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BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PRACTICAL  
NURSING PROGRAM NO. US9610300  
ISSUED TO:  
EAST VALLEY INSTITUTE OF  
TECHNOLOGY  
1727 WEST MAIN STREET  
MESA, ARIZONA 85201

CONSENT AGREEMENT  
AND  
ORDER NO. 150220PN961030

CONSENT AGREEMENT

A complaint charging East Valley Institute of Technology Practical Nursing Program ("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. Respondent holds Board issued program approval for a practical nursing program located at the East Valley Institute of Technology (EVIT) on West Main Street in Mesa, Arizona.
2. Respondent entered into a consent agreement (CA) for 18 months-probation (Order number 14052PN96130,) on August 1, 2014, which is attached and incorporated by reference.
3. Term of Probation, paragraph 8, page 6 requires Respondent to obey all laws/rules governing nursing education in this state.

4. Respondent posted an NCLEX-PN first time pass rate of 73% for students who took the test within 12 months of graduation, thereby violating R4-19-206 (G) which requires an 80% NCLEX pass rate and provides for the issuance of a Notice of Deficiency if the pass rate is below 75%. This conduct is a violation of R4-19-206(G) and Term of Probation, paragraph 6 of the CA.

5. On 3/25/15, Respondent's Nursing Program Administration informed Board staff that the lowered pass rates were due to inexperienced faculty, curricular gaps, lack of review of previous instruction, and lack of appropriate rigor.

#### 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 § 32-1601(22) (d), (h) (i) and (j):

"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.
- (h) Committing an act that deceives, defrauds or harms the public.
- (i) Failing to comply with a stipulated agreement, consent agreement or board order.
- (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter."

A.A.C. Rule 4-19-206(C)(5) requires that, "A nursing program administrator and faculty members shall ensure that the curriculum: 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."

A.A.C. Rule 4-19-206 (G) requires that, "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.”

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent’s 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.

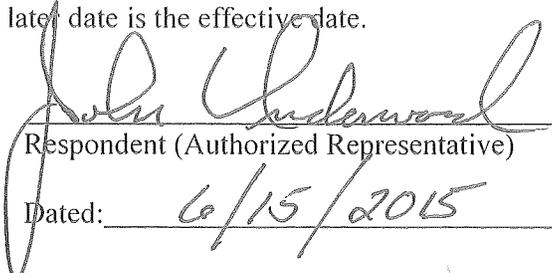
Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board’s file concerning this matter.

Respondent understands that 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 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 (Authorized Representative)  
Dated: 6/15/2015

ARIZONA STATE BOARD OF NURSING

  
Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director  
Dated: 7-8-2015

**ORDER**

In view of the above Findings of Fact, 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 24 months.
- C. This Order becomes effective upon the Board's 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 begins on 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 on Respondent's program approval.

- E. Probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Notification of Public

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 FOR PROBATION".

2. Quarterly Reports

Within 7 days of each assigned quarterly reporting due date, Respondent shall provide the Board with accurate and complete quarterly reports containing the following:

- a. Copy of nursing any and all nursing department meeting minutes,
- b. Personnel changes,
- c. Admissions, graduations and attrition, and
- d. Any written or verbal complaints or concerns regarding the nursing program brought to the attention of the nursing program administrator and their resolution.
- e. Curriculum changes
- f. An update on the implementation of the Plan of Correction sent to the Board on or about March 6, 2015.
- g. ATI aggregate cohort test scores of currently enrolled students with analysis and comparison with previous cohorts.

The first report is due on the first assigned quarterly report due date after the effective date of the Order.

3. Restricted Admissions

Respondent shall limit admissions to 60 or fewer per year.

4. Didactic Instructors

Respondent shall maintain no less than one didactic faculty member for every 30 enrolled students.

5. Nursing Program Administrator

Respondent shall maintain a full time nursing program administrator whose only responsibility is the LPN program.

6. Institutional Accreditation

Respondent shall obtain and maintain full institutional accreditation consistent with A.R.S. 32-1644 (A) and A.A.C. R4-19-201(A) by January 1, 2016.

7. Renewal of Approval

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

8. Obey All Laws

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

9. Costs

Respondent shall bear all costs of complying with this Order.

10. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board, 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.

11. Voluntary Surrender of Approval

Respondent may, at any time this Order is in effect, voluntarily request to surrender their program approval.

ARIZONA STATE BOARD OF NURSING

SEAL

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

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

Dated: 7-8-2015

JR/II:

COPY mailed this 8th day of July, 2015 by First Class Mail, to:

Marie Rozell Nursing Program Director  
East Valley Institute of Technology  
1727 West Main  
Mesa, Arizona 85201

Certified Mail: 7011 3500 0001 5219 4504

Signed in the Board Office this 8th day of July, 2015.

