

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

IN THE MATTER OF NURSING PROGRAM
APPROVAL ISSUED TO:

BRECKINRIDGE SCHOOL OF NURSING
@ ITT TECHNICAL INSTITUTE
RESPONDENT

NOTICE OF CHARGES

NO.

141104RN96406

The Arizona State Board of Nursing (“Board”) has sufficient evidence of the conduct described in the factual allegations that, if not rebutted or explained, justifies disciplinary action against Respondent’s program approval. The Board has authority, pursuant to the Nurse Practice Act (“Act”), Arizona Revised Statutes (“A.R.S.”) §§ 32-1601 – 1669, Arizona Administrative Code (“A.A.C.”) Rules 4-19-101 – 815; and specifically A.R.S. §§ 32-1606, 32-1644, 32-1663, and 32-1664, to impose disciplinary sanctions against program approval for violations of the Act.

FACTUAL ALLEGATIONS

1. Breckinridge School of Nursing @ ITT Technical Institute (“Respondent”), located in Phoenix, Arizona, holds Board provisional approval for an associate degree nursing program, which was originally issued to Respondent on August 4, 2009.
2. The Board has authority pursuant to A.R.S. §§ 32-1606 (B) (1) (2) (8) (10), and 32-1606(C) to issue this Notice of Charges against Respondent for violations of the Nurse Practice Act, including A.A.C. R4-19-212 (C) (1) effective 7/6/13.

3. Respondent entered into a consent agreement (CA) for 36 month probation (Order number 13113RN96406, 07512RN96406, 310811RN96406) on July 7, 2014, attached and incorporated by reference.
4. Statements from the ITT catalogue examined on 11/12/2014 indicate that Respondent is not required to provide advance notice to students of changes in the educational program as required in R4-19-205(F). The above also constitutes a violation of Term of Probation, paragraph 6 of the CA.
5. On Board staff's site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, it was discovered that Respondent's clinical contract with Abrazo Health does not have a termination clause consistent with R4-19-201(F)(4). The above also constitutes a violation of Term of Probation, paragraph 6 of the CA.
6. On 11/24/14, Respondent's faculty informed Board staff that they have not developed, implemented or evaluated faculty orientation, continuous learning or faculty evaluation policies as required in R4-19-204 (H). The above also constitutes a violation of Term of Probation, paragraph 6 of the CA.
7. On 11/24/14, Respondent's faculty informed Board staff that control of the program including day to day classroom activities, such as testing requirements, daily schedule, calculation of grades and curriculum, still rests with ITT Educational Services, Inc. (corporate) and not the local faculty and program administrator as required in R4-19-201(D) and R4-19-203 (C)(1). This also constitutes a violation of Term of Probation, paragraph 6 of the CA.
8. On Board staff's site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, documents examined including the actual survey form itself, revealed that

surveys and evaluations completed by Respondent's students are not anonymous as required in R4-19-201(G) and constitutes a violation of R4-19-201(G) and Term of Probation, paragraph 6 of the CA.

9. Documents submitted by Respondent to Board staff in preparation for the Board staff's site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, revealed Respondent's systematic evaluation plan does not incorporate continuous improvement based on evaluative data, does not include measurable outcomes and logical methodologies, and does not include actual outcomes and actions taken as required in R4-19-201(I) and constitutes a violation of R4-19-201(I) and Term of Probation, paragraph 6 of the CA.
10. Additionally, Respondent's systematic evaluation plan does not fully evaluate the following areas, as required in R4-19-201(I) *et. seq.*: curriculum; educational facilities, resources and support services; student achievement of program outcomes; graduation; attrition; NCLEX pass rates; faculty performance; and protection of patient safety. The above constitutes a violation of R4-19-201(I) and Term of Probation, paragraph 6 of the CA
11. On Board staff's site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, Respondent's nursing program administrator and faculty reported that they lacked access to aggregate data regarding student outcomes and therefore cannot formulate admission and progression policies based on that evidence, a violation for R4-19-205(B) and Term of Probation, paragraph 6 of the CA.
12. On Board staff's site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, it was noted that the curriculum lacked unit objectives for the following

courses for the fall semester which began on September 14, 2014 and ended on December 6, 2014: NU100, NU110, NU120, NU205, NU130, GE117, NU230, NU240, NU270, NU250, NU260, GE375, GE217 as required in R4-19-206(B). The above constitutes a violation of R4-19-206(B) and Term of Probation, paragraph 6 of the CA.

