



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

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Katie Hobbs
Governor

Jack Confer
Executive Director

**BOARD MEETING MINUTES
September 11, 2023**

I. ROLL CALL

President Kidder called the meeting to order at 9:04 a.m.

President Kidder, Vice President Archer, Member Brimhall, Member Campbell, Member Felix, Member Steven and Member Koford were present in person.

Attendance: Executive Director Jack Confer, Project Specialist Aileen Barajas, Investigator Phil Smith, Deputy Director Donita McGlasson, Assistant Attorney General Seamus Monaghan, and Assistant Attorney General Diane DeDea.

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

President Kidder recused himself from case number 2022-NCI-0129

Member Felix recused herself from case number 2023-NCI-0119

III. CALL TO THE PUBLIC

No one wished to address the Board

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

A. Draft Regular Meeting Minutes, August 14, 2023

B. Draft Executive Session Meeting Minutes, August 14, 2023

MOTION: Vice President Archer made a motion, seconded by Member Brimhall to approve the August 14, 2023 regular meeting minutes and August 14, 2023 executive session minutes.

ROLL CALL VOTE (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X	X	X		X	X	X	X
No									
Absent					X				
Recused									

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION ON FORMAL ADMINISTRATIVE HEARINGS, PROPOSED CONSENT AGREEMENTS OR MOTIONS TO DEEM ALLEGATIONS ADMITTED:

A. Complaint & Notice of Hearing, Bethel Kebede, 2022-NCI-0018 9:05AM

Assistant Attorney General Diance DeDea was present and Independent Counsel for the Board. Manager Kebebe was present by virtual Meets.

MOTION: Vice President Archer, Seconded by Member Brimhall to adopt the Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law

ROLL CALL VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X	X	X		X	X	X	X
No									
Absent					X				
Recused									

MOTION: President Kidder made a motion, seconded by Vice President Archer to order revocation of Assisted Living Facility Manager certification.

ROLL CALL VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X	X	X		X	X	X	X
No									
Absent					X				
Recused									

VII. CONSENT AGENDA ITEMS: REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMPLAINT CASE

A. Staff Recommendation for Disciplinary Consent Agreement(s):

1. Tara Wallace 2023-NCI-0120

Manager Wallace was present, along with the director/owner of the facility. Investigator Smith

summarizes the case for the Board. Manager Wallace addresses the Board and explains she was not notified that the surveyors had been at the facility but that positive changes have been made.

MOTION: President Kidder made a motion to issue a Letter of Concern. Motion died for lack of a second.

MOTION: President Kidder made a motion, seconded by Member Brimhall, to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but the Suspension as long as the terms of Probation are met; reimburse the Board \$601.33 for investigative costs; complete 3 hours of continuing education in the areas of Service Plans, Personnel Requirements and Ethics within 3 months.

ROLL CALL VOTE: (7-0)

Vote	Presidet Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X	X	X		X	X	X	X
No									
Absent					X				
Recused									

2. Jennipher Cota 2023-NCI-0129

Manager Cota was not present. President Kidder recused himself from the case. Investigator Smith summarizes the case for the Board.

MOTION: Member Brimhall made a motion, seconded by Member Felix to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but the Suspension as long as the terms of Probation are met; reimburse the Board \$569.70 for investigative costs; complete 3 hours of continuing education in the areas of Medication Management, Service Plans and Emergency Disaster Preparedness within 3 months.

ROLL CALL VOTE: (7-0)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes		X	X	X		X	X	X	X
No									
Absent					X				
Recused	X								

5. Syliva Mulshine 2023-NCI-0139 & 2023-NCI-0140

Manager Mulshine was present and represented herself. Investigator Smith summarizes the case for the Board. Manager Mulshine answers questions from the Board and explains that when starting a new facility, a full audit report is conducted.

MOTION: President Kidder made a motion, seconded by Vice President Archer to combine cases 2023-NCI-0139 & 2023-NCI-0140.

