

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Suite 200
Phoenix, Arizona 85014-3655
602-771-7800

IN THE MATTER OF)	
REGISTERED NURSING)	CONSENT AGREEMENT
TRAINING PROGRAM NO. RN 96-4016)	
)	FOR
ISSUED TO)	VOLUNTARY SURRENDER
)	
EVEREST COLLEGE PHOENIX)	
OWNED BY CORINTHIAN COLLEGES)	
INC)	
RESPONDENT,)	ORDER NO. 14141112RN964016;
)	7001RN96416
BY AND THROUGH)	
EVEREST COLLEGE PRESIDENT)	
<u>EDWARD JOHNSON</u>)	

Complaints alleging EVEREST COLLEGE PHOENIX NURSING PROGRAM OWNED BY CORINTHIAN COLLEGES INC. ("Respondent"), located at 10400 N 25th Av. Ste. 190, Phoenix AZ, 85021, by and through its College President, Edward Johnson, violated the Nurse Practice Act have been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona Revised Statutes ("A.R.S.") Section 32-1605.01(D), Respondent voluntarily surrenders its program approval for a minimum of 2 years.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board-issued Nursing Program Approval 964016 for a period of five years, beginning November 15, 2011.

2. On October 6, 2014, Respondent received a Notice of Deficiencies from the Board with 6 months to correct (No. 1407110RN96416) which is attached and incorporated by reference. Respondent was in the process of remediating the issues listed in the Notice of Deficiencies, but due to the program's closure, remediation was not verified by Board staff.

3. On November 2, 2014, during the Notice of Deficiencies period of correction, the Board received and began to investigate a student complaint regarding Respondent. The investigative report was scheduled to be presented to the Board on May 15, 2015. This complaint will no longer be pursued due to program closure.

4. On March 15, 2015, Respondent, through its College President, Edward Johnson, informed Board staff that the requisite institutional accreditation from Higher Learning Commission (HLC) will be lost and the school will be reverted to "candidacy" status on May 6, 2015, concurrent with the impending sale of the school. At that time, Respondent was in the process of appealing the HLC action so that currently enrolled students would not be negatively affected. Respondent understood that pursuant to A.A.C. R4-19-201 (A) Respondent was required to retain its institutional accreditation to maintain Board approval.

5. On or about April 24, 2015, Johnson was informed that HLC had denied Respondent's appeal and thus, as of May 6, 2015, current students would no longer be enrolled in an accredited school.

6. On or about April 26, 2015, Respondent, through its parent institution, Corinthian Colleges, Inc., announced the closure of all campuses effective the following

day, April 27, 2015, including Respondent's, without advance notice to students, the Board, or the public. There were approximately 52 nursing students enrolled in Respondent's Phoenix nursing program. Under A.A.C. Rule 4-19-215 (B), programs planning to close shall maintain the program until the last student transfers or completes the program. Abruptly closing a program without advance notice, and before enrolled students have transferred or completed the program causes harm or potential harm to students because it interrupts the students' course of study, causes students expense and time in seeking a comparable program that will accept their credits and may result in repetition of courses, thereby increasing the overall time and expense of the education. Furthermore, such conduct is a violation of A.A.C. Rule 4-19-205 (F) which requires advance notice to students of program changes.

7. Johnson reported that Respondent will attempt to place currently enrolled nursing students in other approved programs by May 1, 2015. After May 1, Respondent will cease providing further placement services for students.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663(D); A.R.S. § 32-1601(d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); (h) (Committing an act that deceives, defrauds or harms the public); (g) (Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter); (j) (Violating a rule that is adopted by the Board pursuant to this chapter) (effective August 2, 2012)

and

A.A.C. Rules 4-19-201(A) (J) and (K):

A. "The parent institution of a nursing program shall be accredited as a post-secondary institution, college, or university, by an accrediting body that is recognized as an accrediting body by the U.S. Department of Education, and shall hold Arizona private post-secondary approval status if applicable. The parent institution shall submit evidence to the board of continuing accreditation after each reaccreditation review or action. If the parent institution holds both secondary and post-secondary accreditation, it shall operate any RN or PN program under its post-secondary accreditation."

J. "The parent institution shall provide adequate fiscal, human, physical, and learning resources to support program processes and outcomes necessary for compliance with this Article."

K. "The parent institution shall provide adequate resources to recruit, employ, and retain sufficient numbers of qualified faculty members to meet program and student learning outcomes and the requirements of this Article.:

A.A.C. Rule 4-19-205 (F):

"A nursing program shall communicate changes in policies, procedures and program information clearly to all students, prospective students and the public and provide advance notice similar to the advance notice provided by an approved program of similar size and type."