13. In a self-study submitted by Respondent on December 12, 2013 in preparation for a site visit an inaccurate document entitled “Associate Degree Nursing Program: Curriculum Map Nursing Courses,” regarding curriculum elements was found beginning on page 196, a violation of R4-19-211(10), and Term of Probation, paragraph 6 of the CA.
14. On Board staff’s site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, Respondent failed to provide Board staff with either documents or evidence that current students received program outcome goals or objectives as required in R4-19-206(B). The above constitutes a violation of R4-19-206(B) and Term of Probation, paragraph 6 of the CA.
15. On Board staff’s site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, Respondent failed to provide Board staff with either documents or evidence that students received course sequences in public documents as required in in R4-19-205 (E). The above is also a violation of Term of Probation, paragraph 6 of the CA.
16. On Board staff’s site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, Respondent did not provide Board staff with faculty clinical supervision policies as required in R4-19-203(C)(6)(e), and clinical safety policies for faculty as required in R4-19-203 (C)(8). The above is also a violation of term 6 of the CA.

17. On Board staff's site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, Respondent failed to supply validation of nursing skills of faculty in faculty files on 11/12/14 as required by Respondent's own policy, a violation of R4-19-203(C)(9). The above is also a violation of Term of Probation, paragraph 6 of the CA.
18. During a Board Staff site visit conducted on 11/12/14, 11/13/14 and 11/24/14, Respondent failed to establish that their curriculum incorporated Quality and Safety Education for Nurses (QSEN) competencies as required in R4-19-206 (D)(1)(c). The above is also a violation of Term of Probation, paragraph 6 of the CA.
19. Minutes of Respondent's faculty meeting dated 7/15/14 report that faculty offered no changes to admission standards. However, on 11/24/14, faculty members who attended the 7/15/14 meeting reported to Board staff that admission policies were changed to be more stringent. The faculty stated they approved changing admissions to require a 75% on both the English and Math portions of the HESI A2 admission exam. The above is a violation of R4-19-204 (G) and Term of Probation, paragraphs 2 and 6 of the CA.
20. Respondent held a faculty meeting on 1/12/15. One of the reported agenda items for this meeting was to address admission standards in light of paragraph 19. Respondent's report of the meeting as detailed in Respondent's second quarterly report does not acknowledge a faculty role in determining admission standards. Faculty member E, interviewed on 2/23/15, verified that faculty members were not asked to develop or approve admission standards at this meeting. Consistent with Respondent's self-report, E confirmed that this meeting was to clarify the corporate-

developed admission standards, not to permit faculty input at the Phoenix campus. The above is a violation of Term of Probation, paragraphs 2 and 6 of the CA.

21. Respondent's Admission Policy 1.2, effective July 15, 2014, clearly prohibits faculty or the nursing program administrator from determining Respondent's admission standards, a violation of R4-19-204 (G) and Term of Probation, paragraphs 2 and 6 of the CA.
22. On Board staff's site visit of Respondent, conducted on 11/12/14, 11/13/14 and 11/24/14, Respondent refused to supply the Board with national data on attrition and NCLEX pass rates. This conduct is a violation of R4-19-211 (11) and Term of Probation, paragraphs 4 and 6 of the CA.
23. NCLEX RN reports for calendar year 2014 reveal the Respondent's NCLEX® RN first-time pass rate for 2014 was 43%, a violation of R4-19-206(G) which requires a minimum 80% pass rate and is a violation of Term of Probation, paragraph 6 of the CA.
24. Respondent's Annual Report to the Board submitted to the Board on or about February 3, 2015 reveals an on-time graduation rate of 7% (14 students admitted to nursing clinical courses with only 1 graduating on-time, 6 lagging, 7 dropped). The above conduct is a violation of R4-19-206(H), which requires an on-time graduation rate of 45% and Term of Probation, paragraph 6 of the CA.
25. In the 2014 Annual Report to the Board report, Respondent's Nursing Program Administrator, Gerri French ("Program Administrator"), signed an attestation dated 2/3/15, stating "I have reviewed the Nurse Practice Act and the Rules of the State Board of Nursing including but not limited to Articles 2 and 5 (if applicable) and to

