



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
James Steven, Member

MINUTES
REGULAR MEETING

December 13, 2021

I. CALL TO ORDER:

President Pauline (Wally) Campbell called the meeting to order at 9:04 am.

II. ROLL CALL

President Campbell, Vice President Villafranca, Member Archer, Member Seamans, 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, Licensing Administrator Mona Leonard, Assistant Attorney General Seamus Monaghan.

III. NEW BOARD MEMBER INTRODUCTION

President Campbell introduced Member Steven to the Board.

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

Member Archer recused herself from agenda item VI (C).

IV. CALL TO THE PUBLIC

No one wished to speak.

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

A. November 15, 2021 Regular Meeting Minutes

Vice President Villafranca made a motion that was seconded by Member Archer to approve the meeting minutes. Member Steven abstained.

Motion passed (6-0).

VI. FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTION TO DEEM ALLEGATIONS ADMITTED:

Formal Administrative Hearings, Consent Agreement or Motion to Deem Allegations Admitted.

A. Boggs, Rowena 19-107 Manager Formal Hearing

Ms. Boggs was not present at the meeting. AAG Monaghan summarized the case for the Board. He stated that the Board offered a consent agreement to Ms. Boggs and the consent agreement was not complied with. It was moved to formal hearing for failure to comply with Board order.

Vice President Villafranca made a motion seconded by Member Archer to grant the states motion and deem the allegations in the complaint notice of hearing as admitted.

Motion passed (7-0).

Vice President Villafranca made a motion seconded by Member Archer to adapt the factual allegations and the allegations of unprofessional conduct from this complaint notice of hearing as findings of fact and conclusion of law.

Motion passed (7-0).

Vice President Villafranca moved for revocation which was seconded by Member Archer.

Motion passed (7-0).

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

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

1) 21-34 Lawrence, Mark Manager 02/11/21

Chief Investigator Eden summarized the case for the Board. Mr. Lawrence was present at the meeting along with his attorney Jennifer Wasserman. Attorney Wasserman made her opening statement. Mr. Lawrence answered questions from the Board and he stated that the complainant submitted fraudulent documents. Ms. Sonh, the complainant, was not present at the meeting. Mr. Lawrence stating that this matter was investigating in multiple on-site inspection and none of the allegations were able to be substantiated.

Vice President Villafranca made a motion seconded by Member Archer to dismiss the complaint.

Motion passed (6-1). President Campbell voted nay.

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

- 1 A Family Affair, ALH
- 2 Country Ranch
- 3 Elsa's Adult Care Home LLC
- 4 La Paz Assisted Living
- 5 Mountainside Assisted Living
- 6 Villa at King Road, Villa B

Vice President Villafranca made a motion seconded by Member Seamans to not open a complaint on agenda items VII A 1-6. Member Steven abstained.

Motion Passed (6-0).

VI. FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTION TO DEEM ALLEGATIONS ADMITTED:

Formal Administrative Hearings, Consent Agreement or Motion to Deem Allegations Admitted.

C. Istrate, Ana 21-33 Manager Formal Hearing

Ms. Istrate was not present at the meeting. AAG Monaghan stated that there is a proposed consent agreement being present in lieu of the formal hearing. Ms. Istrate has already signed the consent agreement, but the Board did not accept it so there is no Board signature.

Vice President Villafranca made a motion seconded by President Campbell to accept the signed consent agreement.

Motion passed (7-0).

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

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

2) 21-35 Nowak, Bettina Manager 01/27/21

Chief Investigator Eaden summarized the case for the Board. Ms. Nowak was not present at the Board meeting.

Vice Present 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 21-35 involving manager Bettina Nowak 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

Motion passed (7-0).

3) 21-48 Aluoch, Sylvia Manager 03/21/21

Chief Investigator Eaden summarized the case for the Board. Ms. Aluoch was not present at the Board meeting.

Vice President Villafranca made a motion 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 21-48 involving manager Sylvia Aluoch 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

Motioned passed (7-0).

4) 21-54 Bailey, Robert Manager 07/26/21

Chief investigator Eaden summarized the complaint for the Board. Mr. Bailey was not present at the Board meeting.

Member Seamans made a motion 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 21-61 involving manager Robert Bailey 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 \$387.00
 - b) 3 hours of Board approved continuing education in personnel requirements
 - c) 3 hours of Board approved continuing education in communicable diseases

Motion passed (7-0).

VI. FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTION TO DEEM ALLEGATIONS ADMITTED:

B. Relleve, Jeanice 20-109 Manager Formal Hearing

Ms. Relleve was not present at the Board meeting. Ms. Relleve requested that the hearing be postponed until next months meeting.

Vice President Villafranca made a motion seconded by President Campbell to deny the request to continue.

Motion did not pass (4-4).

Member Steven made a motion to grant the request to continue. There was not a second to the motion.

Vice President Villafranca made a motion seconded by Member Kidder to deny request for continuance and hear the case today.