A.A.C. Rules 4-19-211(1) and (2):

A disciplinary action, denial of approval, or notice of deficiency may be issued against a nursing or refresher program for any of the following acts of unprofessional conduct in a nursing program:

1. Failure to maintain minimum standards of acceptable and prevailing educational or nursing practice;
2. Deficiencies in compliance with the provisions of this Article;

A.A.C. Rules 4-19-212(A) (1), (2) and (3):

"Under A.R.S. § 32-1644(D), when surveying or re-surveying a nursing program, the Board shall, upon initially determining that a nursing program is not in compliance with applicable provisions of this Article provide to the nursing program administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct the deficiencies not to exceed 18 months.

1. The administrator shall, within 30 days from the date of service of the notice of deficiencies, file a plan to correct each of the identified deficiencies after consultation with the Board or designated Board representative.

2. The administrator may, within 30 days from the date of service of the notice of deficiencies, submit a written request for a hearing before the Board to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

3. If the Board's determination is not appealed or is upheld upon appeal, the Board shall conduct periodic evaluations of the program during the time of correction to determine whether the deficiencies have been corrected.”

A.A.C. Rules 4-19-212(B) (1) and (2):

“The Board shall, following a determination of continued non-compliance, rescind the approval of, or restrict admissions to a nursing program if the program fails to comply with Article 2 within the time set by the Board in the notice of deficiencies served upon the program.

1. The Board shall serve the administrator with a written notice of proposed rescission of approval or restriction of admissions that states the grounds for the proposed action. The administrator shall have 30 days to submit a written request for a hearing to appeal the Board’s proposed action. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

2. Upon the effective date of a decision to rescind program approval, the nursing program shall immediately cease operation and be removed from the official approved-status listing. A nursing program that has been ordered to cease operations shall assist currently enrolled students to transfer to an approved nursing program.”

A.A.C. R4-19-212(C) (1), (2) and (3):

“In addition to the cause in subsection (B), the Board may, depending on the severity and pattern of violations, issue discipline, rescind approval of or restrict admissions to a nursing program for any of the following causes:

1. For a program that was served with a notice of deficiencies within the preceding three years and timely corrected the noticed deficiencies, subsequent noncompliance with the standards in this Article;

2. Failure to comply with orders of or stipulations with the Board within the time determined by the Board; or

3. Unprofessional program conduct under R4-19-211.”

A.A.C. Rule 4-19-212(D):

“A parent institution that voluntarily terminates a nursing education program while under a Board action, including a Notice of Deficiency, shall not apply to open a new nursing education program for a period of two years and shall provide evidence in any future application that the basis for the Board action has been rectified.”

A.A.C. R4-19-215 (B):

“The administrator shall ensure that the nursing program or refresher program is maintained, including the nursing faculty, until the last student is transferred or completes the program. At that time the Board shall remove the program from the current list of approved programs.”

Respondent admits the Board’s Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Respondent further waives any and all claims or causes of action, whether known or unknown, that Respondent may have against the State of Arizona, the Board, its members, officers, employees and/or agents arising out of this matter.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board’s file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Voluntary Surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent’s signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director’s or the Board’s approval or by stipulation between Respondent and the Executive Director or the Board.

Representatives of Respondent understand that this action is against the program and does not affect any complaint against the individual nursing licenses of owners, instructors or coordinators.

The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on different dates, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that re-issuance cannot be applied for during the period of Voluntary Surrender.

Respondent agrees that re-issuance may be applied for after the period of Voluntary Surrender under the following conditions, and must comply with current law at the time of application for re-issuance:

The application for re-issuance must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the Voluntary Surrender has been removed and that the re-issuance of the approval does not constitute a threat to the public's health, safety and welfare. The Board may require any reports and/or affidavits regarding Respondent as it deems necessary. These conditions shall be met before the application for re-issuance is considered.



Everest College Phoenix, Respondent,
by and through its Administrator,
Edward Johnson

Dated: _____

4/29/15

ARIZONA STATE BOARD OF NURSING

Joey Ridenour

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

SEAL

Dated: _____

4/29/15

ORDER

Pursuant to A.R.S. Section 32-1605.01(D) the Board hereby accepts the Voluntary Surrender of Approval of RN Program 964016 issued to Everest College Phoenix.

This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement.

IT IS FURTHER ORDERED that Respondent may not apply for re-issuance of said Approval for a minimum period of 2 years.

ARIZONA STATE BOARD OF NURSING

Joey Ridenour

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Seal

Dated: _____

4/29/15

COPY mailed this 30th day of April, 2015 by First Class Mail to:

Edward Johnson
College President
10400 N. 25th Av, STE 130
Phoenix AZ 85021

By: *Lyn Ledbetter*