



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

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Douglas A. Ducey
Governor

Jack Confer
Executive Director

Board Members

Pauline (Wally) Campbell, President

Ken Kidder, Member

Fred Randolph, Member

Melanie Seamans, Member

Susan Archer, Member

James Steven, Member

**DRAFT MINUTES
REGULAR MEETING**

March 7, 2022

I. CALL TO ORDER

President Campbell called the meeting to order at 9:02 a.m.

II. ROLL CALL

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

Attendance: Executive Director Jack Confer, Chief Investigator Brandon Eaden, Licensing Administrator Mona Leonard, Project Specialist Elizabeth Bronold, and Assistant Attorney General Seamus Monaghan

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

There were no conflicts of interest.

IV. CALL TO THE PUBLIC

No one wishes to speak.

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

Board Review, Consideration and Action on Approval of Minutes

A. Regular Meeting Minutes, January 10, 2022

B. Regular Meeting Minutes, February 28, 2022

Member Kidder made a motion seconded my Member Seamans to approve January and February Board Meeting minutes.

Motion passed (6-0).

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

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

BOARD REVIEW, CONSIDERATION AND POSSIBLE ACTION ON INITIAL COMPLAINT REVIEW(S) AND POSSIBLE BLOCK VOTE(S)

Executive Director Confer explained to the board how the cases are arranged on the agenda. The board was informed that they could choose to block vote cases and take board staff recommendations to move cases forward.

Member Kidder made a motion seconded by President Campbell to adopt the block vote strategy for initial case review as present by staff.

Motion passed (6-0).

CASES POSTPONED FROM FEBRUARY 28, 2022 BOARD MEETING:

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

1.	21-91	Dendrino, Virginia	Manager
2.	21-102	Weeks, Sherre	Manager
3.	21-115	Brooks, DeLaine	Manager
4.	21-116	Fisher, William	Manager
5.	21-119	Viloria, Analyn	Manager

Chief Investigator Eaden summarized the case to the board. Analyn Viloria was present at the meeting and answered the questions from the board. Ms. Viloria stated that as a manager she failed to ensure that an employee had a valid fingerprint card on file. The employee is no longer working at the facility.

Member Kidder made a motion seconded by Member Archer that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-119 involving manager Analyn Viloria 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 to be completed within 3 months:

- a) Reimbursement of investigative costs \$414.00
- b) 3 hours of Board approved continuing education in record keeping
- c) 3 hours of Board approved continuing education in service plans
- d) 3 hours of Board approved continuing education in personnel requirements

Motion passed (6-0).

6.	21-121	Gant, Merlita	Manager
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Chief Instigator Eaden summarized the case for the board. Ms. Gant was present at the meeting and answered the questions from the board. Ms. Gant stated that she was not aware of the DHS survey until a couple days after the inspection occurred. She stated that the owner of the facility is also a manager designee and he was present at the time of the inspection. She stated that the owner told her that he followed up with checking that employees had valid fingerprint clearance cards. Ms. Gant stated that the reason the medication was not administered in compliance with the order was due to a math error.

Member Kidder made a motion seconded by Member Archer that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-

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407(A)(B)(1), in complaint number 21-121 involving manager Merlita Gant 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 to be completed within 3 months:

- a) Reimbursement of investigative costs \$545.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in resident records

Motion passed (6-0).

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| 7. | 21-124 | Couzens, Margie | Manager |
| 8. | 21-125 | Errazo-Searles, Marilou | Manager |

Chief Investigator Eaden summarized the case for the board members. Ms. Errazo-Searles was present at the meeting and answered the questions from the board. Ms. Errazo-Searles stated that she used to have a caregiver training program but she closed the school in 2013 when the rules changed. Ms. Errazo-Searles stated that the employee who did not have a fingerprint clearance card was a different employee. She stated that it is in the resident's care plan to have access to her morning medication, but the medication was left on the nightstand instead of being locked in the resident's room. Ms. Errazo-Searles stated that now she takes the medication from the resident and gives it to the resident at the appropriate time.

Member Kidder made a motion seconded by Member Seamans that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-125 involving manager Marilou Errazo-Searles 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 to be completed within 3 months:

- a) Reimbursement of investigative costs \$583.00
- b) 3 hours of Board approved continuing education in personnel requirements
- c) 3 hours of Board approved continuing education in medication management

Motion passed (6-0).

