



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

1740 W. Adams, Suite 2490, Phoenix, Arizona 85007
(602) 364-2273 phone • (602) 542-8316 fax
Email: information@aznciboard.us
Web Site: www.aznciboard.us

Douglas A. Ducey
Governor

Jack Confer
Executive Director

Board Members

Ken Kidder, President
Susan Archer, Vice President
Pauline (Wally) Campbell, Member
Fred Randolph, Member
Melanie Seamans, Member
James Steven, Member

**MINUTES
REGULAR MEETING**

April 11, 2022

I. CALL TO ORDER

President Kidder called the meeting to order at 9:00 a.m.

II. ROLL CALL

President Kidder, Vice President Archer, Member Campbell, and Member Steven were present in person; Member Randolph and Member Seamans were present by telephone.

Attendance: Executive Director Jack Confer, Deputy Director Mona Leonard, Chief Investigator Brandon Eaden, Project Specialist Elizabeth Bronold, and Assistant Attorney General Seamus Monaghan

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

There were no conflicts of interest.

IV. CALL TO THE PUBLIC

No one wishes to speak.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES

Board Review, Consideration and Action on Approval of Minutes

A. Regular Meeting Minutes, March 21, 2022

Member Campbell made a motion seconded by Vice President Archer to approve the minutes for the March 21, 2022 Board meeting.

Motion passed (6-0).

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE REVIEWS

Board Review, Consideration and Possible Action regarding new complaints:

A. CONSENT AGENDA:

Consent agenda items may be considered as a single action unless a Board member or interested party wishes to remove an item for discussion.

Staff Recommendation for Disciplinary Consent Agreement(s):

1. 21-144 Quitlib, Sabino Manager

Chief Investigator Eaden summarized the case for the board. Sabino Quitlib was present at the meeting and answered the questions from the board. Mr. Quitlib stated that he could not remember when he started working at the facility he currently works at. He stated that he typically works one or two days a week at the facility. Mr. Quitlib stated he works about fifteen hours a week at the facility. Mr. Quitlib stated that he thought the facility was ready for the survey.

President Kidder made a motion seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-144 involving manager Sabino Quitlib and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$560.00
- b) Successfully complete a Board approved 40-hour manager training program
- c) Successfully pass the Arizona State Assisted Living Facility Manager Exam

Motion passed (6-0).

2. 21-176 Leibfried, Melinda Manager

Chief Investigator Eaden summarized the case for the board. Melinda Leibfried was present at the meeting and answered the questions from the board. Ms. Leibfried stated that her manager's certificate was not displayed at the time of the survey. She stated that the facility had hired a different manager after she took her certificate down in August. Ms. Leibfried stated that the facility's regional company sent employees to further train staff to prevent deficiencies in the future.

President Kidder made a motion seconded by Vice President Archer to dismiss complaint 21-176 against Manger Melinda Leibfried.

Motion passed (6-0).

3. 21-178 Bourne, Ralph Manager

Chief Investigator Eaden summarized the case for the board. Ralph Bourne was present at the meeting and answered the questions from the board. Mr. Bourne stated he started working for the facility in July, and he stated that when he started he was able to identify issues within the facility such as gaps in employee files. Mr. Bourne stated that he no longer works at the facility, but he helped the current manager with the complaint response.

President Kidder made a motion seconded by Vice President Archer to dismiss complaint 21-178 against Manager Ralph Bourne.

Motion passed (5-1).

4. 21-179 Murrieta, Belen Manager

Chief Investigator Eaden summarized the case for the board. Belen Murrieta was present at the meeting and answered the questions from the board. Ms. Murrieta stated that stated that she was focused on keeping the residents safe, and during this time administrative tasks such as keeping employee files up to date was overlooked. She has since hired another employee to work on employee paperwork. Ms. Murrieta stated that works approximately 16 hours a day and during the pandemic she stayed at the facility 24 hours. She stated that she has not taken any additional education since the survey. Ms. Murrieta received consultation when writing the plan of correction for DHS.

President Kidder made a motion seconded by Member Campbell to issue a letter of concern to Manager Belen Murrieta.

The board's concern is the manger failed to maintain valid fingering clearance cards for all staff and failed to maintain an adequate emergency preparedness plan.

Motion passed (6-0).

5. 21-180

Nyakana, Aloyzious

Manager

Chief Investigator Eaden summarized the case for the board. Aloyzious Nyakana was present at the meeting and answered the questions from the board. Mr. Nyakana stated that one of his employees was a CNA and since the survey the employee became a certified caregiver in the state of Arizona. Mr. Nyakana stated that the CNA was working as an assisted caregiver working under the owner who is certified. The owner left to get groceries and they left the CNA with the residents. Mr. Nyakana stated that he could have been at the facility if the owner would have notified him. Mr. Nyakana stated that he works approximately 36 hours a week at the facility.

President Kidder made a motion seconded by Member Seamans to issue a letter of concern to Manager Aloyzious Nyakana. The board's concern is the manager failed to ensure compliance with personnel requirements and failed to ensure qualified staff were available at all times.

Motion passed (6-0).

6. 21-181

Tran, Dat

Manager

Chief Investigator Eaden summarized the case for the board. Dat Tran was present at the meeting and answered the questions from the board. Mr. Tan stated that he will now have documentation in each of the homes he manages. He now has a complete file in each of the facilities. Mr. Tran stated that the power of attorney needs to sign the paperwork and the resident's POA does not show up. Mr. Tran stated the communication needs to improve with hospice to ensure the paperwork gets signed. Mr. Tran stated the surveyor did not give him the option to submit documentation after the inspection. Mr. Tran stated that he needs to check the MAR more often. He now checks the MAR three days a week.

President Kidder made a motion seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-181 involving manager Dat Tran and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$582.00
- b) 3 hours of Board approved continuing education in record keeping

Motion passed (6-0).

Ten-minute break.

7. 21-184

Esochaghi, Adaoma

Manager

Chief Investigator Eaden summarized the case for the board. Adaoma Esochaghi was present at the meeting along with her designated caregiver, Mary. Ms. Esochaghi answered the questions from the board. Ms. Esochaghi stated that the air conditioning near the door kept breaking down. The residents were moved to the sections of the facility where the air conditioning was working. She stated that the air conditioner has now been replaced. Ms. Esochaghi stated that the temperature was around 100 degrees. Mary stated that there are 16 bedrooms at the facility and residents were moved out of the three rooms where the temperature was outside of the appropriate range. Ms. Esochaghi stated that she spends approximately 6 hours a week at the facility. Mary stated that in order to change the air conditioning they would need to change the entire duct system. Mary stated that before the survey residents were told that they need to move into rooms that were the appropriate temperature. She stated that the residents did not want to move out of the rooms where the air conditioning did not work. Mary stated that it was documented in the residents' files when they were told to move to different rooms due to the air conditioning.

President Kidder made a motion seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-184 involving manager Adaoma Esochaghi and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Reimbursement of investigative costs \$519.00
- b) 3 hours of Board approved continuing education in environmental standards.
- c) 3 hours of Board approved continuing education in emergency and disaster preparedness.

Motion passed (6-0).

8. 21-188


Murillo, Arturo

Manager

Chief Investigator Eaden summarized the case for the board. Arturo Murillo was present at the meeting and answered the questions from the board. Mr. Murillo stated that he works four to six hours a week at the facility.

XI. ADJOURMENT

The cases that were not heard at this meeting will be heard at the next meeting. The meeting was adjourned at approximately 11:45 a.m. due to a power outage.



Jack Confer, Executive Director

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