



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

Douglas A. Ducey
Governor

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

Sabrina Khan
Executive Director

Board Members

Pauline (Wally) Campbell, President
Charles Villafranca, Vice President
Ken Kidder, Member
Nina Louis, Member
Fred Randolph, Member
Melanie Seamans, Member
Susan Archer, Member
Ted Ihrman, Member

MINUTES
REGULAR MEETING

May 10, 2021

The Board's mission is to protect the health, welfare, and safety of the public who seek and use the services of nursing care institution administrators and assisted living facility managers.

Pursuant to A.R.S. § 38-431.02, **NOTICE IS HEREBY GIVEN** to the members of the State of Arizona Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers ("Board") and to the general public that the Board will hold a regular monthly Board meeting, which is open to the public on: **May 10, 2021, Regular Board Meeting, to be held at 1740 W. Adams Street, Board Meeting Room C, Phoenix, Arizona 85007 at 9:00 a.m.**

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Allen Imig at 602-364-2273 (or through the Arizona Relay Service at 711). Please make your request as early as possible to allow time to arrange the accommodation.

The Board President reserves the right to change the order of the items listed on the Agenda except for matters scheduled at a specific time. This agenda is subject to change up to 24 hours prior to the meeting. Board members may be present by telephone.

During the course of the meeting, the Board, upon a majority vote of a quorum of the members, may hold an executive session for the purposes of obtaining legal advice from the Board's attorney on any matter listed on the Agenda pursuant to A.R.S. § 38-431.03(A)(3), and for the purpose of discussion or consideration of confidential material pursuant to A.R.S. § 38-431.03(A)(2). The executive session will be held immediately after the vote and will not be open to the public. As a reminder the resident's name is confidential, you must refer to a resident by their initials or "resident."

Items that are referenced as a Consent Agenda may be considered as a single action unless a Board Member removes a specific item for review, discussion, and action separately from the other Consent Agenda items.

The Board will review, discuss, and may take action on the following matters listed on the agenda. The agenda for the May 10, 2021, Regular Board Meeting is as follows:

1. **CALL TO ORDER**

Vice President Villafranca called the meeting to order at 9:05 a.m.

2. **ROLL CALL**

Board Members Present: President Campbell (present telephonically), Vice President Villafranca, Member Kidder, Member Seamans, Member Archer, Member Irhman, Member Randolph joined the meeting as of 12:10 a.m.

Board Members Absent: Member Randolph

Board Staff Present: Sabrina Khan executive director, Zakiya Mallas licensing specialist, and Phil Smyth investigator. Seamus Monaghan Assistant Attorney General was present.

3. **CALL TO THE PUBLIC**

Persons who want to address the Board do not need to request permission in advance, but they do need to complete a "Request to Speak to the Board" form so that the Board is aware that they are here and that they want to speak to the Board. Each person who wants to address the Board will be given five (5) minutes to do so. However, the Board may limit the number of persons speaking on each issue to a reasonable number of persons. Pursuant to A.R.S. § 38-431.02(H), the Board can discuss or take action ONLY on matters that are listed on the Agenda. Board action on issues that are not listed on the Agenda is limited to directing staff to study the matter or to schedule the matter for further discussion at a future Board Meeting.

No person commented during the call to the public that was held at 9:09 a.m.

4. **APPROVAL OF MINUTES**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).

A. Board Review, Consideration and Action on Approval of Minutes

1. April 12, 2021 Regular Board Meeting Minutes

Vice President Villafranca made a motion to approve the draft minutes that was seconded by Member Kidder. The motion pass unanimously by a roll call vote.

5. **COMPLAINT CASE**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).

The name of a Resident is confidential information. In public session, the Board members, staff, and the licensee should refer to the Residents as "Resident" or use the Resident's initials.

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

Facility Name

2. AAA Adult Care Home
3. Adagio Care LLC
4. Arizona Angels LLC
5. Assisted Senior Living Care LLC
6. Broadway Mesa Village
7. Liia Adult Care Home, LLC

8. Maggie’s Home Assisted Living Home
9. Saint Michaels Manor
10. Sierra Vista Assisted Living
11. Silver Sunset Home Care
12. Starfish Care Homes LLC
13. Sun Health Grandview Assisted Living Services
14. TBI Care, Inc.

Vice President Villafranca made a motion that was seconded by Member Kidder to open complaint investigation on items 2, 3, 4, 5, 6, 7, 9, 12, 13, and 14. The motion passed unanimously by a roll call vote.

Member Kidder made a motion that was seconded by Member Archer to not open a complaint investigation items 8, 10, and 11. The motion passed unanimously by a roll call vote.

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

	Complaint #	Licensee	Title	Open Date
15.	21-18	Niece, Diana	Administrator	02/22/21

Vice President Villafranca recused from this matter. The time was noted at 9:13 a.m.