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| 9. | 21-127 | Wavomba, Eunice | Manager |
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Chief Investigator Eaden summarized the case for the board. Eunice Wavomba was present at the meeting and answered the questions from the board. Ms. Wavomba stated that there was a box in the refrigerator with medication in it and the caregiver forgot to lock the box when she retrieved insulin. She stated that she no longer has a key for the box in the refrigerator and changed it to a dial key so the box locks every time it closes. She stated that one of the caregivers kept her personal medication in a drawer in the kitchen.

Member Kidder made a motion seconded by Member Archer to dismiss complaint 21-127 against manager Eunice Wavomba.

Motion passed (6-0).

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| 10. | 2022-NCI-0012 | Borboa, Glynis | Manager |
| 11. | 2022-NCI-0059 | Borboa, Glynis | Manager |

President Campbell made a motion seconded by Member Kidder to take the staff recommendation for disciplinary consent agreements for the cases listed on agenda items VI (B)(A) 1-4, 7, 10, and 11.

Motion passed (6-0).

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

12. 21-92 Ellison, Jeanette Manager

Chief Investigator Eaden summarized the case for the board. Jeanette Ellison was present at the meeting and she answered the questions from the board. Ms. Ellison stated that one of the employees was waiting for a good cause exception from DPS for a valid fingerprint clearance card and they kept employees on pending a good cause exception. Ms. Ellison stated that she has an office manager who does the hiring.

Member Kidder made a motion seconded by Member Archer to issue a letter of concern to manager Jeanette Ellison and the boards' concern is not complying with fingerprint clearance card requirements.

Motion passed (6-0).

13. 21-113 Nealon, Jennifer Manager

Chief Investigator Eaden summarized the case for the board. Ms. Nealon was present at the meeting and answered the questions from the board. Ms. Nealon stated that there was an evacuation done in May however she did not show the documentation to the surveyor because it was not done right. Ms. Nealon stated that she showed documentation that the staff had education on evacuation drills. She stated that the surveyor went in to a resident's room and saw the resident's family cleaning the room with Clorox wipes.

Member Archer made a motion seconded by Member Kidder to dismiss complaint 21-113 against manager Jennifer Nealon.

Motion passed (6-0).

14. 21-114 Stone, Regan Manager

15. 21-123 Pedlowska, Edyta Manager

President Campbell made a motion seconded by Member Kidder to take the staff recommendation for non-disciplinary letter of concern for the cases listed on agenda items VI (B)(B) 14 and 15.

Motion passed (6-0).

C. Staff Recommendation for Dismissal(s)

16. 21-101 Kelly, Cheryl Manager

18. 21-117 Connolly, Kathleen Manager

19. 21-120 Catana, John Manager

20. 21-122 Turner, Marcia Manager

21. 21-126 Rosness, John Manager

22. 21-128 Predmore, Lawrence Manager

23. 2022-NCI-0004 Adair, Clint Training Program

24. 2022-NCI-0011 Ohge-McElroy, Debra Administrator

Member Steven requested that case 21-111 be removed from the block vote.

Member Kidder made a motion seconded by Member Randolph to dismiss agenda items VI (B)(C) 16 and 18-24.

Motion passed (6-0).

17. 21-111

Opara, Kenneth

Administrator

Chief Investigator Eaden summarized the case for the board. Mr. Opara was present at the meeting and answered the questions from the board. Mr. Opara stated that the wound care that was prescribed was being provided to the patient. The facility did not have enough staff at the time to move the patient. He stated that the medical practitioner was going to see this resident. He stated that the staff knew about the pressure ulcers and the doctor was coming in every week to see the patient.

Member Kidder made a motion seconded by Member Seamans to issue a letter of concern to Administrator Kenneth Opara and the boards' concern is that the administrator failed to implement appropriate wound care treatment.

Motion passed (5-1).

NEW CASES FOR REVIEW

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

25. 21-136

Monks, Chandler

Administrator

Chief Investigator Eaden summarized the case for the board. Chandler Monks was present at the meeting along with his attorney, Cynthia Patane. Mr. Monks stated that this issue was not presented to him as abuse. He stated that at the time he did not feel that an investigation into this matter was necessary. He has since changed this process which involves following up with the resident right away. Mr. Monks stated that he is notified verbally if there is a matter involving the issue of abuse or neglect. Mr. Monks stated that he is willing to submit the documentation showing that him and his staff completed education regarding this matter.

