

PAPETTI SAMUELS WEISS MCKIRGAN LLP

16430 North Scottsdale Road
Suite 290
Scottsdale, AZ 85254

Lindsey Huang (State Bar No. 034544)

Direct Dial: 480.800.3521
Email: lhuang@PSWMLaw.com

Jon Weiss (State Bar No. 015350)

Direct Dial: 480.800.3540
Email: jweiss@PSWMLaw.com

**AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF ARIZONA**

P.O. Box 17148
Phoenix, AZ 85011

Lauren Beall (State Bar No. 035147)

Direct Dial: 602.650.1854
Email: lbeall@acluaz.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

915 15th Street NW
Washington, D.C. 20005
Telephone: 212.549.2633

Alice Clapman (*Pro Hac Vice* Application Forthcoming)

Email: aclapman@aclu.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

125 Broad Street, 18th Floor
New York, NY 10004
Telephone: 212.549.2633

Lindsey Kaley (*Pro Hac Vice* Application Forthcoming)

Email: lkaley@aclu.org

Nora Ellmann (*Pro Hac Vice* Application Forthcoming)

Email: nellmann@aclu.org

Attorneys for Plaintiffs

SUPERIOR COURT OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

Greta Gill, CNM; Janna Stefanek, CNM;
Erin Bottai, NP; and Denei Dolman, NP, on
behalf of themselves and their patients,

Plaintiffs,

v.

State of Arizona, a body politic,

Defendant.

Case No. **CV2026-005011**

**VERIFIED COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY JUDGMENT**

Plaintiffs Greta Gill, Janna Stefanek, Erin Bottai, and Denei Dolman bring this
Complaint against the above-named Defendant, and in support thereof state the



1 following:

2 **PRELIMINARY STATEMENT**

3 1. On November 5, 2024, Arizonans voted overwhelmingly to adopt a
4 constitutional amendment establishing and protecting “a fundamental right to abortion”
5 in the Arizona Constitution. Ariz. Const. art. II, § 8.1 (the “Amendment”).

6 2. By the Amendment’s terms, “the state shall not enact, adopt or enforce any
7 law, regulation, policy or practice that . . . [d]enies, restricts or interferes with” the
8 fundamental right to abortion “before fetal viability unless justified by a compelling
9 state interest that is achieved by the least restrictive means.” *Id.* § 8.1(A)(1). And a state
10 interest can only be “compelling” if it “[i]s enacted or adopted for the limited purpose of
11 improving or maintaining the health of an individual seeking abortion care, consistent
12 with accepted clinical standards of practice and evidence-based medicine,” *id.* §
13 8.1(B)(1)(a), and it “[d]oes not infringe on that individual’s autonomous decision
14 making,” *id.* § 8.1(B)(1)(b).

15 3. The Amendment further prohibits the State from “enact[ing], adopt[ing] or
16 enforc[ing] any law, regulation, policy or practice that . . . [p]enalizes any individual or
17 entity for aiding or assisting a pregnant individual in exercising the individual’s right to
18 abortion.” *Id.* § 8.1(A)(3).

19 4. The State is violating these protections by unjustifiably restricting who can
20 provide abortion care. In the early 2000s, throughout the state, advanced practice
21 clinicians (“APCs”) were providing abortions alongside physicians. APCs are Advanced
22 Practice Nurses (“APNs”) or Physician Assistants (“PAs”); they have post-graduate
23 medical degrees and clinical training, and many specialize in primary care or women’s
24 health. Arizona APCs provided abortions safely for years, and in fact were critical to
25 sustaining consistent abortion access in Northern Arizona and other rural areas.¹ Then,

26
27 ¹ Ryan Heinsius, *Planned Parenthood in Flagstaff Reintroduces Medication Abortion*,
Ariz. Pub. Radio (Feb. 18, 2014), <https://perma.cc/2NXM-B3MJ>; Sigrid G. Williams et

1 in a series of statutes passed mainly between 2009 and 2011 and implemented through
2 regulations (collectively, the “APC Ban” or the “Ban”),² the Legislature barred them
3 from doing so, severely constricting abortion access in the state.

4 5. Some Ban provisions prohibit APCs from providing the abortion itself,
5 while others require that physicians be involved in the medical care surrounding the
6 abortion or that they perform certain administrative tasks.³ APCs who violate these laws,
7 and clinics who employ them, face a range of penalties, including disciplinary action,
8 loss of licensure, and civil and criminal penalties.

9 6. The APC Ban contravenes longstanding medical consensus, as well as the
10 Legislature’s general policy of *expanding* APC scope of practice in recent decades to
11 remove unnecessary barriers to the practice of medicine. APCs throughout the country
12 routinely provide abortion care (as they did in Arizona), and the safety of their doing so
13 has been well-documented over decades of research.

14 7. In fact, the APC Ban overrode the considered judgment of the Arizona
15 State Board of Nursing (the “Board”)—the agency charged by the state with regulating
16 APNs and their scope of practice. In 2008, the Board had affirmed that APNs can safely
17 provide this care. The Ban also had the effect of overriding the U.S. Food and Drug
18 Administration’s (the “FDA”) conclusion, in regulating the most common medication
19 abortion regimen, that APCs can safely provide this regimen.

20 8. Since the Ban was enacted, the medical evidence against it has only
21 solidified further, with study after study confirming that APCs can provide abortion care

22
23 al., *Effects of Legislation Regulating Abortion in Arizona*, 28 Women’s Health Issues
297, 299 (2018).

24 ² Plaintiffs use the phrase “APC Ban” to reflect that the state has barred all APCs
25 (including PAs) from providing abortion care, and that none of these prohibitions
26 (including those specific to PAs) is consistent with evidence-based medicine or accepted
27 clinical standards. However, Plaintiffs, as APNs, seek injunctive relief specific to the
APN category of licensure.

³ A list and summary of the regulations and statutes comprising the Ban is attached as
Exhibit A.

1 as safely as physicians. After a recent comprehensive review of that evidence, the
2 National Academies of Sciences, Engineering, and Medicine—the non-partisan,
3 nongovernmental institution established to advise the nation on issues related to those
4 disciplines—concluded: “Both trained physicians (OB/GYNs, family medicine
5 physicians, and other physicians) and APCs . . . can provide medication and aspiration
6 abortions safely and effectively.”⁴

7 9. Along with other medical organizations, the leading professional
8 organization of physicians specializing in obstetrics and gynecology, the American
9 College of Obstetricians and Gynecologists (“ACOG”)—a body that medical
10 professionals rely on for clinical standards—has called for the repeal of “restrictions that
11 limit abortion provision to physicians only” and called for more APCs to be trained in
12 this care to increase patient access.⁵ These medical and scientific authorities, and others,
13 have also recognized that APC bans like Arizona’s harm patients by delaying access to
14 time-sensitive care, which in turn increases the risks and costs associated with abortion
15 care and potentially exposes patients to the exponentially greater risks of carrying to

16 ⁴ Nat’l Acad. of Scis., Eng’g & Med., *The Safety and Quality of Abortion Care in the*
17 *United States* 2, 14 (2018), <https://perma.cc/SUR3-F9PQ> [hereinafter “NASEM
18 Report”]; see also, e.g., Sharmani Barnard et al., Cochrane Libr., *Doctors or Mid-Level*
19 *Providers for Abortion (Review)* 2 (2015) (finding “no statistically significant difference
20 in the risk of failure for medication abortions performed by [APCs] compared with”
21 physicians in comparative review of medication abortion outcome studies); Julie Jenkins
22 et al., *Midwifery and APRN Scope of Practice in Abortion Care in the Early Post-Roe*
Era: Everything Old Is New Again, 68 J. Midwifery & Women’s Health 734, 739 (2023)
(explaining that there is “no difference in the risk of major complications for aspiration
abortions even when provided by newly trained APCs compared with experienced
physicians”); Keeley McNamara et al., *Privileging Midwives for Abortion Care*, 68 J.
Midwifery & Women’s Health 769, 772 (2023).

23 ⁵ ACOG Comm. on Health Care for Underserved Women, *Committee Opinion No. 612:*
Abortion Training and Education (2014, reaff’d 2025), <https://perma.cc/E2XK-ZVBK>;
24 see also ACOG Comm. on Practice Bulletins, *Practice Bulletin No. 225: Medication*
Abortion Up to 70 Days of Gestation (2020, reaff’d 2023), <https://perma.cc/XYC4-U2JR>
25 [hereinafter ACOG, *Medication Abortion Up to 70 Days of Gestation*] (stating that
26 APCs “possess the clinical and counseling skills necessary to provide first-trimester
27 medication abortion” and that trials “have consistently found that patients randomized to
receive medication abortion under the care of a nurse or nurse-midwife had a
statistically equivalent risk of complete abortion compared with those under the care of a
physician”).



term and giving birth.⁶

10. Because the APC Ban restricts and interferes with Arizonans’ ability to obtain pre-viability abortion, and because it does not protect patients, is inconsistent with evidence-based medicine and clinical standards, infringes on patient autonomy, and penalizes Plaintiffs for assisting Arizonans seeking an abortion, it plainly violates the Amendment. Indeed, such a restriction has no place in a state whose citizens voted to enshrine fundamental reproductive rights in their constitution. Accordingly, Plaintiffs seek a declaratory judgment that the APC Ban is unconstitutional and permanent injunctive relief barring its enforcement.

JURISDICTION AND VENUE

11. This Court has jurisdiction under A.R.S. §§ 12-123, 12-1831, and the Arizona Constitution.

12. Venue is proper under A.R.S. § 12-401.

13. Pursuant to Arizona Rule of Civil Procedure 26.2(b)(3), this matter is properly designated a Tier 3 case given the complexity and novelty of the legal issues presented.

PARTIES

A. Plaintiffs

14. Plaintiffs are Arizona-licensed APNs, practicing in Tucson, who each have decades of experience providing pregnancy care and other gynecologic care to Arizonans.

15. Greta Gill is a board-certified nurse midwife (“CNM”), which is a type of APN who has specialized training and certification in nurse midwifery in addition to

⁶ ACOG Comm. on Advancing Equity in Obstetric & Gynecologic Health Care, *Committee Opinion No. 16: Increasing Access to Abortion* (2025), <https://perma.cc/WK79-S34P>; NASEM Report, *supra* note 4, at 78 (“Restrictions on the types of providers and on the settings in which abortion services can be provided also delay care by reducing the availability of care[.]”); *id.* at 12 (“Delays put the patient at greater risk of an adverse event.”).

1 their education and training as a registered nurse. Ms. Gill serves as Medical Director of
2 Midwifery for the largest midwifery group practice in Southern Arizona, which is
3 housed within a community health center. As part of her full-scope midwifery practice,
4 Ms. Gill routinely performs obstetric procedures and interventions. Before the APC Ban
5 was first enacted, she had hospital privileges to provide second trimester induction
6 abortions to preserve maternal health and safety where miscarriage was inevitable. Ms.
7 Gill is a Fellow of the American College of Nurse Midwives, holds admitting privileges
8 at the Tucson Medical Center, and plays an operational role there as a member of both
9 the Joint Operating Committee of the Obstetric Hospitalist Program and the Women's
10 Clinical Practice Team.

11 16. Janna Stefanek is also a CNM practicing with the same midwifery group
12 practice as Ms. Gill. Ms. Stefanek provides complex gynecologic care, including
13 contraceptive care, preventative care, testing and treatment for sexually transmitted
14 illnesses, pregnancy options counseling, follow-up care for abortion patients,
15 miscarriage management, postpartum care (including treating postpartum mood
16 disorders), and menopause management. Until recently, for over a decade, she also
17 performed obstetric procedures and interventions.

18 17. Erin Bottai is a board-certified Nurse Practitioner ("NP") in Women's
19 Health, which is a subspecialty that requires graduate-level education, training, and
20 certification focused on providing care for women of all ages, from pre-adolescence
21 through post-menopause, including during pregnancy. Ms. Bottai provides full-spectrum
22 reproductive health care to University of Arizona students and faculty in the
23 University's Women's Health Clinic, which includes complex gynecologic care,
24 contraceptive care, preventative care, testing and treatment for sexually transmitted
25 illnesses, and pregnancy options counseling. In a prior position, she provided abortion-
26 related care such as counseling, monitoring vital signs, administering sedation, and
27 providing aftercare and follow-up care.

1 18. Denei Dolman is also a board-certified NP in Women’s Health. Ms.
2 Dolman, as part of a group practice in Tucson, currently provides a broad range of
3 reproductive and gynecologic care, including complex gynecologic care, prenatal care to
4 both low-risk and high-risk patients, contraceptive care, and menopausal hormone
5 therapy. In previous positions, she also provided obstetric and postpartum care and
6 served as a clinical instructor for Grand Canyon University College of Nursing, teaching
7 student nurses at Tucson Medical Center.

8 19. Like other APNs who specialize in gynecologic care, Plaintiffs either are
9 already qualified to provide abortion care or could be with minimal additional training
10 or proctoring—in the same way clinicians (including physicians) generally obtain
11 additional education, training and/or proctoring before independently providing any new
12 type of care. But for the APC Ban, they would take steps to provide this care, to better
13 meet their patients’ needs and improve abortion access for Arizonans. Although the
14 practices where Plaintiffs currently work do not offer other abortion services, Plaintiffs
15 would seek contract employment outside these practices to provide this care, including
16 at licensed abortion clinics.

17 20. Additionally, but for the APC Ban, Ms. Gill would resume providing
18 induction abortions up to 22 weeks as part of her privileges at Tucson Medical Center.

19 21. Plaintiffs sue on their own behalf and on behalf of their patients.

20 **B. Defendant**

21 22. Defendant State of Arizona is a body politic.

22 **THE CHALLENGED LAWS**

23 23. The APC Ban is comprised of numerous independent provisions that,
24 separately and together, bar Arizona APCs from providing abortion care that is, or could
25 readily be, within their training, experience, and scope of practice.⁷ The Legislature
26

27 ⁷ For a complete list of the challenged provisions, *see* Exhibit A attached hereto.

1 primarily enacted these provisions through a series of statutes between 2009 and 2011,
2 and they have been further implemented through regulations.⁸ This section sets forth the
3 prohibitions that apply to or otherwise affect Plaintiffs and other APNs.

4 24. Under A.R.S. § 36-2160(A), only physicians may provide medication
5 abortion care. Under A.R.S. §§ 36-2155 and 36-2153(E), only physicians may perform
6 “surgical” abortion procedures, which the code defines as “the use of a surgical
7 instrument or a machine to terminate the clinically diagnosable pregnancy of a woman
8 with knowledge that the termination by those means will cause, with reasonable
9 likelihood, the death of the unborn child.” A.R.S. § 36-2151(14); *see also* A.R.S. § 36-
10 2155 (setting out same definition).⁹ The Arizona Legislature’s definition of “surgical
11 abortion” excludes termination of an ectopic pregnancy, procedures “to remove a dead
12 fetus,” or “patient care incidental to the procedure.” A.R.S. § 36-2151(14); *see also*
13 A.R.S. § 36-2155 (setting out same definition). As a result, non-physician clinicians are
14 permitted to perform substantially identical procedures involving uterine aspiration of
15 fetal tissue after demise has already occurred; they are only prohibited from doing so if
16 the procedure is done to terminate a pregnancy. In furtherance of these provisions,
17 A.R.S. § 32-1606(B)(12) prohibits the Arizona State Board of Nursing from “decid[ing]
18 scope of practice relating to abortion.”

19 25. Other statutory provisions and implementing regulations effectively ban

20 ⁸ The Legislature targeted PAs earlier—in 2002, excluding abortion from the definition
21 of “minor surgery” that PAs are authorized to perform. A.R.S. § 36-2160(A); 2002 Ariz.
Sess. Laws. Ch. 277 (H.B. 2542).

22 ⁹ Though the Legislature has referred to procedural abortions as “surgical,” and though
23 “surgical abortion” is sometimes used to distinguish procedural abortions from
24 medication abortions, the term is a medical misnomer here. *See* ACOG, *Position*
Statement: Definition of “Procedures” Related to Obstetrics and Gynecology (2018,
25 reaff’d 2023), <https://perma.cc/N39W-UBW7> (“A procedure is a short interventional
26 technique that includes . . . non-incisional diagnostic or therapeutic intervention through
27 a natural body cavity or orifice[.]”); ACOG, *ACOG Guide to Language and Abortion* 1
(2024), <https://perma.cc/PV2E-5GTM> (“The abortion procedure is not a surgery.
Referring to it as a procedure is clinically accurate.”); Am. Med. Ass’n (“AMA”), *AMA*
Code of Medical Ethics 4.2.7 *Abortion*, <https://perma.cc/F2NF-K6XU> (last visited Feb.
2, 2026) (describing abortion as “a safe and common medical procedure”).

1 APCs from providing abortion by necessitating the presence and personal involvement
2 of a physician, rather than a qualified non-physician clinician, at various stages of the
3 process.

4 26. For example, outside of certain narrowly defined emergencies, state law
5 requires that the “physician” performing the abortion, a referring physician, or someone
6 “working in conjunction with” a physician perform an ultrasound before an abortion.
7 A.R.S. § 36-2156(A)(1). The law also requires that the physician providing the abortion
8 or a referring physician deliver certain mandatory disclosures “orally and in person.”
9 A.R.S. § 36-2153(A); *see also* A.R.S. § 36-2158(A) (requiring that the providing or
10 referring physician “orally and in person” communicate additional information related to
11 fetal conditions). In emergency situations, A.R.S. § 36-2153(C) mandates that the
12 providing physician explain the relevant medical circumstances to the patient. And,
13 when minors have an abortion, A.R.S. § 36-2152(A), (B), and (H) set forth various
14 additional procedural requirements that must be completed by “the attending physician.”

15 27. In addition, Arizona requires outpatient health care settings providing a
16 threshold number of abortions per year to be licensed as “abortion clinics.” A.R.S. § 36-
17 449.01(2) (defining abortion clinic as “a facility . . . in which five or more first trimester
18 abortions in any month or any second or third trimester abortions are performed”);
19 A.R.S. § 36-449.02. The licensing statutes and regulations, in turn, require that certain
20 additional ancillary services be performed by a physician, including physically
21 examining the patient prior to an abortion, estimating the gestational age of the fetus,
22 interpreting the state-mandated ultrasound, providing state-mandated counseling,
23 monitoring patients after a procedure, and discharging patients—all tasks that APCs are
24 qualified to perform. *See* A.R.S. § 36-449.03(C)(3), (D)(5), (G)(4), (5), (8), (H)(2);
25 A.A.C. R9-10-1507(B)(2), (3); A.A.C. R9-10-1509(A)(2), (B)(1), (5), (C), (D)(3)(a),
26 (J); A.A.C. R9-10-1510(B)(1). These rules effectively require that a physician be
27 physically present in all licensed clinics providing abortion care and conducting all state-

1 mandated pre-abortion medical visits, as well as the abortion itself and other tasks.

2 28. Arizona statutes and regulations also require that certain reports be
3 generated for any abortion, and explicitly or implicitly require that these be generated by
4 a physician. *See* A.R.S. § 36-2161(A)(16)-(17), (20)-(21), (D) (requiring “the physician
5 who performed the abortion” to create certain records); A.R.S. § 36-2162.01(A), (C)
6 (requiring physicians to complete certain records as either the “referring physician” or
7 the “physician who is to perform the abortion”); A.R.S. § 36-2152(M) (requiring
8 physicians to complete reports for abortion care provided to minors); A.A.C. R9-10-
9 1512(A)(6), (12), (D)(3)(d) (requiring medical records to include information from
10 physicians).¹⁰

11 29. The penalties for violating these restrictions are severe. APCs who provide
12 abortion care face disciplinary action for unprofessional conduct, including loss of
13 licensure. A.R.S. §§ 32-1663(D), 32-1601(27); A.A.C. R4-19-403(12). If they provide
14 abortion care to minors, they could potentially face additional criminal and civil liability.
15 A.R.S. § 36-2152(I)-(J). APCs also face civil liability based on several statutory
16 provisions mandating that certain information be provided to the patient by a physician
17 prior to an abortion. A.R.S. §§ 36-2153(K), 36-2156(C), 36-2158(D).

18 30. Additionally, anyone operating a clinic in violation of these restrictions
19 would be at risk of committing a misdemeanor for operating a clinic in violation of the
20 Licensing Rules, A.R.S. § 36-431, as well as being vulnerable to civil penalties, A.R.S.
21 §§ 36-449.03(J), 36-431.01; A.A.C. R9-10-1503(D); A.A.C. R9-10-111, and license
22 revocation, A.R.S. §§ 36-427, 36-449.03(J); A.A.C. R9-10-1503(D); A.A.C. R9-10-112.
23 Medical professionals and organizations are also subject to criminal, civil, and licensure
24

25 ¹⁰ Sections 36-2153(A), 36-2156(A), 36-2158(A), and 36-2162.01 and A.A.C. R9-10-
26 1509(A)-(E) are being separately challenged in *Isaacson v. Arizona*, No. CV2025-
27 017995 (Maricopa Cnty. Super. Ct.) because they also require patients to make
medically unnecessary trips to their provider and receive medically unnecessary
treatments and inaccurate, biased state-mandated counseling.

penalties for violation of the abortion reporting requirements. A.R.S. § 36- 2163(H)-(J).

ALLEGATIONS

A. Abortion Safety & Methods

31. Abortion is one of the most common medical treatments. Approximately one in four women will have an abortion over the course of their lives,¹¹ for various reasons. Some decide that it is not the right time to have a child or to add to their family; some face an unexpected pregnancy complication or a health condition that makes their pregnancy risky; some are pregnant as a result of rape or incest; and some choose not to have biological children or to limit their family size.

