



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

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Douglas A. Ducey
Governor

Allen Imig
Executive Director

Board Members

Charles Seal-Villafranca, President

Nina Louis, Vice President

Ken Kidder, Member

Fred Randolph, Member

Melanie Seamans, Member

David Hasseltine, Member

Pauline Campbell, Member

Susan Archer, Member

MINUTES
REGULAR MEETING

July 15, 2019

1. CALL TO ORDER

President Villafranca called the meeting to order at 9:01 a.m., at 1740 W. Adams, Board Meeting Room C, Phoenix, AZ 85007.

2. ROLL CALL

Present: Fred Randolph, David Hasseltine, Nina Louis, Susan Archer, Charles Seal-Villafranca

Absent: Ken Kidder, Melanie Seamans, Pauline Campbell,

Attendance: Allen Imig, ED, Phil Smyth, Investigator, Zakiya Mallas, Licensing Specialist, Sabrina Khan, AAG, John Tellier, AAG

3. CALL TO THE PUBLIC

No one wished to speak

4. APPROVAL OF MINUTES

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

1. June 10, 2019 Regular Board Meeting Minutes

Tabled until next meeting

5. FORMAL ADMINISTRATIVE HEARINGS OR PROPOSED CONSENT AGREEMENTS

A. Formal Administrative Hearings.

2. Lester, Dianna 18-152 Manager 9:05 a.m.

President Villafranca conducted the hearing.

Sabrina Khan, Assistant Attorney General, was present and represented the state.

Dianna Lester was not present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Ms. Khan made a brief opening statement. Ms. Lester signed a consent agreement but did not complete any of the terms of the consent agreement.

Ms. Khan called Phil Smyth, the Board investigator as a witness. Mr. Smyth testified to the exhibits presented by the State.

Exhibits introduced by the State:

1. Notice of Hearing and Complaint, dated 5/21/19
2. Consent Agreement and Order

Member Villafranca made a motion that was seconded by Member Randolph to adopt the Parties and Jurisdictions and Factual Allegations as the Board’s Findings of Fact.

The motion passed unanimously, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Villafranca made a motion that was seconded by Member Randolph to adopt the Alleged Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as the Board’s Conclusions of Law.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Randolph made a motion that was seconded by Member Hasseltine to revoke the manager’s certificate of Dianna Lester.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

The hearing was concluded at 9:18 a.m.

3. Datingaling-Panaligan, Andrea 18-243 Manager

President Villafranca conducted the hearing.

Sabrina Khan, Assistant Attorney General, was present and represented the state.

Andrea Datingaling-Panaligan was present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Ms. Khan made a brief opening statement. DHS conducted a survey and there were deficiencies at the facility Ms. Datingaling-Panaligan managed.

Ms. Khan called Phil Smyth, the Board investigator as a witness. Mr. Smyth testified to the exhibits presented by the State.

Exhibits introduced by the State:

1. Notice of Hearing and Complaint, dated 5/21/19
2. Arizona Department of Health Services, Enforcement Actions Report
3. Arizona Department of Health Services, Statement of Deficiencies
4. Notice of Complaint #18-243, dated 10/1/2018
5. Respondent’s Response with Plan of Correction, dated 10/11/2018

The State rested.

Ms. Datingaling-Panaligan testified on her own behalf.

Ms. Datingaling-Panaligan introduced the following Exhibits:

1. Residents rights pages 1 and 2 and Determination Letter 7/5/2018
2. House 3 schedule for 2019 House 3 schedule for July 2018
3. Employee checklist and applications
4. Residency agreement
5. Residency and emergency standards
6. Medication services
7. Determination letter dated 1/25/2018
8. Employee checklist and application packet dated 10/2/2016

Ms. Datingaling-Panaligan concluded her testimony.

Ms. Khan cross examined Ms. Datingaling-Panaligan as to who drafted the plan of correction. Ms. Datingaling-Panaligan said her staff drafted the plan of correction.

