



**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

Nina Louis, Vice President

Ken Kidder, Member

Fred Randolph, Member

Melanie Seamans, Member

David Hasseltine, Member

Pauline Campbell, Member

Susan Archer, Member

**MINUTES  
REGULAR MEETING**

September 16, 2019

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Present: Ken Kidder, Fred Randolph, Melanie Seamans, Susan Archer, Charles Seal-Villafranca

Absent: David Hasseltine, Pauline Campbell, Nina Louis,

Attendance: Allen Imig, ED, Phil Smyth, Investigator, Zakiya Mallas, Licensing Specialist, Sabrina Khan, AAG, John Tellier, 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. August 12, 2019 Regular Board Meeting Minutes

Member Villafranca made a motion that was seconded by Member Archer to approve the August 12, 2019 regular meeting minutes as amended.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

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

A. Formal Administrative Hearings or Motion to Deem Allegations Admitted

2. Monique E. Lorimer 18-248 Formal Hearing

The hearing started at 9:09 a.m.

President Villafranca conducted the hearing.

Monique E. Lorimer was present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Sabrina Khan, Assistant Attorney General was present for the State.

All witnesses were sworn in.

Ms. Khan made a brief opening statement.

Ms. Lorimer did not make an opening statement.

Ms. Khan called Phil Smyth the Board’s investigator as a witness and questioned him on exhibits 1 through 6.

Exhibits

- 1. Arizona Department of Health Services Survey, dated 6/12/18
- 2. Arizona Department of Health Services Enforcement Actions report, dated 7/17/18
- 3. Respondent’s Email to Board Investigator re: Response to Letter
- 4. Letter to respondent re: Notice of Complaint, #18-248, dated 2/8/19
- 5 Letters to Respondent re: Notice of Board Meeting, Complaint #18-248, dated 4/22/2019 and 4/29/2019
- 6. Complaint and Notice of Hearing, dated 7/5/2019
- 7. Respondent’s Emailed Answer to the Complaint and Notice of Hearing, dated 8/12/19

Ms. Khan called Allen Imig, Executive Director as a witness and questioned him on exhibit 7.

Ms. Lorimer did not ask any questions of the witnesses.

The state rested.

Ms. Lorimer called herself as a witness

According to Ms. Lorimer the facility closed its doors on January 1, 2019.  
 Ms. Lorimer rested.

Ms. Khan made a brief closing statement that the state has made its case and the Board takes appropriate action.

Member Kidder made a motion that was seconded by Member Randolph that the Board finds that the State has demonstrated by a preponderance of the evidence the Parties and Jurisdiction, and Factual Allegations in the Complaint, and move that the Board adopts these allegations as the Board’s Findings of Fact.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

Member Kidder made a motion that was seconded by Member Randolph 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 adopts those Alleged Violations as the Conclusions of Law.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

Member Kidder made a motion that was seconded by Member Seamans that the Board Order a civil money penalty of \$500.00.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

The hearing was concluded

3. Hazael Shakur 18-202 Motion to Deem

President Villafranca conducted the hearing.

Sabrina Khan, Assistant Attorney General, was present and represented the state. Ms. Khan made a motion to deem the allegations in the Complaint admitted, because Hazael Shakur did not respond to the Complaint and Notice of Hearing as required per ARS 36-446.07(O).

Hazael Shakur was not present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Member Villafranca made a motion that was seconded by Member Seamans to grant the State’s motion and deem the allegations in the Complaint and Notice of Hearing as admitted.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

Member Villafranca made a motion that was seconded by Member Seamans to adopt the Parties and Jurisdiction, Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

After the Board deliberated, Member Villafranca made a motion that was seconded by Member Seamans to revoke the manager certificate of Hazael Shakur.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

The hearing was concluded.

4. Elizabeth Short 19-01 Motion to Deem

President Villafranca conducted the hearing.

Sabrina Khan, Assistant Attorney General, was present and represented the state. Ms. Khan made a motion to deem the allegations in the Complaint admitted, because Elizabeth Short did not respond to the Complaint and Notice of Hearing as required per ARS 36-446.07(O).