my knowledge no nursing program offered by this institution is in violation of any rule or statute of the Arizona State Board of Nursing.” The above constitutes a violation R4-19-211 which prohibits misrepresentation of fact by a program and Term of Probation, paragraph 6 of the CA, because the Program Administrator was aware at the time that Respondent was in violation of R4-19 206 (G) and was informed in writing of other alleged violations on December 24, 2014.

ALLEGED VIOLATIONS

The conduct and circumstances alleged in the Factual Allegations constitute violations of A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601 (22) (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter); (h) Committing an act that deceives, defrauds or harms the public); (i) Failing to comply with a stipulated agreement, consent agreement or board order; and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter, specifically:

A.A.C. Rule 4-19-201 (D)(F)(G) and (I) (effective July 6, 2013)

- D. The parent institution shall center the administrative control of the nursing program in the nursing program administrator and shall provide the support and resources necessary to meet the requirements of R4-19-203 and R4-19-204
- F. A nursing program shall have a written agreement between the program and each clinical agency where clinical experience is provided to the program's students that:
 - 1. Defines the rights and responsibilities of both the clinical agency and the nursing program,
 - 2. Lists the role and authority of the governing bodies of both the clinical agency and the nursing program,
 - 3. Allows faculty members of the program the right to participate in selecting learning experiences for students, and
 - 4. Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.

- G. A nursing program shall implement written policies and procedures that provide a mechanism for student input into the development of academic policies and procedures and allow students to anonymously evaluate faculty, nursing courses, clinical experiences, resources and the overall program.
- I. A nursing program shall develop and implement a written plan for the systematic evaluation of the total program that is based on program and student learning outcomes and that incorporates continuous improvement based on the evaluative data. The plan shall include measurable outcome criteria, logical methodology, frequency of evaluation, assignment of responsibility, actual outcomes and actions taken. The following areas shall be evaluated:
 - 1. Internal structure of the program, its relationship to the parent institution, and compatibility of program policies and procedures with those of the parent institution;
 - 2. Mission and goals;
 - 3. Curriculum;
 - 4. Education facilities, resources, and student support services;
 - 5. Clinical resources;
 - 6. Student achievement of program educational outcomes;
 - 7. Graduation and attrition for each admission cohort including at a minimum:
 - a. Number and percent of students who left the program;
 - b. Number and percent of students who are out of sequence in the program; and
 - c. Number and percent of students who graduated within 100%, 150% or greater than 150% of time allotted in the curriculum plan.
 - 8. Graduate performance on the licensing examination;
 - 9. Faculty performance; and
 - 10. Protection of patient safety including but not limited to:
 - a. Student and faculty policies regarding supervision of students, practicing within scope and student safe practice;
 - b. The integration of safety concepts within the curriculum;
 - c. The application of safety concepts in the clinical setting; and
 - d. Policies made under R4-19-203(C)(6).

A.A.C. Rule 4-19-203 (C) (1), (2), (6), (8), and (9) (effective July 6, 2013)

- C. The administrator shall have the authority to direct the program in all its phases, including:
 - 1. Administering the nursing education program;
 - 2. Directing activities related to academic policies, personnel policies, curriculum, resources, facilities, services, and program evaluation;
 - 6. Together with faculty develop, enforce and evaluate equivalent student and faculty policies necessary for safe patient care and to meet clinical agency requirements regarding:
 - e. Supervision of clinical activities.
 - 8. Together with faculty develop, enforce and evaluate both student and faculty policies regarding minimal requisite nursing skills and knowledge necessary to provide safe patient care for the type of unit and patient assignment; and
 - 9. Enforcing consistent application of all nursing program policies.

