assessed a civil money penalty of \$250.00.

Mr. Dwarka was present and answered the Board's questions. Mr. Dwarka has hired a nurse consultant to review the medication procedures.

Member Kidder made a motion that was seconded by Member Randolph to dismiss complaint 18-254 against Rajkumar Dwarka, for insufficient evidence of a violation.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

24. 18-256 Gatus, Gerry Manager 11/09/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Yucca Assisted Living, located at 490 N. Yucca, Chandler and identified 13 deficiencies in 7 different areas. Some of the deficiencies included:

- Manager failed to ensure fingerprint clearance card requirement was met
- Manager failed to ensure TB requirement was met
- Manager failed to ensure medication administration requirement was met

DHS took enforcement action on one violation and assessed a civil money penalty of \$500.00.

Mr. Gatus was present and answered the Board's questions regarding the complaint.

Member Archer made a motion that was seconded by Member Randolph to dismiss complaint 18-256 against Gerry Gatus, for insufficient evidence of a violation.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

25. 18-257 Munteanu, Margareta Manager 11/09/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Carefree Heights, located at 35702 N. 32nd. Phoenix and identified 12 deficiencies in 8 different areas. Some of the deficiencies included:

- Manager failed to ensure service plan requirement was met
- Manager failed to ensure residency agreement requirement was met
- Manager failed to ensure the restraint requirement was met

DHS took enforcement action on one violation and assessed a civil money penalty of \$250.00.

Ms. Munteanu was present and answered the Board's questions regarding the complaint.

Member Kidder made a motion that was seconded by Member Archer that the Board finds insufficient evidence of a violation in complaint 18-257 involving manager Margareta Munteanu, but issue a letter of concern. The Board's concern was that the manager failed to provide sufficient oversight of facility operations to maintain compliance.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

26. 18-202 Shakur, Hazael Manager 07/16/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Arizona Bright Morning Star Assisted Living, located at 10928 W. Lawrence Ln, Peoria and identified 22 deficiencies, of which 6 were repeat, in 9 different areas. Some of the deficiencies included:

- Manager failed to ensure fingerprint clearance card requirement was met
- Manager failed to ensure caregiver orientation requirement was met
- Manager failed to ensure resident and caregiver TB requirement was met

DHS took enforcement action on six repeat violations and assessed a civil money penalty of \$2,250.00.

Ms. Shakur was not present and did not respond to the complaint.

Member Kidder made a motion that was seconded by Member Hasseltine 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 18-202 involving manager Hazael Shakur 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:

1. Voluntary surrender of certificate.

A roll call vote passed 6 – 1, with Members Kidder, Randolph, Hasseltine, Campbell, Archer and Villafranca voting aye. Member Louis voted nay.

27. 18-258 Hitt, Gail Manager 11/13/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Glassford Pl, located at 7509 E. Long Look Dr., Prescott Valley and identified 18 deficiencies in 8 different areas. Some of the deficiencies included:

- Manager failed to ensure residency agreement requirement was met
- Manager failed to ensure medication storage requirement was met
- Manager failed to ensure service plan requirement met

DHS took enforcement action on two violations and assessed a civil money penalty of \$1,000.00.

Ms. Hill was present and answered the Board's questions regarding the complaint.

After hearing from Ms. Hill, Member Archer made a motion that was seconded by Member Hasseltine to dismiss complaint 18-258 against Gail Hitt, for insufficient evidence of a violation.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

28. 18-229 Garcia, Shirley Manager 08/31/18

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Angels Above Adult Care Home, located at 1961 N. Sarnoff Dr., Tucson and identified 12 deficiencies of which 1 was a repeat, in 8 different areas. Some of the deficiencies included:

- Manager failed to ensure medication documentation requirement was met
- Manager failed to ensure medication was administered as ordered

- Manager failed to ensure service plan requirement was met

DHS took enforcement action on two violations and assessed a civil money penalty of \$500.00

Ms. Garcia did not respond to the complaint and was not present at the meeting.