32. Abortion is also one of the safest medical treatments in the United States and is safer the earlier it occurs in a pregnancy.¹² Complications are extremely rare, can generally be managed by APCs, and can be safely handed off to specialists when necessary.

33. In the first 12 weeks of pregnancy as measured from the last menstrual period, most patients have the option of ending their pregnancy using medications alone. Most commonly, patients take a combination of two prescription medications, mifepristone and misoprostol.¹³ Mifepristone blocks the actions of progesterone, a hormone that is necessary to sustain pregnancy, and increases the efficacy of the second medication in the regimen, misoprostol. Misoprostol is generally taken within 48 hours

¹¹ Rachel K. Jones & Jenna Jerman, *Population Group Abortion Rates and Lifetime Incidence of Abortion: United States, 2008-2014*, 107 Am. J. Pub. Health 1904, 1908 (2017).

¹² NASEM Report, *supra* note 4, at 10.

¹³ In roughly half of the U.S., patients can receive these medications by mail after a telemedicine appointment. Laurie Sobel et al., *The Intersection of State and Federal Policies on Access to Medication Abortion Via Telehealth After Dobbs*, KFF (July 24, 2025), <https://perma.cc/P2LM-RJBZ>. In other states, including Arizona, patients are legally required (for no medical purpose) to travel to a clinic to obtain the medications, but they generally then take them at home so they can undergo the abortion process in a comfortable, private and familiar setting surrounded by their chosen support people. Arizona's telemedicine abortion ban is currently being challenged in *Isaacson v. Arizona*, No. CV2025-017995 (Maricopa Cnty. Super. Ct.).

1 after the mifepristone. It causes the uterus to contract and expel its contents, which
2 generally occurs while the patient is at home or another location of their choosing. The
3 process is essentially the same, medically, as a spontaneous miscarriage. In places where
4 access to mifepristone is limited or non-existent, providers commonly prescribe a
5 misoprostol-only regimen, which is also safe and effective.

6 34. Approximately 59% of clinician-provided abortions provided in Arizona
7 in 2023 were medication abortions.¹⁴ This is in line with national trends: As of 2023,
8 medication abortion accounted for 63% of all clinician-provided abortions in the United
9 States.¹⁵

10 35. The rate of clinically significant complications for medication abortion is
11 extremely low.¹⁶ If a complication arises, it occurs after the patient has left the clinic and
12 taken the medications, usually at home. Regardless of whether the abortion provider is a
13 physician or an APC, it is the standard of care for them to give patients the number for a
14 24/7 phone line—usually staffed by a nurse—to contact if they experience any
15 concerning symptoms.

16 36. Most complications from medication abortion, such as excessive or
17 prolonged bleeding, can be treated by APCs on a telemedicine or outpatient basis, which
18 Arizona law already allows them to do; indeed, these complications are virtually
19 identical to miscarriage complications that APCs routinely treat. In the extremely rare
20 case where a patient needs a higher-level intervention, it is safest for that patient—
21 regardless of whether their original provider was a physician or an APC—to go to the
22

23 ¹⁴ Guttmacher Inst., *Arizona: Monthly Abortion Provision Study*,
24 <https://www.guttmacher.org/monthly-abortion-provision-study> <https://perma.cc/CA4S-Q4WN> (last visited Jan. 30, 2026).

25 ¹⁵ Rachel K. Jones & Amy Friedrich-Karnik, *Policy Analysis: Medication Abortion*
26 *Accounted for 63% of All US Abortions in 2023—An Increase from 53% in 2020*,
Guttmacher Inst. (Mar. 19, 2024), <https://perma.cc/Z2WL-W8S8>.

27 ¹⁶ Ushma D. Upadhyay et al., *Incidence of Emergency Department Visits and*
Complications After Abortion, 125 *Obstetrics & Gynecology* 175 (2015).

1 closest emergency medicine department.

2 37. The other method of abortion available in the first trimester is aspiration
3 abortion. In this procedure, the clinician inserts a small sterile tube through the natural
4 opening of the cervix into the uterus. A pump attached to the tube creates suction, which
5 empties the uterine contents. The procedure takes between five and ten minutes and does
6 not require any incision or a sterile operating field.

7 38. Whether an aspiration is provided by a physician or an APC,
8 complications are rare and can often be managed by an APC.¹⁷ Major complications are
9 extremely rare, as they are for medication abortion, occurring in far less than one percent
10 of patients.¹⁸ In such cases, a patient would be transferred to a hospital setting regardless
11 of whether their original provider was a physician or an APC.

12 39. Starting in the second trimester, one method clinicians use to terminate a
13 pregnancy or complete a miscarriage is to medically induce labor and delivery. This
14 process is the same whether or not fetal demise has occurred naturally.

15 40. Inducing labor and delivery is a core CNM competency, and one they
16 routinely practice independently. Plaintiff Gill, for example, does so at a hospital, the
17 Tucson Medical Center, both for live births and to complete miscarriages after fetal
18 demise has occurred. However, currently, Arizona law prohibits CNMs from inducing
19 labor for purposes of terminating a pregnancy, even in cases where patients urgently
20 need an induction to protect their health or life.

21 41. Abortion is also far safer than its only alternative: continuing the
22 pregnancy. Pregnancy, labor, and delivery carry a risk of serious long-term medical and
23 physical consequences, even for people who are healthy when they become pregnant.

24 ¹⁷ Tracy A. Weitz et al., *Safety of Aspiration Abortion Performed by Nurse*
25 *Practitioners, Certified Nurse Midwives, and Physician Assistants Under a California*
26 *Legal Waiver*, 103 Am. J. Pub. Health 454, 459 (2013); Marlene B. Goldman et al.,
Physician Assistants as Providers of Surgically Induced Abortion Services, 94 Am. J.
27 Pub. Health 1352, 1355 (2004).

¹⁸ NASEM Report, *supra* note 4, at 60 (citing Upadhyay et al., *supra* note 16).

42. Pregnancy stresses most major organs and involves profound and long-lasting physiological changes, including changes to a person’s health and future ability to have children. Individuals are at particular risk of complications if they have a medical condition caused or exacerbated by pregnancy, such as diabetes, high blood pressure, or a psychiatric disorder.

43. In Arizona in 2023, the most recent year for which the Arizona Department of Health Services (“ADHS”) published vital statistics data, 32.5% of births had complications of labor and delivery.¹⁹ Arizona’s rate of severe maternal morbidity—which includes conditions or outcomes of pregnancy, delivery, or postpartum with “significant negative effects on a women’s health and wellbeing”—was 119.4 per 10,000 delivery hospitalizations from 2016-2019, the most recent period for which ADHS has published data.²⁰ More than 3,500 Arizona women experienced severe maternal morbidity during that period, and women of color were disproportionately affected.²¹

44. The starkest risk to a person of continuing a pregnancy is death, and that risk—though extremely low—has been rising and is exponentially higher than that associated with abortion.

45. In Arizona, the ratio of women who died from pregnancy-related causes increased from 21.0 maternal deaths per 100,000 live births in 2016 to 33.4 per 100,000 live births in 2020, the most recent period for which ADHS has published data.²² During that five-year period, 100 women died of pregnancy-related causes in Arizona.²³ The

¹⁹ See ADHS, *Arizona Health Status and Vital Statistics 2023* 54, 56 (2025), <https://perma.cc/K39J-MQLY> [hereinafter ADHS, *Arizona Health Status 2023*].

²⁰ ADHS, *Maternal Mortalities and Severe Maternal Morbidity in Arizona* 52, 54 (2020), <https://perma.cc/4L5B-ATCY>.

²¹ See *id.* at 50, 58.

²² See ADHS, *2016-2020 Pregnancy-Related Maternal Mortality in Arizona Report* 18 (2025), <https://perma.cc/6DL8-EYX4> [hereinafter ADHS, *2016-2020 Pregnancy-Related Maternal Mortality*].

²³ *Id.* at 19. During that same period, ADHS reported fewer than 6 deaths from

pregnancy mortality rate is significantly higher for Native American and Black or African American women in Arizona, and for women living in rural counties.²⁴ Nationally, the risk of death associated with pregnancy, relative to that associated with abortion, has been rising; by current estimations, a person is more than 40 times more likely to die from pregnancy than from an abortion.²⁵

46. Despite these risks, CNMs routinely, independently, and safely care for their patients through pregnancy, labor, and delivery.

B. Regulation of APCs

47. APCs, like physicians, are highly regulated as a profession.

48. The Arizona State Board of Nursing (the “Board”) licenses all registered nurses in the state.²⁶ APNs are a subset of registered nurses who have a broader scope of practice than other nurses by virtue of their advanced education and training. Within that subset, APNs can hold various specific licenses, including a CNM license and an NP license. Under Arizona law, all APNs must complete an approved graduate education program, pass a certification exam from a national body such as the American Midwifery Certification Board, meet the continuing educational requirements for maintaining that certification (which include periodic competency assessments and tailored educational modules), and have an expanded scope of practice in a specialty area, such as women’s health. A.R.S. § 32-1601.

49. Arizona law generally permits APNs to perform all acts that are

“pregnanc[ies] with abortive outcome,” which includes miscarriages and ectopic pregnancies along with abortions. *See ADHS, Arizona Health Status 2023, supra* note 19, at 79.

²⁴ *See ADHS, 2016-2020 Pregnancy-Related Maternal Mortality, supra* note 22, at 25-26, 28-29.

²⁵ Maria W. Steenland et al., *Pregnancy- and Abortion-Related Mortality in the US, 2018-2021*, 9 JAMA Network Open 1, 1 (2026) (estimating a mortality ratio of 44.3 between pregnancy-related and abortion-related mortality, excluding COVID-19-related mortality).

²⁶ PAs are separately licensed and regulated by the Board of Medicine.



1 recognized as being within the role and population focus of the APN’s certification and
2 that the APN is qualified to perform based on their education, training, and
3 demonstrated competency. A.A.C. R4-19-508(B), (C). Generally, APNs have broad
4 authority to dispense drugs, including controlled substances (provided they obtain the
5 required Drug Enforcement Administration registration).

6 50. The Legislature has given the Board broad authority to discipline licensees
7 for harmful or otherwise unprofessional conduct, A.R.S. §§ 32-1663(D), 32-1601(27),
8 which Board regulations have defined to include “[a]ssuming patient care
9 responsibilities that the nurse lacks the education to perform, for which the nurse has
10 failed to maintain nursing competence, or that are outside the scope of practice of the
11 nurse,” A.A.C. R4-19-403(12). APCs are also subject to malpractice liability if they
12 compromise patient safety. A.R.S. §§ 12-561(2), 12-562.

13 51. The Legislature also has authorized the Board to “[a]dopt and revise rules
14 necessary to carry into effect” Arizona’s nursing statutes and to “[p]ublish advisory
15 opinions regarding registered and practical nursing practice and nursing education.”
16 A.R.S. § 32-1606(A)(1), (2). Accordingly, the Board has the responsibility to “[a]dopt
17 rules establishing acts that may be performed by a registered nurse practitioner or
18 certified nurse midwife.” A.R.S. § 32-1606(B)(12). Thus, the Legislature has made the
19 judgment that as a general matter, the Board is capable of assessing appropriate
20 licensing requirements and scope of practice and regulating the medical services
21 provided by Arizona’s APNs (and sub-groups of APNs, including CNMs and NPs).

22 52. Under this authority, the Board has identified various complex treatments
23 and procedures as being specifically within APNs’ scope of practice given appropriate
24 training and education, including ones as complex as, or more complex than, abortion.²⁷

25
26 ²⁷ See, e.g., *Advisory Opinions & Position Statements*, Ariz. Bd. of Nursing,
27 <https://azbn.gov/scope-practice/advisory-opinions> (last visited Feb. 2, 2026) (for
example, posting opinions authorizing APNs, under specified circumstances, to
administer ketamine at home and to perform ionizing radiation scans (including chest x-

53. Indeed, as noted above, in 2008, the Board recognized that first-trimester abortion procedures are within APN scope of practice.²⁸ Following the Board’s decision, in a notable and distinct statutory carve-out that rejected the judgment of the State’s expert licensing board, the Legislature prohibited the Board from recognizing that medication and procedural abortion care at any stage in pregnancy—and only such care—is within NPs’ and CNMs’ scope of practice. A.R.S. § 32-1606(B)(12). The Arizona Nurses Association, despite its avowedly neutral position on abortion as a general issue, opposed that bill because the legislation “[w]as adopted without the usual evidence-based process utilized by the Legislature to establish scope of practice.”²⁹

C. APC Qualifications to Provide Abortion Care in Arizona

54. Roughly half of the states currently allow APCs to provide abortions, which amounts to more than two thirds of the states that do not ban first trimester abortion.³⁰ In fact, APCs often train residents in abortion care.

55. There is no evidence that APCs have endangered their patients by providing abortion care. To the contrary, APC provision of both medication and aspiration abortion has been well-studied, and the research conclusively shows that APCs provide this care just as safely as physicians. Reviewing this literature, the National Academies of Sciences, Engineering, and Medicine concluded in its recent consensus report that “[b]oth trained physicians . . . and APCs (physician assistants, certified nurse-midwives, and nurse practitioners) can provide medication and aspiration rays, Dual-Energy X-ray Absorptiometry [DEXA] scan, and fluoroscopy)).

²⁸ Arizona State Board of Nursing, Board Meeting Minutes (May 14, 2008), attached hereto as Exhibit B; *see also* Diana Taylor et al., Regents of the Univ. of Calif. on behalf of the Univ. of Calif., S.F., *Providing Abortion Care: A Professional Toolkit for Nurse-Midwives, Nurse Practitioners, and Physician Assistants* 13 (2009), <https://perma.cc/6B2Q-NPHA>.

²⁹ Ariz. Nurses Ass’n, *Public Policy SB 1169: Nurse Practitioner Scope re: Abortion*, <https://perma.cc/724L-VCP7> (last visited September 4, 2025).

³⁰ *Interactive Map: US Abortion Policies and Access after Roe*, Guttmacher Inst., <https://states.guttmacher.org/policies/?protections=health-care-professionals-besides-physicians-provide-abortions> (last updated Jan. 30, 2026).

1 abortions safely and effectively,” citing an “extensive body of research documenting the
2 safety of abortion care in the United States.”³¹

3 56. ACOG, likewise, has stated that APC bans, like Arizona’s, “are not based
4 in science; improperly regulate medical practice; and impede patients’ access to quality,
5 evidence-based health care,” and that, if these bans were lifted, “APCs could become
6 critical, lifesaving points of care networks for patients who would otherwise be forced to
7 travel to access abortion care—or cut off from it entirely.”³²

8 57. Other leading medical authorities, including the American Public Health
9 Association, American College of Nurse Midwives, National Association of Nurse
10 Practitioners in Women’s Health, and the World Health Organization, have concluded
11 the same.³³

12 58. The FDA agrees. Since the FDA first approved the combination
13 medication abortion regimen in 2000, it has allowed APCs to provide that regimen.
14 Initially, the FDA required some physician oversight (which could be remote). Starting
15 in 2016, after reviewing the extensive medical literature on the safety of APC provision
16 of medication abortion, the FDA removed this supervision requirement altogether,
17 authorizing APCs to provide medication abortion with full independence.³⁴

18
19 ³¹ NASEM Report, *supra* note 4, at 14.

20 ³² ACOG, *Issue Brief: Advanced Practice Clinicians and Abortion Care Provision*
21 (2023), <https://perma.cc/94L3-8NUB>; *see also* ACOG, *Medication Abortion Up to 70*
22 *Days of Gestation*, *supra* note 5 (APCs “possess the clinical and counseling skills
23 necessary to provide first-trimester medication abortion” and trials “have consistently
24 found that patients randomized to receive medication abortion under the care of a nurse
25 or nurse-midwife had a statistically equivalent risk of complete abortion compared with
26 those under the care of a physician”).

27 ³³ *See* Brief of Amici Curiae the Nat’l Ass’n of Nurse Pracs. in Women’s Health, Am.
Coll. of Nurse-Midwives, Ass’n of Physician Assocs. in Obstetrics & Gynecology, &
Am. Acad. of Physician Assocs. in Support of Appellee at 1, 27-29, *State v. Planned*
Parenthood Great Nw., Haw., Alaska, Ind., Ky., No. S-19277 (Alaska June 4, 2025);
World Health Organization, *Health worker roles in providing safe abortion care and*
post-abortion contraception (2015), <https://perma.cc/6HN8-UH6R>.

³⁴ Ctr. for Drug Evaluation & Rsch., *Application Number: 020687Orig1s020, Cross*
Discipline Team Leader Review 17-18, 27 (2016), <https://perma.cc/VJE8-QASB>.

1 59. As discussed *supra*, after reviewing the safety evidence and medical
2 consensus on APC provision of aspiration abortion, the Board took a similar approach.
3 When asked, the Board voted in 2008 “that it is within the scope of practice of a nurse
4 practitioner to perform a first-trimester aspiration abortion provided the procedure is
5 within the nurse practitioner specialty certification population; the nurse practitioner has
6 met the education requirements of A.A.C. R4-19-508(C); and there is documented
7 evidence of competency in the procedure.”³⁵

8 60. Although the Arizona Legislature has barred APCs from providing
9 abortions, APCs such as Plaintiffs routinely provide similarly or more complex care to
10 their patients, including care that is closely analogous to abortion care.

11 61. Medication abortion is essentially an induced miscarriage and, like other
12 APCs specializing in gynecology, Plaintiffs regularly treat patients for miscarriage. As
13 part of that treatment, they already prescribe misoprostol, which is one of the
14 medications commonly used in a medication abortion. In fact, misoprostol’s mechanism
15 of action, contraindications, risk factors, and potential complications in the context of
16 miscarriage management are virtually identical when used to induce an abortion, either
17 alone or in combination with the other commonly-used medication, mifepristone.³⁶
18 Moreover, these medications carry fewer risks than some of the controlled substances
19 that Plaintiffs are licensed to prescribe, such as oral or intravenous opioids.³⁷ Plaintiffs

21 ³⁵ Arizona State Board of Nursing, *supra* note 28, at 24. Under A.A.C. R4-19-508(C),
22 NPs and CNMs “shall only provide health care services including prescribing and
23 dispensing within...[their] population focus and role and for which...[they are]
24 educationally prepared and for which competency has been established and maintained.
25 Educational preparation means academic coursework or continuing education activities
26 that include both theory and supervised clinical practice.”

27 ³⁶ Plaintiff Gill is also a certified mifepristone prescriber, and in the coming weeks will
begin prescribing mifepristone for miscarriage in combination with misoprostol. The
regimen she will provide is identical to the one most commonly used in a medication
abortion.

³⁷ Additionally, CNMs prescribe misoprostol, along with oxytocin, in contexts where
they pose higher risks than in the context of medication abortion, i.e., for pregnancies
that are more advanced and/or complicated by a condition such as diabetes or high blood

1 are also highly trained in counseling patients and obtaining informed consent, which are
2 the main components of medication abortion care.

3 62. Plaintiffs, like other APCs who specialize in women's health, also have
4 years of experience performing complex and invasive gynecologic procedures that carry
5 risks and that require manual dexterity similar to aspiration. This experience gives them
6 all the baseline skills needed to train in aspiration abortion (skills comparable to those of
7 many physicians who seek this training).³⁸ Plaintiffs regularly perform procedures that
8 require them to access the cervix or uterus with instruments, such as endometrial biopsy
9 (a diagnostic procedure, very similar to aspiration, that requires inserting a pipette
10 through the cervix and into the uterus and using suction to extract a tissue sample from
11 the uterine lining); cervical biopsy; and inserting and removing intrauterine devices
12 (which requires them, before they insert the device, to insert another instrument into the
13 uterus to estimate its length, and which also, in more challenging cases, can require
14 inserting various instruments into the cervix or uterus to remove the device).³⁹

15 63. Indeed, like other CNMs, Plaintiffs Greta Gill and Janna Stefanek
16 routinely perform or have performed obstetric procedures and interventions that pose
17 risks and can be significantly more complex than medication and aspiration abortion.
18 For example, they have induced labor to deliver babies or manage pregnancy loss;
19 manually dilated a patient's cervix using a balloon catheter; inserted intrauterine
20 pressure catheters; manually removed the placenta and/or retained products of
21 conception from a patient's uterus (which requires the clinician to insert their whole
22 hand into the patient's uterus); managed postpartum infection; administered medications
23 _____
24 pressure.

25 ³⁸ In fact, Plaintiff Gill is currently training in aspiration.

26 ³⁹ On information and belief, APCs in Arizona, like elsewhere, also perform Loop
27 Electrosurgical Excision Procedure, a procedure to screen for and treat precancer in
which the clinician inserts a thin wire loop carrying a low-voltage electrical current and
uses the instrument to surgically excise a layer of cervical tissue and then cauterize the
exposed remaining tissue.

1 and used bimanual compression to treat obstetric hemorrhage; and surgically repaired
2 tears in the vagina, vulva, and perineum.

3 64. In fact, before the APC Ban was first enacted, Ms. Gill provided second
4 trimester induction abortion. Her hospital privileges authorized her to induce labor in a
5 compromised pregnancy where the patient would inevitably miscarry but fetal demise
6 had not yet occurred, up until 22 weeks as measured from the last menstrual period. This
7 medical intervention—which is critical to reduce the patient’s distress and their risk of
8 infection or hemorrhage, among other complications—is considered an abortion under
9 Arizona law. As such, when the APC Ban took effect, Ms. Gill lost these particular
10 privileges, even though she had decades of experience providing this intervention and
11 still holds privileges to induce labor in clinically identical circumstances after fetal
12 demise has occurred.

13 65. Now, when Ms. Gill is on call at Tucson Medical Center and a patient is
14 having an inevitable miscarriage (without fetal demise), she has to transfer the patient to
15 a physician who can induce labor, even though that transfer is medically unnecessary
16 and often distressing for the patient. Ms. Gill has found this limitation on her practice
17 and the impact on her patients so frustrating that she has considered moving to another
18 state where, as an APN, she could provide this critical and urgent care to her patients
19 and, more generally, practice to the full scope of her qualifications.