Motion passed (6-1).

AAG Monaghan summarized the case for the Board.

Vice President Villafranca made a motion seconded by Member Archer to grant the states motion and deem the allegations in the complaint notice of hearing as admitted.

Motion passed (7-0).

Vice President Villafranca made a motion seconded by Member Archer to adapt the factual allegations and the allegations of unprofessional conduct from this complaint notice of hearing as findings of fact and conclusion of law.

Motion passed (7-0).

The state does not have a presentation.

Vice President Villafranca made a motion seconded by President Campbell to revoke Ms. Rellve's manager's certificate.

Motion passed (7-0).

5-minute break.

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

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

8) 21-66 Zamora, Chi Sue Manager 09/03/21

Chief Investigator Eaden summarized the case for the Board. Ms. Zamora was present at the Board meeting. Ms. Zamora answered the questions from the Board. Ms. Zamora did not know if the caregiver who was hired was certified or had a fingerprint clearance card. Ms. Zamora stated that she did not hire this person and the caregiver was terminated after the DHS survey. Dr. Villafranca expressed concern that this caregiver would not have been terminated if it were not for the DHS looking at the file.

Member Seamans made a motion 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 21-66 involving manager Chi Sue Zamora 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) Board approved 40-hour manager training program
 - c) Pass the Arizona Manager's Examination

Motion passed (7-0).

6) 21-57 Angeles, Joshua Manager 01/29/21

Chief investigator Eaden summarized the case for the Board. Mr. Angeles was present at the meeting, and he answered the question from the Board. Mr. Angeles stated that he consulted with the power of attorney for each resident when they had to move people from the home. Mr. Angeles stated that after four months after everyone including staff was vaccinated.

Vice President Villafranca made a motion seconded by Member Randolph to dismiss complaint 21-57.

Motion passed (7-0).

17) 21-87 Sardella, Catherine Manager 10/05/21

Chief Investigator Eaden summarized the case for the Board. Ms. Sardella was present at the meeting along with her husband Mr. Sardella. Ms. Sardella answered questions from the Board. Ms. Sardella stated that her and her husband sold the home, but she allowed the new owners to hang her license at the facility.

Member Archer made a motion 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 21-87 involving manager Catherine Sardella 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 \$462.00
 - b) 3 hours of Board approved continuing education in service plans
 - c) 3 hours of Board approved continuing education in personnel requirements
 - d) 3 hours of Board approved continuing education in medication management

Motion passed (7-0).

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATOR LICENSURE AND MANAGER CERTIFICATION

A. 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 timeframe or the license or certificate will be denied.

1. Iloreta, Anthony

Licensing Administrator Leonard summarized the case for the Board. Mr. Iloreta was present at the Board meeting and answered the questions from the Board. Mr. Iloreta stated that he does have a fingerprint clearance card that has a driving restriction on the back. Mr. Iloreta has worked as a caregiver since June 2021.

Vice President Villafranca made a motion seconded by Member Seamans to offer a consent agreement for licensure with the stipulation that he show up to Board meetings quarterly for a year.

Motion passed (7-0).

2. Mati, Florine

Licensing administrator Leonard summarized the case for the Board. Ms. Florine Mati was convicted for fraud. Ms. Mati was present at the meeting and answered the questions form the Board. Ms. Mati stated that she does have a caregiver certificate. Ms. Mati stated she is utilizing a payback program however there is no evidence that she has been paying the restitution.

Vice President Villafranca made a motion seconded by President Campbell to deny licensure based on A.R.S. § 36 446.07 B (1) for a conviction of a felony or misdemeanor involving moral turpitude.

Motion passed (7-0).

3. Charron, Jeanine

Licensing administrator Leonard presented the case to the Board. Ms. Charron was present at the Board meeting and she answered questions from the Board. Ms. Charron stated that she was not intoxicated when the intendent occurred. She was a licensed RN at the time of the incident and she did report it to the Nursing Board and they did not do anything with the case. Ms. Charron has not had any trouble with the law since the incident in 2009.

Vice President Villafranca made a motion seconded by Member Archer to approve licensure for Jeanine Charron.

Motion passed (7-0).

4. Hernandez, Valorie

Licensing Administrator Leonard summarized the case for the Board. Ms. Hernandez was present at the meeting and she answered questions from the Board. Ms. Hernandez owns a care home. She stated that she does have a fingerprint clearance card through the good cause exception. Ms. Hernandez has not been in an altercation since this incident.

Vice President Villafranca made a motion seconded by Member Kidder to approve licensure for Valorie Hernandez.

Motion passed (7-0).

XII. PERSONNEL MATTER(S) FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(1) (to discuss personnel matters).

A. ISA with Respiratory Care Board

Executive Director Confer stated that the Respiratory Board requested 25% of his time before they hire a new Executive Director. He stated that his ISA puts those terms in writing.

President Campbell made a motion seconded by Vice President Villafranca to approve this arrangement.

Motion passed (7-0).

