

ARIZONA STATE BOARD OF NURSING

4747 N. 7th Street Suite 200

Phoenix Arizona 85014-3655

602-771-7800

IN THE MATTER OF NURSING PROGRAM
APPROVAL ISSUED TO:

BROWN MACKIE COLLEGE TUCSON PN
NURSING PROGRAM

RESPONDENT

**NOTICE OF DEFICIENCIES TO
NURSING PROGRAM—
1501001PN96101500**

The Arizona State Board of Nursing (“Board”) considered this matter in open meeting on March 27, 2015 following a complaint investigation by the Board’s representative regarding Brown Mackie College Phoenix Registered Nurse (“RN”) Nursing Program (“Respondent”) which holds nursing program approval pursuant to Arizona Revised Statutes (“A.R.S.”) § 32-1644 and Arizona Administrative Code (“A.A.C.”) R4-19-210. The Board determined that Respondent’s nursing program is not maintaining required standards and voted to issue a Notice of Deficiency to Respondent pursuant to (“A.R.S”) § 32-1644 (D) and A.A.C. R4-19-212(A).

FACTUAL ALLEGATIONS

1. Brown Mackie College – Tucson (Respondent) holds Board approval for a practical nursing program that was granted provisional approval in November, 2010.
2. During a site visit on 1/14-15/2015, faculty report and faculty minutes from 8/29/2013-12/19/2014 confirm that control of the program including

admission requirements, textbooks, testing requirements, and curriculum, rests with BMC Education Management Corporation, and not the faculty and program administrator as required in R4-19-201(D), R4-19-201(J) and R4-19-203 (C)(1).

3. The systematic evaluation plan provided by Respondent on October 29, 2014 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).
4. The systematic evaluation plan (see above) does not fully evaluate the following areas as required in R4-19-201(I): educational facilities, resources and support services; graduation; attrition; faculty performance; and protection of patient safety
5. Board staff could not locate, and Respondent could not provide validation of nursing skills of faculty in either faculty files or elsewhere on the premises during a site visit on 1/14-15/2015, a violation of R4-19-203(C)(8).
6. Respondent failed to evaluate nursing program faculty members in the areas of teaching ability and application of nursing knowledge and skills since inception relative to the teaching assignment, a violation of R4-19-203 (C)(5)(d).
7. Respondent utilized a Support Staff Z who lacked a Bachelor's Degree in Nursing, to teach independently in the nursing skills lab between April 2014 - January 2015, a violation of R4-19-204 (F)(2).
8. Respondent failed to enforce its own policies and procedures for student input

as outlined in Nursing Student-PN Handbook a violation of R4-19-201 (G) and R4-19-205 (D).

- 9.** 1/1/2015 – 1/31/2015 Respondent failed to provide an adequate number of qualified program faculty necessary to meet to the program goals and ensure protection of patient safety, as evidenced by Instructor Y teaching in excess of 60 hours per week and adjunct faculty vacancies a violation of R4-19-202 (A), and R4-19-204 (B) Board staff compared BMC to other practical nursing programs of equivalent size:

 - Respondent’s PN program had 2 full time didactic faculty and 0 part time faculty student enrollment of 33.
 - Arizona PN Program “B” had 2 full time didactic faculty and 10 part time faculty student enrollment of 31.
 - Arizona PN Program “C” had 1 full time didactic faculty and 4 part time faculty student enrollment of 46.
- 10.** During a site visit on 1/14-15/2015, Respondent’s written personnel policies failed to include workload policies that, at a minimum, conform to those for other faculty members of the parent institution and that are in accordance with accepted nursing educational standards, as evidenced by Instructor Y’s work schedule (see paragraph 9, above) in January, 2015, a violation of R4-19-204 (A).
- 11.** During a site visit on 1/14-15/2015 students reported and Board staff confirmed that Respondent failed to provide them with a clear statement regarding use of technology and limitations of iPad in running software

- required in the nursing program, a violation of R4-19-205(E)(5).
12. Respondent's syllabus for NUR 1165 Pharmacology dated January 2015 and examined by Board staff on 1/15/2015 failed to include student centered and measurable clinical objectives a violation of R4-19-206 (B)(3)(c).
 13. Respondent's syllabi for NUR 2251 Adult Nursing II and NUR 1165 Pharmacology dated January 2015 failed to contain graded activities to demonstrate that course clinical objectives were met, a violation of R4-19-206 (B)(3)(g).
 14. During a Board staff site visit on 1/14-15/2015, staff observed that Respondent did not have a dedicated space for private faculty-student conferences, a violation of R4-19-202(3)(c).
 15. Respondent failed to revise the syllabus for NUR 1165 Pharmacology course, dated January 2015. Standards of education require that syllabi be updated with appropriate assignments when the textbook changes. In this case, Respondent issued an updated 7th edition textbook to students but failed to provide the updated textbook to the instructor, or even notify instructor about the updated textbook. This resulted in the syllabus not being revised to reflect the updated materials, a violation of R4-19-211(A)(1) and R4-19-204(G)(1).