Investigator Smyth summarized Complaint No. 21-18 for the Board. Administrator Diane Niece was not present for the Board meeting. Investigator Smyth summarized that the Department of Health Services (DHS) conducted two nursing care institution complaint investigations at Palm Valley Rehabilitation and Care Center, located in Goodyear, Arizona. There were also three federal complaint investigations conducted at the facility during that time. The complaint identified approximately eighteen deficiencies in approximately fourteen different areas. Investigator Smyth commented that Administrator Niece may voluntarily surrender her license, at her discretion, and that this matter was continued from a previous month. DHS took enforcement on approximately May 5, 2020, and imposed a civil money penalty of \$500.00 for a substantiated violation.

Member Kidder commented as to whether she could appear before the Board. Investigator commented that this is the second time it is before the Board, and it does not look like she will be back in Arizona. Member Kidder commented that there are other elements to this case and wanted an opportunity to speak with her about this matter, but if she has no intention to be present at the meeting, he would be inclined to move forward with this matter and offer a consent agreement.

The Board took a brief break.

Member Kidder made a motion that was seconded by Member Irhman 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(A)(3)&(9), as defined by A.R.S. § 36-446(10) for unprofessional conduct and AAC R4-33-208(A) & (B)(1), in complaint number 21-18 involving Administrator Diane Niece and to offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include voluntary surrender of the license.

The motion passed unanimously by a roll call vote.

16.	21-23	Cirjan, Adriana	Manager	03/11/21
-----	-------	-----------------	---------	----------

Investigator Smyth summarized that he received communication from Manager Adriana Cirjan that she was out of the country caring for her ill parents, and not in the United States. Investigator Smyth

commented that the Board continued this matter until today's meeting. Investigator Smyth summarized that the Department of Health Services conducted a compliance inspection at Adrian Assisted Living located in Phoenix, Arizona. The compliance inspection identified five deficiencies in five different areas. On approximately February 8, 2021, DHS took an enforcement action and imposed a civil money penalty of \$500.00 for two substantiated violations.

Vice President Villafranca commented that the Bureau Chief at DHS certified the plan of correction. Member Irhman commented that even though the plan of correction may be a good plan, if it is not carried out properly, the plan will have no effect.

Member Seamans made a motion that was seconded by Member Irhman 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) for unprofessional conduct and A.A.C. R4-33-407(A) & (B)(1), in complaint number 21-23 involving Manager Adriana Cirjan 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:

- Suspend the certificate, but stay the suspension, as long as the terms of the consent agreement are met,
- Probation with all terms to be completed within three months,
- Reimbursement of investigative costs in the amount of \$406.00,
- Three hours of continuing education credits that are pre-approved by the executive director and provide documented completion of the training completion in the following areas: medication management, communicable diseases, and residency agreements.
- All costs of probation are those of the certificate holder

The motion passed unanimously by a roll call vote.

17.	21-22	Howard, Elaine	Manager	03/11/21
-----	-------	----------------	---------	----------

At 9:23 a.m., Vice President Villafranca returned to the meeting. Investigator Smyth summarized Complaint No. 21-22 for the Board. Manager Elaine Howard was present for the Board meeting. Investigator Smyth summarized that the Department of Health Services conducted a compliance inspection at Pacifica Senior Living located in Tucson, Arizona. The compliance inspection identified three deficiencies in three different areas. On approximately February 19, 2021, DHS took an enforcement action and imposed a civil money penalty of \$1,000.00 for two substantiated violations.

Vice President Villafranca asked about her facility and management structure. Manager Howard stated that the facility has cottages with residents living in each cottage; the facility had 70 residents. She explained that many of the residents had dementia or behavioral issues. Manager Howard stated that she followed the executive order, and that she employed personal protective equipment earlier than the issuance of the executive order, as she wanted to take precautions early on and also began training staff on protective equipment.

Manager Howard commented that the staff member who had Covid was a caregiver who was asymptomatic but tested positive. That caregiver was asymptomatic, and the test was administered on November 12, with results received on November 16. Manager Howard explained that Covid spread throughout the facility, and she tried to move Covid patients to a Covid unit, but no one had a room, and that she tried to send residents to hospitals, but since most were not sick enough, hospitals would not admit the residents. She explained that she was chastised by the fire department because she kept calling for assistance. Manager Howard explained that everyone was screened before coming into the facility.

Manager Howard further explained that she worked hard to keep everyone safe she would go and check on the residents. When she reached out to the fire department multiple times the fire department would tell her the residents were not sick enough. She explained that she hired staff from a staffing agency and did everything she could to keep the residents safe. She explained that the caregiver stepped outside in the courtyard area, which was fenced in, to retrieve a resident to left the building. Manager Howard explained the trainings she did with staff, and wanted to appear before the Board to tell her story and explain what happened during the pandemic. She commented that we were told what to do, but not how to manage the Covid pandemic.

