



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

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Douglas A. Ducey
Governor

Jack Confer
Executive Director

Board Members

Pauline (Wally) Campbell, President
Dr. Charles Villafranca, Vice President
Ken Kidder, Member
Fred Randolph, Member
Melanie Seamans, Member
Susan Archer, Member

MINUTES REGULAR MEETING
January 10, 2022

I. CALL TO ORDER

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

II. ROLL CALL

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

Attendance: Executive Director Jack Confer, 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

None reported

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 December 13, 2021

Vice President Villafranca and seconded by Member Archer to approve the December meeting minutes.

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

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

1. Desert Hills Assisted Living LLC
2. Elsa's Adult Care Home, LLC
3. Serenity Place Assisted Living Home. LLC
4. Gwee's Comport Assisted Living III, LLC
5. Caring at Home, LLC
6. New Reflections Adult Care Home, LLC
7. True Care Assisted Home, LLC
8. Angela's Assisted Living II, LLC
9. Senior Assist Management Solutions, LLC
10. Absolute Assisted Living Adult Care Home
11. Kiran Manor, LLC
12. Oakwood Creative Care, Inc
13. Nurse's Assisted Living, LLC

Vice President Villafranca made a motion seconded by Member Archer to not open a case on agenda items VI 1-10 and 12.

Vice President Villafranca seconded by Member Archer to open a case on agenda items VI 11 and 13.

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

1) 21-69 Vivian Ruiz

Chief Investigator Eaden summarized the case for the Board. He stated that Ms. Ruiz will not be in attendance of the meeting, however, this is the third Board meeting she has been invited to and she has not attended the meetings. Chief Investigator Eaden stated for the Board that Ms. Ruiz will not be in attendance because she has military duty.

Vice President Villafranca made a motion 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 21-69 involving manager Vivian Ruiz 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
2. Stay the

Motion passed (5-1).

2) 21-84 Magee, Loretta Manager 10/01/21

Chief Investigator Eaden summarized the case for the Board. Ms. Magee was present at the meeting along with her attorney, David Williams. Ms. Magee answered the question from the Board. Ms. Magee stated she did not send a written response to the Board because she was sick. Ms. Magee's attorney stated that Ms. Magee was involved in developing and implementing the plan of correction for the DHS deficiencies. Ms. Magee stated that the night shift employee spoke broken English and the caregiver no longer works at the facility.

Vice President Villafranca made a motion seconded by President 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 21-84 involving manager Loretta Magee 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 \$331.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in service plans

3) 21-88 Seidel, Jia Manager 10/06/21

Chief Investigator Eaden summarized the case for the Board. Ms. Seidel was present at the meeting and answered the questions from the Board. Ms. Seidel stated that one of the personnel files that was missing was the owner's file. She stated that there is now a personnel file for the owner. The other employee who did not have a personnel file took his file and left the facility. Ms. Seidel stated that she has only worked at the facility for one month before the DHS compliance inspection.

Vice President Villafranca made a motion 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 21-88 involving manager Jia Seidel 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 within 3 months:

- a) Reimbursement of investigative costs \$414.00
- b) Successfully complete a Board approved 40-hour manager training course
- c) Pass the Arizona Manager Examination

Motion passed (6-0).

4) 21-90 Reyes, Bernadette Manager 10/06/21

Chief Investigator Eaden summarized the case for the Board. Ms. Reyes was present at the meeting and answered questions from the Board. She stated that the employee who did not have a personnel record was someone who was shadowing caregivers and volunteering in the kitchen. She stated that her son was helping with yard work at the facility and he did not have a fingerprint clearance card on file.

Vice President Villafranca made a motion seconded by Member Archer to issue a letter of concert. The Board's concern is the manager failed to properly maintain employee files.

Motion passed (6-0).

5) 21-91 Dendrino, Virginia Manager 10/06/21

Virginia Dendrino was not present at the meeting and the case was moved to the next Board meeting.