A.A.C. Rule 4-19-204 (G) and (H) (effective July 6, 2013)

- G. Under the leadership of the nursing program administrator, nursing program faculty members shall:
 - 1. Develop, implement, evaluate, and revise the program of learning including the curriculum and learning outcomes of the program;
 - 2. Develop, implement, evaluate and revise standards for the admission, progression, and graduation of students;
 - 3. Participate in advisement and guidance of students.
- H. Together with the nursing program administrator, develop, implement and evaluate written policies for faculty orientation, continuous learning and evaluation.

A. A. C. Rule 4-19-205 (B), (E), and (F) (effective July 6, 2013)

- B. A nursing program shall implement written student admission and progression requirements that are evidence-based, allow for a variety of clinical experiences and satisfy the licensure criteria of A.R.S. Title 32, Chapter 15 and A.A.C. Title 4 Chapter 19.
- E. A nursing program and parent institution shall provide accurate and complete written information that is readily available to all students and the general public about the program including
 - 1. The nature of the program, including course sequence, prerequisites, co-requisites and academic standards;
 - 2. The length of the program;
 - 3. Total program costs including tuition, fees and all program related expenses;
 - 4. The transferability of credits to other public and private educational institutions in Arizona; and
 - 5. A clear statement regarding any technology based instruction and the technical support provided to students.
- 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. Rule 4-19-206 (A): (effective March 7, 2005 to July 6, 2013)

- A. For the purposes of this Section, "clinical instruction" means the guidance and supervision provided by a qualified faculty member or designee while a nursing student is providing patient care.

A.A.C. Rule 4-19-206 (B), (D)(1), (G) and (H) (effective July 6, 2013)

- B. A nursing program shall provide a written program curriculum to students that includes:
 - 1. Student centered outcomes for the program;
 - 2. A curriculum plan that identifies the prescribed course sequencing and time required;
 - 3. Specific course information that includes:
 - a. A course description;
 - b. Student centered and measurable didactic objectives;
 - c. Student centered and measurable clinical objectives, if applicable;
 - d. Student centered and measurable simulation objectives, if applicable;
 - e. A course content outline that relates to the course objectives;

- f. Student centered and measurable objectives and a content outline for each unit of instruction.
 - g. Graded activities to demonstrate that course objectives have been met.
- D. A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program and be organized in such a manner to allow the student to form necessary links of theoretical knowledge, clinical reasoning, and practice.
- 1. A nursing program curriculum shall provide coursework that includes, but is not limited to:
 - c. Didactic content and supervised clinical experience in the prevention of illness and the promotion, restoration and maintenance of health in patients across the life span and from diverse cultural, ethnic, social and economic backgrounds to include:
 - i. Patient centered care,
 - ii. Teamwork and collaboration,
 - iii. Evidence-based practice,
 - iv. Quality improvement,
 - v. Safety, and
 - vi. Informatics,
- G. A nursing program shall maintain at least a 80% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation. The Board shall issue a notice of deficiency to any program that has a NCLEX® passing rate less than 80% for two consecutive calendar years or less than 75% for one calendar year.
- H. At least 45% of students enrolled in the first nursing clinical course shall graduate within 100% of the prescribed period. “Prescribed period” means the time required to complete all courses and to graduate on time according to the nursing program’s curriculum plan excluding the time to complete program pre-requisite or pre-clinical courses.

A. A. C. Rule 4-19-211 (1), (2), (10), (11) and (12) (Effective July 6, 2013)

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;
 - 10. Material misrepresentation of fact by a nursing or refresher program in any advertisement, application or information submitted to the Board;
 - 11. Failure to allow Board staff to visit the program or conduct an investigation including failure to supply requested documents
12. Any other evidence that gives the Board reasonable cause to believe the program’s conduct may be a threat to the safety and well-being of students, faculty, patients or potential patients

REQUIREMENT TO RESPOND OR DEFAULT ADMISSION

Pursuant to A.R.S. § 32-1663(F), *if you wish to challenge the allegations in this Notice of Charges, you must file with the Board a written request for hearing within 30 days after service of*

this Notice to the Hearing Department, Arizona State Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix, AZ 85014-3655. **THE BOARD MAY CONSIDER YOUR FAILURE TO REQUEST A HEARING WITHIN 30 DAYS AS YOUR ADMISSION BY DEFAULT TO THE ALLEGATIONS STATED IN THIS NOTICE OF CHARGES; AND THE BOARD MAY THEN TAKE DISCIPLINARY ACTION AGAINST YOUR APPROVAL, UP TO AND INCLUDING REVOCATION WITHOUT CONDUCTING A HEARING,** PURSUANT TO A.R.S. § 32-1663 (D), (E) AND (F), AS DEFINED IN A.R.S. § 32-1601 (9).