Ms. Khan made a brief closing argument in that the Board take appropriate education action and that Ms. Datingaling-Panaligan have closer oversight of the facilities she manages.

Member Villafranca made a motion that was seconded by Member Randolph that Board adopt the Parties and Jurisdictions and Factual Allegations as the Board’s Findings of Fact.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Villafranca made a motion that was seconded by Member Randolph to adopt the Alleged Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as the Board’s Conclusions of Law.

A roll call vote passed 4 – 1, with Member Hasseltine voting nay.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X			
No	0								X	
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Villafranca made a motion that was seconded by Member Louis to Order a term of probation with the following terms.

1. A three month term of probation
 - a. Suspension of certificate but stay the suspension as long as the terms of the Order are met
 - b. Complete the 40 hour manager training program
 - c. Pass the state examination

A roll call vote passed, 3 – 2 with members Archer and Hasseltine voting nay.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X					
No	0						X		X	
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

The hearing was concluded.

4. Oropeza, Carolann 18-197 Manager

President Villafranca conducted the hearing at 10:25 a.m.

Sabrina Khan, Assistant Attorney General, was present and represented the state. Carolann Oropeza was not present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Ms. Khan made a brief opening statement.

Ms. Khan called Phil Smyth, the Board investigator as a witness. Mr. Smyth testified to the exhibits presented by the State.

Exhibits introduced by the State:

1. Notice of Hearing and Complaint, dated 5/21/19
2. Arizona Department of Health Services, Enforcement Action Report
3. Arizona Department of Health Services, Statement of Deficiencies
4. Notice of Complaint, dated 6/29/2018
5. Notice of Complaint, dated 9/28/2018

Ms. Khan made a brief closing argument.

Member Villafranca made a motion that was seconded by Member Hasseltine to adopt the Parties and Jurisdictions and Factual Allegations as the Board’s Findings of Fact.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Villafranca made a motion that was seconded by Member Hasseltine to adopt the Alleged Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as the Board’s Conclusions of Law.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Villafranca made a motion that was seconded by Member Randolph to revoke the manager’s certificate of Carolann Oropeza.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

The hearing was concluded

5. Wright, Scott 18-244 Manager

President Villafranca conducted the hearing at 10:43 a.m.

Sabrina Khan, Assistant Attorney General, was present and represented the state.

Scott Wright was not present for the hearing.

John Tellier, Assistant Attorney General was present to advise the Board.

Ms. Khan made a brief opening statement.

Ms. Khan called Phil Smyth, the Board investigator as a witness. Mr. Smyth testified to the exhibits presented by the State.

Exhibits introduced by the State:

1. Notice of Hearing and Complaint, dated 5/22/19
2. Arizona Department of Health Services, Enforcement Action Report
3. Arizona Department of Health Services, Statement of Deficiencies
4. Notice of Complaint #18-244, dated 10/1/2018
5. Notice of Complaint #18-244, dated 1/22/2019

Ms. Khan made a brief closing argument. Mr. Scott was noticed properly and did not respond

Member Villafranca made a motion that was seconded by Member Randolph to adopt the Parties and Jurisdictions and Factual Allegations as the Board’s Findings of Fact.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Villafranca made a motion that was seconded by Member Randolph to adopt the Alleged Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as the Board’s Conclusions of Law.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

Member Randolph made a motion that was seconded by Member Hasseltine to revoke the manager’s certificate of Scott Wright.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

The hearing was concluded at 11:04 a.m.

B. Consent Agreement.

6. Raymond, Delia 18-146 Manager

John Teller, Assistant Attorney General was the Board’s independent advisor.

Investigator Smyth summarized the complaint in that the formal hearing was postponed and that Ms. Raymond signed a consent agreement for voluntary surrender of her certificate.