6) 21-92 Ellison, Jeanette Manager 10/07/21

Jeanette Ellison was not present at the meeting and the case was moved to the next Board meeting.

7) 21-95 Balan, Mariana Manager 10/07/21

Chief Investigator Eaden summarized the case for the Board. Ms. Balan was present at the meeting and answered the questions from the Board. Ms. Balan stated that all of her service plans are now up to date.

Member Archer made a motion seconded by Vice President Villafranca to dismiss complaint 21-95 against manager Mariana Balan.

Motion passed (6-0).

8) 21-96 Hernandez, Jennifer Manager 10/12/21

Chief Investigator Eaden summarized the case for the Board. Ms. Hernandez was present at the meeting and answered the questions from the Board. Ms. Hernandez explained that one employee had a CPR certification card and it did not have first aid training. Ms. Hernandez stated that she did send a response to the Notice of Complaint. Ms. Hernandez stated that she did not an evacuations drill because she did not want people gathering.

Vice President Villafranca made a motion seconded by Member Archer to dismiss complaint 21-96 against

Motion passed (6-0).

9) 21-97 Hamilton, Gerald Manager 10/12/21

Chief Investigator Eaden summarized the case for the Board. Mr. Hamilton was present at the meeting and answered questions from the Board. Mr. Hamilton stated that he spends very little time the facility. He stated that he lives in Albuquerque, New Mexico. Mr. Hamilton stated that he no longer wishes to be a manger in the state of Arizona.

Vice President Villafranca made a motion 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 21-97 involving manager Gerald Hamilton 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 within 3 months:

- a) Reimbursement of investigative costs \$402.00
- b) 3 hours of Board approved continuing education in communicable disease
- c) 3 hours of Board approved continuing education in emergency and safety standards

Motion passed (6-0).

10) 21-101 Kelly, Cheryl Manager 10/25/21

Cheryl Kelly was not present at the meeting and the case was moved to the next Board meeting.

11) 21-102 Weeks, Sherre Manager 10/25/21

Sherre Weeks was not present at the meeting and the case was moved to the next Board meeting.

12) 21-103 Matyas, Reah Manager 10/25/21

Chief Investigator Eaden summarized the case for the Board. Ms. Matyas was present at the meeting and answered the questions from the Board. Ms. Matyas stated that the employee who administered medication that was not in compliance with orders no longer works at the facility. The family of the resident was notified immediately. The family of the resident who received the medication not in compliance with orders decided not to press charges against the individual who administered the medication. She stated that she left it up to the family to decide whether or not to report the incident to APS.

Vice President Villafranca made a motion seconded by Member Steven 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 21-103 involving manager Reah Matyas 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 within 3 months:

- a) Reimbursement of investigative costs \$400.00
- b) 3 hours of Board approved continuing education in quality assurance
- c) 3 hours of Board approved continuing education in service plans

Motion passed (6-0).

13) 21-104 Kariuki, Caroline Manager 10/26/21

Chief Investigator Eaden summarized the case for the Board. Ms. Kariuki was present at the meeting along with the manager designee. Ms. Kariuki answered the questions from the Board. Ms. Kariuki stated that she was not at the facility during the DHS survey because she also works as a nurse.

Vice President Villafranca made a motion seconded by Member Archer 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 21-104 involving manager Caroline Kariuki 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 within 3 months:

- a) Reimbursement of investigative costs \$437.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in service plans

Motion passed (6-0).

14) 21-105 Nganga, Nancy Manager 10/26/21

Chief Investigator Eaden summarized the case for the Board. Ms. Nganga was present at the meeting along with Catherine Kamwithi who is the manager designee. Ms. Nganga stated that she did not send a timely response to the Board because she was out of the country for a month. Ms. Nganga stated that she was back on the 29th day and she will follow up with board staff after the meeting with her itinerary. Ms. Nganga stated that she did not realize that DHS and the NCIA Board were separate entities. Ms. Nganga answered Executive Director Confer's questions regarding the DHS deficiencies.