Elizabeth Short was not present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Member Villafranca made a motion that was seconded by Member Randolph to grant the State’s motion and deem the allegations in the Complaint and Notice of Hearing as admitted.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

Member Villafranca made a motion that was seconded by Member Seamans to adopt the Parties and Jurisdictions, Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

After the Board deliberated, Member Villafranca made a motion that was seconded by Member Randolph to revoke the manager certificate of Elizabeth Short.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

The hearing was concluded.

5. Niki Nikita 18-89 Motion to Deem

President Villafranca conducted the hearing.

Sabrina Khan, Assistant Attorney General, was present and represented the state. Ms. Khan made a motion to deem the allegations in the Complaint admitted, because Niki Nikita did not respond to the Complaint and Notice of Hearing as required per ARS 36-446.07(O).

Niki Nikita was not present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Member Villafranca made a motion that was seconded by Member Seamans to grant the State’s motion and deem the allegations in the Complaint and Notice of Hearing as admitted.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

Member Villafranca made a motion that was seconded by Member Archer to adopt the Parties and Jurisdiction, Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

After the Board deliberated, Member Kidder made a motion that was seconded by Member Seamans to revoke the manager certificate of Niki Nikita.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

The 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**
6. A Tender Touch Assisted Living Home II
  7. Adobe Country Gables
  8. Arizona’s Best Assisted Living Home
  9. Beehive Homes of Yuma
  10. Brookdale North Gilbert
  11. Class Act Los Alamos Mesa, LLC
  12. Desert Harbor Adult Care Home
  13. Dream Street Care LLC
  14. Elder Care & More
  15. Fountain Hills Care LLC
  16. Golden Touch Assisted Living Home at Andersen
  17. Golden Years Assisted Living
  18. Heavenly Assisted Living Facility
  19. Herman & Novella Clancy Assisted Living Home
  20. Lifestream Complete Senior Living At Cook Health
  21. Mariposa Point of Gilbert
  22. Mingus Manor Assisted Living Home
  23. Morning Glory Adult Care Home II
  24. Pacifica Senior Living Paradise Valley
  25. Palo Verde House At Infinity Wilmot
  26. Pine Meadows Ranch
  27. Pleasant Valley Care Home
  28. Sedona Garden Assisted Living
  29. The Pines
  30. TLC By Christian Adult Care Home
  31. Via Elegante, Vineyard
  32. Visions Senior Living At Mesa 2

Member Villafranca made a motion that was seconded by Member Randolph to not open complaints on managers of the facilities listed under agenda items 6 through 32.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

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

	<b>Complaint #</b>	<b>Licensee</b>	<b>Title</b>	<b>Open Date</b>
33.	19-93	Schaeffer, Dustin	Administrator	07/23/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliant investigation at Haven of Scottsdale, located in Scottsdale and identified eight deficiencies in eight different areas. Some of the deficiencies included:

- Facility failed to report an incident of neglect
- Facility failed to ensure safe water temperatures

DHS took enforcement action on 3 violations and assessed a civil money penalty of \$1,500.00.

Mr. Schaeffer was present and answered the Board’s questions.

Mr. Schaeffer stated that one of the incidents was reported within an hour. There was a verbal abuse allegation that was investigated and determined it was not. DHS found there was verbal abuse. Mr. Schaeffer did training with the staff on customer service. They have since changed their abuse policy and conducted in-service training with the staff.

Mr. Schaeffer explained there was a fall with a resident because the staff person failed to use a gait belt on a transfer and both the resident and staff person were injured.

Member Kidder made a motion that was seconded by Member Villafranca to dismiss complaint 19-93 against Dustin Schaeffer, for insufficient evidence of a violation.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

34.	19-85	Green, Victoria	Manager	06/25/19
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Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Tanque Verde Assisted Living Home, located in Tucson and identified 9 deficiencies in 5 different areas. Some of the deficiencies included:

- Manager failed to ensure the TB requirement was met
- Manager failed to ensure medication administration was met
- Manager failed to ensure medication storage requirement was met

DHS took enforcement action on 3 repeat violations and assessed a civil money penalty of \$2,330.00.

