



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

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Governor

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Jack Confer
Executive Director

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

**MINUTES
REGULAR MEETING**

November 15, 2021

I. CALL TO ORDER

President Pauline (Wally) Campbell called the meeting to order at 9:09 a.m.

II. ROLL CALL

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

Attendance: Executive Director Jack Confer, Project Specialist Elizabeth Bronold, Licensing Administrator Mona Leonard, Assistant Attorney General Seamus Monaghan.

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

Vice President Villafranca stated his conflict of interest.
Member Kidder stated his conflict of interest.

IV. CALL TO THE PUBLIC

No one wished to speak.

V. APPROVAL OF MINUTES

- a. Board Review, Consideration and Action on Approval of Minutes
 1. August 12, 2021 Executive Director Hiring Committee Minutes
 2. August 12, 2021 Hiring Committee Executive Session Minutes
 3. September 13, 2021 Regular Session Meeting Minutes
 4. September 13, 2021 Executive Session Meeting Minutes
 5. October 18, 2021, Regular Session Minutes

Member Kidder made a motion that was seconded by Vice President Villafranca to approve the meeting minutes.
Motion passed (6-0).

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.

Facility Name

1. A Distinguished Touch Adult Care LLC
2. Courtyard Towers
3. The Villas at King Road, Villa A
4. Immanuel Campus of Care
5. Blue Sky Manor, Inc
6. Edelweiss Assisted Living LLC
7. B & H Adult Care Home
8. Paradise Life Care 2
9. Premier Group Home Avondale, LLC
10. Blooming Meadows
11. Country Ranch
12. Red Mountain Senior Home #1 Inc
13. Nurse's Assisted Living LLC
14. Chaparral

Vice President Villafranca made a motion that was seconded by Member Kidder to not open a complaint on the facility managers under agenda items 1, 3, 7, 8, 9, 10, 12, and 14. Motion passes (6-0).

Vice President made a motion that was seconded by Member Archer to open a complaint on the facility managers under agenda items 2, 4, 5, 6, 11, and 13. Motion passed (6-0).

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

1. 21-12 Rasmussen, Larry Administrator

AAG Monaghan presented the consent agreement. Member Archer made a motion that was seconded by Vice President Villafranca that the consent agreement be accepted. Motion passed (6-0).

2. 21-58 McNichol, Kathryn Manager 07/29/21

Executive Director Confer summarized the complaint for the Board. Ms. McNichol was present at the meeting and she answered questions from the board. Ms. McNichol explained that she had just bought the home four months before the DHS compliance inspection, and she described the actions she taken to correct the deficiencies.

Member Kidder made a motion seconded by Member Archer to dismiss complaint 21-58 against Kathryn McNichol, for insufficient evidence of a violation.

Motion passed (5-1).

President Campbell made a motion seconded by Member Randolph to open a complaint against the previous owner of the facility Edward Ionescu.

Motion passed (6-0).

2. 21-54 Bailey, Robert Manager

Robert Bailey was not present. The complaint was moved to the December meeting.

3. 21-61 Mutuvi, Dora Manager

Executive Director Confer summarized the complaint for the Board. Ms. Mutuvi was present at the meeting and she answered the questions from the Board.

Member Kidder made a motion that was 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 21-61 involving manager Dora Mutuvi 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 \$425.00
 - b) 3 hours of Board approved continuing education in personnel requirements
 - c) 3 hours of Board approved continuing education in services plans
 - d) 3 hours of Board approved continuing education in emergency disaster preparedness

Motion passed (6-0).

4. 21-65 Irish, Cynthia Manager

Cynthia Irish was not present. The complaint was moved to the December meeting.

IX. REVIEW, DISCUSSION AND POSSIBLE ACTION ON GRANTING AUTHORITY TO THE BOARD'S EXECUTIVE DIRECTOR TO ISSUE AND APPROVE LICENSE(S), CERTIFICATES, RENEWAL(S), AND TRAINING PROGRAMS PURSUANT TO A.R.S. 32-3123.

President Campbell moved to agenda item number nine. Executive Director Confer explained to the Board that granting him the duty of approving licenses, certificates, renewals, and training programs will speed up the licensing process. He explained that right now it can take an extra 20 to 45 days for applicants to get licensed depending on when the applicant is administratively complete and the date of the next Board Meeting. He said that if this is approved the Board will receive roll up reports every month. President Campbell stated that she would like any applicants with any previous disciplinary action must appear before the Board.

President Campbell made a motion seconded by Member Kidder that the Board approve granting the authority to the Board's Executive Director to issue and approve licenses, certificates, renewals, and training programs pursuant to A.R.S. 32-3123.