In response to Member Seamans question, Manager Howard stated that she is still employed with the facility.

In response to Member Archer's questions about retrieval of the resident, Manager Howard explained that the caregiver went outside to retrieve the resident who went outside, as some residents had dementia.

In response to Vice President Villafranca's question, Manager Howard commented that she was told hospitals were filled during that time, and that of the 4 residents who had Covid, only 1 was admitted to the hospital, as the other 3 were not sick enough. Manager Howard explained that she reached out to the Pima Health Department, and no staffing assistance was provided or offered. She commented that she always had enough staff and went through staffing agencies. She explained the county health department came in afterwards and provided training on protective equipment for which Vice President Villafranca commented that regulations were coming in daily and that those regulations were constantly changing.

Manager Howard explained that she has been a manager for almost 25 years, and that she never experienced anything like this, as the pandemic was a very different situation with changing regulations, and that she did everything she could to protect the residents and her staff.

In response to Member Archer's question, Manager Howard explained that the facility did not have alarms when residents left the building because it was a secure building that was fenced in. She explained that Pacifica was designed for residents to walk freely, as the premises was gated and secure.

In response to Vice President Villafranca's question, Manager Howard explained that she had precautions in place when Covid hit, there was a temperature station at the front desk as well as other measures taken with personal protective equipment. Manager Howard further commented that she trained staff regularly and watched staff employ the training techniques that were taught. She further explained that she locked everything down and took precautions, she had skills and knowledge check sheets for staff, Covid tests administered twice per week, and conducted training sessions going over different scenarios that could happen. She provided letters from her superiors and physicians for which the Board reviewed, and Vice President Villafranca noted the letter provided by Dr. Kevin Kriesler explaining the precautions taken by Manager Howard.

Member Kidder commented that she has demonstrated systems in place at her facility. Manager Howard commented that she constantly stayed engaged with the staff and was very hands on when enforcing personal protective equipment use.

Vice President Villafranca commented that the employee was asymptomatic who was checked and screened before working with the residents in compliance with CDC guidelines, and that there is no way of knowing whether someone who is asymptomatic has Covid despite following CDC guidelines and recommendations. Covid tests were taking so long to come back and tried faster avenues for getting results.

Member Kidder commented that Manager Howard employed mask usage for longer period of time.

Vice President Villafranca commented that Manager Howard did the best she could to keep the residents safe.

Member Kidder made a motion that was seconded by Member Archer to dismiss Complaint No. 21-22 against Manager Howard.

The motion passed unanimously by a roll call vote.

The Board took a ten-minute recess at 9:55 a.m.

The Board reconvened at 10:08 a.m.

18. 21-24 Wright, Jason Manager 03/15/21

Investigator Smyth summarized Complaint No. 21-24 for the Board. Manager Jason Wright was present for the Board meeting. Investigator Smyth summarized that the Department of Health Services conducted a compliance inspection at Brookdale Desert Ridge located in Phoenix, Arizona. The compliance inspection identified eight deficiencies in four different areas. On approximately February 8, 2021, DHS took an enforcement action and imposed a civil money penalty of \$1,000.00 for three substantiated violations.

In response to Vice President Villafranca's questions about the facility, Manager Wright commented that the facility is authorized to have up to 220 residents, and that he has been with that facility since March 2020. Manager Wright explained that one caregiver did not have documentation, and that the survey occurred at a time when the facility had a significant outbreak. He further explained that the employee was an assistant caregiver who was going through the caregiving training process but had not completed the training. Once he realized that the assistant caregiver had not completed the training, he pulled that employee off of the floor. He explained the nursing department and human resources personnel oversees training, but that personnel was out sick during this time.

In response to Member Seamans' question, Manager Wright stated that the facility no longer employs assistant caregivers, and verifies whether a caregiver has completed training through the website, calling the training school, or contacting the Board. Manager Wright further explained that he is very diligent about verifying the credentials, and that he reviews the paperwork for employees.

Vice President Villafranca commented that he had concerns in that the assistant did not have the needed items with CPR and first aid to be working on the floor. Member Archer commented that she would be inclined to do a letter.

Vice President Villafranca 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) for unprofessional conduct and A.A.C. R4-33-407(A) & (B)(1), in complaint number 21-24 involving Manager Jason Wright 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:

- Suspend the certificate, but stay the suspension, as long as the terms of the consent agreement are met,
- Probation with all terms to be completed within three months,
- Reimbursement of investigative costs in the amount of \$425.00,

- Three hours of continuing education credits that are pre-approved by the executive director and provide documented completion of the training in the following areas: personnel requirements,
- All costs of probation are those of the certificate holder.

The motion passed unanimously by a roll call vote.

