MINUTES
REGULAR MEETING

January 11, 2016

I. CALL TO ORDER

President Randolph called the meeting to order at 9:11 a.m.

II. ROLL CALL

Present: Ken Kidder, Fred Randolph, Melanie Seamans, David Hasseltine, Pauline Campbell, Laura Olson

Absent: None

Attendance: Allen Imig, ED, Phil Smyth, Investigator, Zakiya Mallas, Licensing Specialist, Bridget Harrington, AAG

III. CALL TO THE PUBLIC

Lanane Cole suggested the Board website clarify the complaint and hearing process. Ms. Cole also asked the Board to consider verbalizing that the patient name is confidential at the meeting. Ms. Cole spoke regarding legislation that would make caregivers accountable. The Board directed staff to place the two items on a future agenda.

Russ Razinn an applicant for manager said there were inconsistencies in what the website said about caregiver training and the Board’s rules when it came to the caregiver training requirement for managers. Mr. Razinn was directed to contact Board staff regarding questions about his application. The caregiver and website concern would be put on a future agenda for discussion as mentioned earlier.
IV. APPROVAL OF MINUTES

1. December 14, 2015 Regular Board Meeting Minutes

Member Kidder made a motion that was seconded by Member Hasseltine to approve the December 14, 2015 regular meeting minutes. The motion passed 6 – 0.

V. AMEND PREVIOUSLY APPROVED MINUTES

2. September 14, 2015 Regular Board Meeting Minutes

Member Kidder made a motion that was seconded by Member Campbell to amend the September 14, 2015 regular meeting minutes to accurately reflect who spoke on their given topics during call to the public. The motion passed 6 – 0

VI. CONSENT AGREEMENT / PROBATION TERMINATION

A. Consent agenda to terminate probation as the terms were met:

5. Becerra, Richard 16-10

Member Kidder made a motion that was seconded by Member Olson to terminate the probation of Richard Becerra, in complaint 16-10, as the conditions were met. The motion passed 6 – 0.

VII. COMPLAINT CASE

A. Board Individual Review, Consideration and Action regarding new complaints:

11. Complaint # 16-17 Pelton, Dale Administrator

Open Date: 09/21/15

Member Randolph recused himself from the complaint.

Investigator Smyth summarized the complaint for the Board. DHS conducted a re-certification survey at The Health Care Center – Forum Tucson, located at 2500 N. Rosemont Blvd., Tucson and identified 12 deficiencies in 12 different areas. Some of the deficiencies included:

- Failure to maintain an effective infection control program resulting in an IJ citation
- E-kit not locked
- Failed to notify residents to changes in roommates

Mr. Pelton was present and answered the Board regarding the complaint related to the DHS re-certification survey and nine complaint investigations. Mr. Pelton worked at the facility for three years prior to the survey. The year before they had a deficiency free survey and had a quality Director of Nursing. That Director of Nursing left and it was a challenge to find another quality DON. There were three DON’s during a six to eight month period. The biggest problem was the change in staff, especially those at the top.

After the Board heard from Mr. Pelton, Member Olson 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 ARS 36-446.07(A)(3) as defined by ARS 36-446 (10)(a) for unprofessional conduct and AAC R4-33-208(A), in complaint number 16-17 involving administrator Dale Pelton and to offer a consent agreement to be signed within 30 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 $500.00
   b) 3 hours of Board approved continuing education in quality assurance
   c) 3 hours of Board approved continuing education in record keeping
   d) 3 hours of Board approved continuing education in communicable disease
   e) All continuing education classes must be pre-approved by the Board’s Executive Director
   f) Any costs of the probation are those of the certificate holder
   g) Manager must request in writing termination of probation

A roll call vote was taken and passed 6 – 0.

12. Complaint # 16-34 Babeti, Maria Manager
    Open Date: 11/30/15

Investigator Smyth summarized the complaint for the Board. DHS forwarded a complaint from an Alexis Stuart who is a friend of a former resident at Golden Years Assisted Living located at 5934 W. Villa Theresa Dr., Glendale. Some of the deficiencies Ms. Stuart alleged included:
   • Not always permitted to talk to resident when she called
   • Manager took telephone away from resident
   • Manager took care keys and house keys away

Ms. Babeti was present and answered the Board’s questions. DHS and APS investigated and the complaint which was unsubstantiated. DHS withdrew their enforcement action.

The complainant was not present.

After the Board heard from Ms. Babeti, Member Kidder made a motion that was seconded by Member Randolph to dismiss complaint 16-34 against Maria Babeti, for insufficient evidence of a violation. The motion passed 6 – 0.