Member Villafranca made a motion that was seconded by Member Archer to approve the signed consent agreement for voluntary surrender of her manager certificate in lieu of a formal hearing on complaint 18-146.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

6. COMPLAINT CASE

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

- Facility Name**
- 7. A Parent’s Paradise LLC
 - 8. Above Care Assisted Living Home
 - 9. Amazing Comfort Homes
 - 10. Ana’s Assisted Living Home LLC
 - 11. Apollo Ral
 - 12. Arcadia Home Care, LLC
 - 13. Bethesda Gardens
 - 14. Burkeshire Retirement Hotel
 - 15. Camina Plata
 - 16. Classic Assisted Living LLC
 - 17. Desert Winds Assisted Living
 - 18. Everlasting Services at Biltmore 10
 - 19. Mac Assisted Living
 - 20. Maggie’s House Assisted Living Home
 - 21. T&Y Wolf Assisted Living
 - 22. Tender Care and Love Home Care
 - 23. The Forum at Desert Harbor
 - 24. The Olive Branch, New Beginnings I
 - 25. Vista Living Arcadia

Apollo Ral was taken off the consent agenda to be heard separately.

Member Archer made a motion that was seconded by Member Randolph to not open complaints on manager of facilities listed under agenda items 7 to 25, except for number 11.

The Board discussed the DHS survey related to the Apollo Ral facility.

Member Villafranca made a motion that was seconded by Member Randolph to open a complaint investigation related to the DHS survey on the manager of the Apollo Ral assisted living facility.

The motion passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

B. Consent Agenda for Review, Consideration and Action on Whether or Not to Open a Complaint

- 26. Havasu Nursing Center
- 27. Haven of Scottsdale
- 28. Mission Palms of Mesa Health and Rehabilitation CE

Member Hasseltine wished to pull off agenda item 27 from the consent agenda.
 Member Villafranca made a motion that was seconded by Member Hasseltine to not open complaints on administrators of facilities listed under agenda items 26 and 28.

Member Villafranca made a motion that was seconded by Member Louis to open investigation on the administrator for the Haven of Scottsdale based on the DHS survey.

The motion passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

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

29. 19-50 Molaro, Katie Manager 03/15/19

Member Villafranca recused himself from hearing the case.

Member Kidder attended the meeting by telephone at 11:43 a.m.

Investigator Smyth summarized the complaint for the Board. Board staff opened the complaint investigation after receiving a letter of complaint from Lisa Serra concerning her father a former resident at Maryland Gardens Care Center in Phoenix. Ms. Serra also made complaints to AHCCCS and APS. Some of the allegations included:

- Manager failed to ensure resident’s room and bathroom were in disrepair
- Manager failed to ensure resident’s clothes were soiled
- Manager failed to ensure inadequate diet

Ms. Molaro was present along with her attorney Nichole Rowey. Ms. Molaro answered the Board’s questions. According to Ms. Molaro APS and AHCCCS did not substantiate any of the allegations. The allegations were not brought to her attention by the family during the resident’s stay.

Member Kidder made a motion that was seconded by Member Randolph to dismiss complaint 19-50 against Katie Molaro, for insufficient evidence of a violation.

A roll call vote passed, 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8		X		X		X		X	
No	0									
Abstain	0									
Recuse	0	X								
Absent	0			X		X		X		

30. 19-27 Gunther, Kelly Administrator 02/04/19

Member Villafranca made a motion that was seconded by Member Randolph to Table this matter until next month

The motion passed 4 – 1 with Member Hasseltine voting nay.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

31. 19-11 Garrard, Robert Manager 01/11/19

Member Villafranca recused himself from this matter.

Investigator Smyth summarized the complaint for the Board. Board staff received a letter of complaint from Charles Villafranca while doing a patient evaluation at Desert Sky Assisted Living., located in Glendale. Mr. Villafranca alleged:

- Feces on the floor in a resident’s room
- Substance leaking from under the refrigerator

DHS conducted a complaint investigation and substantiated three violations but they did not rise to enforcement action.

Mr. Garrard was not present at the Board meeting.

