

**BEFORE THE ARIZONA STATE BOARD OF NURSING**

IN THE MATTER OF NURSING PROGRAM  
APPROVAL

ISSUED TO: BROOKLINE COLLEGE  
SCHOOL OF NURSING  
2445 W. DUNLAP AVENUE  
SUITE 100  
PHOENIX AZ 85021

RESPONDENT

**DECREE OF CENSURE**

**CONSENT AGREEMENT  
AND ORDER NO. 140903RN965005**

A complaint charging Brookline College School of Nursing located in Phoenix, Arizona (“Respondent”) with violation of the Nurse Practice Act has 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 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 Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On May 20, 2010, the Board granted provisional approval to Brookline College School of Nursing (Respondent) located in Phoenix, Arizona, to offer a second-degree accelerated Bachelor of Science nursing program. On March 23, 2011 the Board approved Respondent’s request to offer the program to traditional students who do not hold a bachelor’s degree in another field. On January 30, 2013 the Board granted full approval to Respondent. On

May 20, 2013 the Board approved an increase in program admissions to 48 students per semester (144 per year).

2. Respondent's Systematic Evaluation Plan examined on the 9/9/14 site visit does not contain the following provisions required under A.A.C. R4-19-201(I): assignment of responsibility, actual outcomes, actions taken as a result of outcomes, and evaluation of the following areas: clinical resources, on-time graduation as specified in AAC R4-19-201 (I) (7), and protection of patient safety as specified in AAC R4-19-201(I)(10). Respondent remedied this deficiency on or before 1/16/15.

3. During a site visit conducted by Board staff on 9/10/14 and 9/11/14 it was observed by Board staff, reported verbally by faculty and students, and/or reported in writing via student/faculty surveys in 2013 and 2014, that Brookline College does not provide adequate resources to support the program and is not comparable to other programs of similar size and type in the following areas as required in R4-19-201 (J) and R4-19-202 (A)(3)(b), (A)(3)(c), (A)(3)(e), (A)(3)(i), and (A)(3)(j);

- a. Lab space and number of practice stations are too few to provide for effective instruction of nursing skills
- b. Classrooms are over-crowded
- c. There are not enough working computers for large classes
- d. Inadequate instructional technology support, as evidenced by a computerized student tracking program (*Campus Vue*) does not allow faculty to follow at-risk students;
- e. Thirty-two faculty members in one open space office consisting of cubicles that do not allow for student-faculty private conferences;

f. Failure to have the necessary resources to support use of simulation for the students enrolled in lieu of clinical.

Respondent reported the above deficiencies were remedied on 1/16/15; remedy of deficiencies was verified by Board staff on 4/8/15.

4. During a site visit conducted by Board staff on 9/10/14 and 9/11/14, it was reported by faculty and nursing administration that Respondent does not employ sufficient numbers of qualified faculty to meet learning outcomes. Nursing administration and faculty reported that ratios may be up to 1:22 in lab and simulation sessions and 1:70 in didactic sessions. Other Arizona approved programs maintain smaller didactic teacher to student ratios. In 2013, BSN programs in Arizona reported faculty to student ratios in didactic sessions ranging from 1:8 to 1:40. Students in large groups, such as Respondent's are not able to interact with faculty in a meaningful way, which is especially important in skill acquisition. In separate interviews, Respondent's Faculty Members A, B, C and D all reported that more faculty members were needed and student learning outcomes or teaching practices were compromised. At all levels of education, smaller class size is linked to more individual attention and improved outcomes. The above is a violation of R4-19-201 (K) and 204 (B).

On 1/16/15, respondent reported hiring more faculty with ratio of faculty to student of 1:10 or fewer in lab and decreased didactic ratios. This was verified during a site visit on 4/6/15.

5. During a site visit conducted by Board Staff on 9/10/14 and 9/11/14, it was noted by Board staff, reported by nursing administration and faculty, and documented in student surveys that there was insufficient laboratory and simulation support personnel for the size of the program and for effective use of simulation as a substitute for clinical learning. There was no

simulation coordinator. Programs of equivalent size who use simulation extensively, employ a minimum of a full time lab coordinator and a full time simulation coordinator.

6. During a site visit conducted by Board Staff on 9/10/14 and 9/11/14, it was noted that faculty meeting minutes from July and August 2013 were missing and could not be located by Respondent's employees. It is a violation of A.A.C. R4-19-202 (B) (3) to fail to maintain faculty meeting minutes for a minimum of three years.

7. During a site visit conducted by Board Staff on 9/10/14 and 9/11/14, the program failed to provide student centered and measurable simulation objectives as required in R4-19-206 (B)(3)(e) and (F) for required simulation activities. Respondent provided student centered simulation objectives on or before 1/16/15.

8. Respondent failed to provide a curriculum that affords students the knowledge and skill to function within the scope and standards for RN practice by limiting the number of skills that are formally verified by faculty and by lack of sufficient lab availability and time for practice of skills with individualized faculty coaching. The above is a violation of R4-19-206 (C)(5). Respondent reported offering more laboratory time and skill practice on 1/16/15. This was verified with both faculty and 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) as defined in A.R.S. § 32-1601 (22) (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this Chapter and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter.”