Member Kidder made a motion that was seconded by Member Randolph 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 18-229 involving manager Shirley Garcia and to offer a consent agreement to be signed within 5 days or the matter will proceed to formal hearing. The terms shall include the following:

1. Voluntary surrender of certificate

A roll call vote passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

C. Board Review, Consideration and Action on Whether to Reconsider Prior Action

29. 18-246 Simmons, Salanthia Manager

Member Archer recused. Member Louis disclosed she knew Ms. Simmons but it would not affect her decision.

Investigator Smyth advised the Board the notice to appear at the December meeting was mailed to the wrong address and she was not aware she needed to attend.

Member Randolph made a motion that was seconded by Member Villafranca to vacate the consent agreement vote from the December 14, 2018 Board meeting.

A roll call vote passed 6 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis and Villafranca voting aye.

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Burkeshire Retirement Hotel at 1310 E. McDowell Rd., Phoenix, and identified three deficiencies in three different areas. Some of the deficiencies included:

- Manager failed to ensure medication was administered as ordered
- Manager failed to ensure facility was free from hazards
- Manager failed to ensure food menu requirement was met

DHS took enforcement action on one violation and assessed a civil money penalty of \$250.00.

Member Villafranca made a motion that was seconded by Member Randolph to dismiss complaint 18-246 against Salanthia Simmons, for insufficient evidence of a violation.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

7. ADMINISTRATOR LICENSURE AND MANAGER CERTIFICATION

A. Consent Agenda to approve temporary administrator licenses, permanent administrator licenses, temporary manager certificates, permanent manager certificates, pending passing all required examinations within the substantive time frame or the license or certificate will be denied.

30. Temporary Administrator Licenses

Borup, Michael			
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Permanent Administrator Licenses

Borup, Michael	Brady, Mitchell		
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Temporary Manager Certificates

Clark, Elizabeth	Silaghi, Julia	Anderson, Jennifer	Getaweru, Lyddia
Ables, William	McLeod, Roberta		

Permanent Manager Certificates

Clark, Elizabeth	Silaghi, Julia	Anderson, Jennifer	Getaweru, Lyddia
Ables, William	Estil, Elsa	Moore-Crum, Allison	Hernandez, Jennifer
Williams, Cole	Catuna, Kevin	Edwards, Lisa	Giresi, Thomas
Tembo, Sheree	Briongos, Anafe	Dakhily, Hamid	Thompson, Julie
Perez, Edgar	George, Elizabeth	Perez, Moises	Allende, Richard
Del Rosario, Zeus	McLeod, Roberta		

Member Kidder made a motion that was seconded by Member Randolph to approve the temporary and permanent administrator licenses, the temporary and permanent manager certificates, pending passing all required examinations within the substantive time frame or the license or certificate will be denied.

The motion passed 6 – 0, with Members Kidder, Randolph, Campbell, Louis Archer and Villafranca voting aye. Member Hasseltine had stepped out of the meeting.

B. 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 time frame or the license or certificate will be denied.

31. Hodges, Gerald Permanent administrator license

Member Hasseltine returned to the meeting.

Zakiya Mallas, Licensing Specialist outlined for the Board the issues related to the applicant.

Applicant Gerald Hodges was present and answered the Board’s questions.

Member Kidder made a motion that was seconded by member Randolph to approve the permanent manager certificate, pending passing all required examinations within the substantive time frame or the certificate will be denied.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

32. Kim, Yong Permanent manager certificate

Zakiya Mallas, Licensing Specialist outlined for the Board the issues related to the applicant. Ms. Kim had a massage therapy license revoked in California. She also had a ROC license revoked in Arizona.

Applicant Yong Kim was present and answered the Board's questions related to the revoked massage therapy license and the revoked Arizona contractor license.

Member Kidder made a motion that was seconded by Member Randolph to go into executive session.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

Executive Session started at 1:59 p.m.

Open Session resumed at 2:08 p.m.

Member Villafranca made a motion that was seconded by Member Louis to deny a manager certificate to Ms. Kim based on 36-446.04(C)(1) of good character and 36-446.07(B)(3) unprofessional conduct

Board discussion focused on that the applicant allowed her massage therapy license to be used by a business partner where criminal activity occurred. Money was a reason for having the license. This was a recent occurrence. The applicant did not accept accountability in the message therapy business and failed to maintain oversight. The applicant hired unqualified and under qualified individuals to conduct business as an Arizona contractor. As a result the contractor's license was revoked. Also the applicant failed to pay creditors.