20 66. As noted above, Arizona law allows APCs to prescribe the same
21 medications for miscarriage care that they are barred from prescribing for abortion care,
22 and APCs commonly prescribe those. Arizona law also expressly carves out miscarriage
23 management from its ban on APCs’ performing aspirations, even though the procedure
24 is clinically identical in these two settings. *See, e.g.*, A.R.S. § 36-2155(B)(2) (excluding
25 procedure “to remove a dead fetus” from the definition of “surgical abortion” in
26 provision banning APCs from providing abortions). In fact, the only meaningful clinical
27 difference between these scenarios is that a patient experiencing bleeding from a

1 *miscarriage* may face *greater* risk of complications, necessitating more medical
2 intervention, than a patient receiving a planned abortion. And Arizona law recognizes
3 that CNMs can independently (without physician supervision) deliver babies and
4 manage pregnancy complications, which involves care that is significantly more
5 complex than a planned abortion. Thus, the purpose of the APC Ban can only be to limit
6 abortion access.

7 **D. The APC Ban's Impact**

8 67. The APC Ban bars a broad and numerous category of clinicians, including
9 Plaintiffs, from providing or obtaining the necessary training to provide abortion care
10 that is appropriately within their scope of practice and that they consider to be integral to
11 their profession and their specialty in women's health.

12 68. In doing so, the APC Ban denies, restricts, and interferes with Arizonans'
13 fundamental right to abortion by deliberately and artificially limiting the pool of
14 providers who can offer this care, including in rural areas where APCs may be the only
15 health care providers available for miles.

16 69. Many Arizonans choose APCs for their primary and/or sexual and
17 reproductive health care. That may be based on a general preference for APCs, or a past
18 positive experience with an APC or a recommendation from a friend or family
19 member.⁴⁰ Or it may simply be that the clinician who practices closest to them and/or
20 can see them soonest happens to be an APC. As a result, many Arizonans learn of an
21 unwanted pregnancy, or experience a complication in a wanted pregnancy, while under
22 the care of an APC.

23 70. Plaintiffs' experience reflects this dynamic. Their patients have sought
24 abortion care from them because they have established, trusting provider-patient

25 _____
26 ⁴⁰ See Thomas Kippenbrock et al., *A national survey of nurse practitioners' patient*
27 *satisfaction outcomes*, 67 Nursing Outlook 707, 708-12 (2019) (in large-scale study,
finding significantly higher ratings for NPs as compared to physicians, both in overall
satisfaction and in satisfaction with the provider's communication).

relationships. They may, for example, have provided those patients with prenatal care in the past or other reproductive health care. Ms. Gill's midwifery practice has had established patients suffer medical emergencies in which, because of the APC Ban, they had to transfer the patient to a physician even though they were perfectly qualified to treat that patient.

71. By requiring these patients to seek out another provider for their abortion care, even though their established provider may be able and willing to provide that care, the APC Ban interferes with the provider-patient relationship at a time when patients may feel particularly vulnerable, disrupts continuity of care, and delays that care.

72. Nor are the APC Ban's harms limited to Arizonans who are already under an APC's care. More broadly, the ban restricts access to care by severely limiting the pool of potential providers. This effect is clear from the history of abortion access in Arizona. Before the APC Ban took effect, abortion was available in 5 of Arizona's 15 counties (Coconino, Maricopa, Pima, Yavapai, and Yuma), partly sustained by APC provision.⁴¹ Since the Ban, it has only consistently been available in Maricopa and Pima counties, with interrupted and limited services offered at a single clinic in Coconino County (in Flagstaff).⁴² As a result of fewer provider locations, some patients have had to travel over a hundred more miles to access care.⁴³

73. Researchers studying the combined effects of Arizona's APC Ban and its extra trip requirement law found that, after these laws took effect and more rural clinics

⁴¹ Williams et al., *supra* note 1, at 299.

⁴² *Id.*; Heinsius, *supra* note 1; Larry Hendricks, *Abortion services resume at new Planned Parenthood clinic in Flagstaff*, Arizona Daily Sun (Feb. 18, 2014), https://azdailysun.com/news/local/abortion-services-resume-at-new-planned-parenthood-clinic-in-flagstaff/article_9da0f2d8-9864-11e3-ae56-0019bb2963f4.html; Howard Fischer, *Abortions discontinued at 7 locations in Arizona*, tucson.com (Aug. 19, 2011), <https://perma.cc/RE7E-MJ4E>.

⁴³ Williams et al., *supra* note 1, at 299. This study looked at the effects of the APC Ban combined with the requirement that patients receive certain state-mandated information and testing and then wait 24-hours before having an abortion.

1 ceased providing abortion, the proportion of patients able to access care in their first
2 trimester decreased.⁴⁴ That finding is consistent with more general research that patients
3 seeking an abortion often face various barriers to long-distance travel, such as: limited
4 financial resources, transportation limitations, childcare obligations, inflexible work
5 schedules, and controlling partners who limit their access to abortion care.⁴⁵ Courts have
6 reached similar conclusions in examining the effects of APC bans in Minnesota,
7 Montana, Ohio, Alaska, and Michigan.⁴⁶

8 74. That Arizona’s APC Ban, like others, delays access to care is not
9 surprising given that Arizona has physician shortages statewide,⁴⁷ particularly in rural
10 and tribal areas.⁴⁸ A 2024 ADHS report on medically underserved areas found that two-

11 ⁴⁴ *Id.*

12 ⁴⁵ See Jenna Jerman et al., Guttmacher Inst., *Characteristics of U.S. Abortion Patients in*
13 *2014 and Changes Since 2008* 7, 11 (2016), <https://perma.cc/ZR3L-RBCN>; Sameera S.
14 Nayak et al., *Intimate partner violence and time to making an abortion appointment in*
the United States, 380 *Social Science & Medicine* 1, 1-5 (2025); Nancy F. Berglas et al.,
Changes in Abortion Access, Travel, and Costs Since the Implementation of State
Abortion Bans, 2022-2024, 115 *Am. J. Pub. Health* 1713, 1713 (2025).

15 ⁴⁶ See *Doe v. State*, No. 62-CV-19-3868, 2022 WL 2662998, at *25 (Minn. Dist. Ct. July
16 11, 2022) (Minnesota’s APC ban made abortion more costly and less accessible);
17 *Weems v. State*, 529 P.3d 798, 804-805, 812 (Mont. 2023) (Montana’s ban imposed
18 increased costs and travel on patients); *Planned Parenthood Sw. Ohio Region v. Ohio*
19 *Dep’t of Health*, No. A 2101148, 2024 WL 4183293, at *6 (Ohio Ct. Com. Pl. Aug. 29,
20 2024) (Ohio’s ban fell particularly hard on “low-income patients, patients with children,
21 and patients in unstable living situations”); *Planned Parenthood Great Nw., Haw.,*
Alaska, Ind., Ky. v. State, No. 3AN-19-11710CI, at ¶¶ 58-59 (Alaska Super. Ct. Sept. 4,
2024) (as a result of Alaska’s APC ban, patients had to travel farther for care and were
sometimes delayed or even prevented from accessing that care); *Northland Fam. Plan.*
Ctr. v. Nessel, No. 24-000011-MM, 2025 WL 2098474, at *29 (Mich. Ct. Cl. May 13,
2025) (ban limited the provider pool, and increased logistical barriers, travel distances,
and wait times).

22 ⁴⁷ See Bryna Koch et al., University of Arizona Center for Rural Health, *Qualifying*
23 *Arizona’s Primary Care Shortage Using Health Professional Shortage Data* 1-2 (2024),
<https://perma.cc/G6MR-6MST> (finding that Arizona has primary care physician
24 shortages—including internal and family medicine physicians, pediatricians, and
OBGYNs—in all 15 of its counties); ADHS Bureau of Women’s and Children’s Health,
25 *Arizona Medically Underserved Areas: Biennial Report* 3-4, 21-22 (2024),
<https://perma.cc/Y8G6-P85P> [hereinafter *Arizona Medically Underserved Areas*]
26 (designating 83 of Arizona’s 126 primary care areas as Medically Underserved Areas,
including both rural and urban areas).

27 ⁴⁸ See *Arizona Medically Underserved Areas*, *supra* note 47, at 21-22; *Arizona Health*
Workforce Profile Report: Health Professionals by RUCA, University of Arizona Center

1 thirds of primary care shortages were in rural or semi-rural areas.⁴⁹ Rural and tribal
2 communities also have disproportionately high rates of low birthweight, infant mortality,
3 and late or no prenatal care, and four rural counties had limited or no access to maternity
4 care.⁵⁰

5 75. Particularly in these rural areas, APCs are critical health care providers.
6 Specific to women's health, for example, a 2020 report from the University of Arizona
7 Center for Rural Health found that 8% of Arizonans lived in rural areas, but only 4.7%
8 of OBGYNs worked in rural areas, compared to 7.9% of CNMs.⁵¹ ADHS has repeatedly
9 identified building the non-physician health workforce as a key strategy for addressing
10 health disparities and improving maternal health in rural and other underserved areas in
11 Arizona.⁵² Authoritative national governmental and nongovernmental bodies⁵³ and high-

12 _____
13 for Rural Health, <https://crh.arizona.edu/resources/interactive-data-visualizations/arizona-health-workforce-profile-report> (last updated May 2025) (data
14 from 2023 show that more than 95% of physicians in Arizona were located in
15 metropolitan areas, while less than 1% were in rural areas).

15 ⁴⁹ *Arizona Medically Underserved Areas*, *supra* note 47, at 22.

15 ⁵⁰ *Id.* at 24.

16 ⁵¹ Bryna Koch et al., University of Arizona Center for Rural Health, *Rural Availability*
17 *of the Obstetrician-Gynecologist Physician and Certified Nurse Midwife Workforce 1*
(2020), <https://perma.cc/G72Z-BEK8>.

18 ⁵² ADHS, *Arizona Health Improvement Plan: Rural & Urban Underserved Health*,
19 *2024-2025 Update* 12-13, 21-22 (2024), <https://perma.cc/4NWV-ZSVN>; *see also* Press
20 Release, Office of the Governor, Governor Katie Hobbs Submits State Application for
21 Federal Rural Health Transformation Program Grant (Nov. 5, 2025),
22 <https://perma.cc/3XTQ-TGQL> (proposing program for expanding the rural health
workforce by prioritizing non-physician providers including nurses, physician assistants,
and community health workers); Office of the Governor, *The State of Arizona's Rural*
Health Transformation Program: Project Narrative 16 (2025), [https://perma.cc/4K7M-](https://perma.cc/4K7M-3Y2V)
[3Y2V](https://perma.cc/4K7M-3Y2V) (same).

23 ⁵³ *See, e.g.*, Daniel J. Gilman & Tara Isa Koslov, Fed. Trade Comm'n, *Policy*
24 *Perspectives: Competition and the Regulation of Advanced Practice Nurses* 25 (2014),
25 <https://perma.cc/KX8C-87V9> ("As primary care provider shortages have worsened,
26 [Advanced Practice Registered Nurses] have played an even greater role in alleviating
27 the effects of shortages and mitigating access problems. For example, APRNs make up a
greater share of the primary care workforce in less densely populated areas, less urban
areas, and lower income areas, as well as in [health professional shortage areas]."); Inst.
of Med. of the Nat'l Acads. of Scis., Eng'g & Med., *The Future of Nursing: Leading*
Change, Advancing Health 98 (2011), <https://perma.cc/D9YP-USYV> (noting that
increased APC participation "has helped ease access bottlenecks, reduce waiting times,

1 quality studies⁵⁴ have reached the same conclusion, consistently finding that APCs
2 expand access to care, especially for underserved communities.

3 76. Indeed, except with respect to abortion, the Arizona Legislature has
4 repeatedly acted to expand general APC scope of practice and facilitate APC provision
5 of health care, including legislation enacted over the last decade that, *inter alia*,
6 expanded the prescribing and dispensing authority of APNs,⁵⁵ clarified that APNs are
7 not required to work under physician supervision,⁵⁶ allowed APCs to provide mental
8 health evaluations for use in court,⁵⁷ expanded PA scope of practice,⁵⁸ and allowed
9 APCs to enter collaborative agreements with pharmacists.⁵⁹

10 77. The APC Ban does not just affect access in rural areas. Even in the more
11 urban areas where abortion clinics currently are located, patients can struggle to get
12 timely appointments with one of the limited physician providers. In 2023 alone, there
13 were nearly 13,000 abortions in the state of Arizona, the vast majority of which were
14 provided by just seven licensed abortion clinics.⁶⁰ Plaintiffs' patients sometimes tell

15
16 increase patient satisfaction, and free physicians to handle more complex cases”).

17 ⁵⁴ See, e.g., Monica O'Reilly-Jacob et al., *Socioeconomic Characteristics of*
18 *Communities With Primary Care Practices With Nurse Practitioners*, 8 JAMA Network
19 Open e2462360 (2025), <https://perma.cc/U3GV-8D8F> (“Practices with NPs
20 predominated in areas with the highest need for but the lowest supply of primary care
practices.”); Matthew A. Davis et al., *Supply of Healthcare Providers in Relation to*
21 *County Socioeconomic and Health Status*, 33 J. Gen. Internal Med. 412, 412 (2018),
22 <https://perma.cc/26CW-PXZH> (finding that NPs “are more likely to be located in areas
of lower socioeconomic and health status than are physicians”).

21 ⁵⁵ See, e.g., 2016 Ariz. Sess. Laws. Ch. 212 (H.B. 2355); 2017 Ariz. Sess. Laws. Ch. 182
22 (S.B. 1336); 2018 Ariz. Sess. Laws. Ch. 78 (H.B. 2085); 2019 Ariz. Sess. Laws. Ch. 87
(H.B. 2068); 2021 Ariz. Sess. Laws. Ch. 265 (H.B. 2633); 2023 Ariz. Sess. Laws. Ch.
42 (H.B. 2564).

23 ⁵⁶ See 2017 Ariz. Sess. Laws. Ch. 80 (S.B. 1133).

24 ⁵⁷ See 2022 Ariz. Sess. Laws. Ch. 122 (H.B. 2098); 2023 Ariz. Sess. Laws. Ch. 201
(S.B. 1710).

25 ⁵⁸ See 2023 Ariz. Sess. Laws. Ch. 54 (H.B. 2043).

26 ⁵⁹ See 2024 Ariz. Sess. Laws. Ch. 123 (H.B. 2582).

27 ⁶⁰ See ADHS, *Abortions in Arizona: 2023 Abortion Report* 4, 19, 21 (2024),
<https://perma.cc/VK6H-MWQT>.



1 them the clinic nearest to them could not see them for several weeks. They have heard
2 from patients forced to drive hours to another city to get timely care, and even seen
3 patients forced to carry to term because of difficulties obtaining an appointment. In
4 present and past positions as safety net providers treating patients with limited resources,
5 Plaintiffs have also encountered patients who had to travel to Tucson from elsewhere in
6 Southern Arizona just to access health care; when one of those patients discovers they
7 are pregnant and wants to end that pregnancy, they have to figure out how to either stay
8 in Tucson and wait until a physician can see them or leave and travel back.

9 78. By delaying access to care, the APC Ban increases patients' medical risk.
10 Although abortion is one of the safest medical interventions in the United States, and is
11 safer than continuing the pregnancy to term, there is an incremental but continuous
12 increase in the risk level and complexity of abortion care as pregnancy progresses.⁶¹

13 79. Delays can also push patients past the gestational point at which
14 medication abortion is available, requiring them to instead undergo a more invasive
15 procedure.⁶²

16 80. There are many reasons a person may have an indication or strong
17 preference for a medication abortion over a procedural abortion.⁶³ For patients with
18 certain medical conditions that make it harder to access the uterus with instruments,
19 medication abortion is safer. Other people strongly prefer medication abortion because it
20 can offer privacy and control. As described *supra*, a medication abortion in effect
21 induces a process indistinguishable from a spontaneous miscarriage, often making it far
22 easier to keep the abortion private, including from an abusive partner.

23 81. People who are survivors of sexual abuse or other forms of intimate-
24 partner violence may also strongly prefer medication abortion because it does not

25 _____
26 ⁶¹ NASEM Report, *supra* note 4, at 10, 77-78.

27 ⁶² *Id.* at 77-78.

⁶³ See ACOG, Medication Abortion Up to 70 Days of Gestation, *supra* note 5.

1 require the insertion of instruments into their body.

2 82. As described *supra*, remaining pregnant longer than necessary can
3 increase health risks for patients with underlying health problems. Pregnancy can
4 exacerbate the symptoms of diabetes, hypertension, autoimmune disorders, cardiac
5 disease, and mental health conditions. It can also trigger the onset of new conditions,
6 including, *inter alia*, hyperemesis gravidarum (severe nausea and vomiting), severe
7 depression, and gestational diabetes.

8 83. In sum, when someone has made the decision to have an abortion, barriers
9 that delay their access to care can limit their health care options and/or cause a
10 substantial toll on their physical, emotional, and psychological health. It can also harm
11 the stability and well-being of their family, including their existing children.

12 84. These burdens do not fall evenly. Approximately two-thirds of abortion
13 patients in Arizona are Native American and/or people of color, though these
14 populations account for approximately half of Arizona’s total population.⁶⁴ In addition
15 to their disproportionate impact on people living in rural areas, abortion restrictions also
16 disproportionately impact young people, who often have fewer resources to navigate
17 state-imposed obstacles.⁶⁵

18 **E. The APC Ban Violates the Amendment**

19 85. Under article II, section 8.1(A)(1) of the Arizona Constitution, “the state
20 shall not enact, adopt or enforce any law, regulation, policy or practice that . . . [d]enies,
21 restricts or interferes with” the fundamental right to abortion “before fetal viability
22

23 ⁶⁴ ADHS, *Abortions in Arizona: 2022 Abortion Report* 8 (2023), <https://perma.cc/N8NJ-FUBH>; *QuickFacts: Arizona*, U.S. Census Bureau, <https://perma.cc/W3VX-T3ZE> (last
24 accessed Jan. 30, 2026). These disparate rates are partly the result of disparities in access
25 to contraception and other sexual health services related to pregnancy planning. Latoya
26 Hill et al., *What are the Implications of the Dobbs Ruling for Racial Disparities?*, Kaiser
27 Fam. Found. (Apr. 24, 2024), <https://perma.cc/43PG-CW5T>.

⁶⁵ See Doris W. Chiu et al., *Characteristics and Circumstances of Adolescents
Obtaining Abortions in the United States*, 21 Int. J. Environ. Res. Public Health 477
(2024).

1 unless justified by a compelling state interest that is achieved by the least restrictive
2 means.”

3 86. Under article II, section 8.1(A)(3), the state also shall not “[p]enalize[] any
4 individual or entity for aiding or assisting a pregnant individual in exercising the
5 individual’s right to abortion as provided in this section.”

6 87. The APC Ban violates both of these prohibitions.

7 1. The APC Ban Denies, Restricts, and Interferes with Access to
8 Abortion (Section 8.1(A)(1))

9 88. The APC Ban explicitly prohibits APC provision of abortion care outright.
10 As set forth *supra*, it forces Plaintiffs to turn away patients seeking this care and
11 decreases access to abortion by restricting the pool and geographic distribution of
12 available providers in the state. In so doing, the APC Ban delays and impedes access to
13 abortion care: it forces patients to change providers and/or travel farther for care, pushes
14 patients past the gestational age limit for a medication abortion, and forces patients to
15 remain pregnant longer than necessary, all of which increases their medical risks and
16 financial costs. In these ways, the APC Ban denies, restricts, and interferes with the right
17 to abortion.

18 89. As such, the APC Ban violates the Amendment unless Defendant proves
19 that it is the least restrictive means of serving a compelling state interest. Defendant
20 cannot do so.

21 2. The APC Ban Is Not the Least Restrictive Means of Advancing a
22 Compelling State Interest (Section 8.1(B)(1))

23 90. To justify the APC Ban under the Amendment, Defendant must establish
24 that it is the least restrictive means of achieving a compelling state interest that meets
25 two independent requirements: (1) the interest itself must be limited to “improving or
26 maintaining the health of an individual seeking abortion care, consistent with accepted
27 clinical standards of practice and evidence-based medicine,” *and* (2) it must “not
infringe on that individual’s autonomous decision making.” Ariz. Const. art. II, §

1 8.1(B)(1)(a)-(b). A law cannot survive constitutional scrutiny under the Amendment if it
2 fails *either* part of this test.

3 91. The APC Ban fails both of these independent requirements.

4 a) *The APC Ban Does Not Improve or Maintain the Health of*
5 *the Person Seeking Abortion Care*

6 92. As set forth *supra*, the APC Ban does not at all “improv[e] or maintain[]
7 the health of an individual seeking abortion care, consistent with accepted clinical
8 standards of practice and evidence-based medicine,” still less is it the least restrictive
9 means of doing so. Ariz. Const. art. II, § 8.1(B)(1)(a). To the contrary, accepted clinical
10 standards and evidence-based medicine affirm that patient health is best served by: 1)
11 allowing licensed medical professionals to practice to the full scope of their education,
12 training, and clinical skills; 2) in particular, allowing qualified APCs to provide abortion
13 care, which is well within their scope of practice; and 3) removing medically
14 unnecessary state-imposed barriers to abortion, to allow patients to obtain that care
15 earlier in pregnancy, when it is safest.

16 93. Given the overwhelming evidence and consensus that APCs can provide
17 abortion care as safely as physicians, and that restricting access itself increases risks for
18 patients, the state cannot justify the APC Ban as the least restrictive means of protecting
19 patient health.