Ms. Green was present and answered the Board’s questions. Ms. Green said she had knee surgery and was out for a month. Ms. Green was present for the survey and lives at the facility. All the deficiencies were corrected



Member Villafranca made a motion that was seconded by Member Kidder 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 19-85 involving manager Victoria Green 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 environmental standards
  - 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 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

35. 19-39 Ghiurau, Mariana Manager 02/25/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Desert Willow Assisted Living, LLC, located in Cave Creek and identified 6 deficiencies in 5 different areas. Some of the deficiencies included:

- Manager failed to ensure caregiver or manager was present
- Manager failed to ensure medication requirement was present

DHS took enforcement action on 2 violations and assessed a civil money penalty of \$1,000.00.

Ms. Ghiurau was present and answered the Board’s questions. The surveyor found that a caregiver did not have a valid certificate. Ms. Ghiurau explained that the employee had her caregiver certificate. She now checks with the training program or with the NCIA Board.

Member Villafranca made a motion that was seconded by Member Randolph to dismiss complaint 19-39 against Mariana Ghiurau, for insufficient evidence of a violation.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

36. 19-86 Fuller, Coty Manager 07/01/19

The Board tabled hearing the complaint until next month.

37. 19-87 Smith, Blesilda Manager 07/01/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Loving Heart Assisted Living Service, located in Phoenix and identified 14 deficiencies of which 2 were repeat deficiencies, in 8 different areas. Some of the deficiencies included:

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

DHS took enforcement action on 3 violations and assessed a civil money penalty of \$1,000.00.

Ms. Smith was not present.

Member Kidder made a motion that was seconded by Member Villafranca 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 19-87 involving manager Blesilda Smith 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 \$350.00
  - b) Complete the manager training course that is approved by the Board
  - c) Pass the manager state examination
  - d) Any costs of the probation are those of the certificate holder

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltime Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

38. 19-66 Divinagracia, Eric Manager 04/25/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection and a complaint investigation at Divine Grace Assisted Living Home, located Tempe and identified 15 deficiencies, 4 of which were repeat deficiencies, in 9 different areas. Some of the deficiencies included:

- Manager failed to ensure resident representative requirement was met
- Manager failed to ensure the service plan requirement was met
- Manager failed to ensure food storage requirement was met

DHS took enforcement action to revoke the facility license.

Mr. Divinagracia was present and answered the Board’s questions. He admitted that the service plan was not signed as required. Mr. Divinagracia is not a manager at any facility at this time.

Member Kidder made a motion that was seconded by Member Villafranca 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 19-66 involving manager Eric Divinagracia 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) Complete the manager training course that is approved by the Board
  - c) Pass the manager state examination
  - d) Any costs of the probation are those of the certificate holder

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

39. 19-70 Anton, Constantin Manager 04/29/19

Investigator Smyth advised the Board that on July 15, 2019, the Board offered Mr. Anton a consent agreement to resolve the complaint. Board staff had mailed the notice of Board meeting to an old address and as a result Mr. Anton did not make the meeting. Staff contacted Mr. Anton who started a new job in California and did not know if he would make the meeting.

Member Villafranca made a motion that was seconded by Member Archer to send the consent agreement to Mr. Anton that the Board offered, to be signed within 10 days or forward to formal hearing.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

40. 19-95 Stanciu, Silviu Manager 07/25/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Legends Senior Living, located in Glendale and identified 9 deficiencies, of which 1 was a repeat deficiency, in 6 different areas. Some of the deficiencies included:

- Manager failed to ensure the fingerprint clearance card requirement was met
- Manager failed to ensure the medication requirement was met
- Manager failed to ensure service plan requirement was met

DHS took enforcement action on 3 violations and assessed a civil money penalty of \$1,250.00.

Mr. Stanciu was present and answered the Board’s questions. Mr. Stanciu and his wife do the hiring for the facility. Mr. Stanciu was not at the facility when the survey took place. Mr. Stanciu said he does not spend a lot of time in the facility.

Member Villafranca made a motion that was seconded by Member Seamans 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 19-95 involving manager Silviu Stanciu 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 medication management
  - c) 3 hours of Board approved continuing education in personnel requirements
  - d) 3 hours of Board approved continuing education in service plans
  - 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 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

41. 19-97 Obregon, Helda Manager 08/08/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Casa Therasita V, located in Tucson and identified 6 deficiencies in 3 different areas. Some of the deficiencies included:

- Manager failed to ensure the fingerprint clearance card requirement was met
- Manager failed to ensure the personnel record requirement was met

DHS took enforcement action on 2 violations and assessed a civil money penalty of \$1,000.00.