A roll call vote passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

33. Coleman, Jason Permanent and temporary manager certificate

Zakiya Mallas, Licensing Specialist outlined for the Board the criminal issues related to the applicant.

Applicant Jason Coleman was present and answered the Board's questions.

Member Villafranca made a motion that was seconded by member Randolph to approve the temporary and permanent manager certificate, pending passing all required examinations within the substantive time frame or the certificate will be denied.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

34. Razinn, Erin Permanent manager certificate

The Board tabled this matter to a future meeting.

C. Individual Board Review, Consideration and Action to deny manager certificate for failing to meet the qualifications of A.R.S. § 36-446.03(C)(3), for not passing the state examination within the substantive time frame.

- 35. Bensel, Kari Permanent manager certificate

Member Villafranca made a motion that was seconded by Member Campbell to deny certification to Ms. Bensel for failing to meet the qualifications of A.R.S. § 36-446.03(C)(3), for not passing the state examination within the substantive time frame.

A roll call vote passed 6 – 0, with Members Kidder, Randolph, Campbell, Louis Archer and Villafranca voting aye. Member Hasseltine had stepped out of the meeting.

8. **ASSISTED LIVING FACILITY TRAINING PROGRAMS**

- A. Consent Agenda to Approve Assisted Living Facility Caregiver and Manager Training Programs and Renewals of Assisted Living Facility Caregiver and Manager Training Programs.

- 36. Assisted Living Facility Caregiver Training Program

Arizona Healthcare Academy, LLC	Coppersands Caregiver Training Program
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Assisted Living Facility Manager Training Program

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Assisted Living Facility Caregiver Training Program Renewal

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Assisted Living Facility Manager Training Program Renewal

Assisted Living Licenses, Certificates & Training, LLC- ALMTP0011	
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Member Kidder made a motion that was seconded by Member Randolph to approve the caregiver and manager training programs and renewal of caregiver and training programs.

The motion passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

9. **OTHER BUSINESS**

- A. New Business: The Board may Review, Consider and take Action

- 37. Election of Board Officers

Member Kidder nominated Member Villafranca for the office of President. Member Campbell nominated Member Louis for the office of President. Nominations were closed. Vote passed 5 – 2, Members Kidder, Randolph, Hasseltine, Villafranca and Archer voted aye for Member Villafranca as President. Member Louis and Campbell voted nay.

Member Randolph nominated Member Louis as Vice President. There were no other nominations and the nominations were closed. A vote passed 7 – 0, with Members Kidder, Randolph, Hasseltine, Campbell, Louis Archer and Villafranca voting aye.

10. ADMINISTRATIVE MATTERS

The following items concern administrative matters and are provided for informational purposes. The Board may review and discuss the following matters.

38. Financial Reports

There was no report due to CSB not providing it yet.

39. Complaints Status Report

Investigator Smyth reported that in December there were 11 complaints opened. There are currently 29 active consent agreements. With the switchover to the new elicencing system case generated numbers switched from a fiscal year to a calendar year. There were 274 cases opened from July 1, 2017 through December 31, 2018.

40. Licensing Report

Licensing Specialist Mallas reported there were 10 manager and 7 administrator applications submitted in December. Currently there are 2,302 active and 29 inactive managers and 313 active and 21 inactive administrators.

41. Legislation Update

There was none to report at this time.

42. Rules Update

There was none to report.

43. Training Program Report

Executive Director Imig reported with the two that were approved today there are 45 training programs. In the last year there were 2,165 first time caregiver tests given with an 80% pass rate. During the same time period there were 340 first time manager tests given with an 81% pass rate.

44. Board Meeting Critique

There was a brief Board critique.

11. FUTURE AGENDA ITEMS AND MEETING DATES

The next regular meeting of the Board will be held on Monday, February 11, 2019 at 1740 W. Adams, Board Meeting Room C, Phoenix, Arizona, at 9:00 a.m.

12. ADJOURNMENT

Member Kidder made a motion that was seconded by Member Campbell to adjourn the meeting.

The meeting was adjourned at 2:42 p.m.