19. 21-25 Pelroy, Sylvia Manager 03/18/21

Investigator Smyth summarized Complaint No. 21-25 for the Board. Manager Sylvia Pelroy was not present for the Board meeting. Investigator Smyth summarized that the Department of Health Services conducted a compliance inspection at A Special Place Care Home located in Yuma, Arizona. The compliance inspection identified two deficiencies in two different areas. On approximately February 1, 2021, DHS took and enforcement action and imposed a civil money penalty of \$500.00 for one substantiated violation.

Investigator Smyth commented that he has not heard from her about her attendance at today's Board meeting. Member Kidder asked about whether the caregiver had an invalid certificate. Investigator Smyth explained that it appears as though the caregiver had a certificate, but was invalid. Member Kidder asked Investigator Smyth about how long had the manager been with that facility. Investigator Smyth commented that she had been certified since 2009, but at the facility since January 2015. Member Kidder commented that the certificate was prior to her employ in 2015.

Vice President Villafranca 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) for unprofessional conduct and A.A.C. R4-33-407(A) & (B)(1), in complaint number 21-25 involving Manager Sylvia Pelroy 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:

- Suspend the certificate, but stay the suspension, as long as the terms of the consent agreement are met,
- Probation with all terms to be completed within three months,
- Reimbursement of investigative costs in the amount of \$425.00,
- Three hours of continuing education credits that are pre-approved by the executive director and provide documented completion of the training in the following areas: personnel requirements,
- All costs of probation are those of the certificate holder.

The motion passed unanimously by a roll call vote.

20. 21-27 Cox, Paula Manager 03/25/21

Investigator Smyth summarized Complaint No. 21-27 for the Board. Manager Paula Cox was present for the Board meeting. Investigator Smyth summarized that the Department of Health Services conducted a compliance inspection at Mary Grace Care Home, LLC located in Maricopa, Arizona. The compliance inspection identified three deficiencies in the area of personnel. On approximately February 1, 2021, DHS took and enforcement action and imposed a civil money penalty of \$500.00 for one substantiated violation.

Manager Cox explained that she does not know how many residents were residing in the facility, as she never worked there. Manager Cox stated that she and the owner could not agree on a salary so she

walked away from the facility having never worked there, and that she believed that the owner used her certificate without her knowledge. She stated this occurred in 2019.

Member Archer asked about whether the facility was licensed by DHS. Manager Cox stated that the facility was licensed by DHS, but that the owner needed a certified manager in order to operate. Manager Cox stated that she called the owner several times with no return call, and did not originally return to the facility to retrieve her certificate due to Covid. Manager Cox indicated that there was a breakdown in communication between her and the owner. Manager Cox did not know her certificate was being used by the owner, and when she found out, she went to the house and took the certificate down herself.

Member Kidder asked about the approximate date when she removed her certificate from the wall. Manager Cox indicated that she removed the certificate on the Friday when the Board staff contacted her, after November 24. The facility owner did not tell her about the survey, or that her certificate was hanging on the wall. Member Cox commented that she has been certified since 1994.

In response to Member Archer's question, Manager Cox stated that she did not go to the facility because of Covid, but did call the owner several times. Member Cox stated she does not work at the facility; therefore, she had no reason to frequent the house because she was never employed there.

Member Archer asked why she did not notify the Board about the facility. Manager Cox explained that since she did not work at the facility, there would not be a reason to notify the Board, as she did not hang her certificate, the owner did. Manager Cox reiterated that she never worked at the facility.

Vice President Villafranca made a motion that was 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) for unprofessional conduct and A.A.C. R4-33-407(A) & (B)(1), in complaint number 21-27 involving Manager Paula Cox 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:

- Suspend the certificate, but stay the suspension, as long as the terms of the consent agreement are met,
- Probation with all terms to be completed within three months,
- Reimbursement of investigative costs in the amount of \$437.00,
- Completion of a 40 hours manager's training program that is pre-approved by the executive director and document successful completion,
- Successfully pass the state's examination for assisted living facility managers.

The motion passed unanimously by a roll call vote.

21.	21-21	Godfrey, Dustin	Manager	03/11/21
-----	-------	-----------------	---------	----------

Investigator Smyth summarized Complaint No. 21-21 for the Board. Manager Dustin Godfrey was present for the Board meeting. Investigator Smyth summarized that the Department of Health Services conducted a compliance inspection at Estancia Assisted Living, LLC located in Gilbert, Arizona. The compliance inspection identified seven deficiencies in five different areas. On approximately February 19, 2021, DHS took an enforcement action and imposed a civil money penalty of \$2000.00 for one substantiated violation.

In response to Member Seamans' question, Manager Godfrey explained that he works 20 hours per week at two facilities, and has been working at the facility for about 5 years.

In response to Member Kidder’s question, Manager Godfrey explained that he manages both facilities located in Gilbert, Arizona, 5 miles apart.