By: hpn ledbetter  
Legal Secretary

# ATTACHMENT A

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PRACTICAL  
NURSING PROGRAM NO. US9610300  
ISSUED TO:  
EAST VALLEY INSTITUTE OF  
TECHNOLOGY  
1727 WEST MAIN STREET  
MESA, ARIZONA 85201

CONSENT AGREEMENT  
AND  
ORDER NO. 14052PN96130

CONSENT AGREEMENT

A complaint charging East Valley Institute of Technology Practical Nursing Program ("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. Respondent holds Board issued program approval for a practical nursing program located at the East Valley Institute of Technology (EVIT) on West Main Street in Mesa, Arizona.
2. EVIT School District, in Mesa, Arizona does not currently hold post-secondary accreditation. The North Central Association Commission on Accreditation and School Improvement (NCA-CSI), a body recognized by the U.S. Department of Education (DOE), accredited EVIT as both a secondary and post-secondary institution from 1987 until on or about February 1, 2013. On or about February 1, 2013, the DOE discontinued recognition of NCA-

CSI thereby causing EVIT to lose its post-secondary accreditation. This constitutes a violation of Arizona Administrative Code Rule 4-19-201(A), which requires that the parent institution of a nursing program be an accredited post-secondary institution.

3. EVIT's Adult Education Division, which includes Respondent, holds post-secondary pre-accreditation status from the Council on Occupational Education and no other full accreditation.

4. Respondent has not consistently devoted the necessary resources to attract, employ and recruit adequate personnel to support a practical nursing program as evidenced by events leading up to a Notice of Deficiency issued to Respondent by the Board on December 26, 2013, less than one year after Board staff conducted a site visit found Respondent to be in compliance with all rules.

5. During a site visit conducted by Board staff on May 12, 2014, it was discovered that Respondent moved its administrative assistant's office and its nursing program records to a building far removed from the Respondent's classrooms and faculty offices, requiring a five minute walk. On July 7, 2014, Respondent's Interim Nursing Program Administrator notified Board staff that the administrative assistant's office and the nursing program records were restored to the building that houses Respondent's classrooms and faculty offices.

#### CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, and A.A.C. R4-19-212 (C)(1) and (3), 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 § 32-1601(22) (d) and (j), A.R.S. §32-1644 (A); A.A.C. R4-19-201 (A) and (K), R4-19-202 (A) (3) (d), and R4-19-211 (2).

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

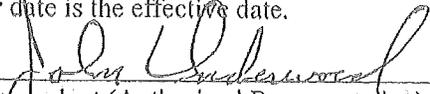
Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that 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 this Consent Agreement and such consultation has either been obtained or is waived.

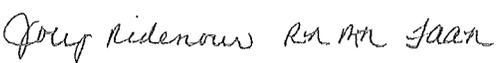
Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed

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 (Authorized Representative)

Dated: 7/23/2014

ARIZONA STATE BOARD OF NURSING



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

Dated: August 1, 2014

RANDOLPH/EVIT LPN/2014

### ORDER

In view of the above Findings of Fact, 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 18 months. Respondent may petition the Board for early termination after 12 months.
- C. This Order becomes effective upon the Board's 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 begins on 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 on Respondent's program approval.

F. Probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Notification of Public

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 FOR PROBATION".

2. Quarterly Reports

Within 7 days of each assigned quarterly reporting due date, Respondent shall provide the Board with accurate and complete quarterly reports containing the following:

- a. Copy of nursing any and all nursing department meeting minutes,
- b. Personnel changes,
- c. Admissions, graduations and attrition, and
- d. Any written or verbal complaints or concerns regarding the nursing

program brought to the attention of the nursing program administrator and their resolution.

The first report is due on the first assigned quarterly report due date after the effective date of the Order.

3. Restricted Admissions

Respondent shall limit admissions to 60 or fewer per year.

4. Didactic Instructors

Respondent shall maintain no less than one didactic faculty member for every 30 enrolled students.

5. Nursing Program Administrator

Respondent shall maintain a full time nursing program administrator whose only responsibility is the LPN program.

6. Institutional Accreditation

Respondent shall obtain and maintain full institutional accreditation consistent with A.R.S. 32-1644 (A) and A.A.C. R4-19-201(A) within 18 months of the effective date of this order.

7. Renewal of Approval

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

8. Obey All Laws

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

9. Costs

Respondent shall bear all costs of complying with this Order.

10. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board, 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.

11. Voluntary Surrender of Approval

Respondent may, at any time this Order is in effect, voluntarily request to surrender their program approval.

12. Completion of Probation

Respondent is eligible for early termination of this Order. Upon successful completion of the terms of probation and after a minimum of 12 months of probation, Respondent may request formal review by the Board, and after formal review by the Board, the Board may, at its discretion, decide to terminate Respondent's probation and fully restore Respondent's approval.

ARIZONA STATE BOARD OF NURSING

SEAL

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

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

Dated: August 1, 2014

JR/\_\_\_:

COPY mailed this 4 day of August, 2014 by First Class Mail, to:

Signed in the Board Office this 1 day of August, 2014.

By: Helen M. Tuno-Eggh  
Legal Secretary