

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: US96509800

UNIVERSITY OF PHOENIX LPN TO BSN
NURSING PROGRAM

RESPONDENT

**NOTICE OF DEFICIENCIES TO
NURSING PROGRAM**

**CASE NO: 1502001RN96509800 and
1411001RN965098**

The Arizona State Board of Nursing (“Board”) considered this matter in open meeting on May 15, 2015 following a complaint investigation by the Board’s representative regarding University of Phoenix Licensed Practical Nurse (“LPN”) to Bachelor of Science in Nursing (“BSN”) Nursing Program, located in Tempe, Arizona (“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. Respondent holds Board approval for a LPN to BSN degree registered nursing program that was granted full approval by the Board in June, 2010.

2. Respondent had an NCLEX (national standardized testing for nursing applicants) RN first time pass rate for the 2014 calendar year of 65% for students who took the test within 12 months of graduation, thereby violating R4-19-206 (G) which requires an 80% pass rate and requires the Board to issue a Notice of Deficiency if a program's annual pass rate is below 75%.
3. As self-reported to Board on 3/20/2015, Respondent failed to verify RN licensure and thus appointed an unqualified Nursing Program Administrator – Dean of Nursing, between 1/5/2015-3/20/2015, who was not licensed as an RN in Arizona, nor did she have a multi-state privileged to practice in Arizona, a violation of R4-19-203 (A).
4. Respondent failed to maintain minimum standards of acceptable and prevailing educational or nursing practice, by ensuring examination questions aligned with course content, during the NSG 345 Medical/Surgical Nursing II course during the fall 2014 semester. The program determined on 12/8/2014 that 20 of 90 quiz questions (22%) in NSG 345 did not directly map to the readings of the current version of the textbook used in class. Respondent failed to align examination questions with course content, a violation of R4-19-211 (A)(1).
5. Respondent implemented, on 6/5/2014, written policies and procedures that provide a mechanism for student input in the form of a Student Advisory Council (SAC), but failed to utilize the information and data gathered during SAC meetings in its Systematic Evaluation Plan and into the development of academic policies and procedures, which is a violation of R4-19-201 (G).

6. Respondent's Systematic Evaluation Plan submitted to Board on 4/21/2015 failed to include measurable outcome criteria, actual outcomes, and graduation and attrition for each admission cohort as required in R4-19-201 (I) (1-10)

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.

ARS §32-1601. Definitions

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.
- (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

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.

R4-19-201. Organization and Administration

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).

R4-19-203. Administrator; Qualifications and Duties

A. The nursing program administrator shall hold 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:

R4-19-206. Curriculum

G. A nursing program shall maintain at least an 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.

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, the program shall file a report with the Board containing evidence that all deficiencies are remedied.

NOTICE OF APPEAL RIGHTS

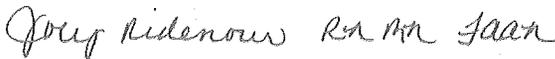
Respondent may, within 30 days of the date of service of this Notice, submit a written request for a hearing before the Office of Administrative Hearings to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 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 30th day of June, 2015

SEAL



Joey Ridenour, R.N., M.N.

Executive Director

Copy mailed this 30th day of June, 2015 by USPS Certified Mail (Certificate Number 7011 3500 0001 5219 4139) to:

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