Motion passed (6-0).

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

5. 21-66 Zamora, Chi Sue Manager

Chi Sue Zamora was not present. The complaint was moved to the December meeting.

6. 21-67 Reyes, Rachelle Manager

Executive Director Confer summarized the complaint for the Board. Ms. Reyes was present at the meeting and she answered the questions from the Board. Ms. Reyes stated that she did not notify the Board that her level one fingerprint clearance card had been suspended.

Member Kidder made a motion seconded by Member Seamans that the Board finds sufficient evidence of a violation of ARS 36-446.04(D) and AAC R4-33-109 for failing to maintain a valid

fingerprint clearance card in complaint number 21-67 involving manager Rachelle Reyes and to offer her a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following:

1. Suspend certificate until a valid fingerprint clearance card is provided showing evidence of compliance.

Motion passed (6-0).

7. 21-68 Borboa, Glynis Manager

Glynis Borboa was not present. The complaint was moved to the December meeting.

8. 21-69 Ruiz, Vivian Manager

Vivian Ruiz was not present. The complaint was moved to the December meeting.

9. 21-70 Dragnea, Emilia Manager

Executive Director Confer summarized the complaint for the Board. Ms. Dragnea was present and she answered the question from the Board. Ms. Dragnea stated she did not notify the Board because she was not working as a manager at the time and she was not aware that she was still obligated to notify the Board.

Vice President Villafranca made a motion seconded by Member Archer that the Board finds sufficient evidence of a violation of ARS 36-446.04(D) and AAC R4-33-109 for failing to maintain a valid fingerprint clearance card in complaint number 21-70 involving manager Emilia Dragnea and to offer her a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following:

1. Civil Money Penalty of \$250.00
2. Suspend certificate until a valid fingerprint clearance card is provided showing evidence of compliance.

Motion passed (6-0).

10. 21-71 Lopez, Annette Manager

Executive Director Confer summarized the case for the Board. Ms. Lopez was present at the meeting and answered the questions from the Board. Ms. Lopez explained to the Board that the caregiver who could not speak English was her mother and that her mother can speak English but it is broken English. She also stated that she has hired a new caregiver for now to take over most of the responsibilities of her mother.

Member Kidder made a motion seconded by Vice President Villafranca to dismiss complaint 21-71 against Annette Lopez, for insufficient evidence of a violation.

Motion passed (6-0).

12. 21-73 Bicking, Regina Manager

Executive Director Confer summarized the complaint for the Board. Ms. Bicking was present at the meeting and she did answered questions from the Board. Ms. Bicking explained the corrections she implemented to fix the deficiencies.

Vice President Villafranca made a motion seconded by Member Archer that the Board finds insufficient evidence of a violation in complaint 21-73 involving manager Regina Bicking, but issue a letter of concern. The Board's concern was that the manager failed to meet environmental standards.

Motion passed (6-0).

11. 21-72 Nash, Tammy Manager

Executive Director Confer summarized the complaint for the Board. Ms. Nash was present at the meeting and she answered the questions from the Board.

Member Kidder made a motion seconded by Vice President Villafranca to dismiss complaint 21-72 against Tammy Nash, for insufficient evidence of a violation.

17. 21-78 Tan, Marie Manager

Elizabeth Bronold, Project Specialist summarized the complaint for the Board. Ms. Tan was present at the meeting and she answered the questions from the Board. Ms. Tan stated she was not aware that the online CPR certification her employee gave to her was unacceptable. She has a policy stating that CPR must be a valid in person class, however, due to Covid-19 Ms. Tan assumed there was an exception to the rule. She has since scheduled the employee to take a valid in person CPR class.

Member Kidder made a motion seconded by Member Archer that the Board finds insufficient evidence of a violation in complaint 21-78 involving manager Marie Tan, but issue a letter of concern. The Board's concern was that the manager failed to fill CPR training requirements.

Motion passed (6-0).

10-minute break.

13. 21-74 Oulanyah, Ladywinnie Manager

Ladywinnie Oulanyah was not present. The complaint was moved to the December meeting.

14. 21-75 Solaru, Foluso Manager

Executive Director Confer summarized the complaint for the Board. Mr. Solaru was present at the meeting and he did answer the questions from the Board. Mr. Solaru stated that the TB test that were not done at the time of the DHS survey have been now been completed.

Member Kidder made a motion seconded by Vice President Villafranca to dismiss complaint 21-75 against Foluso Solaru, for insufficient evidence of a violation.

Motion passed (6-0).

