



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

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**Douglas A. Ducey**  
**Governor**

**Allen Imig**  
**Executive Director**

**Board Members**

Charles Seal-Villafranca, President

Ken Kidder, Vice President

Nina Louis, Member

Fred Randolph, Member

Melanie Seamans, Member

Pauline Campbell, Member

Susan Archer, Member

Ted Ihrman, Member

**MINUTES**  
**REGULAR MEETING**

**April 13, 2020**

**1. CALL TO ORDER**

President Villafranca called the meeting to order at 9:05 a.m., at 1740 W. Adams, Board Meeting Room C, Phoenix, AZ 85007.

**2. ROLL CALL**

Present: Ken Kidder (by telephone), Fred Randolph, Melanie Seamans (by telephone), Pauline Campbell, Nina Louis (by telephone), Susan Archer (by telephone), Charles Seal-Villafranca, Ted Ihrman (by telephone).

Absent: None

Attendance: Allen Imig, ED, Phil Smyth, Investigator, Zakiya Mallas, Licensing Specialist, Sabrina Khan, AAG (by telephone), Mary Williams, AAG, (by telephone).

**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. March 9, 2020, Regular Board Meeting Minutes

Member Villafranca made a motion that was seconded by Member Randolph to approve the March 9, 2020 regular meeting minutes.

A roll call vote passed unanimously, 8 – 0.

**5. FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTIONS TO DEEM ALLEGATIONS ADMITTED**

A. Formal Administrative Hearings, Consent Agreement or Letter of Concern

2. Wilson, Joann M. 19-152 Manager Consent Agreement

Member Villafranca made a motion that was seconded by Member Campbell to continue the complaint to the next meeting.

A roll call vote passed unanimously, 8 – 0.

2a Ruhorimbere, Ruabirwa 19-53 Manager Letter of Concern

Mary Williams, AAG, the Board’s independent advisor was present by telephone.

Investigator Smyth summarized the circumstances of the case and why Mr. Ruhorimbere was late in paying is civil money penalty.

Member Campbell made a motion that was seconded by Member Villafranca to vacate the Complaint and Notice of Hearing.

A roll call vote passed unanimously, 8 – 0.

Member Villafranca made a motion that was seconded by Member Randolph to issue a letter of concern for the late payment of the civil money penalty.

A roll call vote passed unanimously, 8 – 0.

**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**

- 3. Adriel Care Home
- 4. Amber Residence LLC
- 5. Aurora Place
- 6. Bloomfield House
- 7. Castle Canyon Assisted Living III
- 8. Charles Residential Care LLC
- 9. Citrus Villa Mesa Assisted Living, LLC
- 10. Cottonwood Village
- 11. Daybreak Adult Day Health Care
- 12. Desert Dreams Adult Care Home, LLC
- 13. Desert Home Assisted Living LLC
- 14. Emmanuel Care Home III
- 15. Green Gables Home Care
- 16. Oasis Care Homes II
- 17. Park Place Residences, LLC
- 18. Project Avista Senior Living North Mountain
- 19. Royal Oaks Assisted Living Center
- 20. Serenity Heights Adult Living LLC
- 21. Shepherd Assisted Living

- 22. Sunrise at Siesta
- 23. Surprise Memory Care, LLP
- 24. The Meadows of Prescott Valley LLC
- 25. The Next Genesis II
- 26. Tranquil Living Care Home
- 27. True Love and Care of Goodyear LLC
- 28. Vandermeier House

Member Villafranca made a motion that was seconded by Member Kidder to take agenda items 4, 8 and 18 off the consent agenda and open complaint on the managers of those facilities. And not to open complaints on the managers of the other facilities listed under agenda item 6A.

A roll call vote passed unanimously, 8 – 0.

B. Consent Agenda for Board Review, Consideration and Action on Whether to Open a Complaint on the long term care facility administrator that is related the ADHS enforcement action.

- 29. Banner Boswell Rehabilitation Center
- 30. Beatitudes Campus
- 31. Haven of Show Low
- 32. Immanuel Campus of Care
- 33. Maravilla Care Center
- 34. Maryland Gardens Care Center
- 35. Oasis Pavilion Nursing & Rehabilitation Center, LLC
- 36. Rim Country Health & Retirement Community

Member Villafranca made a motion that was seconded by Member Campbell to open complaint on the administrators of the facilities for agenda items 29, 30, 32 34, 36, and not open on agenda items 31, 33 and 35. Member Randolph recused from agenda item 32.

A roll call vote passed unanimously, 7 – 0.