ROLL CALL VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X	X	X		X	X		X
No									
Absent					X			X	
Recused									

MOTION: President Kidder made a motion, seconded by Member Brimhall to dismiss cases 2023-NCI-0139 & 2023-NCI-0140

ROLL CALL VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X	X	X		X	X		X
No									
Absent					X			X	
Recused									

9. Isabel D’Angeloe 2023-NCI-0169

Isabel D’Angeloe was present and represented herself. Investigator Smith summarizes the case for the Board. Manger D’Angeloe answers questions from the Board.

MOTION: President Kidder made a motion, seconded by Vice President Archer to offer a Consent Agreement to be signed within 10 days or the matter will be forwarded to formal hearing for a violation of ARS 36-446.07(B)(3), conditions: Suspension of Certificate, but the Suspension as long as the terms of Probation are met; reimburse the Board \$524.82 for investigative costs; complete 3 hours of continuing education in the areas of Service Plans and Personnel Requirements within 3 months.

ROLL CALL VOTE: (7-0)

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X		X		X	X	X	X
No									
Absent			X		X				
Recused									

3. Nicholas Radeka 2023-NCI-0134

4. William Roesler 2023-NCI-0135

6. Adrienne Garcia 2023-NCI-0145 & 2023-NCI-0245

7. Blanca L Thurman 2023-NCI-0163

8. Irineo Inghram Ambrocio 2023-NCI-0165

10. Jonathan Marino Gonzvar 2023-NCI-0170

11. Paul Bomonfcag 2023-NCI-0171

12. Remigius Uzoma 2023-NCI-0228 & 2022-NCI-0622

13. Yvonne Agbayani Buhatin 2023-NCI-0281

14. Jonathan Marino Gonzvar 2023-NCI-0371

15. Jonathan Marino Gonzvar 2023-NCI-0379

MOTION: President Kidder made a motion, seconded by Vice President Archer, to accept the staff recommendation for agenda items 3, 4, 6-8 & 10-15 and combine cases 2023-NCI-0170, 2023-NCI-0371 & 2023-NCI-0379.

ROLL CALL VOTE- (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X		X		X	X	X	X
No									
Absent			X		X				
Recused									

B. Staff Recommendation for Non-Disciplinary Letter of Concern(s):

1. Rosemarie Friend 2023-NCI-0105
2. Maria Reyes 2023-NCI-0121
3. Claudia Lupei 2023-NCI-0127
4. Wendelyn Javier 2023-NCI-0138
7. Yvonne Agbayani Buhatin 2023-NCI-0149
8. Joey S Bradley 2023-NCI-0151
9. Suzanne Porter 2023-NCI-0258
10. Raymond Latrel Thomas 2023-NCI-0280

MOTION: President Kidder made a motion, seconded by Vice President Archer to follow staff recommendation for a Non-Disciplinary Letter of Concern(s) for agenda items 1-4, 7-10.

ROLL CALL VOTE: Motion Passed unanimously

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X		X		X	X	X	X
No									
Absent			X		X				
Recused									

5. Carol J Mazza 2023-NCI-0141

Manager Mazza was present and represented herself. Investigator Smith summarizes the case for the Board. Manager Mazza states that there was no Quality Assurance Plan in place when she started at the new facility but that changes have been made and put in place.

MOTION: President Kidder made a motion to issue a Letter of Concern. Motion died for lack of a second.

MOTION: Vice President Archer made a motion, seconded by Member Felix to dismiss case 2023-NCI-0141

ROLL CALL VOTE: (6-1) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X				X	X	X	X
No				X					
Absent			X		X				
Recused									

6. Thomas K Brooks 2023-NCI-0144

Manager Brooks was present and was represented by Attorney Tracy Olsen. Investigator Smith summarizes the case for the Board. Manager Brooks reads the letter he prepared to the Board and addresses the deficiencies. Attorney Olsen also addressed the Board in regards to the deficiencies.

