

**Arizona State Board of Nursing
Substantive Policy Statement**

**Guidelines and Criteria for Executive Director or Designee
Closing of Complaints Resolved Through Settlement**

November 19, 2009

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement. (ARS § 41-1091)

32-1605.01. Executive director; compensation; powers; duties

C. If the board adopts a substantive policy statement pursuant to section 41-1091 and the executive director or designee reports all actions taken pursuant to this subsection to the board at the next regular board meeting, the executive director or designee may:

3. Close complaints resolved through settlement.

The purpose of this Substantive Policy is to promote more efficient resolution and closing of cases that are resolved through settlement that is consistent with prior Board decisions and actions. These guidelines are not intended for cases that are complex and are not intended to substitute for Board decision-making.

All cases submitted to the Board pursuant to this policy shall meet the following requirements:

- 1) Complaint has been investigated according to established protocols;
- 2) Complainant does not wish to address the Board, and;
- 3) The negotiated settlement is consistent with prior Board decisions and actions.

The following are examples of cases that may be closed following settlement:

- 1) Consent Agreement is signed that nearly mirrors the original offer; i.e. the length of the agreement is unchanged and no more than 1-2 terms practice related terms have been modified from the original offer. Practice related terms may include practice setting, out of state practice, practice hours, block registry of 16 weeks or more, supervision requirements
- 2) When the party has been issued Notice of Charges for failure to comply with an Interim Order to obtain an evaluation. The party gets the evaluation and the signed Consent Agreement mirrors the evaluator's recommendations along with the Board's standard paragraphs.
- 3) When Findings of Fact and Conclusions of Law have been modified, however, the terms of the Consent Agreement are unchanged

- 4) Signed Consent Agreement by an Applicant for disciplinary withdrawals of Application and includes an agreement not to re-apply for minimum of five years.
- 5) Signed Consent Agreement for Administrative Penalty by an Applicant who has practiced nursing before receiving licensure. Upon acceptance of the Consent Agreement, the Applicant may be issued licensure.
- 6) Prior to signing the Consent Agreement, the respondent has completed one or more terms rendering the specific term(s) no longer applicable. As examples, a respondent submits verification of completion of rehabilitation and aftercare before signing the Consent Agreement which has same requirements for rehabilitation and aftercare; Consent Agreement requires a Board approved pharmacology course and prior to signing the Consent Agreement, the licensee submits confirmation of having successfully completed the requirement.

Once approved by the Executive Director or designee, the case will be closed out and written notification sent to the Respondent/Applicant and complainant. At the next regularly scheduled Board meeting the Board will receive:

- a) A list of names and summary of settlement terms for information purposes.