Member Louis 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)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 19-11 involving manager Robert Garrard 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 in the amount of \$250.00
 - b) 3 hours of Board approved continuing education in environmental standards
 - c) 3 hours of Board approved continuing education in quality assurance
 - d) 3 hours of Board approved continuing education in resident rights
 - e) 3 hours of Board approved continuing education in service plans
 - f) All continuing education classes must be pre-approved by the Board’s Executive Director
 - g) Any costs of the probation are those of the certificate holder

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8		X		X		X		X	
No	0									
Abstain	0									
Recuse	0	X								
Absent	0			X		X		X		

32. 19-67 Smith, Stefanie Manager 04/26/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a complaint investigation at Amber Creek Memory Care Community, located in Scottsdale and identified 20 deficiencies in 10 different areas. Some of the deficiencies included:

- Manager failed to ensure implementation of quality management program
- Manager failed to ensure caregiver training was documented
- Manager failed to ensure policy and procedure requirements were met

DHS took enforcement action on five violations and assessed a civil money penalty of \$1,500.00

Ms. Smith was present with her regional manager, Michelle Baker and answered the Board’s questions.

Ms. Smith was the manager at the facility for four months prior to the complaint investigation and is working diligently to turn the facility around and be fully compliant.

Member Louis made a motion that was seconded by Member Archer to dismiss complaint 19-67 against Stefanie Smith, for insufficient evidence of a violation.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

33. 19-69 Biralde, Miramar Manager 04/29/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Genuine Home, located in Chandler and identified 10 deficiencies of which 4 were repeat deficiencies, in 8 different areas. Some of the deficiencies included:

- Manager failed to ensure disaster plan requirement was met
- Manager failed to ensure medical record requirement was met
- Manager failed to ensure medication storage requirement was met

DHS took enforcement action on 5 violations and assessed a civil money penalty of \$1,500.00.

Ms. Biralde was present and answered the Board’s questions. Ms. Biralde was sick and had to leave during the inspection. However, her caregiver was there and was nervous and could not provide the surveyor what she needed. Ms. Biralde acknowledged the deficiencies were her fault and she had not instructed the caregivers on the paperwork responsibilities.

Member Villafranca made a motion that was seconded by Member Randolph that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 19-69 involving manager Miramar Biralde 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 in the amount of \$250.00
 - b) 3 hours of Board approved continuing education in medication management
 - c) 3 hours of Board approved continuing education in record keeping
 - d) 3 hours of Board approved continuing education in emergency disaster
 - e) 3 hours of Board approved continuing education in ethics
 - f) All continuing education classes must be pre-approved by the Board’s Executive Director
 - g) Any costs of the probation are those of the certificate holder

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

34. 19-59 Divinagracia, Eric Manager 04/05/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a complaint investigation at Divine Grace Assisted Living Home, located in Mesa and identified 4 deficiencies in 3 different areas. Some of the deficiencies included:

- Manager failed to ensure manager designee requirement was met
- Manager failed to ensure policy and procedure requirement was met
- Manager failed to ensure resident medical record was protected

DHS took enforcement action on 2 violations and assessed a civil money penalty of \$1,000.00.

Mr. Divinagracia was present and answered the Board’s questions. Mr. Divinagracia manages two assisted living homes. His caregiver left the care home without contacting Mr. Divinagracia, leaving an uncertified volunteer caregiver to care for the residents. The surveyor showed up while the caregiver was gone.

Member Archer made a motion that was seconded by Member Hasseltine to dismiss complaint 19-59 against Eric Divinagracia, for insufficient evidence of a violation.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

35. 19-73 Boal, Keith Manager 05/20/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Andara, located in Scottsdale and identified 9 deficiencies in 3 different areas. Some of the deficiencies included:

- Manager failed to ensure disaster plan requirement was met
- Manager failed to ensure disaster drill requirement was met
- Manager failed to ensure policy and procedure requirement was met

DHS took enforcement action on 5 violations and assessed a civil money penalty of \$1,250.00.