20 b) *The APC Ban Infringes on Arizonans’ Autonomous Decision*
Making

21 94. The APC Ban also fails constitutional scrutiny on the independent ground
22 that it violates Arizonans’ autonomy to consent to and obtain care from a qualified
23 provider they trust. *See* Ariz. Const. art. II, § 8.1(B)(1)(b). People choose their health
24 care provider, whether a physician or an APC, for various reasons, some deeply
25 personal. Particularly when it comes to abortion care, they may have a strong preference
26 for a trusted provider they have seen for other primary or reproductive health care. They
27 may know people who have had a positive experience with a particular provider,



1 whether a physician or an APC. They may generally prefer APCs to physicians. Or, they
2 may simply prefer a particular APC provider who can see them sooner or is closer to
3 their home. By overriding people’s choice of provider, for no medical reason, the APC
4 Ban violates their autonomy.

5 3. The APC Ban Violates the Prohibition on Penalizing Providers for
6 Helping Others Access Abortion

7 95. The APC Ban targets an entire class of qualified clinicians who had been
8 providing safe abortion care in Arizona for nearly a decade—barring APCs from
9 continuing to provide this care, and barring others from employing them to do so, on
10 pain of loss of licensure and other penalties. Thus, in addition to violating the rights of
11 Plaintiffs’ patients, the APC Ban plainly violates the Amendment by “[p]enaliz[ing] any
12 individual or entity for aiding or assisting a pregnant individual in exercising the
13 individual’s right to abortion.” Ariz. Const. art. II, § 8.1(A)(3).

14 **CLAIMS FOR RELIEF**

15 **COUNT I**

16 **(Declaratory Judgment – Fundamental Right to Abortion)**

17 96. Plaintiffs incorporate the above paragraphs as if set forth herein.

18 97. For the reasons set forth therein, the APC Ban violates Ariz. Const. art. II,
19 § 8.1(A)(1); it denies, restricts, and/or interferes with Arizonans’ fundamental right to
20 abortion, and it is not the least restrictive means of furthering a “compelling state
21 interest” as that term is defined in the Amendment.

22 98. There is no adequate remedy at law to address these harms.

23 99. For all these reasons, Plaintiffs’ patients’ rights, status, and other legal
24 relations are directly affected by the APC Ban, and Plaintiffs’ patients are thus entitled
25 to a “declaration of rights, status or other legal relations thereunder.” *See* A.R.S. § 12-
26 1832.
27

COUNT II

(Declaratory Judgment—Prohibition on Penalizing an Individual for Assisting a Pregnant Individual in Exercising Their Right to Abortion)

100. Plaintiffs incorporate the above paragraphs as if set forth herein.

101. For the reasons set forth therein, the APC Ban violates Ariz. Const. art. II, § 8.1(A)(3); it “[p]enalizes” Plaintiffs and other APCs “for aiding or assisting a pregnant individual in exercising the individual’s right to abortion.” Ariz. Const. art. II, § 8.1(A)(3).

102. Plaintiffs have no adequate remedy at law to address these harms.

103. For all these reasons, Plaintiffs’ rights, status, and other legal relations are directly affected by the APC Ban, and Plaintiffs are thus entitled to a “declaration of rights, status or other legal relations thereunder.” *See* A.R.S. § 12-1832.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Court:

A. That the Court issue a declaratory judgment declaring that the following provisions violate article II, section 8.1 of the Arizona Constitution: A.R.S. §§ 32-1606(B)(12) (prohibiting the Arizona State Nursing Board from “decid[ing] scope of practice relating to abortion”); 36-449.03(C)(3) (requiring a physician to be “available” at a clinic at which medication or procedural abortions are performed), (D)(5) (requiring “the physician” to estimate the gestational age of the fetus), (G)(4) (requiring a physician to be physically present at, or in the vicinity of, a clinic where medication or procedural abortions are performed, and requiring physician to sign discharge orders), (G)(5) (requiring a physician to provide certain counseling), (G)(8) (requiring “[t]he physician” performing the abortion to ensure specific follow-up), (H)(2) (requiring a physician to be consulted if a continuing pregnancy is suspected at follow up); 36-2152(A), (B), (H), (M) (permitting only physicians to provide minors with abortion services); 36-2153(A) (requiring physicians to provide state-mandated information



1 “orally and in person”), (C) (requiring physicians to provide information when an
2 abortion is performed because of a medical emergency), (E) (prohibiting non-physicians
3 from performing surgical abortions); 36-2155 (prohibiting non-physicians from
4 performing surgical abortions); 36-2156(A) (requiring “the physician who is to perform
5 the abortion” or “the referring physician” to facilitate provision of an ultrasound); 36-
6 2158(A) (requiring physicians to provide state-mandated information related to fetal
7 conditions “orally and in person”); 36-2160(A) (prohibiting non-physicians from
8 providing medication abortion); 36-2161(A)(16)-(17), (20)-(21), (D) (requiring “the
9 physician performing the abortion” to create certain records); 36-2162.01(A), (C)
10 (requiring physicians to complete, sign, and transmit to ADHS certain records as either
11 the “referring- physician” or the “physician who is to perform the abortion”); A.A.C.
12 R9-10-1507(B)(2), (3) (requiring a physician to be on the premises of an abortion clinic
13 until patients are stable and ready to leave following medication and procedural
14 abortions); A.A.C. R9-10-1509(A)(2) (requiring a physician to perform a physical
15 examination), (B)(1), (5) (requiring a physician to provide certain information to the
16 patient and make certain records), (C) (requiring a physician to estimate and record
17 gestational age of the fetus), (D)(3)(a) (requiring a physician to interpret ultrasound), (J)
18 (requiring a physician to be consulted if a continuing pregnancy is suspected at follow
19 up); A.A.C. R9-10-1510(B)(1) (requiring a physician to sign the patient’s discharge
20 order); and A.A.C. R9-10-1512(A)(6), (12), and (D)(3)(d) (requiring medical records to
21 include information from physicians);

22 B. For a permanent injunction enjoining Defendant from enforcing these
23 provisions to bar APNs from independently providing medication, aspiration, and
24 induction abortions;

25 C. For an order awarding Plaintiffs their attorneys’ fees under the private
26 attorney general doctrine or any applicable statute or common law doctrine;



1 D. For an order awarding Plaintiffs their taxable costs under A.R.S. §§ 12-
2 341 and 12-1840; and

3 E. For any other relief as may be appropriate.

4 DATED this 4th day of February, 2026.

5 PAPETTI SAMUELS WEISS MCKIRGAN LLP

6 /s/Lindsey Huang

7 Lindsey Huang
8 Jon Weiss

9 AMERICAN CIVIL LIBERTIES UNION
10 FOUNDATION OF ARIZONA

11 Lauren Beall

12 AMERICAN CIVIL LIBERTIES UNION
13 FOUNDATION

14 Alice Clapman*
15 Lindsey Kaley*
16 Nora Ellmann*

17 *Attorneys for Plaintiffs*

18
19
20
21
22
23
24
25
26
27
**Pro Hac Vice Applications Forthcoming*



VERIFICATION

I, Erin Bottai, declare the following to be true under penalty of perjury:

I have read the foregoing Verified Complaint for Injunctive and Declaratory Relief, am familiar with its content, and believe the facts alleged therein to be true and accurate to the best of my knowledge, information, and belief.

Executed this⁴__ day of February, 2026.

Erin Bottai
Erin Bottai (Feb 4, 2026 16:29:55 MST)
Erin Bottai, RN, WHNP-C



VERIFICATION

I, Janna Stefanek, declare the following to be true under penalty of perjury:

I have read the foregoing Verified Complaint for Injunctive and Declaratory Relief, am familiar with its content, and believe the facts alleged therein to be true and accurate to the best of my knowledge, information, and belief.

Executed this Js day of February, 2026.

Janna Stefanek
Janna Stefanek (Feb 4, 2026 08:29:56 MST)
Janna Stefanek, CNM



VERIFICATION

I, Denei Dolman, declare the following to be true under penalty of perjury:

I have read the foregoing Verified Complaint for Injunctive and Declaratory Relief, am familiar with its content, and believe the facts alleged therein to be true and accurate to the best of my knowledge, information, and belief.

Executed this 3rd day of February, 2026.

Denei Dolman
Denei Dolman (Feb 3, 2026 19:16:01 MST)
Denei Dolman, WHNP-BC




VERIFICATION

I, Greta Gill, declare the following to be true under penalty of perjury:

I have read the foregoing Verified Complaint for Injunctive and Declaratory Relief, am familiar with its content, and believe the facts alleged therein to be true and accurate to the best of my knowledge, information, and belief.

Executed this 3rd day of February, 2026.


Greta Gill, 2026 Feb 4, 2026 15:23:13 MST

Greta Gill, CNM

Exhibit A

Exhibit A

PROVISIONS COMPRISING THE APC BAN

STATUTE/ REGULATION	SUBSECTION	SUMMARY
A.R.S. § 32-1606(B)(12)		Prohibits the Arizona State Nursing Board from “decid[ing] scope of practice relating to abortion”
A.R.S. § 36-449.03(C)(3), (D)(5), (G)(4), (5), (8), (H)(2)		<i>Abortion clinic licensure requirements</i>
	(C)(3)	Requires a physician to be “available” at a clinic at which medication or procedural abortions are performed
	(D)(5)	Requires “the physician” to estimate the gestational age of the fetus
	(G)(4)	Requires a physician to be physically present at, or in the vicinity of, a clinic where medication or procedural abortions are performed, and requires a physician to sign discharge orders
	(G)(5)	Requires a physician to provide certain counseling
	(G)(8)	Requires “[t]he physician” performing the abortion to ensure specific follow-up
	(H)(2)	Requires a physician to be consulted if a continuing pregnancy is suspected at follow up
A.R.S. § 36-2152(A), (B), (H), (M)		<i>Permits only physicians to provide minors with abortion services</i>
	(A)	Physician must secure parental consent, or a judge must authorize the physician to perform the abortion
	(B)	Judge can authorize a physician to perform the abortion without parental consent
	(H)	Exceptions to parental consent requirement if certified by physician
	(M)	Physician must maintain minor’s medical records
A.R.S. § 36-2153(A), (C), (E)		<i>Abortion requirements</i>
	(A)	Requires physicians to provide state-mandated information “orally and in person”
	(C)	Requires physicians to provide information when an abortion is performed because of a medical emergency
	(E)	Prohibits non-physicians from performing surgical abortions
A.R.S. § 36-2155		Prohibits non-physicians from performing surgical abortions
A.R.S. § 36-2156(A)		Requires “the physician who is to perform the abortion” or “the referring physician” to facilitate provision of an ultrasound
A.R.S. § 36-2158(A)		Requires physicians to provide state-mandated information related to fetal conditions “orally and in person”

A.R.S. § 36-2160(A)		Prohibits non-physicians from providing medication abortion
A.R.S. § 36-2161(A)(16)-(17), (20)-(21), (D)		<i>Requires “the physician performing the abortion” to create certain records</i>
	(A)(16)	Report must include basis for physician’s judgment that a medical emergency existed
	(A)(17)	Requires statement by physician
	(A)(20)	Requires statement by physician
	(A)(21)	Report must include medical specialty of the physician performing the abortion
	(D)	Report must be signed by the physician who performed the abortion
A.R.S. § 36-2162.01(A), (C)		<i>Reporting requirements</i>
	(A)	Physician must submit certain records to ADHS
	(C)	Physician must sign & transmit the records
A.A.C. R9-10-1507(B)(2), (3)		<i>Requires a physician to be on the premises of an abortion clinic until patients are stable and ready to leave following medication and procedural abortions</i>
	(B)(2)	Medication abortion
	(B)(3)	Procedural abortion
A.A.C. R9-10-1509(A)(2), (B)(1), (5), (C), (D)(3)(a), (J)		<i>Abortion clinic licensure requirements</i>
	(A)(2)	Requires a physician to perform a physical examination
	(B)(1)	Requires a physician to provide certain information to the patient
	(B)(5)	Requires a physician to make certain records
	(C)	Requires a physician to estimate and record gestational age of the fetus
	(D)(3)(a)	Requires a physician to interpret ultrasound
	(J)	Requires a physician to be consulted if a continuing pregnancy is suspected at follow up
A.A.C. R9-10-1510(B)(1)		Requires a physician to sign the patient’s discharge order
A.A.C. R9-10-1512(A)(6), (A)(12), (D)(3)(d)		<i>Requires medical records to include information from physicians</i>
	(A)(6)	Must include gestational age estimated by physician
	(A)(12)	For abortions at after 20 weeks, must include documentation from the physician that “the fetus was not delivered alive”
	(D)(3)(d)	Must include gestational age estimated by physician

Exhibit B

Exhibit B

Arizona State Board of Nursing

Janet Napolitano
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:03 a.m., Wednesday, May 14, 2008, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Karen Hardy, RN, MSN, President, presiding.

BOARD MEMBERS PRESENT:

Karen Hardy, RN, MSN, President
Theresa Crawley, CRNA, MSHSA, Vice-President
Patricia Johnson, LPN, Secretary
Kathryn L. Busby, JD, Member
Denise Link, DNS, WHCNP, FNAP, Member
Kathy Malloch, PhD, MBA, RN, FAAN, Member
Steve Robertson, LPN, Member

BOARD MEMBERS ABSENT:

M. Hunter Perry, Member
Constance G. Woulard, RN, MSN, Member

LEGAL COUNSEL:

Amy Foster, Assistant Attorney General
Kim Zack, Assistant Attorney General
Nina Zimmerman, Assistant Attorney General

STAFF:

Joey Ridenour, RN, MN, FAAN, Executive Director
Judy Bontrager, RN, MN, Associate Director of Operations
Pamela Randolph, RN, MSN, Associate Director of Education and Evidence Based Regulation
Valerie Smith, RN, MS, Associate Director of Investigations
Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings
Frank Curatola, Senior Investigator
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant/Education
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Connie Linck, RN, MN, CNAA, BC
Michelle Mills, RN, MA, Nurse Practice Consultant/Monitoring
Sydney Munger, RN, MS, Nurse Practice Consultant
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., M.S.N., Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Mary Rappoport, RN, MN, Nurse Practice Consultant
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
Virginia "Ann" Schettler, RN, MS, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Nancy Twigg, RN, MSN, Nurse Practice Consultant
James Williams, Senior Investigator
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:03 a.m., Wednesday, May 14, 2008.

The following Board members were present: Hardy, Crawley, Johnson, Link, Malloch, and Robertson.

All Board members answered affirmatively that they had received and read the documents in the Board packet with the exception of information provided at this meeting, which would be reviewed at the appropriate time during the meeting.

Hardy presided.

Hardy welcomed members of the audience and explained the procedure for addressing the Board.

V. Board Discussion and Decision Regarding RN/LPN Investigative Reports

V.F.1. Glenn Marvin Jackson RN047944 (Torrez)

Hardy moved, Link seconded, and it was unanimously carried to table Agenda item V.F.1. to allow time for Jackson's attorney to arrive.

V.F.3. Sandra Ebenezer Allen RN118216 (Torrez)

Link knows Melanie Balestra but shows no bias. Allen was present and addressed the Board. Attorney Melanie Balestra was present and available for questions. Torrez noted a technical correction to the stipulations to on site supervision for 18 months. Crawley moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for 18 months probation to include the attached amended stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.F.2. Phillip Clark RN075107 (Torrez)

Suzi Christiani and Clarence Vastiac, complainants were present and addressed the Board. Attorney Teresa Sanzio was present and addressed the Board. Clark was present and available for questions. Torrez addressed the Board with additional information to include that Clark was interviewed with his attorney on April 14, 2008 and given opportunity to review his records and that records were again made available to Clark on April 21, 2008 for his review. Torrez reported that Clark exceeded standards on a performance evaluation report for Clark from Summerlin Hospital Medical Center in Nevada from January 7, 2008 – March 3, 2008. Torrez provided policies for physician's orders/renewals, policies for PACU patients in reference to how medications should be documented, and orientation records for Clark. Malloch moved, Link seconded, and after discussion it was unanimously carried to issue Interim Order for a chemical dependency evaluation to be conducted by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be schedule within 30 days and completed within 60 days and then return to the Board. If the Interim Order is not completed, issue Notice of Charges based on information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.F.1. Glenn Marvin Jackson RN047944 (Torrez)

Malloch moved, Crawley seconded, and it was unanimously carried to reopen Agenda Item V.F.1. Jackson was present and available for questions. Malloch moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

V.C.1. David D. Debruyne RN Exam (Olson)

Attorney Kathleen Lambert and Debruyne were present and addressed the Board. Johnson moved, Robertson seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days or payment not received within 60 days, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

**V.C.2. Charlotte E. Rausch RN Exam (Olson)
(aka: Monette)**

Olson addressed the Board and confirmed receipt of additional information. Rausch and attorney Kelly McDonald were present and addressed the Board. Malloch moved, Robertson seconded, to grant licensure upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days or payment not received within 60 days, deny licensure based upon the information contained in the investigative report. After discussion, Malloch withdrew the motion. Link moved, Johnson seconded, and it was unanimously carried to grant licensure upon meeting all licensure requirements with a letter of concern for signing an Adult Diversion Program agreement on June 14, 1993, for felony theft of a credit card and tampering with physical evidence charges, in Navajo County Superior Court in Navajo County, Arizona, and for failing to disclose the diversion program to the Board.

**V.E.10. Sally Catherine Kaufman RN123997 (Munger)
(aka: Provenzano)**

Munger addressed the Board and confirmed receipt of additional information. Kaufman and attorney DeeDee Armour-Holden were present and available for questions. Malloch moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for 12 months probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.F.15. Barbara M. Higgins LP033228 (Torrez)

Attorney Lynn Laney and Higgins were present and addressed the Board. Malloch moved, Robertson seconded, to issue a letter of concern for allegedly pre charting intake and outputs, bowel movements, meal percentages, and pain assessments on several patients on or about November 27, 2007, while employed at Springdale West Care Center in Mesa, Arizona. The motion carried with five in favor and one opposed.

V.A.1. Becky Sue Earwood RN087850 (Twigg)

Earwood was present and addressed the Board. Malloch moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

**V.A.7. Rayell Mary Fijalka RN121561 (Twigg)
(aka: Wilson)**

Attorney David Hill was present and addressed the Board. Fijalka was present and available for questions. Johnson moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for indefinite suspension pending the successful completion of a refresher course, to be followed by 24 months probation to include the attached stipulations, or hearing. If not signed within 20 days, issue Notice of Charges based upon information contained in the investigative report and updated information at this meeting.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.J.7. Kimberly Nass RN132115; LP039242 (Parlin)

Attorney Teresa Sanzio was present and addressed the Board. Nass was present and available for questions. Link moved, Johnson seconded, and after discussion it was unanimously carried to offer a Consent Agreement for a Decree of Censure. If not signed within 30 days, issue a Notice of Charges based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

The meeting recessed at 9:30 a.m. and reconvened at 9:46 a.m.

V.C.3. Karen M. Tjelmeland RN066719 (Olson)

Olson addressed the Board with additional information. Attorney Robert Jarvis and Tjelmeland were present and addressed the Board. Crawley moved, Robertson seconded, and it was unanimously carried to issue a letter of concern for failing to report to the Board within 10 days that charges were filed on July 19, 2005, with two counts of aggravated DUI, class six felonies, on the faulty advice of an attorney, and her subsequent conviction pursuant to a plea agreement, on May 4, 2006, of aggravated DUI, a class one misdemeanor, in the Maricopa County Superior Court in Maricopa County, Arizona.

V.E.13. Karen Jorgensen RN131691 (Munger)

Malloch knows Deb Krmpotic and Laurretta Holt but shows no bias. Torrez addressed the Board with additional information. Attorney Amy Cotton was present and addressed the Board. Attorney Christine Cassetta was also present. Jorgensen was present and available for questions. Johnson moved, Link seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation to be completed by a Board approved evaluator, to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days, then return to the Board.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

IV.D. Board Discussion & Decision Regarding Non-Compliance/Compliance with Board Orders

IV.D.2. Amy L. Bates RN134521 (Hurtado)

Hurtado addressed the Board with additional information. Bates and attorney Scott Shuman were present and available for questions. Malloch moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for stayed revocation/probation for 36 months to include the attached terms. If not signed, proceed to non-compliance hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.J.11. Shannon Ott RN118591 (Parlin)

Parlin addressed the Board and confirmed receipt of additional information. Attorney Jonathan Dessauls was present and addressed the Board.

Busby arrived at the meeting at 10:24 a.m.