15. 21-76 Mercea, Ancuta Manager

Executive Director Confer summarized the complaint for the Board. Ms. Mercea was present at the meeting and she answered the questions from the Board. Ms. Mercea explained to the Board that her caregiver gave the DHS surveyor a different name than she gave to Ms. Mercea. Ms. Mercea's employee misrepresented themselves and once this was noticed the employee left. She stated that she will now be checking caregivers photo identification to ensure they are who they say they are.

Member Archer made a motion seconded by Member Kidder to dismiss complaint 21-76 against Ancuta Mercea, for insufficient evidence of a violation.

Motion passed (5-1).

18. 21-79 Felix, Mirtha Manager

Elizabeth Bronold, Project Specialist summarized the complaint for the Board. Ms. Felix was present at the meeting and she answered the questions from the Board. Ms. Felix stated that the caregiver she hired gave her a certificate and she did not find out the certificate was inauthentic

until the DHS surveyor looked at the certificate. She now has a caregiver on the floor who is certified through a valid caregiver training program. Ms. Felix said she does not know where to verify caregiver certificates.

Member Kidder 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 21-79 involving manager Mirtha Felix 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) Complete the manager training course that is approved by the Board
 - b) Pass the manager state examination
 - c) Any costs of the probation are those of the certificate holder

Motion passed (5-1).

19. 21-80 Rosas, Roman Manager

Roman Rosas was not present. The complaint was moved to the December meeting.

20. 21-81 Sensky, Pamela Manager

Pamela Sensky was not present. The complaint was moved to the December meeting.

21. 21-82 Ryckman, Patty Manager

Elizabeth Bronold, Project Specialist summarized the complaint for the Board. Ms. Ryckman was present at the meeting and she answered the questions from the Board. Ms. Ryckman explained to the Board the actions she took in order to prevent another repeat deficiency. She also stated that every employee has a valid first aid training and CPR certificate. She has hired a quality manger whose role is to conduct audits to ensure all employees files are up to date.

Member Kidder made a motion seconded by Member Archer to dismiss compliant 21-82 against Patty Ryckman, for insufficient evidence of a violation.

Motion passed (6-0).

22. 21-83 Opritescu, Claudia Manager

Elizabeth Bronold, Project Specialist summarized the complaint for the Board. Ms. Opritescu was present along with her father, Catalin Opritescu, who is the owner of the facility. Ms. Opritescu answered the questions from the Board. Ms. Opritescu stated she was working with the pharmacy to develop opioid medication policies. The staff has been retrained on medication and documentation, and there is a nurse that oversees everything along with Ms. Opritescu.

Member Kidder made a motion seconded by Vice President Villafranca to dismiss compliant 21-83 against Claudia Opritescu, for insufficient evidence of a violation.

Motion passed (6-0).

23. 21-87 Sardella, Catherine Manager

Catherine Sardella was not present. The complaint was moved to the December meeting.

24. 21-89 Marc, Bianca Manager

Elizabeth Bronold, Project Specialist summarized the case for the Board. Ms. Marc was present along with her husband who is a co-owner of the facility. Ms. Marc answered the questions from the Board. Ms. Marc explained that the employee who did not have a valid fingerprint clearance card was the housekeep, and the facility no longer has a housekeeper.

Vice President Villafranca made a motion seconded by Member Seamans to dismiss compliant 21-89 against Bianca Marc, for insufficient evidence of a violation.

Motion pass (6-0).

25. 21-93 Mallery, Christine Manager

Elizabeth Bronold, Project Specialist summarized the case for the Board. Ms. Mallery was present at the meeting and she answered the questions from the Board.

Vice President Villafranca made a motion that was 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 21-93 involving manager Christine Mallery 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 \$413.00
 - b) 3 hours of Board approved continuing education in medication management
 - c) 3 hours of Board approved continuing education in residency agreements
 - d) Any costs of the probation are those of the certificate holder

Motion passed (6-0).

26. 21-94 Gondec, Andrei Manager

Elizabeth Bronold, Project Specialist summarized the complaint for the Board. Mr. Gondec was present and he answered the questions from the Board. Mr. Gondec stated the owner has been cutting back on staffing due to financial issues, and he has been working for free in order to help out the owner. Mr. Gondec explained that the residents were not left alone and the caregiver fell asleep on the couch, however, there was no documentation of this.

Member Kidder made a motion that was seconded by Vice President 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 21-94 involving manager Andrei Gondec 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 \$496.00
 - b) 3 hours of Board approved continuing education in personnel requirements
 - c) 3 hours of Board approved continuing education in resident rights
 - d) Any costs of the probation are those of the certificate holder

Motion passed (6-0).

XIII. ADJOURNMENT

Meeting was adjourned at 12:25 p.m.



Jack Confer, Executive Director