Mr. Boal was present and answered the Board’s questions. Mr. Boal is the manager at two facilities and works between 8 and 16 hours per week at each. Mr. Boal explained the corporate structure and the policies and procedures need to be approved at the corporate level. Mr. Boal was also dealing with a lot of management staff turnover.

Member Louis made a motion that was seconded by Member Hasseltine 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 19-73 involving manager Keith Boal 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 in the amount of \$250.00
 - b) 3 hours of Board approved continuing education in quality insurance
 - c) 3 hours of Board approved continuing education in disaster preparedness
 - d) All continuing education classes must be pre-approved by the Board’s Executive Director
 - e) Any costs of the probation are those of the certificate holder

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

36. 19-76 Tang-Jimenez, Josephine Manager 05/24/19

Investigator Smyth summarized the complaint for the Board. Board staff initiated the complaint based on information received in the portal alleging Ms. Jimenez was managing three facilities.

Ms. Jimenez was present and answered the Board’s questions. Ms. Jimenez explained the she was only managing two care homes and that there was another manager at the third home. Part of the confusion was due to a change of ownership that fell through.

Member Louis made a motion that was seconded by Member Villafranca to dismiss complaint 19-76 against Josephine Tang-Jimenez, for insufficient evidence of a violation.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

37. 19-54 Boado, Elizabeth Manager 02/26/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Sunnyside assisted living III, located in Surprise and identified 15 deficiencies, of which 4 were repeat deficiencies, in 8 different areas. Some of the deficiencies included:

- Manager failed to ensure employee TB requirement was met
- Manager failed to ensure service plan requirement was met
- Manager failed to ensure medication not administered according to medication order

DHS took enforcement action on 6 violations and assessed a civil money penalty of \$1,700.00.

Ms. Boado was present and answered the Board’s questions. Ms. Boado argued that it was the owner’s responsibility to make sure the paperwork was correct and she did not follow her instructions. Ms. Boado stated she works 2 to 3 hours during the week and 3 to 4 hours on weekends as needed.

Ms. Boado did not understand that as the manager she was responsible to make sure the facility was operating in compliance.

Member Villafranca made a motion that was seconded by Member Lou 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 19-54 involving manager Elizabeth Boado 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

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

38. 19-36 Austin, Danielle Manager 02/25/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Desert Haven Home Care, located Phoenix and identified 26 deficiencies in 8 different areas. Some of the deficiencies included:

- Manager failed to ensure personnel record requirement was met
- Manager failed to ensure toxic materials were stored in a locked area
- Manager failed to ensure service plan requirement was met

DHS took enforcement action on one violation and assessed a civil money penalty of \$500.00.

Danielle Austin was not present.

Member Randolph made a motion that was seconded by Member Hasseltine 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 19-36 involving manager Danielle Austin 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

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

39. 19-70 Anton, Constantin Manager 04/29/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Scottsdale Assisted Living Homes, located in Queen Creek and identified 15 deficiencies in 9 different areas. Some of the deficiencies included:

- Manager failed to ensure medications storage requirement was met
- Manager failed to ensure disaster drill requirement was met
- Manager failed to ensure residents were not left alone without a certified caregiver

DHS took enforcement action on 5 violations and assessed a civil money penalty of \$1750.00.

Mr. Anton was not present at the meeting.

Member Villafranca made a motion that was seconded by Member Randolph that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 19-70 involving manager Constantin Anton 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

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

40. 19-75 Woelke, Patricia Manager 05/21/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Woodland Palms Assisted Living, located Tucson and identified 16 deficiencies in 10 different areas. Some of the deficiencies included:

- Manager failed to verify and document a caregiver’s skills and knowledge
- Manager failed to ensure policy and procedure requirement was met
- Manager failed to ensure CPR and first aid requirement was met

DHS took enforcement action on 5 violations and assessed a civil money penalty of \$1,500.00.