Malloch moved, Crawley seconded, to offer a Consent Agreement for 24 months stayed suspension/probation to include the attached stipulations or hearing. The terms of the Consent Agreement may be completed in the State of Utah contingent upon the agreement of the Utah Board of Nursing. The motion carried with six in favor and one abstained.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	1	X								
ABSENT	2			X				X		

V.I.4. Penelope C. Riddle RN060813 (Lester)

Link is affiliated with Arizona State University and knows Barbara Wilson but shows no bias. Attorney Teresa Sanzio was present and addressed the Board. Malloch moved, Crawley seconded, and after discussion it was unanimously carried to issue an Interim Order for an independent and comprehensive neuropsychological and psychological evaluation, to be completed by a Board approved evaluator who is at minimum PhD prepared and has expertise in substance abuse, pain management and addictions, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board. If the Interim Order is not completed, adopt the attached Notice of Charges and include the additional factual allegation and alleged violation for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

V.A.2. Elizabeth R. Schottenbauer RN060804 (Twigg)

Twigg addressed the Board and confirmed receipt of additional information. Busby moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for 24 months probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

V.A.3. Clarissa N. Sosa LP016014 (Twigg)

Twigg addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

**V.A.4. Kimberly M. Klein RN103355 (Twigg)
(aka: Kemp)**

Crawley moved, Johnson seconded, and after discussion it was unanimously carried to offer a Consent Agreement for 12 months probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

**V.A.5. Judith Anne Benefield-Wade RN094363; LP030362 (Twigg)
(aka: Benefield)**

Twigg addressed the Board with additional information. Benefield-Wade was present, telephonically, and addressed the Board. Busby moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

**V.A.6. Shannon Lee Diaz LP042549; CNA999952569 (Twigg)
(aka: Moore)**

Twigg addressed the Board and confirmed receipt of additional information. Diaz was present and available for questions. Malloch moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation for anger management to be scheduled within 15 days and completed within 45 days by a Board approved psychologist at minimum PhD prepared, and then return to the Board.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

V.A.8. Benson Chege Kiarie RN135877 (Twigg)

Twigg addressed the Board with additional information. Kiarie was present and addressed the Board. Malloch moved, Johnson seconded, to issue an Interim Order for a substance abuse evaluation to be completed by a Board approved evaluator who is at minimum PhD prepared, and to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days and then return to the Board. The motion failed with four opposed and three in favor.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	3		X		X	X				
NO	4	X					X		X	X
ABSTAIN	0									
ABSENT	2			X				X		

Link moved, Robertson seconded, to offer a Consent Agreement for 12 months probation with stipulations to include stamping of license, drug testing one time per month, abstain from unauthorized drug use/proof of prescription, pharmacy profiles, notification of practice settings, quarterly performance evaluations, direct supervision, night shift prohibited, registry/traveling nurse/float pool/home health work/on-call prohibited. The motion carried with five in favor and two opposed.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	5	X			X		X		X	X
NO	2		X			X				
ABSTAIN	0									
ABSENT	2			X				X		

V.A.9. Mary M. Langham RN060613; LP014143 (Twigg)

Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

**V.A.10. Susan M. Marshall LP040956 (Twigg)
(aka: Ratbon)**

Link moved, Busby seconded, and it was unanimously carried to offer a Consent Agreement for an indefinite suspension pending the successful completion of a refresher course and psychological evaluation by a Board approved psychologist at minimum PhD prepared, to be followed by 24 months probation to include the attached stipulations or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

**V.E.2. Jeanna Wilson RN102017 (Munger)
(aka: Nelson)**

Hardy recused herself to avoid the appearance of impropriety and left the meeting at 11:10 a.m. Crawley presided. Malloch knows Kim Maryniak and Pam Dallabetta but shows no bias. Attorney Terry Hall and Wilson were present and addressed the Board. Link moved, Busby seconded to issue a letter of concern for failing to assess, initiate resuscitation, call a code, or ensure that medically trained personnel

accompany an apparently deceased infant that was brought into the lobby of the hospital on December 14, 2007, at Yuma Regional Medical Center in Yuma, Arizona. After discussion the motion carried with four in favor and two opposed.

Hardy returned to the meeting at 11:14 a.m.

V.A.11. Madalene Nieblas RN119362; LP036960 (Twigg)

Johnson moved, Robertson seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

V.A.12. Kathleen M. Rasdall LP041343 (Twigg)

Twigg addressed the Board with additional information. Link moved, Malloch seconded, to issue an Interim Order for a substance abuse evaluation to be scheduled within 15 days and completed within 45 days by a Board approved psychologist at minimum PhD prepared, and then return to Board. The motion carried with six in favor and one opposed.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X	X		X	X			X	X
NO	1						X			
ABSTAIN	0									
ABSENT	2			X				X		

**V.A.13. Christina Todorovich RN Exam (Twigg)
(aka: Straub)**

Twigg addressed the Board with additional information. Malloch moved, Busby seconded, and it was unanimously carried to table Agenda Item V.A.13. to obtain additional information.

V.A.14. Judith Reems Patterson RN064692 (Twigg)

Patterson was present and addressed the Board. Malloch moved to offer a Consent Agreement for a Decree of Censure, or hearing. After discussion Malloch withdrew the motion. Link moved, Robertson seconded, and it was unanimously carried to dismiss the complaint.

IV.A. Board Discussion Regarding RN/LPN/CNA Termination of Previously Issued Board Orders After Full Compliance – (Hurtado)

1. Dusold, Margaret A.	LP040023	05/14/2008
2. Lee, Christi M.	CNA999990533	05/14/2008
3. Tascione, Maryanne T.	RN047390	05/14/2008
4. McCann, Karen D.	RN118940	05/16/2008
5. Wood, Kimberly A.	LP033602	05/18/2008
6. Kleving, Jonica D.	LP042163	06/09/2008
7. Pottgen, Heather B.	RN107514	06/29/2008
8. Helmrich, Anne E.	RN047458	07/20/2008

Kimberly Wood was present and addressed the Board. Crawley moved, Link seconded, and it was unanimously carried to approve the full compliance list to terminate Board Order on the individual(s) listed above on dates given, if no evidence of non-compliance with Board Order/Consent Agreement exists.

IV.C. Board Discussion & Decision Regarding Non-Compliance/Compliance with Board Orders

IV.C.3. Donna Stack RN110459 (Mills)

Stack was present and addressed the Board. Crawley moved, Malloch seconded, and it was unanimously carried to offer a Consent Agreement for 36 months stayed revocation/probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

IV.C.4. Deborah Bell RN059489 (Mills)

Bell was present and addressed the Board. Malloch moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for 48 months stayed revocation with the license suspended during the first 12 months, followed by 36 months probation, to include the attached stipulations, to include a \$250 Civil Penalty for submitting false documents to the Board, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

IV.B. Board Discussion & Decision Regarding Non-Compliance/Compliance with Board Orders

IV.B.1. Cybele Saimo LP034051; CNA368462103 (Mills)

Saimo was present and addressed the Board. Malloch moved, Crawley seconded, and after discussion it was unanimously carried to grant temporary licensure for LP Refresher Course only upon meeting all requirements and signing a Consent Agreement for 18 months stayed revocation/probation followed by 18 months probation to include the attached stipulations. Upon successful completion of LP Refresher Course grant LP license under applicable terms. If not signed within 30 days, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

IV.D. Board Discussion & Decision Regarding Non-Compliance/Compliance with Board Orders

IV.D.1. Doris B. Ash RN063856; CNA902242103 (Hurtado)

Hurtado addressed the Board with additional information. Ash was present and addressed the Board. Johnson moved, Malloch seconded, and it was unanimously carried to offer a Consent Agreement for 36 months stayed revocation/probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

IV.D.4. Vicki S. Nolte**RN108240; LP033096 (Hurtado)**

Johnson is affiliated with Banner Thunderbird hospital but shows no bias. Hurtado addressed the Board and confirmed receipt of additional information. Nolte was present and addressed the Board. Robertson moved, Link seconded, and it was unanimously carried to approve request for termination of Board Consent Agreement and Order No. 0511051 entered into on October 13, 2006.

IV.D.5. David Stepp**RN127460 (Hurtado)**

Stepp was present and available for questions. Busby moved, Robertson seconded, and it was unanimously carried to approve request for termination of Board Order No. 05A-0406023-NUR entered into on November 15, 2006.

IV.D.3. Kathy H. Lee**RN118656 (Hurtado)**

Link moved, Crawley seconded, and it was unanimously carried to approve request for termination of Board Consent Agreement and Order No. 0408097 entered into on March 28, 2007.

IV.D. Board Discussion & Decision Regarding Non-Compliance/Compliance with Board Orders**IV.D.6. Sandra C. Thomas****RN105564 (Hurtado)**

Johnson moved, Link seconded, and it was unanimously carried to amend Consent Agreement and Order No. 0701001 to allow Thomas the ability to work any shift.

IV.E. Board Discussion & Decision Regarding CANDO Eligibility/Noncompliance and Investigative Reports**IV.E.1. Debra D. Blue****CNA948304837 (Hurtado)****IV.E.2. Timothy J. Hern II****CNA999999521 (Hurtado)**

Busby moved, Crawley seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

IV.C. Board Discussion & Decision Regarding Non-Compliance/Compliance with Board Orders**IV.C.1. Rochelle Stayer****LP040346 (Mills)**

Stayer was present, telephonically, and addressed the Board. Link moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for stayed revocation/indefinite suspension to include the attached stipulations. Upon successful completion of 36 months stayed revocation/probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

IV.C.2. Rowena Faulkner**RN128701 (Mills)****(aka: Aquino; Patay; Raquiza)**

Link moved, Johnson seconded, and it was unanimously carried to offer a Consent Agreement for 36 months stayed revocation/probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

IV.C.5. Roseanna Bennett RN026399 (Mills)

An attempt was made to contact Bennett telephonically. Johnson moved, Malloch seconded, and it was unanimously carried to amend Consent Agreement and Order No. 0512086 to allow on-site supervision for one hour each shift.

The meeting recessed at 12:08 p.m. and reconvened at 1:04 p.m.

II.A. Board Discussion and Decision Regarding Administrative Law Judge Recommendations**II.A. Martha Yolanda Vielma CNA Exam Foster**

The proceeding began at 1:05 p.m. with the following Board members present: Johnson, Robertson, Crawley, Malloch, Hardy, and Link.

All Board members answered affirmatively that they had received and read the transcript of the hearing and the Administrative Law Judge recommendation.

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster Assistant Attorney General, represented the State.

Vielma was present and available for questions.

Foster addressed the Board.

Based upon the hearing transcripts, the Administrative Law Judge's Findings of Fact, Conclusions of Law, Recommendation, and the information presented at this meeting, the Board members agreed that disciplinary action should be considered in this matter.

Crawley moved, Malloch seconded, and it was unanimously carried to accept as Findings of Fact the allegations contained in Paragraphs 1 through 31, applicable law Paragraphs 1 through 3, and Conclusions of Law the alleged violations in Paragraphs 1 through 10.

Malloch moved, Craw seconded, and it was unanimously carried to dismiss the applicant's appeal and that prior denial of Vielma's application for nursing assistant certification be upheld and affirmed.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

II.B. Board Discussion and Decision Regarding State's Motion to Deem Allegations Admitted For Licensee/Certificate Holder's Failure to Respond to Complaint and Notice of Hearing & Recommended Discipline

AGENA #	Respondent Name	Lic/Cert #	Board Resolution	Legal Staff
II.B.2.	Janet Martinez	LP034177	Revocation	Zimmerman
II.B.3.	Connie A. Bolinger	RN114839	Revocation	Zack
II.B.5.	Patricia H. Willemsen (aka: Friess)	RN106911	Revocation	Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

The above listed were not present and were not represented by legal counsel.

Johnson moved, Link seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations Admitted.

Johnson moved, Crawley seconded, and it was unanimously carried to accept the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

Malloch moved, Johnson seconded, and it was unanimously carried to accept the State's recommended discipline for Agenda Items II.B.2, 3, & 5.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

II.B.1. Karen Marie Scrivano CNA999953351 Zimmerman

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Scrivano was present and available for questions.

Zimmerman addressed the Board.

Malloch moved, Crawley seconded, and it was unanimously carried to continue to the July 2008 Board meeting.

II.B.4. Melody Lynn Horney LP036900 Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Horney was present and addressed the Board.

A. Foster addressed the Board.

Malloch moved, Crawley seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations Admitted.

Johnson moved, Crawley seconded, to accept the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law. After discussion Robertson moved, Crawley seconded, and it was unanimously carried to table Agenda Item II.B.4.

II.C. Board Discussion Regarding Settlement Conference Cases & Decision to Accept Proposed Consent Agreements

II.C.1. Bonnie Labaw Hare RN067325; AP0200 Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

A. Foster addressed the Board.

Hare was not present and was not represented by legal counsel.

Crawley moved, Malloch seconded, and it was unanimously carried to rescind the Board's prior decision to offer a Consent Agreement a Decree of Censure, and accept the signed Consent Agreement for a \$100 Civil Penalty.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

II.B. Board Discussion and Decision Regarding State's Motion to Deem Allegations Admitted For Licensee/Certificate Holder's Failure to Respond to Complaint and Notice of Hearing & Recommended Discipline

II.B.4. Melody Lynn Horney LP036900 Foster

Malloch moved, Crawley seconded, and it was unanimously carried to reopen Agenda Item II.B.4.

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Horney was present and available for questions.

Johnson moved, Crawley seconded, and after discussion it was unanimously carried to accept the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law.

Crawley moved, Malloch seconded, and it was unanimously carried to issue an Order of suspension pending the completion of a psychiatric evaluation by a Board approved evaluator with expertise in addiction, with stipulations to include: abstain from alcohol, abstain from drugs, biological fluid testing 2 times per month, attendance in AA and nurse support group, and proof of prescription followed by 36 months probation to include stipulations: stamping of license, nurse support group, AA with sponsor, biological fluid testing 2 times per month for the first 18 months and one time per month thereafter, abstain from drugs, abstain from alcohol, proof of prescription, relapse evaluation at 18 months, notification of practice settings, quarterly performance evaluations, direct supervision, registry/traveling nurse/float pool/night shift prohibited. If the evaluation is not completed within 90 days, revoke the LP license.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

II.C. Board Discussion Regarding Settlement Conference Cases & Decision to Accept Proposed Consent Agreements

II.C.5. Claudine Annette Mora RN123991 Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

A. Foster addressed the Board.

Mora was not present and was not represented by legal counsel.

Crawley moved, Robertson seconded, and it was unanimously carried to rescind prior Board decision to offer a Consent Agreement for 24 months probation with terms and conditions, and accept the signed

Consent Agreement for 24 months probation with modified terms and conditions with the attached stipulations.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

**II.C.2. Debra Ann Sciandra
(aka: Birdsong)**

LP037818

Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Attorney Teresa Sanzio was present, telephonically, and available for questions.

Crawley moved, Link seconded, and it was unanimously carried to rescind the Board decision of July 19, 2006 to offer a Consent Agreement for 12 months probation with terms and conditions, and accept the signed Consent Agreement for 12 months probation with modified terms and conditions, with stipulations attached.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

II.C.6. Michael Carl Preble

RN108165

Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Attorney Teresa Sanzio was present, telephonically, and available for questions.

Foster addressed the Board.

Malloch moved, Crawley seconded, and it was unanimously carried to rescind prior Board decision of November 14, 2007, to offer a 12 month stayed revocation/suspension, followed by a 12 months stayed revocation/probation, followed by a 24 months standard probation, and accept the signed Consent Agreement for 18 months stayed revocation/probation followed by 18 months standard probation to include the attached stipulations, amended to include: no access to drugs for the first 12 months.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

II.C.3. Kennedy Cho Tambi

RN129381

Zack

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Zack addressed the Board.

Tambi was not present and was not represented by legal counsel.

Johnson moved, Crawley seconded, and it was unanimously carried to rescind the Board decision of November 16, 2006, to offer a Consent Agreement for a 12 month stayed revocation/probation followed by a 12 month standard probation with terms and conditions, and accept the signed Consent Agreement for a standard 12 months probation with the attached stipulations.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

Busby returned to the meeting at 1:45 p.m.

II.C.4. Carl J. Gorski RN085409 Zimmerman

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Nina Zimmerman, Assistant Attorney General, represented the State.

Zimmerman addressed the Board.

Gorski was present, telephonically, and addressed the Board.

Crawley moved, Johnson seconded, and it was unanimously carried to accept the signed Consent Agreement for 24 months stayed revocation/probation to include the attached stipulations.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.D. Board Discussion and Decision Regarding State's Motion to Deem Allegations Admitted for Licensee/Certificate Holder's Failure to Respond to Notice of Charges & Recommended Discipline

AGENA #	Respondent Name	Lic/Cert #	Board Resolution	LegalStaff
II.D.2.	Frank Flores	CNA125125103	Revocation	Zimmerman
II.D.3.	Bianca Pilar Lynn	CNA999996407	Revocation	Zimmerman
II.D.4.	Nicole Violette Nesselroad	CNA999998011	Revocation	Zimmerman
II.D.5.	Tammy Sioux Twiss	CNA1000005877	Revocation	Zimmerman
II.D.6.	Evelyn Edwards Miller	RN127076	Revocation	Zack
II.D.9.	Jerry Lee Harris	CNA999998015	Revocation	Foster
II.D.10.	Shawn Reed Holder	CNA999999511	Revocation	Foster
II.D.11.	Rachel Leah Neal	CNA1000007985	Revocation	Foster
II.D.12.	Virginia L. Oakes	CNA943598103	Revocation	Foster
II.D.14.	Tiffani Nichole Sayer	CNA999990687	Revocation	Foster
II.D.16.	Patricia Darlean Wing	CNA1000011529	Revocation	Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Assistant Attorney Generals Zack, Zimmerman and A. Foster, represented the State.

The above listed license/certificate holders were not present and were not represented by legal counsel.

A. Foster addressed the Board.

Johnson moved, Crawley seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations Admitted.

Crawley moved, Johnson seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact and Alleged Violations as Conclusions of Law from the Notice of Charges.

Johnson moved, Robertson seconded, to accept the State's recommended discipline for revocation of nursing assistant certification #CNA338176441 issued to Jose Palacios. After discussion the motion carried with four in favor and three opposed.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	4		X		X	X				X
NO	3	X					X		X	
ABSTAIN	0									
ABSENT	2			X				X		

II.D.15. Bridgette Colleen Saylor CNA1000011547 Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Saylor was present and addressed the Board.

A. Foster addressed the Board.

Robertson moved, Hardy seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations Admitted.

Malloch moved, Johnson seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact and Alleged Violations as Conclusions of Law from the Notice of Charges.

Crawley moved, Malloch seconded, and after discussion it was unanimously carried to accept the State's recommended discipline for revocation of nursing assistant certification #CNA1000011547 issued to Bridgette Colleen Saylor.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.D.1. Guillermina Felix CNA498869803 Zimmerman

Malloch moved, Crawley seconded, and it was unanimously carried to reopen Agenda Item II.D.1.

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Felix was present and available for questions.

Zimmerman addressed the Board with clarifications to the stipulations to remove the requirement for evaluator to be PhD prepared; and to include, if the Board determines Felix is non-compliant, that she

will be notified in writing of the revocation with 10 days allowed to request a hearing limited to the non-compliance issue.

Crawley moved, Johnson seconded, and it was unanimously carried to order 24 months stayed revocation with terms and conditions.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.D.7. Candy Lee Spence RN116153; CNA521276441 Zack

Crawley moved, Robertson seconded, and it was unanimously carried to reopen Agenda Item II.D.7.

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Spence was present and available for questions.

Torrez addressed the Board.

Crawley moved, Malloch seconded, and it was unanimously carried to place Spence on indefinite suspension with stipulations to include: surrender of license, PhD level substance abuse evaluation to be completed within 60 days of the Order, nurse recovery group, AA with sponsor, drug testing 2 times per month for the duration of the suspension, abstain from alcohol, abstain from unauthorized drug use/proof of prescription/one prescriber, and must complete all court requirements, if any terms of the suspension are violated, license will be revoked, to be followed by 36 months probation with stipulations to include: nurse recovery group, AA with sponsor, drug testing 2 times per month for 18 months and 1 time per month for months 19 through 36, abstain from alcohol, abstain from unauthorized drug use/proof of prescription/one prescriber, notification of practice settings, quarterly performance evaluations, direct supervision for months 1 through 12 and on-site supervision for months 13 through 36, registry/traveling nurse/float pool/home health work/on-call prohibited, night shift prohibited.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.D.8. Cheri A. Buccieri CNA508599103 Foster (aka: Lindsey)

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster, Assistant Attorney General, represented the State.

Buccieri was present, telephonically, and addressed the Board.

A. Foster addressed the Board.

Link moved, Johnson seconded, and it was unanimously carried to grant the State's Motion to Deem Allegations Admitted.

Malloch moved, Crawley seconded, and it was unanimously carried to accept the Factual Allegations as Findings of Fact and Alleged Violations as Conclusions of Law from the Notice of Charges.

Malloch moved, Johnson seconded, and it was unanimously carried to accept the State's recommended discipline for revocation of nursing assistant certification #CNA508599103 issued to Cheri Buccieri.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

The meeting recessed at 2:36 p.m. and reconvened at 2:48 p.m.

II.B. Board Discussion and Decision Regarding State's Motion to Deem Allegations Admitted For Licensee/Certificate Holder's Failure to Respond to Complaint and Notice of Hearing & Recommended Discipline

II.B.2. Janet Martinez LP034177 Zack

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Crawley moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item II.B.2. for the purpose of allowing Martinez to address the Board.

Zack addressed the Board.

Johnson moved, Hardy seconded, and it was unanimously carried to affirm the Board's motion for revocation of practical nurse license #LP034177 issued to Janet Martinez.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.E. Board Discussion and Decision Regarding Request for Rehearing or Review

**II.E.1. Joyce Marie Whitaker RN084343 Zack
(aka: Phillips)**

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Malloch recused herself to avoid the appearance of impropriety and left the meeting at 3:03 p.m.

Whittaker was present and addressed the Board.

Zack addressed the Board.

Link moved, Crawley seconded, and it was unanimously carried to deny request for rehearing/reconsideration.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

Malloch returned to the meeting at 3:15 p.m.

II.E.2. Karen R. Erkfritz LP035842 Foster

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Amy Foster Assistant Attorney General, represented the State.

Erkfritz was present, telephonically, and addressed the Board.

A. Foster addressed the Board.

Malloch moved, Link seconded, and it was unanimously carried to deny request for rehearing/reconsideration.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.F. Board Discussion and Decision Regarding Motions to Rescind Prior Board Decision To Consider Alternative Action

II.F.1. Michele Marie Stinebuck RN110078 Zack

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Stinebuck was not present and was not represented by legal counsel.

Zack addressed the Board.