13. Complaint # 16-35 McCann, Ana Manager
    Open Date: 12/01/15

Investigator Smyth summarized the complaint for the Board. Board staff received a letter of complaint from Rayanna Judge Fields the daughter of a former resident at Windsong Care Assisted Living., located at 1129 S. 24th St., Mesa. Ms. Fields alleged:
   • Failure to provide appropriate medical oversight
   • Resident overmedicated
   • Failure to recognize resident decline

Ms. McCann was present and answered the Board’s questions regarding the complaint. The patient was seen by the residents Nurse Practitioner five days before the resident left the facility. Mr. Judge never notified the facility they were moving the resident out.

James Judge was present and the brother of the complainant. On the 19th of October Mr. Judge took his mother and resident from the facility to go out to lunch but instead went to the hospital and did not return her to the facility.

After the Board heard from both parties, Member Kidder made a motion that was seconded by Member Randolph to dismiss complaint 16-35 against Ana McCann, for insufficient evidence of a violation. The motion passed 5 – 1 with member Hasseltine voting nay.
14. Complaint # 16-36 Tomas, Kinga Manager
   Open Date: 12/3/15

Investigator Smyth summarized the complaint for the Board. DHS conducted a complaint investigation at King Assisted Living, located at 3424 E. Monte Cristo Ave., Phoenix and identified two deficiencies:
- Manager acted as a resident representative
- Service plan requirement not met

Ms. Tomas was present and answered the Board’s questions. The enforcement action was dropped by DHS. Ms. Tomas only assisted at the residents request when talking to AHCCCS.

Member Kidder made a motion that was seconded by Member Seamans to dismiss complaint 16-36 against Kinga Tomas, for insufficient evidence of a violation. The motion passed 6 – 0.

15. Complaint # 16-37 Warner, Sandra Manager
   Open Date: 12/10/15

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Abella Manor Senior Care, LLC, located at 8162 E. Slate Ridge Dr., Tucson and identified six deficiencies in administration and directed care services. Some of the deficiencies included:
- Fingerprint requirements not met
- Non-ambulant resident maintained
- Service plan requirements not met

Ms. Warner was present and answered the Board’s questions.

Member Kidder made a motion that was seconded by Member Randolph to find sufficient evidence of a violation, but issue a letter of concern. The concern was for failing to comply with fingerprint requirements. The motion passed 6 – 0.

16. Complaint # 16-42 Gonzalez, Edward Manager
   Open Date: 12/11/15

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Danilo Place, located at 7163 N. Pomona Rd., Tucson and identified 11 deficiencies in eight different areas. Some of the deficiencies included:
- Manager failed ensure personnel files were available for review
- Manager failed to ensure eight resident records were maintained at the facility
- Manager failed to ensure MAR included time medication was administered
- Manager failed to a disaster plan was developed
- Manager failed to ensure the premises were free form conditions which could injure a resident or other individual

Mr. Gonzalez was present and answered the Board’s questions. Mr. Gonzalez was filling in during the time that the owner was trying to locate a permanent manager. He was not present at the time of the inspection.

After hearing from Mr. Gonzalez, Member Seamans 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 ARS 36-446.07(B)(3) as defined by ARS 36-446 (10)(a) for unprofessional conduct and AAC R4-33-407(A), in complaint number 16-42 involving manager
Edward Gonzalez and to offer a consent agreement to be signed within 30 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 administration
   c) 3 hours of Board approved continuing education in recordkeeping
   d) 3 hours of Board approved continuing education in service plans
   e) All continuing education classes must be pre-approved by the Board’s Executive Director
   f) Any costs of the probation are those of the certificate holder
   g) Manager must request in writing termination of probation

A roll call vote passed 5 – 1 with member Hasseltine voting nay.

17. Complaint # 16-32  Hill-Leach, Mary Administrator
   Open Date: 11/24/15

Investigator Smyth summarized the complaint for the Board. Investigations received a memo from the Board’s Administrative Assistant that Mary Hill-Leach’s fingerprint clearance card expired on July 29, 2014.

Member Randolph recused himself from the complaint.

Ms. Hill-Leach was present and explained that she has been printed three times but every time the prints were rejected. She advised she had her prints scanned and hopefully they will be acceptable.

Member Kidder made a motion that was seconded by Member Campbell that based upon the information contained in the investigation report, the Board finds sufficient evidence of a violation of ARS 36-446.04(B) and AAC R4-33-109 for failing to maintain a valid fingerprint clearance card in complaint number 16-32 involving administrator Mary Hill-Leach and to offer her a consent agreement to be signed within 10 days or the matter will proceed to formal hearing. The terms shall include the following:

1. Suspend certificate until a valid fingerprint clearance card is provided showing evidence of compliance:

Roll call vote passed 5 – 0.

VIII. 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.

22. Temporary Administrator Licenses
    | Okeke, Patrick |

Permanent Administrator Licenses
    | Day, Jaren |

Temporary Manager Certificates
    | Boody, Michela | Jackson, Angel | Guevara, Leslie | Torba, Cathy |
Permanent Manager Certificates

<table>
<thead>
<tr>
<th>Name</th>
<th>Artates, Florence</th>
<th>Maftean, Maria</th>
<th>Sniegowski, Debbie</th>
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<tbody>
<tr>
<td>Boodry, Michela</td>
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<tr>
<td>Toor, Beant</td>
<td>Jackson, Angel</td>
<td>Oden, Liam</td>
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<tr>
<td>Torba, Cathy</td>
<td>Federer, Mary</td>
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Member Kidder removed Ms. Michela Boodry from the consent agenda for temporary manager certification.