LEGAL VIOLATIONS

The Board has authority pursuant to A.R.S. §§ 32-1606 (B) (1) (2) (8) (10), and 32-1664 (C) and (D) to issue this Notice of Deficiency against Respondent for violations of the Nurse Practice Act, A.R.S. §§ 32-1661 - 1669 and A.A.C. Title 4, Chapter 19, Article 2; specifically:

ARS §32-1601

22. "Unprofessional conduct" includes the following, whether occurring in this state or elsewhere:
- 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.
 - j. Violating this chapter or a rule that is adopted by the board pursuant to this chapter.

POTENTIAL VIOLATION OF RULES—Effective July 6, 2013

R4-19-201. Organization and Administration

- 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.
- 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).

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. (Factual Allegation 1 and 14)

R4-19-202. Resources, Facilities, Services, and Records

- 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;
 2. Comparable to those provided to other academic units of the parent institution; and
 3. Include the following:
 - a. A private office for the nursing program administrator;
 - 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.

R4-19-203. Administrator; Qualifications and Duties

- 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;
 3. Preparing and administering the budget;
 4. Recommending candidates for faculty appointment, retention, and promotion;
 5. In addition to any other evaluation used by the parent institution, ensuring that nursing program faculty members are evaluated at a minimum:
 - a. Annually in the first year of employment and every three years thereafter;
 - b. Upon receipt of information that a faculty member, in conjunction with performance of their duties, may be engaged in intentional, negligent or other behavior that either is or might be:
 - i. Below the standards of the program or the parent institution,
 - ii. Inconsistent with nursing professional standards, or
 - iii. Potentially or actually harmful to a patient.
 - c. By the nurse administrator or a nurse educator designated by the nurse administrator, and
 - d. In the areas of teaching ability and application of nursing knowledge and skills relative to the teaching assignment.

R4-19-204. Faculty; Personnel Policies; Qualifications and Duties

- A. A nursing program shall implement written personnel policies for didactic and clinical nursing faculty members including workload policies that at minimum conform to those for other faculty members of the parent institution and that are in accordance with accepted nursing educational standards or provide a written explanation of any differences not related to the requirements of this Article.
- 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
- F. The parent institution of a nursing program shall ensure that each practical nursing program faculty member holds a current Arizona registered nurse license in good standing or multi-state privilege to practice in Arizona under A.R.S., Title 32, Chapter 15 and that every faculty member meets the following:
 - 1. At least two years of experience as a registered nurse providing direct patient care, and
 - 2. A minimum of a baccalaureate degree with a major in nursing.
- 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.

R4-19-205. Students; Policies and Admissions

- D. A nursing program and parent institution shall have and enforce written policies that are readily available to students in either the college catalogue or nursing student handbook that address student rights, responsibilities, grievances, health, and safety. (Factual Allegations).
- 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.

R4-19-206. Curriculum

- 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.

R4-19-211. Unprofessional Conduct in a Nursing Program

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;

CORRECTIVE ACTION

Respondent shall correct the deficiencies identified above within **6 months** of the date of service of this Notice. [A.A.C. R4-19-211(A)].

Respondent shall, within **30 days** of the date of service of this Notice, file a plan to correct and implement that plan to correct each of the identified deficiencies after consultation with the Board or designated Board representative. [A.A.C. R4-19-212(A)(1)].

Failure to correct the deficiencies within the period of correction may result in restriction of Respondent's ability to admit new students and/or rescission of program approval. [A.R.S. § 32-1644 (D) and A.A.C. R4-19-212(B) and (C)].

On or before the last day of the period of correction, Respondent shall file a report with the Board containing evidence that all deficiencies are remedied.

NOTICE OF APPEAL RIGHTS

Respondent may, within 30 days of the date of service of this Notice, submit a written request for a hearing before the Office of Administrative Hearings 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. [A.A.C. R4-19-212(A)(2)].

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. R4-19-212(A)(3)].

For answers to questions regarding this Notice, contact Ronda Doolen at (602) 771-7877.

Dated the 8th day of April, 2015

SEAL



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

COPIES mailed this 8th day of April, 2015 by Certified Mail No. **7011 3500 0001 5219 3859** and First Class Mail to:

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