Malloch moved, Crawley seconded, and it was unanimously carried to deny request to rescind prior Board decision and consider alternative action.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.G. Board Discussion and Decision Regarding Hearing Department Investigative Reports

II.G.1. Robin Rae Haney RN110519 (Barber)

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Haney was not present and was not represented by legal counsel.

Barber addressed the Board.

Busby moved, Link seconded, and it was unanimously carried to accept the signed Consent Agreement for a stayed revocation/indefinite suspension pending a relapse/recovery evaluation and therapy as recommended, followed by 12 months stayed revocation/probation and 24 months standard probation, with the attached stipulations.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.G.2. Susan Renee Crawford RN115472 (Zack/Barber)

The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

Crawford was not present and was not represented by legal counsel.

Barber addressed the Board.

Crawley moved, Robertson seconded, and it was unanimously carried, based on the information in the investigative report, add additional Findings of Fact and Conclusions of Law to the Complaint and Notice of Hearing to be issued in this matter, and, in lieu of a formal hearing, reaffirm the Board decision of September 13, 2006, to offer a Consent Agreement, with amended Findings of Fact and Conclusions of Law, for 36 months probation, to include a relapse prevention evaluation to be scheduled within 30 days and completed within 60 days and compliance with all recommendations made by the evaluator, with the stipulations attached.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

II.H. Board Discussion and Decision Regarding RN Investigative Report, Summary Suspension pursuant to A.R.S. §§ 41-1064(C), 41-1092.11(B) and/or Acceptance of a Consent Agreement and or Adoption of Complaint & Notice of Hearing

II.H.1. Pamela Renee Teets RN107237; LP031467; CNA894173246 Zack

The proceeding began at 3:25 p.m. with the following Board members with the following Board members present: Johnson, Robertson, Crawley, Malloch, Hardy, Busby, and Link. The Board was represented by Mary Jo Foster, Assistant Attorney General, Division of Solicitor General. Kim Zack, Assistant Attorney General, represented the State.

S. Nelson addressed the Board with a brief summary of the case.

Teets was present and addressed the Board.

Based upon the information presented at this meeting, all Board members verbally agreed, and offered a brief explanation of their reasons, that a showing of extraordinary circumstances or the possibility of irreparable harm has been made, supporting the need for a Summary Suspension.

Crawley moved, Malloch seconded, and it was unanimously carried to accept proposed preliminary Findings of Fact and Conclusions of Law of the Findings of Public Emergency and Order of Summary Suspension.

All Board members verbally agreed that the foregoing conduct poses an immediate threat to the public health, safety, or welfare and requires emergency action pursuant to A.R.S. § 41-1092.11(B).

Crawley moved, Robertson seconded, and it was unanimously carried to summarily suspend professional license # RN107237.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	7	X	X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	2			X				X		

It was therefore ordered that the license of Pamela Renee Teets be suspended effective with the service of the written Order, and that Teets will immediately cease practice as a nurse/certified nursing assistant. This suspension shall remain in effect pending a public hearing and final decision by the Arizona State Board of Nursing pursuant to A.R.S. § 32-1664.

Busby left the meeting at 3:34 p.m. and returned at 3:35 p.m.

VII.B. Educational Reports and Rules

VII.B.1. Nurse Assistant Programs – Approvals (List available in Board office)

Crawley moved, Malloch seconded, and it was unanimously carried to adopt the Nurse Assistant Program Survey Recommendation for 2 year approval for new and renewal programs.

VII.B.2. Notice of Proposed Rulemaking Article 1, R4-19-206, Article 4, R4-19-509, R4-19-814 - Randolph

Crawley moved, Link seconded, and it was unanimously carried to adopt the proposed rulemaking Article 1, R4-19-206, Article 4, R4-19-509, R4-19-814.

The Board scheduled an open public meeting for July 9, 2008 at 1:00 p.m.

VII.B.3. International Institute of the Americas Nursing Program Change in Program Administrator

Information was provided to the Board regarding the appointment of Tracy Schreiner as Nursing Program Chair at IIA College.

VII.B.4. Chamberlain College Nursing Program Update and Appointment of Program Administrator

Information was provided to the Board from Chamberlain College regarding deficiencies and the appointment of Dr. Gary Gum as campus Dean Administrator.

VII.B.5. Central Arizona College Nursing Program Change in Program Administrator

Information was provided to the Board regarding the appointment of Linda Hemmilla as Director of Nursing.

VII.B.6. ASU College of Nursing and Healthcare Innovation Notification of Change in Psychiatric DNP Program of Study

Information was provided to the Board regarding a change in the psychiatric DNP program of study at ASU College of Nursing.

VII.B.7. Grand Canyon University Investigation – Case Dismiss – Grady

Busby moved, Crawley seconded, and it was unanimously carried to case dismiss.

VII.B.8. Cochise College Report of Site Visit for Continuing Approval - Grady

Star German was present, telephonically, and available for questions. Busby moved, Link seconded, and it was unanimously carried to continue approval with a report to the Board in six months on remedying of all potential deficiencies. For any deficiencies not remedied within 6 months return to the Board.

VII.B.9. Arizona Western College Report of Site Visit for Continuing Approval - Grady

Mary Francoeur was present, telephonically, and available for questions. Crawley moved, Robertson seconded, and it was unanimously carried to continue approval with a report to the Board in 6 months on remedying all potential deficiencies. For any deficiencies not remedied within 6 months, return to the Board.

VII.B.10. Maricopa Community College District Application for Program Change – Grady/Randolph

Busby moved, Crawley seconded, and it was unanimously carried to approve the MCCDNP application for program change in Mission and Philosophy and Decreasing the Length of the Program.

VII.B.11. Pima Medical Institute – Tucson – Application for Proposal Approval – Grady/Randolph

Paul Williamson and Don Esham were present and addressed the Board. Crawley moved, Link seconded, and it was unanimously carried to approve proposal but prior to submission of the provisional application, PMI shall meet with local Tucson nursing programs to determine true clinical availability and reflect this in the provisional application.

VII.B.12. SouthWest Skill Center High School NA Training Program – Case Dismiss - Van Cuyk

Crawley moved, Robertson seconded, and it was unanimously carried to case dismiss.

VII.B.13. SouthWest Skill Center @EMCC Investigative Report – Van Cuyk

Robertson moved, Busby seconded, and it was unanimously carried to dismiss the case.

VII.B.14. Emmanuel School of Nursing Investigative Report – Van Cuyk

Busby moved, Link seconded, and it was unanimously carried to issue a notice of deficiency for each substantiated allegation, with the exception of allegation #4. Allow a 60 day period of time to correct the deficiencies. Immediately following the date of correction, conduct an announced site visit to determine compliance.

VII.B.15. 2007 Annual Reports from Arizona Nursing Programs - Randolph

The 2007 Annual Reports from Arizona Nursing Programs was provided to the Board.

The meeting recessed at 4:01 p.m. and reconvened at 4:08 p.m.

VII.F. Committee Reports

**VII.F.3.b. Recommendation to Board Regarding Nurse Practitioner Performing Surgical Abortions – Link/Crawley/Grady/Randolph
Advanced Practice Committee Meeting Draft Minutes of May 6, 2008; Center for Arizona Policy Document Presented at Advanced Practice Committee Meeting and Revised for Board on May 8, 2008**

Hardy opened a forum for the purpose of allowing interested parties to express their views prior to the Board adopting a policy statement on the Scope of Practice of Nurse Practitioners as it relates to the performance of a surgical abortion.

Attorney Deborah Sheasby, spoke on behalf of the Center for Arizona Policy and requested the Board reject the Advanced Practice Committee's recommendation that first trimester surgical abortions are within the Scope of Practice of a nurse practitioner. Sheasby offered three reasons for the request: Arizona Law does not permit non-physicians to perform abortions; between forty-one and forty-seven states prohibit abortions by non-physicians; and considerations for expanding the Scope of Practice have not been satisfied.

Attorney Lawrence Rosenfeldt made a statement in the open forum which, he stated, included the case to follow regarding his client, Mary Andrews. Rosenfeldt responded to the argument made by the Center for Arizona Policy regarding whether nurse practitioners can perform aspiration abortions under Arizona Law. Rosenfeldt stated that there is no statute, rule, or regulation in Arizona law that prohibits or limits the performance of abortions by nurse practitioners.

Ridenour reported she had received 23 emails from nurses from various states stating their support, opposition, and comments regarding NP's performing surgical abortions.

Grady reported on the contents of an email from Dr. Robert Nurotz, D.O., who expressed his concerns about NP's performing surgical abortions.

Ridenour reported that Representative Stump had introduced a Strike All Bill regarding the restriction of NP's performing surgical abortions. She stated she had made representative Stump aware of the open forum agenzized for this meeting.

Hardy thanked all persons who appeared and provided comments and then adjourned the open public forum.

Link moved, Crawley seconded, that it is within the scope of practice of a nurse practitioner to perform a first-trimester aspiration abortion provided the procedure is within the nurse practitioner specialty certification population; the nurse practitioner has met the education requirements of A.A.C. R4-19-508(C); and there is documented evidence of competency in the procedure. After discussion the motion carried with six in favor and one opposed.

V. Board Discussion and Decision Regarding RN/LPN Investigative Reports

V.K.1. Mary F. Andrews RN077997; AP0140 (Grady)

Grady addressed the Board with additional information. Andrews and attorney Larry Rosenfeldt were present and addressed the Board. Johnson moved, Robertson seconded, and it was unanimously carried to dismiss the case.

The meeting recessed at 5:04 p.m. and reconvened at 5:09 p.m.

Busby left the meeting at 5:04 p.m.

V.B.1. Joyce Annette Massa RN Endorsement (Rappoport) (aka: Sons; Shackelford; Denton)

Rappoport addressed the Board with additional information. Crawley moved, Malloch seconded, and it was unanimously carried to grant and accept signed a Consent Agreement for a \$300 Civil Penalty.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X			X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	4	X		X	X			X		

Johnson returned to the meeting at 5:10 p.m.

V.B.3. Leonardo Alicaba Tuballa, Jr. RN Endorsement (Rappoport)

Rappoport addressed the Board with additional information. Crawley moved, Link seconded, and it was unanimously carried to grant licensure upon meeting all requirements and accept a signed Consent Agreement for a \$50 Civil Penalty.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

**V.B.4. Teresa Wright Altman RN Endorsement (Rappoport)
(aka: Wright)**

Rappoport addressed the Board with additional information. Malloch moved, Johnson seconded, and it was unanimously carried to continue the investigation to allow Altman to voluntarily submit to a relapse/prevention evaluation by a Board approved evaluator, minimum PhD prepared, to be completed within 45 days and then return to the Board. If the evaluation is not completed deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.B.5. Olive Cayaban Natividad RN Endorsement (Rappoport)

Rappoport addressed the Board with additional information. Malloch moved, Crawley seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for \$200 Civil Penalty. If not signed within 30 days or payment not received within 60 days, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

IV.F. Board Discussion & Decision Regarding CANDO Eligibility/Noncompliance and Investigative Reports**IV.F.1. Christie Dawn HarjoLP039371 (Linck)**

Crawley moved, Link seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

IV.F.2. Leonard Frank Jasinski RN083373; LP027106 (Linck)

Malloch knows Sarah Bassinger but shows no bias. Johnson moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for 24 months Stayed Revocation with the license suspended during the first 12 months and on Stayed Revocation Probation the second 12 months, followed then by 24 months Standard Probation, to include the attached stipulation, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									

ABSTAIN	0									
ABSENT	3	X		X				X		

IV.F.4. Georgieanna Peralta Zarate RN115206; LP035550; CNA999950436 (Linck)

Linck addressed the Board with additional information. Crawley moved, Johnson seconded, and it was unanimously carried to accept signed Consent Agreement for 24 months stayed revocation with the license suspended during the first 12 months and on stayed revocation probation the second 12 months, followed by 24 months standard probation to included the attached stipulations.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

IV.F.3. Kelly Voight Rogers RN Endorsement (Linck)

Rogers was present, telephonically, and addressed the Board. Malloch moved, Crawley seconded, and it was unanimously carried to grant licensure upon meeting all requirements and accept signed CANDO stipulation agreement.

V. Board Discussion and Decision Regarding RN/LPN Investigative Reports

V.C.6. Shawn M. Buckenroth RN106949 (Olson)

Olson addressed the Board with additional information. Johnson moved, Robertson seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

V.C.7. Peter L. Svensson TRN133102 (Olson)

Crawley moved, Robertson seconded, and it was unanimously carried to grant licensure upon meeting all requirements with a letter of concern for multiple misdemeanor arrests, citations and charges in Wisconsin and Minnesota from 1988 to 2005.

V.C.8. Timothy M. First TRN147038 (Olson)

Johnson moved, Crawley seconded, and it was unanimously carried to continue the investigation to allow First the opportunity to obtain a psychological evaluation, to include a substance abuse evaluation, by a Board approved psychologist, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed with 45 days and then return to the Board. If the evaluation is not completed, deny licensure based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.E.11. Linda Joy Lee P42580 (Iowa PN) (Munger)

Crawley moved, Robertson seconded, and it was unanimously carried to close the case without action in Arizona, and transfer investigative file to the Iowa Board of Nursing.

V.H.1. Bryan Keith Muir LP Exam (Curatola)

Crawley moved, Malloch seconded, and it was unanimously carried to continue the investigation to allow Muir the opportunity to obtain a psychological evaluation with emphasis on anger management by

a Board approved evaluator, who is at minimum PhD prepared and has expertise in anger management, to be scheduled and completed within 45 days and to include any additional testing deemed necessary by the evaluator and then return to the Board. If the evaluation is not completed, deny licensure based upon the information contained in the Investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

V.H.2. Leah Nicole Silliman RN Endorsement (Curatola)

Crawley moved, Johnson seconded, and it was unanimously carried to allow Silliman to withdraw application for professional nurse by endorsement.

VI. Board Discussion and Decision Regarding CNA Investigative Reports

VI.E.1. Jolisa Camille Clark CNA Endorsement (Curatola) (aka: Jones)

Crawley moved, Johnson seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.2. Sandra Marin Cota CNA Exam (Curatola)

Johnson moved, Crawley seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$100 Civil Penalty. If not signed within 30 days and payment not received within 60 days, deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.4. Alecia Diane Lane CNA Exam (Curatola)

Johnson moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.6. Stella Mae Manuel CNA Exam (Curatola)

Malloch moved, Crawley seconded, and it was unanimously carried to continue the investigation to allow Manuel the opportunity to obtain a psychological evaluation with emphasis on substance abuse by a Board approved evaluator, who is at minimum PhD prepared and has expertise in substance abuse, to

be scheduled and completed within 45 days and include any additional testing deemed necessary by the evaluator and then return to the Board. If the evaluation is not completed, deny certification based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.7. Stephanie Renee McFadden CNA Exam (Curatola)
(aka: Cousineau; Handshumaker)

Robertson moved, Crawley seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days or payment not received within 60 days, deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.8. Tara Danielle Passey CNA Endorsement (Curatola)

Johnson moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.9. Marquita Marie Scott CNA Exam (Curatola)

Crawley moved, Robertson seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.10. Angie Elaine Stevenson CNA Exam (Curatola)

Robertson moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.11. Kristen M. Swetel CNA Exam (Curatola)

Crawley moved, Robertson seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.12. Jenifer B. Waelti

CNA Endorsement (Curatola)

Malloch moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.13. Erin D. Harris

CNA569135103 (Curatola)

Crawley moved, Johnson seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation, with emphasis on substance abuse by a Board approved evaluator, who is at minimum PhD prepared and has expertise in substance abuse, to be completed within 45 days and include any additional testing deemed necessary by the evaluator and then return to the Board. If the Interim Order is not completed, adopt a Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VI.E.14. Peter Jessiah Sendejas

CNA999953201 (Curatola)

Crawley moved, Robertson seconded, and it was unanimously carried to offer a Consent Agreement for a \$100 Civil Penalty to be signed within 30 days, or adopt the attached Notice of Charges.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

III. Board Discussion and Decision Regarding Case Disposition List Approved, Letter of Concern Summary List Approved, Lapsed Licenses, Licensure Decisions and Compact Licensure Decisions

III.A. Board Discussion and Decision Regarding Case Disposition List Approved -

III.A.1. RN/LPN Endorsement Applicants

III.A.2. RN/LPN Examination Applicants

III.A.3. RN/LPN Renewal Applicants

III.A.4. CNA Endorsement/Examination Applicants

III.A.6. AP/RN/LPN/CNA Respondents

Crawley moved, Malloch seconded, and it was unanimously carried to approve the applicants on the list to be dismissed by case disposition criteria and to grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state licensure, receipt of negative state and federal criminal history, and including all licensure/certification requirements.

III.B. Board Discussion and Decision Regarding Letter of Concern Summary List Approved

III.B.1. RN/LPN Endorsement Applicants

III.B.2. RN/LPN Examination Applicants

III.B.4. CNA Endorsement/Examination Applicants

III.B.6. AP/RN/LPN/CNA Respondents

Crawley moved, Johnson seconded, and it was unanimously carried to issue the Letters of Concern submitted and grant licensure/certification to examination and endorsement applicants on the list pending successful completion of testing requirements, verification from original state licensure, receipt of negative state and federal criminal history, and including all licensure/certification requirements.

III.C. Board Discussion and Decision Regarding Investigative Reports for Dismissal, Letters of Concern & Lapsed Licenses

#	Agenda	Name	License/Certificate #	Amount
III.C.3.		Jason Dedrick	CNA217710441	\$25
III.C.4.		Irene Dela Cruz	CNA999996021	\$25
III.C.5.		Henrietta Grant	CNA184417127	\$25
III.C.6.		Tammy Miller	CNA279191103	\$25
III.C.7.		Claire Mills	CNA1000003083	\$25
III.C.8.		Jacquelyn Smith	CNA073036803	\$25
III.C.9.		Candice Stone	CNA999950832	\$25
III.C.10.		Patrick Yazzie	CNA080208353	\$25
III.C.11.		Mary Anne York	CNA1000001152	\$25
III.C.12.		Nicole Alexander	CNA1000002473	\$25
III.C.13.		Mary Ann Gonzales	CNA789468803	\$25
III.C.14.		Ginnette Jackson	CNA999992847	\$25
III.C.15.		Elizabeth Meade	CNA210778763	\$25
III.C.16.		Lindsey Beye	CNA1000001031	\$25
III.C.17.		Amanda Lopez	CNA1000000922	\$25
III.C.18.		Nicey Todd	CNA697747577	\$25
III.C.19.		Jody Donohue	CNA767671759	\$25
III.C.20.		Jucy Roth	CNA999988036	\$25
III.C.21.		Jane Taylor	CNA999989085	\$25
III.C.22.		Gloria Monreal	CNA999947421	\$50
III.C.23.		Linda Mitsakopoulos	LP034901	\$100

Johnson moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for an Administrative Penalty in the amount stated for working on an expired license/certificate, if not signed, issue Notice of Charges. Once signed, if the administrative penalty is not paid within 6 months of the effective date of the Order, issue Notice of Charges. Referral of the employers will be made to Department of Health Services for licensees/certificate holders working on a lapsed license/certificate for three months or greater.

III.C.1. Tiffany Jordan

Endorsement

Bontrager

Crawley moved, Robertson seconded, and it was unanimously carried to allow applicant for licensure by endorsement to use the “certificate of completion” for a Master’s in Nursing Degree from Ohio State University, to meet the educational requirement for licensure in Arizona.

III.C.2. Una O’Conner

Exam

Bontrager

Johnson moved, Crawley seconded, and it was unanimously carried to accept documentation received (via CGFNS) from the Nursing Midwifery Council, confirmed with personal records of the applicant, showing overall requirements for professional training, to meet the educational requirement for licensure.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

III.C.24. Gwen Roberts Sokoloff

RN Endorsement (Bontrager)

Johnson moved, Crawley seconded, and it was unanimously carried to accept the Health Educational Consultants, Inc. re-entry program taken to meet the licensure requirements for Arizona.

III.D. Board Discussion and Decision Regarding Action on Felony Bar Cases

III.D.2. Notice of Charges

III.D.2.a. Patricia A. Christmann

RN052464

Curatola

Johnson moved, Crawley seconded, and it was unanimously carried to adopt the attached Notice of Charges.

III.D.1. Order of Denial

III.D.1.a. Debra Lee Neria

CNA Exam

Olson

III.D.1.b. Cinthia Yuridia Saucedo (aka: Cynthia Yuridia Saucea)

CNA Exam

Olson

III.D.1.c. Patricia Mae Swanberg

CNA Exam

Olson

Malloch moved, Johnson seconded, and it was unanimously carried to adopt the attached Order of Denial.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

III.E. Board Discussion and Decision Regarding Investigative Reports and Decision to Adopt Notice of Charges

III.E.1. Sandra K. Helms-Ratliff (aka: Helms)

LP011879 (Munger)

III.E.2. Holly Dawn White

RN137063 (Munger)

III.E.3. Yolanda Dominguez

CNA999993302 (Driver)

III.E.4. Rosemary Mannino

CNA999999430 (Driver)

Malloch moved, Rober seconded, and unanimously carried to adopt the attached Notice of Charges.

III.H. Board Information Regarding Imposters, Cease and Desist Orders and Court Revocations (Smith)

- 1. Linda Marie Biegert**
- 2. Sharon Lang**

A cease and desist letter was mailed to the above listed persons.

V. Board Discussion and Decision Regarding RN/LPN Investigative Reports

V.L.1. April Bray LP Exam (Smith)

Malloch moved, Johnson seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for 12 months probation to include the attached stipulations. If not signed within 30 days, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6		X		X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3	X		X				X		

VII. Board Reports for Discussion, Information, Staff Direction and/or Decision

VII.A. Executive Director's Report

VII.A.1. Discuss/Amend and/or Approve Board Minutes and Executive Session Minutes

Malloch moved, Crawley seconded, and it was unanimously carried to approve minutes from regular Board meeting March 19-21, 2008; special Board meeting March 21, 2008 at 1:00 p.m.; Strategic Planning Meeting of April 2, 2008; Executive Session minutes from March 19-21.