Rule 4-19-201 (J) and (K) require the following:

- 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.”

Rules 4-19-202 (A)(1), (A)(3) (b) (c) (e) (f) (g) (h) (i) (j), and (B) (3) require the following:

- A. “The parent institution of a nursing program shall consider the size of the program including number of program faculty and number of program students and shall provide and maintain resources, services and facilities for the effective development and implementation of the program that are at a minimum:”
  - 1. “Equivalent to those provided by approved programs of equivalent size and type, or in the case of no equivalent program, scaled relative to an approved program;”
  - 3. “Include the following:
    - b. Faculty offices that are conveniently located to program classrooms and secretarial support staff;
    - c. If faculty offices are not private, the parent institution shall provide dedicated space for private faculty-student conferences that is:
      - i. Conveniently located to faculty offices, and
      - ii. Available whenever confidential student information is discussed.
    - e. Classrooms, laboratories, and conference rooms of the size and type needed with furnishings and equipment consistent with the educational purposes for which the facilities are used;
    - f. Acoustics, lighting, ventilation, plumbing, heating and cooling in working order;
    - g. Dedicated secretarial, laboratory and other support personnel available to meet the needs of the program;
    - h. Access to a comprehensive, current, and relevant collection of educational materials and learning resources for faculty members and students;
    - i. Access to supplies and equipment to simulate patient care that are:
      - i. In working order,
      - ii. Organized in a manner so that they are readily available to faculty,
      - iii. Consistent with current clinical practices, and
      - iv. Of sufficient quantity for the number of students enrolled,
    - j. Current technology in working order to support teaching and learning. Institutions offering web-enhanced and distance education shall provide ongoing and effective technical, design and production support for faculty members and technical support services for students.”
- B. “A nursing program shall maintain current and accurate records of the following:”
  - 3. “Minutes of faculty and committee meetings for a minimum of three years;”

Rule 4-19-204 (B) requires the following:

- B. "A nursing program shall provide at a minimum the number of qualified faculty members necessary for compliance with the provisions of this Article and comparable to that provided by approved programs of equivalent size and program type, or, in the case of no equivalent program, a number scaled relative to an approved program."

Rule 4-19 205 (A) requires the following:

- A. "The number of students admitted to a nursing program shall be determined by the number of qualified faculty, the size, number and availability of educational facilities and resources, and the availability of the appropriate clinical learning experiences for students. The number of students admitted shall not exceed the number for which the program was approved plus minor increases allowed under R4-19-209 without Board approval."

Rules 4-19-206 (B)(3), (C) (5) and (D)(2) require the following:

- B. "A nursing program shall provide a written program curriculum to students that includes;"
  3. "Specific course information that includes:"
    - d. "Student centered and measurable simulation objectives, if applicable;"
- C. "A nursing program administrator and faculty members shall ensure that the curriculum:"
  5. "Is designed so that a student who completes the program will have the knowledge and skills necessary to function in accordance with the definition and scope of practice specified in A.R.S. § 32-1601(16) and R4-19-401 for a practical nurse or A.R.S. § 32-1601(20) and R4-19-402 for a registered nurse."

Rules 4-19-211 (1) (2) (5) (6) and (12) provides for:

"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;"
6. "Student enrollments without necessary faculty, facilities, or clinical experiences;"
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."

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to AR.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's nursing program approval in the State of Arizona.

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, offices, 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.

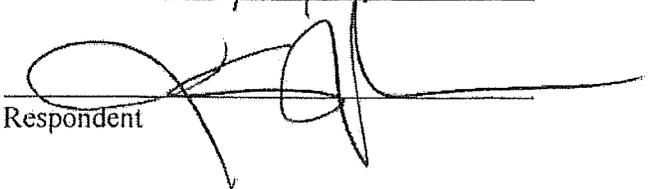
Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

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

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board or its Designee 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 Respondent and accepted by the Board or its designee.

Board Date: ~~7/10/2015~~ 5-15-2015

Respondent



Dated: 7-10-2015

SEAL

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director  
ARIZONA STATE BOARD OF NURSING

Acceptance Date: 7-14-2015

Randolph

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to the provision and penalties imposed as follows:

1. Respondents consent to the terms and conditions of this Order and waiver of public hearing are accepted.
2. It is ordered that a DECREE OF CENSURE be entered against the nursing program approval held by Respondent.

SEAL

Board Date: 5-15-2015

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director  
ARIZONA STATE BOARD OF NURSING

Acceptance Date: 7-14-2015

JR/LL: \_\_\_\_\_

COPY mailed this 15<sup>th</sup> day of July, 2015, by First Class Mail to:

Janina Johnson, MSN, RN  
Nursing Program Director  
Brookline College  
2141 E Highland Ave., Suite 200  
Phoenix, Arizona 85016-4738  
[7011 3500 0001 5219 4481]

Signed in the Board office this 14<sup>th</sup> day of July, 2015.

By: Lyn Ledbetter  
Administrative Assistant