Ms. Woelke was present and answered the Board’s questions. Ms. Woelke has been at the facility for four months. Since the survey she has been working diligently to improve compliance and instruct staff.

Member Louis made a motion that was seconded by Member Archer to dismiss complaint 19-75 against Patricia Woelke, for insufficient evidence of a violation.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

41. 19-60 Singh, Porabhjoat Manager 04/05/19

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance and complaint at 24HR Home, LLC, located in Scottsdale and identified 23 deficiencies, of which 7 were repeat deficiencies, in 11 different areas. Some of the deficiencies included:

- Manager failed to ensure fingerprint clearance card requirement was met
- Manager failed to ensure TB test requirement was met
- Manager failed to ensure medication requirement was met

Absent	0			X		X		X		
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Investigator Smyth summarized the complaint for the Board. DHS conducted a complaint investigation at DT Care 2, located in Surprise and identified 5 deficiencies in 4 different areas. Some of the deficiencies included:

- Manager failed to ensure service plan requirement was met
- Manager failed to ensure medication was administered as ordered
- Manager failed to ensure caregiver was present when manager was not at the facility

DHS took enforcement action on 1 violation and assessed a civil money penalty of \$500.00.

Mr. Tran was present at the meeting and answered the Board’s questions. Mr. Tran was not present at the time of the complaint investigation but the surveyor called him. A certified caregiver left the facility without any other caregivers there. A family member called Mr. Tran and told him about the situation. Mr. Tran terminated the employee and trained the new employees with their responsibilities.

Member Villafranca made a motion that was seconded by Member Archer to dismiss complaint 19-68 against Dat Tran, for insufficient evidence of a violation.

A roll call vote passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

E. Board Review, Consideration and Action regarding Caregiver Training Program Complaint:

42a 18-01 Akator, Anthony Akator’s Vocational Institute 4/23/18

Investigator Smyth summarized the complaint for the Board. Staff received a letter of complaint from Darrion Brown, the Executive Director at Canyon Valley Memory Care concerning the caregiver training program, Akator’s Vocational Institute located in Tucson. Mr. Brown alleged:

- Mr. Akator provided a training certificate to a student who failed the state exam
- Mr. Akator informed Mr. Brown that the caregiver was certified when she was not.

Mr. Brown did not attend the meeting.

Mr. Akator was present and answered the Board’s questions. There was a misunderstanding in that he issued the students a certificate when they completed the classroom training. These students then used that certificate to get employed even though they had not passed the state exam.

Executive Director Imig informed the Board that he had a conversation with Mr. Akator that no certificates would be issued other than those released by the testing company after they pass the exam. The training is not complete until then. Mr. Akator’s training program has since expired.

Member Hasseltine made a motion that was seconded by Member Villafranca to dismiss complaint 18-01 against Anthony Akator, for insufficient evidence of a violation.

7. **ADMINISTRATOR LICENSURE AND MANAGER CERTIFICATION**

- 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 time frame or the license or certificate will be denied.

43. Temporary Administrator Licenses

None			
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Permanent Administrator Licenses

Brenay, Scott	Bowen, Douglas		
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Temporary Manager Certificates

Smith, Lori	West, Adrian	King, Cincy	Luna, Stephen
King, Bret			

Permanent Manager Certificates

Banes, Stephen	West, Adrian	King, Cincy	Luna, Stephen
King, Bret	Torreno, Benavides	Hildreth, Heather	Shpata, Ervin
Runyon, Erica	Ray, Leeann	Daily, Sharice	Jackson, Laura
Ihrman, Ted	Kinyenje, Catherine	O'Brien, Patrick	Chiazor, Patricia
Kearney, Michael	Smith, Steven	Catuna, Lindsay	Smith, Lori
Gill, Valerie	Meranza, Kristelyn		

Member Villafranca made a motion that was seconded by Member Hasseltine to approve the temporary and permanent administrator licenses, the temporary and permanent manager certificates, pending passing all required examinations within the substantive time frame or the license or certificate will be denied.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

- 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 time frame or the license or certificate will be denied.