Crawley moved, Robertson seconded, and it was unanimously carried to approve 2008-2011 Strategic Plan.

VII.A.2. Update on FY 2008 & 2009 Budgets – Orchard/Bontrager/Ridenour

Ridenour stated the FY2009 budgets are currently being discussed at the legislature and that agency budgets were being looked at closely, in an effort to meet the State's 2009 deficit.

Orchard stated the legislators gave the Board a supplemental of \$328,000 for FY2008. The legislature is currently in discussion for the FY2009 budget. The Board has a supplemental request to increase the \$328,200 by \$223,100, bringing the total appropriation increase to \$561,300 for FY2009. In the same House Bill that gave us the FY2008 supplemental, there was also a fund sweep of \$75,000. Because state agencies were put on a hiring freeze, they've determined that all agencies would be saving monies with the hiring freeze. With this in mind, the plan is to sweep, or revert approximately \$30,400 back to the general fund.

Ridenour recognized Orchard for her efforts on the 2009 budget.

VII.A.3. Update on 2008 Legislation Impacting Nursing Regulation/Practice – Randolph/Ridenour

Ridenour reported that the only bill with any activity, at this point, was SB1431, which would give the Board jurisdiction over the private CNA programs. Ridenour reported that though the bill was in the Governor's office, it had not yet been signed.

VII.A.4. CMS Request for Information Regarding Charging Fees for Certified Nursing Assistants Placement on Register – Orchard/Bontrager/Ridenour

Ridenour gave an overview of the CMS (Centers for Medicaid and Medicare Services) request for information regarding charging fees for CNA's placement on register as it relates to some of the ongoing reports the Board has been provided with about the CNA program and the revenue sources currently

being worked on. Orchard stated that the Federal funding for the CNA program is not adequate although Federal guidelines in the social security act do not allow CNA's to be charged fees and do not allow any kind of use of their monies for investigative type purposes while in the process of licensing a CNA . Because of this the Board is unable to expend any funding on those costs and is having to supplement that with the RN/LPN revenue. Crawley moved, Johnson seconded, and it was unanimously carried to continue to work and explore what potential Federal changes to the law can be made either through the Governor's office or with other States.

VII.A.5. Data Report Regarding Voluntary Surrender Licenses/Certificate – Smith/Ridenour

Smith reported the number of cases that have voluntarily surrendered from 2003 to current for the RN/LPN population was 325, with 160 of those occurring during the investigative phase before coming before the Board, which meant they wouldn't figure into the cycle times. The other 165 surrendered either while a participant in the monitoring department, under probation or suspension, or in the hearing department. CNA's from 2003 to current had 115 voluntary surrenders, 6 of which had been in the hearing dept, and the others occurred in the course of the investigation or in monitoring. Smith stated she hoped to bring to the Board in the future, some of the cycle times on the voluntary surrender, particularly the investigative cases that the Board had not seen but that figured into the work load and cycle times. The total number of voluntary surrenders from all populations was 440 over the five year period.

VII.A.6. Adopt Information Technology Plan & Policy 1.) Webcasting Board & Committee Meetings; 2.) Board Member Retention & Disposition of Board Packet Materials – Henriksen/Davitt/Ridenour

Davitt offered an update on Board and Committee meeting webcasting and stated that requirements to provide webcasting would be increased network hardware to support the new connection and bandwidth available to support the increased load of streaming video/audio to the internet. Costs were reported to be an approximate \$4,100 onetime cost for hardware and installation, a monthly fee increase of \$400 to \$1,500 per month for data connectivity, for an approximate annual increase of \$18,000 to the current yearly bandwidth cost. Davitt reported that the benefits of having the increased bandwidth would provide more availability of the Board to the public and that live video as well as previously recorded meetings could be made available for online viewing by the public and increased availability via website would relieve the current seating problem during Board meetings. Increased bandwidth would also make the website more available and faster to use at all times and not only during Board and Committee meetings, which would include support for a greater user load as well as increased download speeds for those who access the site. Davitt stated that possible cost cutting alternatives would be third party providers or sharing with other agencies through AzNet.

Davitt gave an overview of the board packet retention policy regarding confidential electronic board materials that need to be securely protected to prevent unauthorized access outside of the board meeting.

VII.C. Board Discussion and Decision Regarding Foreign Educated Nurse Education Equivalency Requirements for Licensure that is "Valid in AZ" Only

VII.C.1. Li Ying Bailiff

Hardy moved, Link seconded, and it was unanimously carried to grant RN license that is "Valid in AZ only", upon meeting all requirements except Credential Evaluation Report.

VII.D. President's Report

VII.D.1. Debriefing on Board Processes & Suggested Changes – All

Hardy led in a discussion regarding a quorum issue for the remainder of this meeting.

The meeting recessed at 6:15 p.m., Wednesday, May 14, 2008.

Arizona State Board of Nursing

Janet Napolitano
Governor

Joey Ridenour
Executive Director



Board Meeting Minutes

The regular meeting of the Arizona State Board of Nursing convened at 8:04 a.m., Thursday, May 15, 2008, in the Board of Nursing Board Room, Suite 200, 4747 N. 7th Street, Phoenix, Arizona, with Karen Hardy, RN, MSN, President, presiding.

BOARD MEMBERS PRESENT:

Karen Hardy, RN, MSN, President
Theresa Crawley, CRNA, MSHSA, Vice-President
Patricia Johnson, LPN, Secretary
Kathryn L. Busby, JD, Member
Denise Link, DNS, WHCNP, FNAP, Member
Steve Robertson, LPN, Member

BOARD MEMBERS ABSENT:

Kathy Malloch, PhD, MBA, RN, FAAN, Member
M. Hunter Perry, Member
Constance G. Woulard, RN, MSN, Member

LEGAL COUNSEL:

Amy Foster, Assistant Attorney General
Kim Zack, Assistant Attorney General
Nina Zimmerman, Assistant Attorney General

STAFF:

Joey Ridenour, RN, MN, FAAN, Executive Director
Judy Bontrager, RN, MN, Associate Director of Operations
Pamela Randolph, RN, MSN, Associate Director of Education and Evidence Based Regulation
Valerie Smith, RN, MS, Associate Director of Investigations
Susan Barber, RN, MSN, Nurse Practice Consultant/Hearings
Frank Curatola, Senior Investigator
Karen Grady, RN, MS, CS, FNP, Nurse Practice Consultant/Education
Dolores Hurtado, Legal Assistant II/Monitoring
Ron Lester, Senior Investigator
Connie Linck, RN, MN, CNAA, BC
Michelle Mills, RN, MA, Nurse Practice Consultant/Monitoring
Sydney Munger, RN, MS, Nurse Practice Consultant
Betty Nelson, RN, MS, Nursing Assistant Consultant
Stephanie Nelson, R.N., M.S.N., Nurse Practice Consultant
Kirk Olson, Senior Investigator
Doug Parlin, Senior Investigator
Mary Rappoport, RN, MN, Nurse Practice Consultant
Jeanine Sage, RN, MSN, Nursing Assistant Consultant
Virginia "Ann" Schettler, RN, MS, Nurse Practice Consultant
Sister Rachel Torrez, RN, MS, Nurse Practice Consultant
Nancy Twigg, RN, MSN, Nurse Practice Consultant
James Williams, Senior Investigator
Barbara Melberg, Legal Secretary

I. Call to Order

The meeting was called to order at 8:04 a.m., Thursday, May 15, 2008.

The following Board members were present: Hardy, Crawley, Johnson, Busby, Link, and Robertson.

Hardy presided.

Hardy welcomed members of the audience and explained the procedure for addressing the Board.

V. Board Discussion and Decision Regarding RN/LPN Investigative Reports **V.B.2. Julie A. Stott RN082346; AP1129 (Rappoport)** **(aka: Neilson)**

An attempt was made to contact Stott telephonically. Busby moved, Link seconded, and it was unanimously carried to issue a letter a concern for writing a one-time prescription for a controlled substance for a personal friend without establishing a formal patient/care provider relationship and failing to perform a physical examination on or about January 31, 2008, while employed as a Family Nurse Practitioner at Geriatric Solutions, Phoenix, Arizona.

V.B.6. Shar Labus RN Endorsement (Rappoport) **(aka: Cole)**

Rappoport addressed the Board with additional information. Link moved, Crawley seconded, and it was unanimously carried to continue the investigation to allow Labus the opportunity to obtain a voluntary relapse prevention evaluation by a Board approved evaluator to be scheduled completed within 45 days, and then return to the Board. If the evaluation is not completed, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.D.7. Ruth Desjardins Sanders LP011147;RN063927;AP328;AP1151 (S. Nelson)

Nelson addressed the Board with additional information. Attorney David Smith was present and addressed the Board. Sanders was present and available for questions. Crawley moved, Robertson seconded, and it was unanimously carried to go into Executive Session on Agenda Item V.D.7. to obtain legal advice. Executive Session convened at 8:15 a.m. and adjourned at 8:17 a.m. Busby moved, Crawley seconded, and it was unanimously carried to continue the investigation to the July 2008 Board meeting.

V.D.2. Tracy Pearl Graves RN126459 (S. Nelson)

Johnson is affiliated with Banner Thunderbird hospital but shows no bias. Graves was present and available for questions. Crawley moved, Link seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation to be completed by a Board approved neuropsychologist and to include any testing deemed necessary by the evaluation to be scheduled within 15 days and completed within 45 days and then return to the Board. If the Interim Order is not completed, issue Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.C.4. Lindsey Barnes RN Exam (Olson)

Olson addressed the Board and confirmed receipt of additional information. Barnes was present and addressed the Board. Johnson moved, Busby seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days or payment not received within 60 days, deny licensure based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.C.5. Jason R. Bradley RN Exam (Olson)

Hardy recused herself to avoid the appearance of impropriety and left the meeting at 8:30 a.m. Crawley presided. Olson addressed the Board with additional information. Bradley was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to grant licensure upon meeting all requirements with a letter of concern for the 2005 conviction of misdemeanor DUI and diversion program for possession of marijuana, a misdemeanor, in the Flagstaff Municipal Court, Flagstaff, Arizona, and for the resulting 2007 disciplinary action taken against his professional counselor license with the Arizona Board of Behavioral Health Examiners.

Hardy returned to the meeting at 8:33 a.m.

V.C.9. Kristina E. Gossman RN Endorsement (Olson)

Olson addressed the Board with additional information. Gossman was present, telephonically, and addressed the Board. Johnson moved, Crawley seconded, and it was unanimously carried to allow Gossman to withdraw her application and refer the case to the Colorado Board of Nursing.

V.C.10. John J. Nave TRN149901 (Olson)

Olson addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to grant licensure upon meeting all requirements with a letter of concern for the arrest on May 13, 2002, in Bellevue Washington, and the September 30, 2007 arrest and subsequent conviction on March 24, 2008 of assault, a class C misdemeanor, in the County Court at Law in Williamson County, Texas.

V.C.11. Hallie Chenoa Campbell RN Exam (Olson)

Link moved, Crawley seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for an indefinite suspension pending completion of a drug abuse treatment program, followed by 36 months stayed suspension to include the attached stipulations. If not signed within 30 days, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X

NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V. Board Discussion and Decision Regarding RN/LPN Investigative Reports

V.D.1. Tynia Latrice Childs LP041971 (S. Nelson)

Link moved, Busby seconded, and it was unanimously carried to issue a letter of concern for failing to provide accurate and complete documentation while caring for patients at Hacienda Healthcare on or about July 19, 2007.

V.D.4. Christian R. Lease LP020022 (S. Nelson)

Crawley moved, Link seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

V.D.6. Donald Lee Pierce RN087054; AP0638 (S. Nelson)

Nelson addressed the Board with additional information. Johnson moved, Robertson seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure and a \$1,000 Civil Penalty or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.D.8. Emilia Banuelos LP040527 (S. Nelson)

Nelson addressed the Board with additional information. Banuelos was present and available for questions. Busby moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for 24 months probation to include the attached stipulations to include: ability to work home health is based upon remaining with same employer and with the terms as identified in her employer letter which was attached to the investigative report (one client, unannounced supervisor visits, end day in office), or hearing. After discussion, Busby amended the motion to delete “direct supervision” from the stipulations. Crawley concurred and the motion carried unanimously.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.D.10. Robin L. Pratt RN095139 (S. Nelson) (aka: Stroud)

Nelson addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for indefinite suspension pending a release to return to work as a nurse. , and allowed to complete the terms of the probation in the State of Missouri.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									

ABSENT	3		X	X				X		
--------	---	--	---	---	--	--	--	---	--	--

V.D.3. Leonore Joy Jauert LP037888 (S. Nelson)

Nelson addressed the Board with additional information. Jauert was present and addressed the Board. Busby moved, Johnson seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.E.1. Ewa Jakubczak RN096628 (Munger)

Hardy recused herself to avoid the appearance of impropriety and left the meeting at 8:54 a.m. Crawley presided. Busby moved, Link seconded, and it was unanimously carried to issue a letter of concern for failing to assess, initiate resuscitation, call a code, or ensure that medically trained personnel accompany an apparently deceased infant that was brought into the lobby of the hospital on December 14, 2007, at Yuma Regional Medical Center in Yuma, Arizona.

Hardy returned to the meeting at 8:55 a.m.

V.E.4. Elizabeth McCoy LP038465; CNA999989144 (Munger)

Crawley moved, Johnson seconded, and to offer a Consent Agreement for a Decree of Censure, or hearing. The motion carried with four in favor and two opposed.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	4				X	X	X			X
NO	2	X							X	
ABSTAIN	0									
ABSENT	3		X	X				X		

**V.E.3. Remitha Kay Oden LP040622 (Munger)
(aka: Abair; Martin; Williams)**

Munger addressed the Board with additional information. An attempt was made to contact Oden telephonically. Busby moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation to be completed by a Board approved evaluator, who is at minimum PhD prepared, to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days, and completed within 45 days, then return to the Board. If the Interim Order is not completed, issue a Notice of Charges, based on information in the investigative report, to include the factual allegation and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

**V.E.5. Donna E. Lemert RN046827 (Munger)
(aka: Mascagni)**

Munger addressed the Board with additional information. Lemert was present and addressed the Board. Johnson moved, Robertson seconded, to offer a Consent Agreement for 24 months probation with a

\$1,000 Civil Penalty to include the attached stipulations, or hearing. After discussion the motion carried with five in favor and one opposed.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	5	X			X	X	X			X
NO	1								X	
ABSTAIN	0									
ABSENT	3		X	X				X		

V.E.6. Eva Maria Armbrust RN000099592 (Munger)
(aka: Reyna)

Armbrust was present, telephonically, and addressed the Board. Johnson moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure with a \$1,000 Civil Penalty, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.E.7. John Edward Leppa RN106697 (Munger)

Busby moved, Robertson seconded, and it was unanimously carried to issue a letter of concern for failing to report being charged with Extreme DUI within 10 days of being charged, which resulted in a conviction for Extreme DUI on August 31, 2006, in Glendale City Court; and for failing to respond to Board correspondence regarding his case from June 4, 2007 and April 15, 2008.

V.E.8. Carlene Kay Jackson RN Exam (Munger)
(aka: Croonenber; Tri koff)

Jackson was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to continue the investigation to allow completion of a sexual misconduct evaluation by Steven Gray, PhD, to include any additional testing deemed necessary by the evaluator, to be completed within 60 days. If the evaluation is not completed, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.E.9. Tracy Leeann Lindsey RN147296 (Munger)
(aka: Williams; Bollinger; Bomer)

An attempt was made to contact Lindsey telephonically. Crawley moved, Robertson seconded, and it was unanimously carried to table Agenda Item V.E.9.

V.E.12. Danette Lee Johnson RN Endorsement; 670485 (Texas RN) (Munger)

Munger addressed the Board with additional information. Crawley moved, Johnson seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent

Agreement for 24 months probation with the attached stipulations, to include a \$400 Civil Penalty. If not signed within 30 days, deny licensure, revoke the privilege to practice nursing in the State of Arizona, and issue a cease and desist order, based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

The meeting recessed at 9:25 a.m. and reconvened at 9:43 a.m.

Crawley returned to the meeting at 9:44 a.m.

V.F.5. Shannin Denise Smith RN145276 (Torrez)

Torrez addressed the Board with additional information. Busby moved, Link seconded, to offer a Consent Agreement for 18 months probation to include the attached stipulations amended to include biological fluid testing one time per month for months 7-18, or hearing. The motion carried with five in favor and one abstained.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	5	X			X	X			X	X
NO	0									
ABSTAIN	1						X			
ABSENT	3		X	X				X		

V.F.6. Adelmina Manaquil Maneclang RN128088 (Torrez)

Torrez addressed the Board with additional information. Maneclang was present and available for questions. Busby moved, Link seconded, and it was unanimously carried to dismiss the complaint.

V.F.7. Sharon Sisneros RN103947 (Torrez)

Sisneros was present and addressed the Board. Link moved, Crawley seconded, to dismiss the case. After discussion the motion carried with four in favor and two opposed.

V.F.8. Raquel Ragani Tenorio RN117144 (Torrez)

Torrez addressed the Board with additional information. Busby moved, Johnson seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.F.9. Deanna Sue Bredow LP041389 (Torrez)

Busby moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.F.10. Simon Martinez Munoz RN120517 (Torrez)

Torrez addressed the Board with additional information. Johnson moved, Hardy seconded, and it was unanimously carried to issue Interim Order for a psychiatric evaluation to be completed by a Board approved evaluator, and to include any additional testing deemed necessary by the evaluator to be scheduled within 15 days and completed in 45 days and then return to the Board.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.F.11. David Firchard Figueroa LP043383 (Torrez)

Figueroa was present and addressed the Board. Crawley moved, Robertson seconded, and it was unanimously carried to issue a letter of concern for using his keys in an attempt to separate or unclog a feeding tube on patient J. R on or about January 2, 2008, when assigned to work at Hacienda Healthcare by Concentric Healthcare Registry in Scottsdale, Arizona.

V.F.12. Lynette Louise Mays LP042299; CNA999948598 (Torrez)

Crawley moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.F.14. Georgia Velovich LP023641 (Torrez)

Crawley moved, Busby seconded, and it was unanimously carried to offer a Consent Agreement for a Decree of Censure or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.C.11. Hallie Chenoa Campbell RN Exam (Olson)

Johnson moved, Crawley seconded, and it was unanimously carried to reopen Agenda Item V.C.11. for the purpose of allowing Campbell to address the Board. Busby moved, Crawley seconded, and it was unanimously carried to table Agenda Item V.C.11. to allow Board staff to review documents.

**V.E.9. Tracy Leeann Lindsey RN147296 (Munger)
(aka: Williams; Bollinger; Bomer)**

Robertson moved, Busby seconded, and it was unanimously carried to reopen Agenda Item V.E.9. Munger addressed the Board with additional information. Lindsey was present, telephonically, and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to continue the

investigation to allow Lindsey's involvement in the investigation, and to obtain the completed investigative questionnaire. If the completed investigative questionnaire is not received within 30 days, issue a Notice of Charges, based on information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.G.1. Phyllis Denise Miller LP032030 (Sage)

Sage addressed the Board with additional information. Miller was present and addressed the Board. Johnson moved, Hardy seconded, to offer a Consent Agreement for 12 months probation with terms to be signed within 30 days or hearing. After discussion Johnson amended the motion to include the stipulations: allow night-shift and on-site supervision. Hardy concurred. The motion carried with five in favor and one opposed.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	5				X	X	X		X	X
NO	1	X								
ABSTAIN	0									
ABSENT	3		X	X				X		

**V.G.2. Peggy A. Wallace LP031264 (Sage)
(aka: Scott)**

Sage addressed the Board with additional information. Wallace was present and available for questions. Link moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a neuropsychological evaluation by a Board approved PhD evaluator to be scheduled within 15 days and completed within 60 days and to include any additional testing deemed necessary by the evaluator. If not completed, issue a Notice of Charges based on information in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.I.1. Jillian L. Greer RN Exam; CNA999999543 (Lester)

Lester addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for 12 months probation to include the attached stipulations, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.I.2. Laura K. McNall RN126122 (Lester)

Crawley moved, Link seconded, and it was unanimously carried to adopt a Notice of Charges based upon information contained in the investigative report..

V.I.3. Cynthia G. Milliken TRN148429 (Lester)

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Wouldard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

Torrez addressed the Board with additional information. Dr. Walter Simmons and Stiller were present and addressed the Board. Busby moved, Johnson seconded, and it was unanimously carried to dismiss the complaint.

Paccioni was present and addressed the Board. Busby moved, Crawley seconded, and it was unanimously carried to accept the signed Consent Agreement for an Indefinite Suspension followed by 12 months stayed revocation followed by 24 months standard probation with the attached stipulation.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Wouldard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

Busby moved, Hardy seconded, and it was unanimously carried to reopen Agenda Item V.C.11. Campbell and her mother, Brenda Campbell were present and addressed the Board. Johnson moved, Craw seconded, and it was unanimously carried to reaffirm prior Board decision.

	VOTE	<u>Busby,</u> Kathryn Member	<u>Malloch,</u> Kathy Member	<u>Perry,</u> Hunter Member	<u>Johnson,</u> Patricia Secretary	<u>Hardy,</u> Karen President	<u>Crawley,</u> Theresa Vice Pres	<u>Woulard,</u> Constance Member	<u>Link,</u> Denise Member	<u>Robertson,</u> Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

Busby moved, Link seconded, and it was unanimously carried to issue a letter of concern for failing to report to the Board a licensed nurse who may be guilty of unprofessional conduct.