C. Board Review, Consideration and Action on Whether to Open a Complaint on the manager or facility manager

- 37. Jackson, Jamie L                      ALM-011365                      Manager

Investigator Smyth summarized the complaint from David Jackson, the ex-husband of Jamie Jackson. The incidents alleged in the complaint were over a year old and submitted after the couple was divorced. Pursuant to ARS 36-446.07(K) the person shall file a written complaint within one year from the date of the action causing the complaint.

Member Villafranca made a motion that was seconded by Member Randolph to not open complaint on Jamie Jackson but to refer it to ADHS.

A roll call vote passed unanimously, 8 – 0.

- 38. Becker, Janessa N.                      ALM-011506                      Manager

Investigator summarized the complaint for the Board. The complainant, Cari Spring was a previous employee at the Country Club of La Cholla, in Tucson. Ms. Spring complaint surrounded issues she had with the Human Resources Division at the facility, caregivers sleeping on shift, failing to be notified as being a manager designee and other things related to facility operations, and her wrongful termination.

Member Randolph stated it appeared to be a HR issue and the complainant could file a complaint with the EEOC.

Member Randolph made a motion that was seconded by Member Villafranca not to open a complaint on Janessa Becker.

A roll call vote passed unanimously, 8 – 0.

D. Board Review, Consideration and Action to Rescind Prior Board Action and Accept Consent Agreement for Voluntary Surrender of Manager Certificate.

39. 19-124 Abella, Glory Manager

Investigator Smyth summarized the complaint. Ms. Abella had signed a consent agreement but was unable to complete the terms and wished to voluntary surrender her manager certificate and had signed a consent agreement to that effect. Staff recommended the Board rescind the previous Board action and accept the signed consent agreement for voluntary surrender.

Member Villafranca made a motion that was seconded by Member Randolph to rescind the previous Board action and accept the voluntary surrender of Ms. Abella’s manager certificate.

A roll call vote passed unanimously, 8 – 0.

40. 19-81 Harris, Lois Manager

Investigator Smyth summarized the complaint. Ms. Harris had entered into a consent agreement but failed to comply with the terms.

Member Villafranca made a motion that was seconded by Member Campbell to rescind the previous Board action and accept the voluntary surrender of Ms. Abella’s manager certificate.

A roll call vote passed unanimously, 8 – 0.

E. Board Review, Consideration and Action to Rescind Prior Board Action and to Modify Consent Agreement.

41. 20-09 Rodriguez, Eddie J. Manager

Member Villafranca made a motion that was seconded by Member Kidder to rescind the previous Board action and accept the modified consent agreement.

A roll call vote passed 7 – 1 with Member Ihrman voting nay.

F. Board Review, Consideration and Action to Extend Probation Period

42. 19-116 Reilly, Elvira Manager

Investigator Smyth summarized the circumstances related to Ms. Reilly’s request to extend the probation for three months. Staff recommended extending it two months from today.

Member Campbell made a motion that was seconded by Member Villafranca to extend the probation period for two months from today.

A roll call vote passed unanimously, 8 – 0.

**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.

43. Temporary Administrator Licenses

None			
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Permanent Administrator Licenses

Caldwell, Wyatt	Mahan, John	Pollak, Elie	Kearney, Michael
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Temporary Manager Certificates

Roettger, Beverly	King, Constance	Nason, Steven	Miceli, Haeli
Reyes, Bernadette			

Permanent Manager Certificates

Roettger, Beverly	King, Constance	Nason, Steven	Miceli, Haeli
Reyes, Bernadette	Bustamante, Brian	Lacourt, Catherine	Romero, Griselda
Guevara, Esperanza	Babaletskos, Haralambos	Tuerschmann, Zachary	Covaciu, Raluca
Reyes, Rachelle	Radke, Carla	Ankrah, Prince	Deo, Jasbir
Londonson, Lavinia	Matei, Vanessa	Orillo, Melody	Sanchez, Francisco
Mayordo, Rosemary	Sy, Fatima	Dockham, Kelsea	Davis, Robert
Libby, Douglas	Patten, Mary	Karuga, Joyce	Ngeera, Anthony

Member Villafranca 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.

A roll call vote passed unanimously, 8 – 0.

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.

44 Scott, Alison Permanent manager certificate

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

Applicant Alison Scott was not present.

Member Randolph made a motion that was seconded by Member Campbell to approve the permanent manager certificate.

A roll call vote passed unanimously, 8 – 0.

45. Vidal, Benny Permanent manager certificate

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

Applicant Benny Vidal was present by telephone and answered the Board's questions related to the criminal charge.

Member Villafranca made a motion that was seconded by Member Campbell to approve the permanent manager certificate.

A roll call vote passed unanimously, 8 – 0.

46. Maize, Felicia Permanent manager certificate

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

Applicant Feliciaa Maize was present by telephone and answered the Board's questions.