Ms. Obregon was present and answered the Board’s questions. Ms. Obregon works 4 hours a week at the facility. Ms. Obregon has changed the policy that now all hiring goes through her. According to Ms. Obregon, one of her caregivers did not speak English and could not communicate with the residents without having an interpreter. Ms. Obregon also did not have evidence of a valid fingerprint clearance card for an employee.

Member Kidder made a motion that was seconded by Member Villafranca that the Board finds insufficient evidence of a violation in complaint 19-97 involving manager Helda Obregon, but issue a letter of concern. The Board’s concern was that the Manager failed to maintain evidence of a valid fingerprint clearance card for one employee.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

42. 19-99 Ursache, Ioan Manager 08/08/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a complaint investigation at Surprise Farms Assisted Living, located at Surprise and identified 3 deficiencies in 2 different areas. Some of the deficiencies included:

- Manager failed to ensure manager designee requirement was met
- Manager failed to ensure the personal record requirement was met

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

Mr. Ursache was present and answered the Board’s questions. Mr. Ursache said they had an elopement policy and the alarm was working at the time of the elopement. Mr. Ursache explained why the employee did not have a personnel file for the surveyor to review.

Member Randolph made a motion that was seconded by Member Villafranca to dismiss complaint 19-99 against Ioan Ursache, for insufficient evidence of a violation.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

43. 19-101 Cubillos, Lida Manager 08/16/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Sunrise Care Homes – Paradise Valley, located in Paradise Valley and identified 7 deficiencies in 4 different areas. Some of the deficiencies included:

- Manager failed to ensure caregiver training was verified
- Manager failed to ensure medication storage requirement was met

DHS took enforcement action on 2 violations and assessed a civil money penalty of \$750.00.

Ms. Cubillos was present and answered the Board’s questions. Ms. Cubillos lives at the facility and has four residents. Ms. Cubillos explained what she has changed to now verify the employee’s caregiver certificate.

Member Villafranca made a motion that was seconded by Member Randolph that the Board finds insufficient evidence of a violation in complaint 19-101 involving manager Lida Cubillos, but issue a letter of concern. The Board’s concern was that the manager failed to properly verify a caregiver training certificate for one employee.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

44. 19-64 Isiderio, Teresita Manager 04/23/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Verdant Senior Place, LLC, located in Glendale and identified 29 deficiencies in 11 different areas. Some of the deficiencies included:

- Manager failed to ensure caregiver skills were verified
- Manager failed to ensure medication administration requirement was met
- Manager failed to ensure service plan requirement was met

DHS took enforcement action on 2 violations and assessed a civil money penalty of \$500.00.

Ms. Isiderio was present and answered the Board’s questions. Ms. Isiderio said she lives at the home and spends 8 hours a day working. There are four residents at the home. Ms. Isiderio did not provide a response to the complaint. According to Ms. Isiderio, everything is corrected.

Member Seamans made a motion that was seconded by Member Villafranca 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 19-64 involving manager Teresita Isiderio 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) Complete the manager training course that is approved by the Board
  - c) Pass the manager state examination administered by the Board
  - d) Any costs of the probation are those of the certificate holder

A roll call vote passed 4 – 1 with member Archer voting nay.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X			
No	0						X		
Abstain	0								
Recuse	0								
Absent	0		X					X	X

45. 19-81 Harris, Lois Manager 06/07/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Adina Adult Care Home #2, located in Phoenix and identified 13 deficiencies of which 2 were repeat violations, in 7 different areas. Some of the deficiencies included:

- Manager failed to ensure manger designee requirement was met
- Manager failed to ensure service plan requirement was met
- Manager failed to ensure

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

Ms. Harris was present along with her caregiver Suszan Sanson. Ms. Harris spends about 20 hours a week at the facility. Ms. Harris did not respond to the complaint. Ms. Harris explained why there were two repeat deficiencies. Ms. Harris quit the first week of February but did not notify DHS or the Board.

