



**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

Ken Kidder, Vice President

Nina Louis, Member

Fred Randolph, Member

Melanie Seamans, Member

Pauline Campbell, Member

Susan Archer, Member

Ted Ihrman, Member

**MINUTES
REGULAR MEETING**

January 11, 2021

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: Ken Kidder (by telephone), Pauline Campbell, Nina Louis (by telephone at 9:23 a.m.), Susan Archer, Charles Seal-Villafranca, Ted Ihrman (by telephone)

Absent: Fred Randolph, Melanie Seamans

Attendance: Allen Imig, ED, Phil Smyth, Investigator, Zakiya Mallas, Licensing Specialist, Sabrina Khan, 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. December 14, 2020 Regular Board Meeting Minutes
2. October 19, 2020 Executive Session Minutes

Member Villafranca made a motion that was seconded by Member Archer to approve the December regular meeting minutes and the October 19, 2020 executive session minutes.

A roll call vote passed unanimously 5 – 0.

5. 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

- 3. All Comforts of Home
- 4. Artemis Assisted Living LLC
- 5. Bridgewater La Cholla Operations, LLC
- 6. Brookdale Arrowhead Ranch
- 7. By Your Side Assisted Living
- 8. Carrington Assisted Living, LLC
- 9. Desert Gardens Assisted Living
- 10. Family Loving Kare S 1
- 11. Five Star Assisted Living
- 12. Grace Living Care
- 13. Harvard House of Care, LLC
- 14. Kiko's Ranch
- 15. Ocean Senior Care
- 16. Pacifica Senior Living Paradise Valley
- 17. Progress Assisted Living
- 18. Quail Park of Oro Valley
- 19. San Paulo Village Assisted Living Home
- 20. Serene Valley Assisted Living Home, LLC
- 21. Spring Valley
- 22. The Homestead on 18th

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

Member Archer recused from agenda item 7.

Member Villafranca made a motion that was seconded by Member Archer to not open complaints on the facility manager for agenda items 3 through 5, 8 through 12 and 14 through 22.

A roll call vote passed unanimously 5 – 0.

Member Villafranca made a motion that was seconded by Member Campbell to open a complaint on the manager of facility under agenda items 13 and 6.

A roll call vote passed unanimously 5 – 0.

Item 7 was pulled from the consent agenda to be reviewed at such time as there was a quorum.

Member Louis joined the meeting and a quorum was met with Member Archer recusing.

Member Villafranca made a motion that was seconded by Member Campbell to not open a complaint on the facility manager for agenda item 7.

A roll call vote passed unanimously 5 – 0.

	Complaint #	Licensee	Title	Open Date
23.	20-100	McClintock, Scott	Administrator	09/21/20

Investigator Smyth summarized the complaint for the Board. DHS conducted a re-licensure survey in conjunction with seven complaint investigations at Providence Place at Glencroft, located in Glendale and identified 27 deficiencies in 16 different areas. Some of the deficiencies included:

- The facility failed to ensure an assistive device was in good repair
- The facility failed to provide the necessary care and treatment to prevent further pressure ulcers.

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

Mr. McClintock was present with his attorney Brian Bailey and answered the Board’s questions. He was the administrator for a short time between November 2018 through February 2019. It was a temporary assignment while they looked for a permanent administrator.

Member Villafranca made a motion that was seconded by Member Kidder to dismiss complaint 20-100 against Scott McClintock, for insufficient evidence of a violation.

A roll call vote passed unanimously 5 – 0.

24.	20-111	Harrah, Daniel	Manager	11/19/20
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Investigator Smyth summarized the complaint for the Board. DHS conducted a complaint investigation at The Auberge at Scottsdale, located in Scottsdale and identified 2 deficiencies in 2 different areas. Some of the deficiencies included:

- The manager failed to ensure policies and procedures were implemented to ensure the safety of a resident who may wander

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

Mr. Harrah was present and answered the Board’s questions. Mr. Harrah received a phone call that a resident had eloped and was found near the community. The door alarms were checked after the incident and worked. Mr. Harrah held an elopement and door alarm in-service training for the employees.

Member Villafranca made a motion that was seconded by Member Campbell to dismiss complaint 20-111 against Daniel Harrah, for insufficient evidence of a violation.

A roll call vote passed unanimously 5 – 0.

25.	20-112	Cornell, Dan	Manager	11/19/20
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Investigator Smyth summarized the complaint for the Board. DHS conducted a complaint investigation at Morning Glory Assisted Living, located in Peoria and identified 2 deficiencies in 2 different areas. Some of the deficiencies included:

- The manager failed to ensure the service plan requirement was met
- The manager failed to ensure a resident was not subjected to seclusion

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

Mr. Cornell was present and answered the Board's questions. The doorknob was changed so the lock was on the outside and could not be unlocked from the inside. He thinks the caregiver changed the doorknob around. The doorknob was fixed as soon as it was brought to his attention.

Member Villafranca 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 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 20-112 involving manager Dan Cornell 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 \$425.00
 - b) 3 hours of Board approved continuing education in resident rights
 - c) 3 hours of Board approved continuing education in quality assurance
 - 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 unanimously 6 – 0.

26. 20-117 Acutin, Baby Jane Manager 12/10/20

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at The Atienzo's Loving Care, ALH, located in Goodyear and identified 6 deficiencies in 4 different areas. Some of the deficiencies included:

- Resident was left alone with an employee who was not a trained caregiver
- Manager failed to ensure resident medical records were documented as required

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

Ms. Acutin was present and answered the Board's questions. She works at this facility one day a week for 6 hours. Ms. Acutin manages another facility. The owner did not call Ms. Acutin, letting her know she was leaving the facility. The owner left the housekeeper with the residents. The surveyor showed up and the housekeeper called Ms. Acutin.