Member Kidder made a motion seconded by Member Seamans to issue a letter of concern to Administrator Chandler Monks and the boards' concern is failure to implement policies and procedures regarding abuse and neglect allegations.

Motion passed (6-0).

26. 21-142

Carlos, Christine

Manager

Manager Carlos was not present.

Member Kidder made a motion seconded by President Campbell to accept the staff recommendation. Based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-142 involving manager Christine Carlos, the Board will offer a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following to be completed within 3 months:

- a) Suspension of certificate, but stay the suspension as long as the terms of the consent agreement are met.
- b) Probation for 3 months with the following terms:
- c) Reimbursement of investigative costs \$536.00
- d) 3 hours of Board approved continuing education in personnel requirements
- e) 3 hours of Board approved continuing education in service plans
- f) 3 hours of Board approved continuing education in medication management

27. 21-145 Ilioi, Domnica Manager

Chief Investigator Eaden presented the case for the board. Domnica Ilioi was present at the meeting and answered the questions from the board. Ms. Ilioi stated that the resident has a new power of attorney since February 2021. Ms. Ilioi stated that she became aware that the owner was the power of attorney of a resident at the time of the survey.

Member Seamans made a motion seconded by Member Kidder based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of A.R.S. § 36-446.07(B)(3) as defined by A.R.S. § 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 21-145 involving manager Domnica Ilioi 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 to be completed within 3 months:

- a) Reimbursement of investigative costs \$560.00
- b) 3 hours of Board approved continuing education in ethics
- c) 3 hours of Board approved continuing education in resident rights
- d) 3 hours of Board approved continuing education in communicable disease

Motion passed (6-0).

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

28. 21-139 Soto-Alvarez, Oscar Manager

Member Kidder made a motion seconded by Member Randolph to take the staff recommendation for a non-disciplinary letter of concern.

Motion passed (6-0).

29. 21-146 Kileen, Lourdes Manager

Chief Investigator Eaden summarized the case for the board. Ms. Kileen was present at the meeting along with her attorney David Williams. Ms. Kileen stated that the employee told her that they completed CPR training but the employee never presented the CPR card to her. She stated that she does not put employees on the schedule now until they have submitted all the correct documentation.

Member Kidder made a motion seconded by Member Archer to issue a letter of concern to manager Lourdes Kileen and the boards' concern is that the manager failed to maintain complete employee records.

Motion passed (6-0).

30. 21-147 Pratt, Taryn Manager

Chief Investigator Eaden summarized the case for the board. Taryn Pratt was present at the meeting and answered the questions from the board. Ms. Pratt stated that there was a miscommunication with the person doing the menu and stated that the word snacks was taken off the menu.

Member Kidder made a motion seconded by Member Archer to dismiss complaint 21-147 against manager Taryn Pratt.

Motion passed (6-0).

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F. Staff Recommendation for Dismissal(s):

31.	21-112	Martin, Arthur	Administrator
32.	21-138	Dela Masa, Amelia	Manager
33.	21-143	Holleman, Halie	Manager

Member Kidder made a motion seconded by Member Archer to take the staff recommendation to dismiss complaints 21-112, 21-138, and 21-143.

Motion passed (6-0).

VII. BOARD PRESIDENT'S REPORT:

VIII. ANNUAL BOARD ELECTION PURSUANT TO A.A.C. R4-33-102

A. Election of Board President and Vice-President

The board members nominated Ken Kidder for President of the board.

Motion passed (6-0).

President Campbell nominated Susan Archer for Vice President.

Motion passed (6-0).

IX. EXECUTIVE DIRECTOR REPORT

A. Budget Update

Executive Director Confer gave a brief overview of the budget for the board.

B. Licensing & Investigation Statistics

C. Legislation Update

Executive Director Confer stated that the next step for the NCIA Board bills is a house floor vote.

X. FUTURE ITEMS AND MEETING DATES

March 21, 2022

April 11, 2022

April 25, 2022

XI. ADJOURMENT

President Campbell adjourned the meeting at 12:05 p.m.

Jack Confer, Executive Director