Busby moved, Hardy seconded, and after discussion it was unanimously carried to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days or payment not received within 60 days, issue a Notice of Charges based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.J.3. Edward Wyant TRN149415 (Parlin)

Wyant was present and addressed the Board. Busby moved, Johnson seconded, and it was unanimously carried to grant licensure upon meeting all requirements and signing a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days or payment not received within 60 days, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

**V.J.4. Emily Oxenborg RN090618 (Parlin)
(aka: Rhodes)**

Busby moved, Robertson seconded, and it was unanimously carried to offer a Consent Agreement for an indefinite suspension pending completion of a nurse refresher course followed by 36 months probation to include the attached terms. If not signed within 30 days, issue a Notice of Charges based upon the information in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.J.5. James Aemisegger TRN149475 (Parlin)

Crawley moved, Busby seconded, and it was unanimously carried to deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.J.6. John Bouis TLP043590 (Parlin)

Robertson moved, Crawley seconded, and it was unanimously carried to deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									

ABSENT	3		X	X				X		
--------	---	--	---	---	--	--	--	---	--	--

V.J.8. Manju Sharma

LP043697; CNA999997680 (Parlin)

Sharma was present and addressed the Board. Johnson moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days or payment not received within 60 days, issue a Notice of Charges based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.J.10. Michael Murphy

TRN148026 (Parlin)

Busby moved, Crawley seconded, and it was unanimously carried to grant licensure upon meeting all requirements with a letter of concern for the February 13, 2008 conviction of misdemeanor Extreme Driving Under the Influence in Scottsdale, Arizona.

V.J.12. Juliann Lane

LP Exam (Parlin)

Parlin addressed the Board with additional information. Lane was present and addressed the Board. Busby moved, Link seconded, and it was unanimously carried to grant licensure upon meeting all requirements with a letter of concern for the July 3, 2007 conviction for misdemeanor Possession of Drug Paraphernalia in Tucson, Arizona.

**V.A.13. Christina Todorovich
(aka: Straub)**

RN Exam (Twigg)

Crawley moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item V.A.13. Twigg was present, telephonically, and addressed the Board. Busby moved, Crawley seconded, and it was unanimously carried to continue the investigation to allow Todorovich the opportunity to obtain a comprehensive substance abuse evaluation by a Board approved psychologist and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days, and then return to the Board. If the evaluation is not completed, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

V.D.9. Walter James Tindal III

RN103019 (S. Nelson)

Johnson moved, Busby seconded, and it was unanimously carried to issue a letter of concern for storing pornographic materials in a locker that were discovered in or about May 2007 while working at Parc Place in Phoenix, Arizona.

VI. Board Discussion and Decision Regarding CNA Investigative Reports

VI.B.1. Francheseca Barisano

CNA Exam (Olson)

Busby moved, Link seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days or

payment not received within 60 days, deny certification based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.B.2. Raymond Collins Sr. CNA1000003963 (Olson)

Link moved, Busby seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

VI.B.3. Luciana Taylor CNA427491103 (Olson)

Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for a \$250 Civil Penalty. If not signed within 30 days or payment not received within 60 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.B.4. Charlotte Robinson CNA Exam (Olson)

Crawley moved, Robertson seconded, and it was unanimously carried to offer a Consent Agreement for 24 months stayed revocation with the attached stipulations to include: AA with sponsor, drug testing 2 times per month for months 1-12 and once per month for months 13-24, abstain from alcohol, abstain from unauthorized drug use, proof of prescriptions, notification of practice settings, direct supervision, quarterly performance evaluations, registry/traveling nurse/float pool/home health work/on-call prohibited, and night shift prohibited. If not signed within 30 days, deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.B.5. Jaime Rae Holbert CNA Exam (Olson)

Busby moved, Crawley seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for 12 months stayed revocation with the attached stipulations. If not signed within 30 days, deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.E.3. Angelic Celeste Demarc**CNA Exam (Curatola)**

Johnson moved, Busby seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.1. Donny Hurtado**CNA999952657 (Lester)**

Johnson moved, Busby seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation with an emphasis on anger management and substance abuse to be completed by a Board approved evaluator who at minimum is PhD prepared with an expertise in anger management and substance abuse to include any additional testing deemed necessary by the evaluator, to be scheduled and completed with 45 days and then return to the Board. If the Interim Order is not completed, issue Notice of Charges based on the information contained in the Investigative Report and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.2. Arletta M. Kayonnie**CNA999989633 (Lester)**

Busby moved, Crawley seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation with an emphasis on substance abuse to be completed by a Board approved evaluator who is at minimum PhD prepared with an expertise in substance abuse to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board. If the Interim Order is not completed, issue Notice of Charges based on the information contained in the investigative report and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.3. Joseph F. Miller**CNA426485803 (Lester)**

Crawley moved, Link seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.4. Tarusila D. Naivalututalia**CNA Exam (Lester)**

Busby moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty, to be signed within 30 days, if not signed adopt Notice of Charges, based on the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.5. Steven Sanchez CNA559161803 (Lester)

Crawley moved, Johnson seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for 18 months stayed suspension to include the attached stipulations. If not signed within 30 days, deny based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

**VI.G.6. Brenda Kay Zastrow CNA Endorsement (Lester)
(aka: Hofmann; Fulton)**

Busby moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.7. Ashley McCarty CNA1000007430 (Lester)

Lester addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to issue a letter of concern for the conviction of misdemeanor Underage Person Driving with Alcohol in System on August 10, 2005, in Cochise County Justice Court, Sierra Vista, Arizona.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.8. Jessica M. Rankin CNA999999452 (Lester)

Johnson moved, Link seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation with an emphasis substance abuse to be completed by a Board approved evaluator who at minimum is PhD prepared with an expertise in substance abuse to include any additional testing deemed necessary by the evaluator, to be scheduled and completed with 45 days and then return to the Board. If the Interim Order is not completed, issue Notice of Charges based on the

information contained in the investigative report and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.G.4. Tarusila D. Naivalututalia CNA Exam (Lester)

Robertson moved, Crawley seconded, and it was unanimously carried to reopen Agenda Item VI.G.4. Zack addressed the Board. Busby moved, Link seconded, and it was unanimously carried to rescind prior Board decision and offer a Consent Agreement for a \$50 Civil Penalty, to be signed within 30 days, if not signed within 30 days, deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.F.1. Caesar Moreno CNA Exam (Parlin)

Link moved, Robertson seconded, and it was unanimously carried to grant certification upon meeting all requirements and signing a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days or payment not received within 60 days, deny licensure based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.F.2. Heidi Wacker CNA496859641 (Parlin)

Busby moved, Crawley seconded, and it was unanimously carried to issue a letter of concern for inappropriate conduct and statements made while working at Chandler Regional Medical Center in or about November of 2007, and for making a false statement to a Board investigator during the course of a Board of Nursing investigation.

VI.F.3. Janice Orta CNA706971236 (Parlin)

Busby moved, Link seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

VI.F.4. Kelly Holmes CNA999990442 (Parlin)

Johnson moved, Crawley seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

VI.F.5. Mark Wales CNA1000003427 (Parlin)

Link moved, Robertson seconded, and it was unanimously carried to issue an Interim Order for a substance abuse and anger management evaluation to be completed by a Board approved evaluator who is at minimum PhD prepared and has expertise in substance abuse and anger management, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within

45 days and then return to the Board. If the Interim Order is not completed, issue a Notice of Charges based upon the information contained in the Investigative Report and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

**VI.F.6. Nicole Triplett
(aka: Lewis)**

CNA999998760 (Parlin)

Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days or payment not received within 60 days, issue a Notice of Charges based upon the information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.F.7. William Brooks

CNA Endorsement (Parlin)

Link moved, Crawley seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

The meeting recessed at 11:57 a.m. and reconvened at 1:01 p.m.

VI.C.1. Arthur W. Blevans

CNA872447350 (B. Nelson)

An attempt was made to contact Blevens telephonically. Johnson moved, Crawley seconded, and it was unanimously carried to table Agenda Item VI.C.1.

VI.C.2. Ret M. Harris

CNA999947939 (B. Nelson)

Johnson moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	5				X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	4	X	X	X				X		

Busby returned to the meeting at 1:07 p.m.

VI.C.4. Randy Scott McHenry

CNA1000007408 (B. Nelson)

Johnson moved, Link seconded, to issue Notice of Charges based upon information contained in the investigative report. The motion carried with five in favor and one abstained.

VI.C.5. Oyenike Egbefunke Ojo CNA Exam (B. Nelson)

Link moved, Robertson seconded, and it was unanimously carried to deny certification based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.C.6. Rhea Michelle Young CNA999999282 (B. Nelson)

Link moved, Busby seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty, or hearing.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.1. Kennie Ann Aldridge CNA1000001294 (Sage)

Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for an indefinite suspension pending CNA retraining and retesting. If not completed and exam passed within 12 months, revoke certification. After successful retraining and testing, place on 12 months stayed revocation with terms, to include a psychological evaluation by a Board approved evaluator, with emphasis on interpersonal relationships. All to be signed within 30 days or issue a Notice of Charges based on information in the investigative report.

VI.D.2. Ana Alvarez CNA524899103 (Sage)

Sage addressed the Board and noted a technical correction to the investigative report. Alvarez and her daughter, Anna, were present and available for questions. Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for 18 months stayed revocation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.3. Daniel Pantilo Bautista CNA999991777 (Sage)

Link moved, Busby seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

VI.D.4. Melody Coll CNA488729103 (Sage)

Hardy knows Maggie Welch but shows no bias. Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for a \$100 Civil Penalty. If not signed within 30 days or payment not received within 60 days issue a Notice of Charges based on information contained in the investigative report

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.5. Sue Ann Dez CNA655458353 (Sage)
(aka: Watchman)

Busby moved, Link seconded, and it was unanimously carried to continue the investigation pending evaluation results by Dr. Zirin.

VI.D.6. Mary Ann Ervin CNA999997056 (Sage)

Sage addressed the Board and noted the addition of 809 (b) to the potential violation of rules in the investigative report. Link moved, Busby seconded, and it was unanimously carried to issue Notice of Charges based upon information contained in the investigative report.

VI.D.7. Angela Lipinski RN128403 (Sage)

Busby moved, Johnson seconded, and it was unanimously carried to issue a letter of concern for responses toward a resident perceived as being rough while employed as an LPN during November 2007 at The River Gardens Rehab and Care Center in Bullhead City, Arizona.

VI.D.8. Jessica M. Porter CNA1000009492 (Sage)

Link moved, Busby seconded, and it was unanimously carried to issue a letter of concern for responses toward residents perceived as demeaning and rough while employed as a CNA at The River Gardens, Bullhead City, Arizona in November 2007.

VI.D.9. Barbara Von Paris CNA999999765 (Sage)
(aka: Von Card)

Busby moved, Link seconded, and it was unanimously carried to issue a letter of concern for witnessing and failing to timely report resident abuse while employed as a CNA at The River Gardens Rehab and Care Center, in Bullhead City, Arizona in November 2007.

VI.D.10 Mandy I. Rogers CNA999994712 (Sage)

Busby moved, Link seconded, and it was unanimously carried to issue a letter of concern for failing to timely report observations of abuse in November of 2007, while employed as a CNA at The River Gardens Rehab and Care Center, in Bullhead City, Arizona.

VI.D.11. Rochelle Barras CNA1000008549 (Sage)
(aka: Barraas)

Crawley moved, Busby seconded, and it was unanimously carried to dismiss the complaint.

VI.D.12. Mary E. Luopa CNA1000002182 (Sage)
(aka: Reynolds; Gilson)

Johnson moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.13. Sherri M. Medina
(aka: Ellis)

CNA405818353 (Sage)

Crawley moved, Link seconded, and it was unanimously carried to issue an Interim Order for a substance abuse evaluation by a Board approved PhD evaluator, to be scheduled within 15 days and completed within 45 days and to include any additional testing deemed necessary by the evaluator. If not completed, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	<u>Busby,</u> <u>Kathryn</u> Member	<u>Malloch,</u> <u>Kathy</u> Member	<u>Perry,</u> <u>Hunter</u> Member	<u>Johnson,</u> <u>Patricia</u> Secretary	<u>Hardy,</u> <u>Karen</u> President	<u>Crawley,</u> <u>Theresa</u> Vice Pres	<u>Woulard,</u> <u>Constance</u> Member	<u>Link,</u> <u>Denise</u> Member	<u>Robertson,</u> <u>Steve</u> Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.14. John B. Nobriga

CNA281147504 (Sage)

Sage addressed the Board with additional information. Busby moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for 24 months stayed revocation to include the attached stipulations. If not signed within 30 days issue a Notice of Charges based on information contained in the investigative report.

	VOTE	<u>Busby,</u> <u>Kathryn</u> Member	<u>Malloch,</u> <u>Kathy</u> Member	<u>Perry,</u> <u>Hunter</u> Member	<u>Johnson,</u> <u>Patricia</u> Secretary	<u>Hardy,</u> <u>Karen</u> President	<u>Crawley,</u> <u>Theresa</u> Vice Pres	<u>Woulard,</u> <u>Constance</u> Member	<u>Link,</u> <u>Denise</u> Member	<u>Robertson,</u> <u>Steve</u> Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.15. Stephanie Ann Parent

CNA1000011121 (Sage)

Busby moved, Robertson seconded, and it was unanimously carried to offer a Consent Agreement for 18 months stayed revocation to include the attached stipulations. If not signed within 30 days issue Notice of Charges based upon information contained in the investigative report.

	VOTE	<u>Busby,</u> <u>Kathryn</u> Member	<u>Malloch,</u> <u>Kathy</u> Member	<u>Perry,</u> <u>Hunter</u> Member	<u>Johnson,</u> <u>Patricia</u> Secretary	<u>Hardy,</u> <u>Karen</u> President	<u>Crawley,</u> <u>Theresa</u> Vice Pres	<u>Woulard,</u> <u>Constance</u> Member	<u>Link,</u> <u>Denise</u> Member	<u>Robertson,</u> <u>Steve</u> Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.16. Francisco Javier Ramirez

CNA1000010328 (Sage)

Busby moved, Johnson seconded, and after discussion it was unanimously carried to issue a letter of concern for reportedly inappropriately transferring a resident and referring to her as “Honey” and “Sweetie” on our about September 9, 2007 while employed as a CNA at Plaza Healthcare in Scottsdale, Arizona.

VI.D.17. Iran Renett Rivera

CNA1000008757 (Sage)

Robertson moved, Link seconded, and it was unanimously carried to offer a Consent Agreement for 12 months stayed revocation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	<u>Busby,</u> <u>Kathryn</u> Member	<u>Malloch,</u> <u>Kathy</u> Member	<u>Perry,</u> <u>Hunter</u> Member	<u>Johnson,</u> <u>Patricia</u> Secretary	<u>Hardy,</u> <u>Karen</u> President	<u>Crawley,</u> <u>Theresa</u> Vice Pres	<u>Woulard,</u> <u>Constance</u> Member	<u>Link,</u> <u>Denise</u> Member	<u>Robertson,</u> <u>Steve</u> Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.18. Kenneth Michael Shorb CNA1000002755 (Sage)

Johnson is affiliated with Banner Thunderbird hospital and knows Sally Diamond but shows no bias. Link moved, Robertson seconded, and it was unanimously carried to offer a Consent Agreement for 12 months stayed revocation to include the attached stipulations. If not signed within 30 days, issue Notice of Charges based upon information contained in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.19. Lisa Marie Steadman CNA999991659 (Sage)

Link moved, Crawley seconded, and it was unanimously carried to offer a Consent Agreement for a \$50 Civil Penalty. If not signed within 30 days and payment not received within 60 days issue a Notice of Charges based on information in the investigative report.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.D.20. Kristina Kay Van Vleet CNA Exam (Sage)

Link moved, Busby seconded, and it was unanimously carried to continue the investigation to allow Van Vleet the opportunity to obtain a substance abuse evaluation by a Board approved PhD evaluator and to include any additional testing deemed necessary by the evaluator to be scheduled within 15 days and completed within 45 days, and then return to the Board. If the evaluation is not completed, issue an Order of Denial.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.C.3. Rashad McAllister CNA1000009143 (B. Nelson)

Nelson addressed the Board and confirmed receipt of additional information. McAllister was present and addressed the Board. Johnson moved, Robertson seconded, and it was unanimously carried to issue an Interim Order for a psychological evaluation to be completed by a Board approved evaluator with expertise in sexual misconduct and anger management, and to include any additional testing deemed necessary by the evaluator, to be scheduled within 15 days and completed within 45 days and then return to the Board. If the Interim Order is not completed, issue a Notice of Charges and include the factual allegations and alleged violations for failure to comply with the Interim Order.

	VOTE	Busby, Kathryn Member	Malloch, Kathy Member	Perry, Hunter Member	Johnson, Patricia Secretary	Hardy, Karen President	Crawley, Theresa Vice Pres	Woulard, Constance Member	Link, Denise Member	Robertson, Steve Member
YES	6	X			X	X	X		X	X
NO	0									
ABSTAIN	0									
ABSENT	3		X	X				X		

VI.C.1. Arthur W. Blevans CNA872447350 (B. Nelson)

Crawley moved, Link seconded, and it was unanimously carried to reopen Agenda Item VI.C.1. An attempt was made to contact Blevans telephonically. Crawley moved, Robertson seconded, and it was unanimously carried to table Agenda Item VI.C.1.

VII. Board Reports for Discussion, Information, Staff Direction and/or Decision

VII.A.7. Board Member Educational Session: Update on Proposed Changes Nurse Practice Act 2009 Legislative Session – Randolph/Busby/Ridenour

Randolph gave an update on proposed changes to the Nurse Practice Act 2009. Randolph noted a meeting scheduled for May 29, 2008 to finalize the document. An open forum was suggested for the fall of 2008.

VII.A.3. Update on 2008 Legislation Impacting Nursing Regulation/Practice – Randolph/Ridenour

Crawley moved, Johnson seconded, and it was unanimously carried to reopen Agenda Item VII.A.3. Ridenour reported on the immigration changes in the law and the impact on initial and renewal applications to determine lawful presence. Ridenour stated that it would be helpful for clarification, based on existing laws that have been passed, whether it's necessary to seek lawful presence on each renewing cycle of a license or certificate.

VII.A.8. Update on Investigative Cases/Licensing Data/Personnel – Smith/Bontrager/Ridenour

Smith introduced new nurse practice consultant, Ann Schettler. Smith stated there were 215 cases on this agenda that are first time to the Board, with cycle times presently being 7.6 months. The range of cases was reported to be 35 days to 831 days with 80% being less than on year, with the longer length of time being due to the loss of investigative staff and therefore necessitating the re-assigning of cases to another investigator. Priority one high risk cases continue to be less than 180 days from intake to coming to the Board.

Ridenour reported that website downloads for the NPA was 16,165 and 506 had taken the NPA test.

Cycle time of application processing to printing of license was 1.8 days. Bontrager reported that of the 12,500 licensees due for renewal, 5,200 have completed the process thus far.

Ridenour reported that Susan Barber would retire in June 2008 but would continue with the Board on a part-time basis for a period of time.

VII.E. A.A.G. Report

VII.E.1. AAG/Hearing Department Performance 2007-2008

Zack reported on the Hearing Department performance and stated that attempts are being made to reduce the case load by timelier scheduling. Cycle time for cases to Board was reduced from 6.9 months to 5.7 from six months ago.

VI. Board Discussion and Decision Regarding CNA Investigative Reports

VI.C.1. Arthur W. Blevans CNA872447350 (B. Nelson)

Crawley moved, Robertson seconded, and it was unanimously carried to reopen Agenda Item VI.C.1. Blevans was present, telephonically, and addressed the Board. Robertson moved, Link seconded, and it was unanimously carried to issue a letter of concern for engaging in a personal relationship with a former resident Blevans met while caring for her in or about December 2006, while employed at Nurse Corps and on assignment at La Posada Del Sol.

VII.F. Committee Reports

VII.F.1. Scope of Practice

VII.F.1.b. Draft Advisory Opinions

VII.F.1.b.1. Conscious Sedation for Diagnostic & Therapeutic Procedures

Busby moved, Link seconded, and it was unanimously carried to approve advisory opinion: Conscious Sedation for Diagnostic & Therapeutic Procedures.

VII.F.2. Education

VII.F.2.a. Education Advisory Committee meeting draft minutes of April 18, 2008

Draft minutes of April 18, 2008 Education Advisory Committee meeting were provided to the Board.

VII.F.3. Advanced Practice

VII.F.3.a. Advanced Practice Committee meeting draft minutes of April 25, 2008

Draft minutes of April 25, 2008 Advanced Practice Committee meeting were provided to the Board.

VII.F.3.c. Appointment of New Members to Advance Practice Committee 2008 – Grady

Busby moved, Link seconded, and it was unanimously carried to reappoint the members marked “reappoint” and appoint the applicants marked “Accept” from the attached list submitted, to a 2 year term on the Advanced Practice Committee with the addition of Janice Bovee.

VIII. Call to the Public

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. The Board may ask staff to review a matter or may ask that a matter be put on a future agenda. Members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. A.R.S. § 38-431.01(G).

IX. Dialogue with Nursing Students

The Board members and staff dialogued with Arizona State University Nursing Student regarding Board functions, policies and procedures.

VII.D. President’s Report

VII.D.1. Debriefing on Board Processes & Suggested Changes – All

Board and staff members discussed the flow of the meeting, processes, regrets and suggested changes.

X. Adjournment

Robertson moved, Crawley seconded, and it was unanimously carried to adjourn the meeting.

The meeting adjourned at 2:46 p.m., Thursday, May 15, 2007.

Karen Hardy, RN, MSN, President