For questions regarding the Notice of Charges, contact Board staff at the Hearing Department:
(602) 771-7844.

Dated this 8th day of April, 2015.

SEAL



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

JR/pr:ts:ll

COPIES mailed this 8th day of April, 2015, by Certified Mail No. **7011 3500 0001 5219 3828** to:

Bryan Gottfredson, Esq.
Sacks Tierney P.A.

4250 N. Drinkwater Blvd., Fourth Floor
Scottsdale, AZ 85251-3693
Attorney for Respondent

COPIES mailed this 8th day of April, 2015 by Certified Mail No. **7011 3500 0001 5219 3842** and First Class Mail to:

Gerri French, Nursing Program Administrator
ITT@ Breckinridge
10220 N. 25th Avenue, Suite 100
Phoenix, AZ 85021

BY: LYN LEDBETTER
ADMINISTRATIVE ASSISTANT

ATTACHMENT A

BEFORE THE ARIZONA STATE BOARD OF NURSING

**IN THE MATTER OF NURSING PROGRAM
APPROVAL ISSUED TO:**

**BRECKINRIDGE SCHOOL OF NURSING @
ITT TECHNICAL INSTITUTE**

RESPONDENT

**CONSENT AGREEMENT
AND**

**ORDER NO. 131013RN96406,
070512RN96406, 310811RN96406**

CONSENT AGREEMENT

Complaints alleging violations of the Nurse Practice Act by BRECKINRIDGE SCHOOL OF NURSING @ ITT TECHNICAL INSTITUTE ("Respondent") were received by the Arizona State Board of Nursing ("Board"). In the interests 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 A.R.S. § 41-1092.07(F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Factual Allegations and Conclusions of Law:

FACTUAL ALLEGATIONS

1. Respondent holds Board-issued, provisional approval for an associate degree nursing program, originally issued on August 4, 2009.
2. Between 2011 and 2013, Respondent's Nursing Program Administrator and Faculty did not have control over the Program, as required by Board rules, including admission standards, progression standards, and graduation policy.
3. Between 2012 and 2013, during Respondent's clinical sessions, three medication errors and multiple instances of late medication administration occurred involving care provided

to patients by Respondent's students who were under the supervision of Respondent's faculty. Some of the errors occurred as a result of improper direction to students by Respondent's faculty.

4. Between 2011 and 2013, Respondent did not adequately ensure the safe care of patients when it failed to assess student ability and properly prepare students prior to permitting students to care for patients in clinical sessions. This included some students being required to provide care to patient populations before receiving classroom training for that population.

5. Between 2011 and 2013, Respondent failed to consistently follow its own student grievance policies and to properly make the policies available to 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 parties agree that if the factual allegations were found to be true, the conduct and circumstances alleged in the Factual Allegations would constitute violations of A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601 (22) (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter, specifically:

Arizona Administrative Code ("A.A.C.") A.A.C. Rule 4-19-201 (D) and (E) (effective from March 7, 2005 to July 6, 2013) D. The parent institution shall center the administrative control of the nursing program in the nursing program administrator; A.A.C. Rule 4-19-203 (C) (1) and (6) (effective March 7, 2005 to July 6, 2013) C. The administrator shall: 1. Administer the nursing education program; D. The faculty shall supervise all students in clinical areas in accordance with the acuity of the patient population, clinical objectives, demonstrated competencies of the student, geographic placement of the student, and requirements established by the clinical