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

A roll call vote passed unanimously, 8 – 0.

47. Gallegos, Theresa Permanent and temporary manager certificate

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

Applicant Theresa Gallegos was present by telephone and answered the Board's questions regarding the criminal complaint.

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

A roll call vote passed unanimously, 8 – 0.

48. Zuleta de Perez, Mayra Permanent and temporary manager certificate

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

Applicant Mayra Zuleta de Perez was present by telephone and answered the Board's questions.

When she was younger she had a made up SSN. She became a citizen in 2013 and got a new SSN and disclosed it on this application. She was issued a decree of censer for the Board of nursing when trying to renew her CNA Certificate because she used a different SSN.

Member Kidder 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 5 – 3 with Campbell, Louis and Seamans voting nay.

49. Innabi, Mahy Permanent and temporary manager certificate

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

Applicant Mahy Innabi was present and answered the Board’s questions. Ms. Innabi has previously held a manager certificate that expired June 30, 2019. Ms. Innabi owns the facility admitted she was over census at her home and explained the circumstances. She did not have a manager from June 2019 to March 2020.

Member Villafranca made a motion that was seconded by Member Ihrman to deny the temporary and permanent manager certificate pursuant to ARS 36-446.07(B)(8), B4 and B3

The motion failed. 2 – 6 with Members Kidder, Randolph, Seamans, Campbell, Louis and Archer voting nay.

Member Randolph made a motion that was seconded by Member Campbell to approve the temporary and permanent manager certificate.

A roll call vote passed 7 – 1 with Member Ihrman voting nay.

50. Seal-Villafranca, Charles Permanent and temporary administrator license

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

Applicant Charles Seal-Villafranca was present and answered the Board’s questions.

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

A roll call vote passed unanimously, 7 – 0.

**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.

51. Assisted Living Facility Caregiver Training Program

None	
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Assisted Living Facility Manager Training Program

None	
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Assisted Living Facility Caregiver Training Program Renewal

Prestige Senior Living Caregiver Training ALCTP0050	Trisummit Facility Manager & Caregiver Training Center – ALCTP0076
Arizona Health Training Program ALCTP0016	

Assisted Living Facility Manager Training Program Renewal

Caregiver Training Institute ALMTP0012	Trisummit Facility Manager & Caregiver Training Center – ALMTP0022
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Member Villafranca made a motion that was seconded by Member Campbell to approve the assisted living facility caregiver and manager training program and the renewals of caregiver and manager training programs.

A roll call vote passed unanimously, 8 – 0.

**9. OTHER BUSINESS**

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

- 52. Investigation reimbursement methodology (Auditor General Recommendation 12a)  
 Establish an investigation hourly rate (Auditor General Recommendation 12b)  
 Establish a method for tracking and documenting staff time (Auditor General Recommendation 12c)

Executive Director Imig explained the reason for the methodology and tracking of complaints for investigation reimbursement as an Auditor General Recommendation. Mr. Imig also advised the Board how the hourly rate was established and what costs it included.

Member Randolph made a motion that the Board adopts the methodology, hourly rate and method of tracking and documenting staff time.

A roll call vote passed unanimously, 8 – 0.

**10. ADMINISTRATIVE MATTERS**

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

- 53. Financial Reports

Executive Director Imig reported the Board’s fund balance at the end of March was \$377,200 which about 4.00 percent over projections. Expenses are right at what was budgeted.

- 54. Complaints Status Report

Investigator Smyth reported that as of the end of March there were 45 cases opened in AY20, of which 11 are resolved. There are 2 open cases from AY19. There are currently 31 active consent agreements.

- 55. Licensing Report

Licensing Specialist Mallas reported there are 348 active and 23 inactive administrators and 2177 active and 16 inactive managers. There are currently 41 deficient applications and 68 pending final approval.

- 56. Legislation Update

Executive Director Imig advised there was no legislative update as the legislature was in recess due to the COVID-19.



57. Rules Update

Executive Director Imig advised the current rule package was still on track and that there was possibility that the Governor's office would allow it to go through emergency rulemaking.

58 Training Program Report

Executive Director Imig reported there are 49 caregiver and 14 manager training programs. From April 1, 2019 and April 1, 2020 there were 2,684 first time caregiver exams given with an 80% pass rate. During that same time period there were 407 first time manager exams given with a 80% pass rate

59. Board Meeting Critique

There was a brief Board meeting critique.

**11. FUTURE AGENDA ITEMS AND MEETING DATES**

The next regular meeting of the Board will be held on Monday, May11, 2020 at 1740 W. Adams, Board Meeting Room C, Phoenix, Arizona, at 9:00 a.m.

**12. ADJOURNMENT**

President Villafranca adjourned the meeting at 11:03 a.m.