Manager Godfrey commented that he wrote the plan of correction himself, and that he uses a training program where he sends employees for training that is paid by the facility. He further explained that the employee was going through the training program but had not completed the training, and that the employee subsequently quit his position with the facility. Manager Godfrey explained that he had a lack of staff during the pandemic, and that the facility spent thousands of dollars on Indeed in order to try to find staff. He reached out to the training program, but the program was not offering classes during that time, due to Covid.

In response to Vice President Villafranca’s question, Manager Godfrey explained that there were two care homes that he managed and no one could work more hours, as staff was overworked during that time due to the staffing situation. He explained that many times employees would not show up so, and that he would have to cover shifts himself to fill in for staffing shortages.

Vice President Villafranca made a motion that was seconded by Member Irhman 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) for unprofessional conduct and A.A.C. R4-33-407(A) & (B)(1), in complaint number 21-21 involving Manager Dustin Godfrey 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:

- Suspend the certificate, but stay the suspension, as long as the terms of the consent agreement are met,
- Probation with all terms to be completed within three months,
- Reimbursement of investigative costs in the amount of \$425.00,
- Three hours of continuing education credits that are pre-approved by the executive director and provide documented completion of the training in the following areas: personnel requirements, resident agreements
- All costs of probation are those of the certificate holder.

The motion passed unanimously by a roll call vote.

22.	21-26	Pagay, Maria	Manager	03/22/21
-----	-------	--------------	---------	----------

Investigator Smyth summarized Complaint No. 21-26 for the Board. Manager Maria Pagay was present for the Board meeting. Investigator Smyth summarized that the Department of Health Services conducted a compliance inspection and a complaint investigation at Santo Nino Villas 4 located in Chandler, Arizona. The complaint investigation identified two deficiencies in two different areas and the compliance inspection identified sixteen deficiencies in seven different areas. On approximately February 9, 2021, DHS took enforcement action and imposed a civil money penalty of \$500.00 for one substantiated violation. On approximately April 6, 2021, DHS took an enforcement action and imposed a civil money penalty of \$1750.00 for three substantiated violation. Investigator Smyth noted that the owner of the facility appeared to be running things.

In response to Vice President Villafranca’s question, Manager Pagay stated that the owner needed her certificate in order to open a new group home. Manager Pagay was not present when DHS evaluated the new group home, but was aware that the surveyor was at the facility.

Member Irhman commented that this is a situation where owners are running the facility, and the manager is hanging the certificate.

Vice President Villafranca made a motion that was seconded by Member Irhman 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) for unprofessional conduct and A.A.C. R4-33-407(A) & (B)(1), in complaint number 21-26 involving Manager Maria Pagay 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:

- Suspend the certificate, but stay the suspension, as long as the terms of the consent agreement are met,
- Probation with all terms to be completed within three months,
- Reimbursement of investigative costs in the amount of \$425.00,
- Completion of a 40 hours manager’s training program that is pre-approved by the executive director and document successful completion,
- Successfully pass the state’s examination for assisted living facility managers,
- All costs of probation are those of the certificate holder.

The motion passed unanimously by a roll call vote.

C. Board Review, Consideration and Action on Rescinding Previous Action and Review Proposed Consent Agreement.

	Complaint #	Licensee	Title	Open Date
23.	21-20	King, Cincy	Manager	03/01/21

Investigator Smyth asked that the Board revisit this issue as the Board offered a consent agreement for voluntary surrender. Investigator Smyth commented that he spoke with Manager King who stated that she provided a plausible explanation for the matter. Investigator Smyth noted that the computer system is not user friendly, and that Manager King did not try to avoid the investigation by not present at the previous Board meeting, as she did not know about this matter. Manager King explained the situation regarding the Board contacting her.

Vice President Villafranca made a motion that was seconded by Member Kidder that the April 12, 2021 proposed consent agreement be rescinded.

The motion passed unanimously by a roll call vote.

Investigator Smyth summarized Complaint No. 21-20 for the Board. Manager Cincy King was present for the Board meeting. Investigator Smyth summarized that the Department of Health Services conducted three complaint investigation inspections at Ventana Winds, LLC located in Youngtown, Arizona. The compliance inspection identified three deficiencies in two different areas. On approximately January 25, 2021, DHS took and enforcement action and imposed a civil money penalty of \$1000.00 for one substantiated violation.

In response to Vice President Villafranca’s question, Manager King explained that the caregiver was not certified but had an invalid certificate. Manager King explained that the caregiver worked there for several years before she began her employ with the facility. Manager King explained that the facility campus is licensed for 140 residents and that the management structure contains office staff, nurses and resident care coordinators.

Manager King commented that she did go over everything but when she began working there her priority was managing the Covid situation and to make sure there was enough staff to take care of residents. She explained that she did not have enough time to go through each employee file herself, and that she understands the need to verify caregiver training certificates.

In response to Member Archer’s question, Manager King explained that there was a certification in the file, but the school was not aware of her attendance. Manager King commented that she sent the employee to caregiving school for certification.