Member Seamans 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 19-81 involving manager Lois Harris 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) Complete the manager training course that is approved by the Board
  - c) Pass the manager state examination
  - d) Any costs of the probation are those of the certificate holder

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

C. Board Review, Consideration and Action on Whether to Open a Complaint

46. Maravilla Care Center

Member Randolph made a motion that was seconded by Member Villafranca to open a complaint on the administrator of Maravilla Care Center.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

47. Ridgecrest Healthcare

Member Villafranca recused and there was no quorum. The matter was tabled to next month.

7. **ADMINISTRATOR LICENSURE AND MANAGER CERTIFICATION**

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. 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.

48. Temporary Administrator Licenses

None			
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Permanent Administrator Licenses

Weaver, Trent	Osterneck, Scott	Currie, Veronica	Williams, Lance
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Temporary Manager Certificates

Gonzvar, Jonathan	O’Connell, Sandra	Mijares, Maria	Nyaungwa, Patience
Torreno, Benavides			

Permanent Manager Certificates

Gonzvar, Jonathan	O’Connell, Sandra	Mijares, Maria	Nyaungwa, Patience
Hiticas, Cherry	Salanga, Sherwin	Griffiths, Adam	Nedelcu, Nicoleta
Lefevre, Shari	Cook, Joan	Salkic, Aleksandra	Meskhishvili, David
Auteri, Andrew	Valenzuela, Jazmyn	Serenio, Analyn	Everhart, Jennifer
Dela Rosa, Rose Ann	Tagle Jr. Dioscoro	Cimpean, Amalia	Duncan, Wendy
Man Pitut, Simona	Tilvan, Manuela	Lawal, Idris	Honea, Shannon
Drumond, David	Moldovan, Adina	Moldovan, Daniel	



Member Villafranca made a motion that was seconded by Member Archer 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 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

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.

- 50. None
- 51. None

**8. ASSISTED LIVING FACILITY TRAINING PROGRAMS**

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

52. Assisted Living Facility Caregiver Training Program

Watermark Retirement Communities	Help My Senior
Marco Polo School for Caregivers * Managers	Pfundamental Consulting, LLC

Assisted Living Facility Manager Training Program

None	
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Assisted Living Facility Caregiver Training Program Renewal

Angel’s Caregiver Training ALCTP-0036	Assisted Living Training School ALCTP-0010
Cerbat Guest Home, Inc. ALCTP-0038	Milestone ALCTP-0035

Assisted Living Facility Manager Training Program Renewal

Assisted Living Training Associates ALMTP-0010	Assisted Living Training School ALMTP-0002
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Member Villafranca made a motion that was seconded by Member Randolph to approve the assisted living facility caregiver and manager training program and the renewals of caregiver and manager training programs.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

**9. OTHER BUSINESS**

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

53. NAB conference attendance

Member Villafranca made a motion that was seconded by Member Randolph to send the Executive Director Imig and Member Kidder to the NAB conference in November.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member
Yes	8	X		X	X	X	X		
No	0								
Abstain	0								
Recuse	0								
Absent	0		X					X	X

**10. ADMINISTRATIVE MATTERS**

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

54. Financial Reports

Executive Director Imig reviewed the financial report with the Board. The Board’s fund at the end of August was \$479,623. The expenses remain as projected.

55. Complaints Status Report

Investigator Smyth reported that in August there were 12 complaints opened. There are 5 open complaints from FY18 and 34 from AY19. There are currently 32 active consent agreements.

56. Licensing Report

Licensing Specialist Mallas reported there are 336 active and 22 inactive administrators and 2078 active and 18 inactive managers.

57. Legislation Update

There was no update

58. Rules Update

The Board put in a request for an exception with the Governor's office to proceed with rules related to SB1244, but have not heard back as of yet.

59 Training Program Report

Executive Director Imig reported there were about 45 caregiver training programs, plus the 4 that were approved today. There are 14 manager training programs. During the last year from September 2018 to September 2019 there were 2355 caregivers that took the exam for the first time and had a 79% pass rate. There were 390 manager trainees that had a first time pass rate of 78%.

60. Board Meeting Critique

There was a brief meeting critique.

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

The next regular meeting of the Board will be held on Monday, October 21, 2019 at 1740 W. Adams, Board Meeting Room C, Phoenix, Arizona, at 9:00 a.m.

**12. ADJOURNMENT**

Member Villafranca adjourned the meeting at 12:49 p.m.