XI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE DIRECTOR'S POLICY AND PROCEDURE FOR APPROVING AND ISSUING ADMINISTRATOR LICENSE(S), MANAGER CERTIFICATE(S), APPLICATION RENEWAL(S) CONTINUING EDUCATION COURSES AND TRAINING PROGRAMS TO PURSUANT TO ARS 32-3123

A. Draft Policy & Procedure

Executive Director Confer stated that the policy and procedure is not yet finalized. President Campbell moved this item to the next meeting.

XIII. ANNUAL CONFLICT OF INTEREST REVIEW & BOARD MEMBER DISCLOSURE

A. Board Policy & Procedure

Executive Director Confer summarized the agenda item for the Board. He stated that all Board members must submit to him declarations of any conflicts of interests on a yearly basis.

IX. EXECUTIVE DIRECTOR REPORT

A. Budget Update

Executive Director Confer updated the Board on the current budget. He stated that the Board's executive consultant will most likely be done with the Board at the end of December.

- B. Licensing & Investigation Statistics
Nothing at this time
- C. Office of the Attorney General Legislative Memorandums (Information Only)
- D. Regularly scheduled meeting for 2022

5-minute break

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

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

- 5) 21-55 Barajas, Veronica Manager 04/19/21**
Executive Director Confer summarized the case for the Board. Ms. Barajas was not present at the Board meeting.

Vice President Villafranca made a motion 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 21-55 involving manager Veronica Barajas 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 \$397.00
 - b) 3 hours of Board approved continuing education in medication management
 - c) 3 hours of Board approved continuing education in communicable diseases
 - d) 3 hours of Board approved continuing education in resident rights

Motion passed (7-0).

- 7) 21-65 Irish, Cynthia Manager 08/28/21**
Executive Director Confer summarized the case for the Board. Cynthia Irish was not present at the Board meeting.

Vice President Villafranca made a motion 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 21-65 involving manager Cynthia

Irish 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 licensure

9) 21-68 Borboa, Glynis Manager 09/03/21
Executive Director Confer summarized the complaint for the Board. Glynis Borboa was not present at the meeting.

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. § 36-446.04(B) and AAC R4-33-109 for failing to maintain a valid fingerprint clearance card in complaint number 21-68 involving manager Glynis Borboa 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 monetary penalty of \$270
2. Suspension of certificate until a valid fingerprint clearance card is provided

Motion passed (6-1).

Vice President Villafranca made a motion to administratively suspend Glynis Borboa's certificate and for Board staff to send the letter.

Motion passed (7-0).

10) 21-69 Ruiz, Vivian Manager 09/03/21
Executive Director Confer summarized the case for the Board. Ms. Ruiz was not present at the Board meeting.

President Campbell made a motion seconded by Vice Present Villafranca to request Vivian Ruiz's presence at the next meeting.

Motion passed (7-0).

11) 21-74 Oulanyah, Ladywinnie Manager 09/23/21
Executive Director Confer summarized the case for the Board. Ms. Oulanyah was not present at the meeting.

Vice President Villafranca made a motion seconded by Vice President Villafranca made a motion 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 21-74 involving manager Ladywinnie Oulanyah 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 certification.

Motion passed (7-0).

12) 21-75 Solaru, Foluso Manager 09/23/21
This item was skipped due to the fact that the case was heard at the previous meeting.

13) 21-77 Gobantes, Tito Manager 09/24/21
Executive Director Confer presented the case for the Board. Mr. Gobantes was not present at the Board meeting.

Vice President Villafranca made a motion 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 21-77 involving manager Tito Gobantes 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

Motion passed (7-0).

14) 21-80 Rosas, Roman Manager 09/27/21
Project Specialist Elizabeth Bronold stated that Mr. Rosas manger certificate was expired the time the complaint was opened, and this complaint was forwarded to DHS.

15) 21-81 Sensky, Pamela Manager 09/27/21
President Campbell stated that DHS must be notified of this matter to ensure Ms. Sensky is not still practicing without a license.

16) 21-86 Garcia, Analyn Manager 03/30/21
Executive Director Confer summarized the case for the Board. Ms. Garcia was not present at the Board meeting.

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 21-86 involving manager Analyn Garcia 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) Board approved 40-hour manager training program
 - c) Successfully pass the Arizona Manager's Examination

Motion passed (7-0).

18) 21-115 Brooks, DeLaine Manager 07/29/21
Ms. Brooks was not present at the meeting. This complaint was moved to next meeting.

IX. BOARD PRESIDENT'S REPORT

X: BOARD DISCUSSION OF LEGISLATION AND POSSIBLE VOTE FOR FORMATION OF A LEGISLATIVE SUBCOMMITTEE

Executive Director Confer suggested that there be a legislative subcommittee. Member Archer and Member Kidder volunteered to be on the subcommittee.

X. ADJOURNMENT

President Campbell adjourned the meeting at 1:02 pm.



Jack Confer
Executive Director