Manager King explained that the employee had a fingerprint clearance card, and that she was there at the facility for one month prior to the DHS survey.

Member Archer commented there are a lot of steps to take when coming into a new facility, such as orientation, and all the new hire information that the manager must go through, coupled with the Covid pandemic situation.

Member Irhman made a motion that was seconded by Member Archer to dismiss Complaint No. 21-20 against Manager Cincy King.

The motion passed unanimously by a roll call vote.

24. 20-112 Cornell, Dan Manager 11/19/20

Investigator Smyth commented that the Board previously offered a consent agreement and that Manager Cornell contacted the investigator about not wanting to fulfill the terms of the consent agreement, and that he is no longer in Arizona, but California. Investigator Smyth informed Manager Cornell that he could voluntarily surrender his certificate through a consent agreement, but that it would be treated as revocation.

Member Kidder made a motion that was seconded by Vice President Villafranca to rescind the January 11, 2021, vote to offer a proposed consent agreement and accept a new consent agreement for voluntary surrender.

The motion passed unanimously by a roll call vote.

25. Board Review, Consideration and Action on Whether to Open a Complaint in the Matter of Winslow Campus of Care.

Member Seamans made a motion that was seconded by Vice President Villafranca to open a complaint.

The motion passed unanimously by a roll call vote.

6. **ADMINISTRATOR LICENSURE AND MANAGER CERTIFICATION**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).

A. Consent Agenda to approve temporary administrator licenses, permanent administrator licenses, temporary manager certificates, permanent manager certificates, pending passing all required examinations within the substantive timeframe or the license or certificate will be denied.

26. Temporary Administrator Licenses

--	--	--	--

Permanent Administrator Licenses

Day, James	Cusner, Adam	Caldwell, Samantha	Ingels, Shannon
------------	--------------	--------------------	-----------------

Temporary Manager Certificates

Ball Cole, Madge	Winn Car, Kirsten		

Permanent Manager Certificates

Ball Cole, Madge	Winn Carr, Kirsten	Roeder, Matthew	McIlroy, Amy
Lothlen, Daphne	Brooks, Catherine	Jivan, Monica	Cope, Meredith
Smith, Allison	Bouttirath, Siamphay	Adepoju, Titobiloluwa	
Saal, Diane			

Vice President Villafranca recused from the Adam Cusner matter.

Vice President Villafranca made a motion that was seconded by Member Kidder to approve all to approve temporary administrator licenses, permanent administrator licenses, temporary manager certificates, permanent manager certificates, pending passing all required examinations within the substantive timeframe or the license or certificate will be denied with the exception of Adam Cusner.

The motion passed unanimously by a roll call vote.

Vice President Villafranca recused from the Adam Cusner matter, and the time was noted at 11:22 a.m.

Member Kidder made a motion that was seconded by Member Archer to approve Adam Cusner's permanent administrator's application pending passing all required examinations within the substantive timeframe or his license is denied.

The motion passed unanimously by a roll call vote.

Vice President Villafranca returned to the meeting at 11:23 a.m.

- B. 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.

27. Tate, Angela Permanent Administrator's License

Licensing specialist, Zakiya Mallas summarized the application disclosure for Applicant Angela Tate. Licensing Specialist Mallas commented that Applicant Tate had an assault charge that she did not know about until her divorce proceedings. The charges were dismissed by a judge. Applicant Tate was present and explained that the judge dismissed the assault charge.

Applicant Tate stated that she is the executive director for the Alzheimer's Associations that handles association matters in Arizona, Nevada, and Hawaii. Applicant Tate stated that she has a passion for seniors and wants to continue her work in that area.

Member Kidder asked how she handles stressful situations. Applicant Tate responded that during her divorce proceeding she was not stressed because she knew that once she was able to explained the situation to the judge the matter would dismissed. She also explained that her planning process includes back up plans in the event something does not work out.

In response to Vice President Villafranca's question, Applicant Tate explained that she received a fingerprint clearance card and did not have to go through a good cause exception process.

Member Kidder made a motion that was seconded by Vice President Villafranca to approve the license pending passing all required examinations within the substantive timeframe or the license or certificate will be denied.

The motion passed unanimously by a roll call vote.

29. Baliban, Dana Permanent manager's certificate

Licensing Specialist, Zakiya Mallas summarized the application disclosure for Applicant Dana Baliban. Applicant Baliban was present for the Board meeting. Licensing Specialist Mallas commented that Applicant Baliban took merchandise from Saks Fifth Avenue, and she was charged with theft, a class 6 undesignated felony, which was later designated a misdemeanor. Licensing Specialist Mallas commented that the record was set aside in 2014.