43a. Hovey, Kalyn Permanent manager certificate

Zakiya Mallas, Licensing Specialist outlined for the Board the criminal issues related to the applicant.

Applicant Kalyn Hovey was present and answered the Board’s questions.

Member Villafranca made a motion that was seconded by Member Archer to approve the temporary and permanent manager certificate, pending passing all required examinations within the substantive time frame or the certificate will be denied.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

8. ASSISTED LIVING FACILITY TRAINING PROGRAMS

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

44. Assisted Living Facility Caregiver Training Program

Korman Healthcare	Aging Alternatives Career Center, LLC
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Assisted Living Facility Manager Training Program

None	
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Assisted Living Facility Caregiver Training Program Renewal

Academy of Healthcare ALCTP-0034	
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Assisted Living Facility Manager Training Program Renewal

None	
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Member Villafranca made a motion that was seconded by Member Hasseltine to approve the assisted living facility caregiver and manager training program and the renewals of caregiver and manager training programs.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

9. OTHER BUSINESS

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

45. Signing of Duplicate Certificates

Executive Director Imig that in an effort to get the duplicate certificates and licenses processed faster and out to the managers and administrators it would be helpful to use a signature stamp and ED’s signature or the ED’s signature and cosigned by the Licensing Specialist. Member Villafranca asked Mr. Imig which would be best. The ED’s signature and cosigned by the Licensing Specialist would be the best.

Member Villafranca made a motion that was seconded by Member Randolph to authorize the Executive Director to sign and the Licensing Specialist to counter sign duplicate certificates.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

46. Review of updated policies and procedures

Executive Director Imig summarized the reason for updating the four policies and procedures and that there would be others being drafted. The four Mr. Imig requested the Board approve are:

- Complaint handling
- Board member compensation
- Ensuring lawful presence
- Providing license information to the public

Member Villafranca made a motion that was seconded by Member Randolph to approve the four policies and procedures.

The motion passed 5 – 0.

Vote		Villafranca President	Louis V. P.	Kidder Member	Randolph Member	Seamans Member	Archer Member	Campbell Member	Hasseltine Member	Vacant
Yes	8	X	X		X		X		X	
No	0									
Abstain	0									
Recuse	0									
Absent	0			X		X		X		

10. ADMINISTRATIVE MATTERS

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

47. Financial Reports

Executive Director Imig reviewed the financial reports with the Board. The Board fund ended the month of June with a balance of \$452,075, which is close to projections and the final FY19 adjustments are not in yet. Overall expenses were 5% under what was budgeted.

48. Complaints Status Report

Investigator Smyth reported that in May there were 8 complaints opened. There are 5 open complaints from FY18 and 38 from FY19. There are currently 29 active consent agreements.

49. Licensing Report

Licensing Specialist Mallas reported we are currently finishing the manager renewal and do not have a final count. There are 330 active and 22 inactive administrators.

50. Legislation Update

None to report

51. Rules Update

No rules update

52. Training Program Report

Executive Director Imig reported there were about 42 caregiver training programs and 13 manager training programs. During the last year from July 2018 to July 2019 there were 2327 caregivers that took the exam for the first time and had an 80% pass rate. There were 374 manager trainees that had first time pass rate of 80%.

53. NAB Meeting Highlights

A meeting highlights brochure was provided to the Board Members.

54. Board Meeting Critique

President Villafranca gave a short Board meeting critique.

11. FUTURE AGENDA ITEMS AND MEETING DATES

The next regular meeting of the Board will be held on Monday, August, 12, 2019 at 1740 W. Adams, Board Meeting Room C, Phoenix, Arizona, at 9:00 a.m.

12. ADJOURNMENT

President Villafranca adjourned the meeting at 2:21 p.m.