Vice President Villafranca made a motion seconded by Member Archer 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 21-105 involving manager Nancy Nganga 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 \$402.00
- b) 3 hours of Board approved continuing education in record keeping
- c) 3 hours of Board approved continuing education in personnel requirements

Motion passed (6-0).

15) 21-106 Carlos, Catrina Manager 10/26/21

Chief Investigator Eaden summarized the case for the Board. Ms. Carlos was present at the meeting and answered the questions from the Board.

Vice President Villafranca made a motion seconded by President 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 21-106 involving manager Catrina Carlos 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 \$390.00
- 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 quality assurance
- e) 3 hours of Board approved continuing education in environmental standards

Motion passed (6-0).

16) 21-107 Garrard, Brady Manager 10/26/21

Chief Investigator Eaden summarized the case for the Board. Mr. Garrard was present at the meeting and answered the questions from the Board. Mr. Garrard stated that he was working on the floor at the other facility he manages while the DHS survey was taking place.

Vice President Villafranca made a motion seconded by Member Archer to issue a letter of concern. The Board's concern is that the manager failed to ensure adequate documentation on opioid administration.

Motion passed (6-0).

17) 21-108 Newville, Stacy Manager 10/26/21

Chief Investigator Eaden summarized the case for the Board. Ms. Newville was present at the meeting and she answered the questions from the Board. Ms. Newville stated that the owner was hiring employees without her knowledge. Ms. Newville stated that she started to review resident records after working as a manger for a couple months at the facility. Ms. Newville stated that she now works as a manager at a different facility.

Vice President Villafranca made a motion seconded by Member Kidder to dismiss complaint 21-108 against manager Stacy Newville.

Motion passed (6-0).

18) 21-110 Cody, Brenda Administrator 10/27/21

Chief Investigator Eaden summarized the case for the Board. Ms. Cody was present at the meeting and answered the questions from the Board. Ms. Cody stated that there are meetings every morning and there is a clinical meeting to discuss clinical issues. There is now constant education for the nurses at the facility due to the previous lack of communication. Ms. Cody stated that if a resident does not have an order for restraints they will remove the restraints until the orders are received. Ms. Cody stated that the policies and procedures have been updated since the DHS survey.

Vice President Villafranca made a motion second by Member Kidder to issue a letter of concern. The Board's concern is the administrator failed to ensure following her policy for the use of restraints.

Motion passed (6-0).

19) 21-114 Stone, Regan Manager 10/29/21

Regan Stone was not present at the meeting and the case was moved to the next Board meeting.

20) 21-115 Brooks, DeLaine Manager 10/29/21

DeLaine Brooks was not present at the meeting and the case was moved to the next Board meeting.

21) 21-116 Fisher, William Manager 11/05/21

William Fisher was not present at the meeting and the case was moved to the next Board meeting.

22) 21-117 Connolly, Kathleen Manager 11/19/21

Kathleen Connolly was not present at the meeting and the case was moved to the next Board meeting.

24) 21-119 Viloría, Analyn Manager 11/05/21

Analyn Viloría was not present at the meeting and the case was moved to the next Board meeting.

23) 21-118 Friend, Rosemarie Manager 11/05/21

Chief Investigator Eaden summarized the case for the Board. Ms. Friend was present at the meeting and answered the questions from the Board. Ms. Friend stated that she was not able to spend as much time at the home because she was quarantined due to Covid-19. She then had some health issues and was in the hospital.

Vice President Villafranca made a motion seconded by President Campbell to dismiss complaint 21-118 against Rosemarie Friend.

President Campbell directed Board staff to identify the previous manager of the facility.


VIII. ANNUAL BOARD ELECTION PURSUANT TO A.A.C. R4-33-102

A. Election of Board President and Vice-President

President Campbell moved agenda item VIII to next month's meeting.

XIII. ADJOURMENT

Meeting was adjourned at 12:22 p.m.



Jack Confer, Executive Director

FINAL