Member Seamans asked her why she did not remember the situation. Applicant Baliban commented that the situation was embarrassing and traumatic and does not remember details, but does remember how she felt about the situation and the emotions she carried from the situation. Applicant Baliban commented that at the time of this incident, she was in an abusive relationship and stole a dress. She stated that she has learned from the situation, and understands that it is more important to treat people well than the things that you have. She commented that she has grown from the situation.

Member Seamans commented that she stole more than a dress from the store. Member Kidder commented that as a certified manager you are placed with vulnerable adults, and how does she plan to handle the responsibility of certification. Applicant Baliban commented that she learned from the situation and that it is more about who you are, not what items you have. Applicant Baliban commented that she desires to help people, and realizes that money is not the most important thing. She also stated that she has become a U.S. citizen and got a divorce. She has a better life now, as her parents are with her.

Applicant Baliban desires to open her own facility in response to Member Irhman's question.

In response to Vice President Villafranca's question, Applicant Baliban stated that she learned to be more honest, patient, and caring more for people as opposed to things, and that character is important.

Vice President Villafranca commented that the person you were several years ago is not the person you are today, that the court set aside her charge, and she has a fingerprint clearance card. Further, he stated that Arizona is a second chance state pursuant to Executive Order 2017-07.

Vice President Villafranca made a motion that was seconded by Member Irhman to approve the application for Applicant Baliban pending passing all required examinations within the substantive timeframe or the license or certificate will be denied.

The motion passed unanimously by a roll call vote.

30. Dorame, Patsy Permanent manager certificate

Member Randolph joined the meeting telephonically at 12:10 a.m.

Licensing Specialist, Zakiya Mallas summarized the application disclosure for Applicant Patsy Dorame. Applicant Dorame was present for the Board meeting. Licensing Specialist Mallas commented that Applicant Dorame disclosed previous DUIs that occurred in September 2009 and November 2013, and that she did not answer the question correctly whether having had a previous license denied or revoked.

Vice President Villafranca asked if she had received medical treatment for alcohol. Applicant Dorame stated that she completed the terms of the court, but was never ordered to go through treatment, but completed court requirements. She stated she attended MADD classes.

In response to Member Kidder's comment, Applicant Dorame stated that she was very young at that time, she was with the wrong crowd, and needed to change her environment. Now, she wants to be a manager to care for others and do what is right by other people. Currently, she is employed by home health and works as a certified nursing assistant, and she went through the State Board of Nursing. Applicant Dorame does not remember any specific questions regarding her DUIs from the Board of Nursing. Applicant Dorame stated that she has a class 2 fingerprint clearance card.

Vice President Villafranca asked when Applicant Dorame became a certified nursing assistant. Applicant Dorame responded she became certified in July 2020. Vice President Villafranca stated that he has a concern that she has two DUIs that occurred in 2009 and 2013 and questioned her recollection of those incidents.

In response to Member Irhman's question, Applicant Dorame commented that these circumstances occurred as a result of social drinking in the evening; she was not at work. She was approved for a temporary license, but did not pass the exam, and the temporary license was revoked automatically as a result of not passing the exam. Applicant Dorame commented that she is scheduled to take the exam again in June, and almost passed the exam.

Vice President Villafranca commented that he has issue with her recollection, and not answering a question on the application about her temporary license was revoked. He said it makes him feel nervous, and is moral turpitude to him.

Applicant Dorame acknowledged the fact that her certification was revoked because she did not pass in the exam. The Board has the information. She indicated that it was too fresh in her mind and was this thinking of other licenses, not licenses with this Board because this Board would know about the licenses it issues or not.

Member Archer agreed that this is the same Board, not a separate entity for which she is applying for certification, and that this Board would have that information.

The Board went into executive session at 12:00 p.m.

The Board returned to open session at 12:10 p.m. It is noted that Member Randolph was not present at this time. The Board members present were Villafranca, Irhman, Kidder, Seamans, and Archer.

In response to Vice President Villafranca's question, Applicant Dorame commented that she assumed that since her temporary license was with this Board, that this Board would have already known about it. This is the same Board.

In response to Vice President Villafranca's question about whether she had any other encounters with law enforcement, Applicant Dorame commented that she had a speeding ticket over three years ago.

Member Archer asked if her fingerprint clearance card has any restrictions. Applicant Dorame stated that card has driving restriction.

President Campbell commented that she has two DUIs and that she has concerns with the two DUIs and the speeding ticket.

Vice President Villafranca made a motion to deny the application for Applicant Dorame. The motion died since no other Board member seconded that motion.

Member Archer made a motion that was seconded by Member Irhman to approve the application through a consent agreement that includes probation for one-year, during which she is required to complete three hours of ethics continuing education and be present at Board meetings for additional continuing education, and attend one Board meeting each quarter. The motion requires that Dorame pass the exam within the substantive timeframe or the certificate would be denied.

The motion passed by a roll call vote with one nay from President Campbell.