agency; R4-19-204 G. The nursing faculty, together with the program administrator, shall: 1. Develop, implement, and evaluate the program of learning; and 2. Develop and implement standards for the admission, progression, and graduation of students; A. A. C. Rule 4-19-205 (A) and (B) (effective March 7, 2005 to July 6, 2013) A. A nursing program shall have written policies available to students and the public regarding admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, and dismissal. B. A nursing program shall have written policies available to students that address student rights, responsibilities, grievances, health, and safety; A.A.C. Rule 4-19-206 (C) (1) (a) and (c) (effective March 7, 2005 to July 6, 2013) C. A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program. 1. A registered nursing (RN) program shall provide clinical instruction that includes, at a minimum, selected and guided experiences that develop a student's ability to apply core principles of nursing in varied settings when caring for: a. Adult and geriatric patients with acute, chronic, and complex, life-threatening, medical and surgical conditions; c. Neonates, infants, and children.

Respondent does not admit to the Board's Factual Allegations.

In lieu of a formal hearing on these issues, and as final disposition of complaints related to Respondent received by the Board through March 26, 2014, 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, as reflected in the Notice of Charges.

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.

Without making any admissions, Respondent understands that the Factual Allegations in this Consent Agreement and Order ("Agreement") are not conclusive evidence of a violation of the Nurse Practice Act and may not be used for any other purposes, including civil litigation and arbitration, but may be used for purposes of determining sanctions in any future disciplinary matter(s) with the Board, which arise out of conduct not specifically alleged in the Board's December 31, 2013, Notice of Charges.

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

Respondent understands that this Consent Agreement is effective upon its acceptance by 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 Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.


Respondent RONALD A. HAMM, RNP/PMNS BSNRN
Dated: 6-30-2014

ARIZONA STATE BOARD OF NURSING



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

Dated: July 7, 2014

ORDER

In view of the above Factual Allegations, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing is accepted.
- B. Respondent's program approval is placed on probation for three (3) years. Respondent is eligible for early termination of this Order and, if Respondent has remained compliant with this Order, may petition the Board for release from probationary status after one (1) year from the effective date of this Order, and no sooner than every six (6) months thereafter.
- C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later is the effective date. Probation is to commence the effective date of this Order.
- D. If Respondent is noncompliant with any of the terms of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline.
- E. Probation is subject to the following terms and conditions:

TERMS OF PROBATION

- 1. Within seven days of the effective date of this Order, the Board shall note the probationary status of the program on the list of approved programs with the following notation: "VOLUNTARY CONSENT TO PROBATION".

2. Respondent shall only admit students pursuant to admission standards developed in compliance with Arizona Administrative Code Rule 4-19-204(G).

3. Respondent shall provide the Board with accurate and complete quarterly reports containing the following, when applicable: Faculty minutes, student or faculty verbal and written complaints and grievances made to any employee of ITT Phoenix campus, responses to complaints and grievances, resolutions of complaints and grievances, attrition data for each cohort, admissions data, graduation data, student satisfaction, faculty control of program, faculty teaching and clinical assignments including qualifications to teach the particular subject or clinical area, HESI scores and any accompanying analyses, clinical incidents, if any, and substantive policy changes.

The quarterly reports are due 30 days after the conclusion of each academic quarter, beginning not later than October 30, 2014.

4. Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice. Respondent shall cooperate with any announced or unannounced site visit by the Board or its designee. Respondent shall correct any deficiencies found by the Board or its designee within a reasonable time period as determined by the Board.

5. In the event Respondent's provisional nursing program approval is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the approval and otherwise maintain approval for a nursing program in Arizona.

6. Respondent shall obey all laws/rules governing nursing education in this state and obey all federal, state and local laws.

7. Respondent shall bear all costs of complying with this Order.

8. If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

9. Respondent may, at any time this Order is in effect, voluntarily request surrender its provisional program approval.

ARIZONA STATE BOARD OF NURSING

SEAL

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

Dated: July 7, 2014

JR/ls:

COPY mailed this 7th day of July, 2014 by First Class Mail, to:

Bryan Gottfredson, Esq.
SACKS TIERNEY P.A.
4250 N. Drinkwater Blvd, 4th FLR
Scottsdale, AZ 85251-3693
ATTORNEY FOR BRECKINRIDGE SCHOOL OF NURSING

Signed in the Board Office this _____ day of _____, 2014.

By: T. Smith