Member Kidder made a motion that was seconded by Member Randolph 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 6 – 0.

Member Kidder made a motion that was seconded by Member Seamans to deny the temporary manager certificate because Ms. Boody failed the manager exam on January 7, 2015 and therefore does not qualify per ARS 36-446.06(D). A roll call vote passed 6 – 0.

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.

23. Freeland, Donna  Permanent manager application

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

Applicant Freeland was present and answered the Board’s questions.

Member Kidder made a motion that was seconded by member Randolph to approve the permanent manager certificate. The motion passed 6 – 0.

24. Hullinger, Loretta  Permanent manager and temporary application

Zakiya Mallas, Licensing Specialist outlined for the Board the issue of the applicant managing a facility after her certificate expired.

Applicant Loretta Hullinger was present and answered the Board’s questions. Ms. Hullinger did not realize until December that her certificate had expired on June 30, 2015. She then hired a manager to oversee the facility until she could get her certificate again.

Member Kidder made a motion that was seconded by member Randolph to approve the temporary and permanent manager certificate, but issue a letter of concern. The Board’s concern was the applicant failed to maintain a current manager certificate. The motion passed 6 – 0.

IX. ASSISTED LIVING FACILITY TRAINING PROGRAMS

A. 25. Consent Agenda to Approve Assisted Living Facility Caregiver Training Program

| Copper Canyon Training – ALCTP - 0056 |

Member Kidder made a motion that was seconded by Member Olson to approve the assisted living facility caregiver training program. The motion passed 6 – 0.
B. 26. Consent Agenda to Approve Assisted Living Facility Manager Training Program

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<tr>
<th>Assisted Living Licenses, Certificates and Training – ALMTP - 0011</th>
<th>Alpha Training, LLC</th>
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<tr>
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<td>ALCTP - 0020</td>
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<tr>
<td>ALCTP - 0002</td>
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Member Kidder made a motion that was seconded by Member Hasseltine to approve the assisted living facility caregiver training program. The motion passed 6 – 0.

C. 27. Consent Agenda to Approve Assisted Living Facility Caregiver Training Program Renewal

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Member Kidder made a motion that was seconded by Member Olson to approve the assisted living facility caregiver training program. The motion passed 6 – 0.

IX. OTHER BUSINESS

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

28. 2016 Board elections for President and Vice President

Member Kidder nominated Member Randolph for president. Member Randolph accepted the nomination. There were no other nominations. Member Kidder made a motion to approve Member Randolph for president. The motion was seconded by Member Olson. The motion passed 6 – 0.

Member Randolph nominated Member Kidder for vice president. Member Kidder accepted the nomination. There were no other nominations. Member Randolph made a motion to approve Member Kidder for vice president. The motion was seconded by Member Campbell. The motion passed 6 – 0.

X. ADMINISTRATIVE MATTERS

The following items concern administrative matters and are provided for informational purposes only. They are not regulatory or policy matters and they do not require Board action.

29. Financial Reports

Executive Director Imig discussed the financial reports with the Board. As of January 1, 2016 the Board fund was at $290,622. Revenues for the fiscal year are about 3% under projections. Expenses are at 6% under the appropriation.

30. Complaints Status Report

Investigator Smyth reviewed with the Board the complaint statistics and the number of upcoming cases. So far this fiscal year there have been 51 cases opened, 26 have been resolved, 25 remain open with 10 ready for next month’s agenda.
31. Licensing Report

Licensing Specialist Zakiya Mallas reported on application and licensing statistics for the previous month and year to date. For December there were 5 administrator applications and 30 manager applications. The Board currently has 380 active and inactive administrators and 2169 managers.

32. Legislation Update

The session just started, and there is nothing to report at this time.

33. Rules Update

The Board does not have any open rule dockets

34 Training Program Report

Executive Director Imig reported on the training programs. A survey was prepared to get feedback on the caregiver training to see if any improvements need to be made. Once completed it would be put on an agenda for Board discussion.

35. Board Meeting Critique

There was no critique.

XI. FUTURE AGENDA ITEMS

Clarification on the website as to the complaint and hearing process.

Caregiver accountability

XII. ADJOURNMENT

Member Kidder made a motion that was seconded by Member Campbell to adjourn the meeting. The motion passed 6 – 0.

The meeting was adjourned at 1:04 p.m.

The next regular meeting of the Board will be held on Monday, February 8, 2016 at 1400 W. Washington, Conference Room B-1, Phoenix, Arizona, at 9:00 a.m.