30. Reilly, Ryan Permanent manager certificate

Licensing Specialist, Zakiya Mallas summarized the application disclosure for Applicant Ryan Reilly. Applicant Reilly was present for the Board meeting. Licensing Specialist Mallas commented that during the Summer of 2017, he had a job selling books. He took books from a home who did not pay for the books. He was charged with felony burglary, which was later amended to criminal trespassing that was a misdemeanor in Wisconsin.

Applicant Reilly explained that received a fingerprint clearance card through a good cause exception.

Applicant Reilly explained that this occurred during a time he was in college, and he was working with a leadership program. So, he tried to reach out to the person who took the books, but did not pay for them. When he went to the house to retrieve the books, he saw them in the home in the plastic wrap, and took them.

Applicant Reilly explained that the police called him, and he explained the situation to the police. Applicant Reilly commented that he learned from the situation. He learned that he should always do the right thing even if he is being wronged by someone else, and that people are more important than profits. He explained that he was living in Tucson at the time, but spent his Summer in Wisconsin.

Vice President Villafranca asked about whether he had any other run ins with the law. Applicant Reilly explained that he was selling books for the same company without a permit, where he was arrested by not charged. Ms. Mallas stated that she had no information about that incident. He explained that he was not charged, but posted bond.

Vice President Villafranca stated that this situation makes him feel nervous, as he has a conviction on record in 2017, and has another incident with police. Applicant Reilly commented that he has a fingerprint clearance card with no restrictions that he is aware of.

Applicant Reilly commented that he wants to run an assisted living facility.

Vice President Villafranca stated that 2017 was a recent issue, and it makes him feel very nervous, and that he is not feeling this one, but that we may give him a second chance.

Member Kidder commented that just because something happened in the past does not mean it is an issue today, but Applicant Reilly was not prepared to answer questions today.

Vice President Villafranca made a motion that was seconded by Member Irhman to deny the application.

The motion passed unanimously by a roll call vote.

- C. Individual Board review, Consideration and Action to deny manager certificate for failing to meet the qualifications of A.R.S. § 36-446.04(C)(3), for not passing the state examination within the substantive timeframe.

- 31. Puentes, Shelly permanent manager certificate

Licensing Specialist, Zakiya Mallas outlined reasons for denial.

Member Irhman made a motion to deny the application based upon A.R.S. § 36-446.04(C)(3) that was seconded by Member Seamans.

The motion passed unanimously by a roll call vote. Member Randolph was not present on the phone call for this vote.

7. **ASSISTED LIVING FACILITY TRAINING PROGRAMS**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice)

- A. Consent Agenda to Approve Assisted Living Facility Caregiver and Manager Training Programs and Renewals of Assisted Living Facility Caregiver and Manager Training Programs.

- 32. Assisted Living Facility Caregiver Training Program

Almond Care Concepts ALCTP-0104	Highgate Senior Living ALCTP-0105
---------------------------------	-----------------------------------

Assisted Living Facility Manager Training Program

--	--

Assisted Living Facility Caregiver Training Program Renewal

Assisted Living Facility Manager Training Program Renewal

Trisummit Facility Manager & Caregiver Training ALMTP-002	

Vice President Villafranca made a motion that was seconded by Member Archer to approve the consent agenda.

The motion passed unanimously by a roll call vote.

8. **OTHER BUSINESS**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).

A. New Business: The Board may Review, Consider and take Action

None was reported.

9. **ADMINISTRATIVE MATTERS**

The following items concern administrative matters and are provided for informational purposes. The Board may review and discuss the following matters.

33. Financial Report

Sabrina Khan, Executive Director, commented that the Board has the information pertaining to the fund balance, and that the fund balance at the end of May is \$296,863.

34. Complaints Status Report

Phil Smyth, Investigator, commented that next month's agenda is already full and we resolved 8 complaints.

35. Licensing Report

Zakiya Mallas, Licensing Specialist, commented that the Board has 2,415 managers for which 16 are inactive and 14 are temporary, and that there are 328 administrators for which 20 are inactive.

36. Legislation Update – SB1282

Ms. Khan commented that SB1282 was vetoed.

37. Rules Update – A.A.C. R4-33-707

The new rules that were approved became effective on April 2.

38. Training Program Report

Ms. Khan commented that there are 64 caregiver training programs, and 13 manager programs.

39. National Association of Long-Term Care/NAB Conference

Ms. Khan commented that this conference will be virtual with no forums or educational sessions.

40. Board Meeting Critique

Vice President Villafranca commented that he appreciates everyone's time.

11. **FUTURE AGENDA ITEMS AND MEETING DATES**

The next regular meeting of the Board will be held on Monday, June 14, 2021 at 1740 W. Adams St., Board Meeting Room C, Phoenix, Arizona, at 9:00 a.m.

12. **ADJOURNMENT**

The Board adjourned the meeting at 12:39 p.m.