Member Villafranca 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 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 20-117 involving manager Baby Jane Acutin 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 \$415.00
 - b) 3 hours of Board approved continuing education in personnel
 - c) 3 hours of Board approved continuing education in ethics
 - 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 unanimously 6 – 0.

27. 20-113 Rivera, Adriana Manager 11/20/20

Investigator Smyth summarized the complaint for the Board. DHS conducted a compliance inspection at Loma Vista Assisted Living, located in Mesa and identified 5 deficiencies in 4 different areas. Some of the deficiencies included:

- The manager failed to ensure there was a manager or caregiver present when there were residents
- The manager failed to ensure the service plan requirement was met

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

Ms. Rivera was present and answered the Board’s question. Ms. Rivera was not present at the time of the survey. Ms. Rivera also works as a med tech at another facility. The owner does the hiring. He will then call Ms. Rivera for her to check the certificates.

There was no one certified either as a caregiver or manager at the facility to provide services to the residents.

Member 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)(a) for unprofessional conduct and AAC R4-33-407(A)(B)(1), in complaint number 20-113 involving manager Adriana Rivera 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 \$415.00
 - b) 3 hours of Board approved continuing education in personnel requirements
 - c) 3 hours of Board approved continuing education in Quality assurance
 - 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 unanimously 6 – 0.

C. Board Review, Consideration and Action on Whether to Open a Complaint

- 28. Allegiant Healthcare of Mesa**
- 29. Good Samaritan Society – Prescott Village**
- 30. Montecito Post Acute Care and Rehabilitation**

Member Villafranca made a motion that was seconded by Member Campbell to not open complaints on the facility administrators for agenda items 28 through 30.

A roll call vote passed unanimously 6 – 0.

6. 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.

31. Temporary Administrator Licenses

None			
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Permanent Administrator Licenses

Remy, Avril	Phelps, Nelson		
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Temporary Manager Certificates

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Permanent Manager Certificates

Kathee, Winfred	Bibbs, Lisa	Tilvan, Manuela	Lugo, Hilda
Estrella, Ma Lily Ann	Cicciarelli, Nicholas	Altamirano, Miranda	
Verdieu, June	Ursan, Ligia		

Member Villafranca made a motion that was seconded by Member Archer 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.

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.

32. Igel, Alan Permanent manager certificate

The Board moved this agenda item to the February Board meeting.

33. Leslie-Larson, LeAnn Permanent manager certificate

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

Applicant Leslie-Larson was present and answered the Board’s questions.

Member Villafranca made a motion that was seconded by Member Archer to approve the permanent manager certificate.

A roll call vote passed unanimously 6 – 0.

34. None

35. Shanks, Bertha Permanent manager certificate

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

Applicant Bertha Shanks was present and answered the Board’s questions.

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

A roll call vote passed unanimously 6 – 0.

36. Kilpatrick, Fawn Permanent manager certificate

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

Applicant Fawn Kilpatrick was present and answered the Board’s questions.

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

A roll call vote passed unanimously 5 – 0, with Member Ihrman abstaining.

37. None

7. 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.

37. Assisted Living Facility Caregiver Training Program

Arizona Angles	
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Assisted Living Facility Manager Training Program

None	
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Assisted Living Facility Caregiver Training Program Renewal

Pima Community College ALCTP-0094	
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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 Archer to approve the assisted living facility caregiver and manager training program and the renewals of caregiver and manager training programs.

A roll call vote passed unanimously 6 – 0.

8. OTHER BUSINESS

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

38. Election of Board Officers for President and Vice President

Member Villafranca nominated Member Campbell for President. Member Campbell accepted the nomination. There were no other nominations for President. A roll call vote passed 6 – 0.

Member Campbell nominated Member Villafranca for Vice President. Member Villafranca accepted the nomination. There were no other nominations for Vice President. A roll call vote passed 6 – 0.

9. ADMINISTRATIVE MATTERS

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

39. Financial Reports

Executive Director Imig reported the Board’s fund balance at the end of December was \$398,383. Expenses were about 1% below projections.

40. Complaints Status Report

Investigator Smyth reported that as of the end of December there were 120 cases opened in AY20, of which 109 are resolved. There are currently 9 active consent agreements.

41. Licensing Report

Licensing Specialist Mallas reported there are 317 active administrators and 19 inactive. There are 2346 active and 17 inactive managers. There are currently 41 deficient applications and 58 pending final approval.

42. Legislation Update

Executive Director Imig reported that a Senate Committee of Reference hearing on December 17th regarding the Board’s continuation.

43. Rules Update

The final rule package is still on track to be heard by GRRC.

44. Training Program Report

Executive Director Imig reported there are 49 caregiver and 15 manager training programs. From January 1, 2020 through January 1, 2021, there were 2480 first time caregiver exams given with an 80% pass rate. During that same time period there were 423 first time manager exams given with an 80% pass

45. Board Meeting Critique

There was a brief Board meeting critique.

10. FUTURE AGENDA ITEMS AND MEETING DATES

The next regular meeting of the Board will be held on Monday, February 8, 2020 at 1740 W. Adams, Board Meeting Room C, Phoenix, Arizona, at 9:00 a.m.

11. ADJOURNMENT

The Board meeting was adjourned at 10:53 a.m.