MOTION: Vice President Archer made a motion, seconded by President Kidder to dismiss case 2023-NCI-0144

ROLL CALL VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X		X		X	X	X	X
No									
Absent			X		X				
Recused									

C. Staff Recommendation for Dismissal(s):

- 1. Elsa E Estil 2023-NCI-0104
- 2. Holly Gavazzi 2023-NCI-0107
- 3. Timothy Poore 2023-NCI-0108
- 4. Timothy Poore 2023-NCI-0109
- 5. Lara G Bowels 2023-NCI-0113
- 6. Mercedes Williams 2023-NCI-0115
- 7. Ligia R Coman 2023-NCI-0116
- 8. Emanuel Balint 2023-NCI-0117
- 9. Jimmy A Anifowose 2023-NCI-0118
- 11. Veronica Rios 2023-NCI-0122
- 12. Haralambos Babaletskos 2023-NCI-0123
- 13. Peter G Demangus 2023-NCI-0125
- 14. Antoaneta Papuc 2023-NCI-0126
- 15. Ioana Biro 2023-NCI-0128
- 16. Raymond Latrel Thomas 2023-NCI-0130
- 17. Brian Michael LaLena 2023-NCI-0131
- 18. Referenda Ernst 2023-NCI-0132
- 19. Cecil Rinker 2023-NCI-0133
- 20. Edyta Pedlowska 2023-NCI-0142
- 21. Dominika Zajac 2023-NCI-0143
- 22. Chekela Turner 2023-NCI-0146
- 23. Lawrence P Predmore 2023-NCI-0147
- 24. Christina Bustamante 2023-NCI-0148
- 25. Caroll J. Mazza 2023-NCI-0162
- 26. Calina Ardelean 2023-NCI-0167
- 27. Suzanne M Porter 2023-NCI-0168
- 28. Amber Porter 2023-NCI-0179

29. Lori J Higuera 2023-NCI-0252 **MOTION:** Member President Kidder made a motion, seconded by Member Brimhall to follow the Board recommendation to dismiss cases 1-29 excluding case 10. Dennis J Scalpone 2023-NCI-0119.

ROLL CALL VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X		X		X	X	X	X

No									
Absent			X		X				
Recused									

MOTION: President Kidder made a motion, seconded by Vice President Archer to dismiss case 2023-NCI-0119 Dennis J Scalpone. Member Felix recused herself.

ROLL CALL VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X		X		X		X	X
No									
Absent			X		X				
Recused							X		

VIII. BOARD PRESIDENT REPORT:

President Kidder states that there will be a NAB 2023 Mid- Year meeting, October 25-27, 2023

MOTION: Member Brimhall made a motion, seconded by Vice President Archer to send President Kidder to this year’s NAB Mid-Year meeting.

BLOCK VOTE: (7-0) Passed

Vote	President Kidder	Vice President Archer	Member Campbell	Member Steven	Member Hill	Member Brimhall	Member Felix	Member Cook	Member Koford
Yes	X	X		X		X	X	X	X
No									
Absent			X		X				
Recused									

IX. EXECUTIVE DIRECTOR REPORT

A. FY2024 & FY2025 Budget Request (Possible Consideration & Discussion):

Executive Director Confer provided an update on the Budget Request and stated that the request has been submitted to the Governor's office and waiting for approval.

B. Sunset Review NCIA Response, Initial Communication Plan, Joint Legislative Committee of Reference (Possible Consideration & Discussion):

Director Confer provided a 2024 Legislative Sunset Review update that there will be a subcommittee meeting between September- November

C. 5 Year Rule Review (Possible Consideration & Discussion):

Executive Director Confer gave an update on the 5 year rule review that is due before the end of the year and the top 5 rules that need to be changed.

D. Fee Increase Request (Possible Consideration & Discussion):

Executive Director Confer gave an update and stated that the fee increase has been submitted to the Governor’s office and has not yet been approved.

E. Complaint & Licensing Statistics (Possible Consideration & Discussion):

Executive Director Confer provided the board with the current licensing and complaint statistics.

Executive Director Confer answered questions from the board.

XIII. FUTURE ITEMS AND MEETING DATES

October 16, 2023, November 13, 2023, and December 11, 2023.

XIV. ADJOURNMENT

President Kidder adjourned the meeting at 12:28 p.m.

Jack Confer, Executive Director

DRAFT