

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 PHOENIX RN
NURSING PROGRAM

RESPONDENT

**NOTICE OF DEFICIENCIES TO
NURSING PROGRAM—1407001RN96404**

The Arizona State Board of Nursing (“Board”) considered this matter in open meeting on November 21, 2014 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 – Phoenix (Respondent) holds Board approval for an associate degree registered nursing program that was granted provisional

approval in July, 2010.

2. On or about 2/28/2014, Respondent's Faculty member L.P. recorded a passing course grade for Student A in NU 2400 despite the fact that the course instructor, TH, informed LP that Student A failed the course. Standards of education prohibit anyone other than the course instructor to determine the course grade.
3. On or about 2/28/2014, Respondent's Faculty member LP failed to inform HP or the nursing program administrator that she changed Student A's grade. Instead, LP informed Respondent's National Director of Nursing, BM. BM failed to re-direct LP to the nursing program administrator (NPA) or to communicate the issue to the nursing program administrator. Failure to recognize the NPA's control of the program is a violation of R4-19-201 (D) and R4-19-203 (C).
4. On 4/7/2014, Respondent's NPA, KR, changed Student A's grade back to the original grade awarded by the instructor. On 6/27/2014, this grade was overturned by Campus President, MF, and Dean of Academic Affairs, AS, without following the school grade challenge policy, a violation of R4-19-205 (D).
5. Respondent failed to delineate the lines of authority for the program when Dean of Academic Affairs AS took maternity leave between 3/11/2014-8/4/2014.

6. Respondent failed to provide documentation to Board staff during investigation 9/4/2014 – 11/20/2014 of formation of an Appeals Committee as specified in policy (“Grade Challenge” located in Respondent’s Academic Catalog 2013-2014), a violation of R4-19-205 (D).
7. Respondent again failed to enforce “Grade Challenge” policy as outlined in Academic Catalogue 2013-2014 regarding Students A and B grade challenges in NUR 2890 on or about 8/4/2014. Students A and B failed to first appeal their grade to the instructor of record and failed to provide appropriate and relevant coursework to an Appeals Committee. Failure to enforce grievance policies is a violation of R4-19-205 (D).
8. Respondent filed a “Formal Warning Notice” dated 6/12/2014 against NPA KR that included performance concerns of: redistribution of course points without permission from BMC; failure to consistently use standard syllabi or create syllabi from database; Assessment Technology Incorporated (ATI)/scoring/weighting related to grading is inappropriately proportioned in the courses; and contacting accreditors without authorization from (BMC). This is a violation R4-19-201 (D) and R4-19-203 (C) (1) and (2) which requires the institution to center the control of the nursing program with the NPA and that the nursing administrator have the authority to direct the program in all its phases.
9. Respondent failed to provide students from cohort 4 with workbooks required to complete assignments in NUR 2400 (Care of clients with Mental Health

Needs) course on or about 9/4/2014, a violation of R4-19-201 (J) and R4-19-202 (A)(3) (h).

10. Respondent failed to provide instructor TL access to a system to record grades resulting in inaccurate grades being recorded, a violation of R4-19-202 (A)(3)(j).
11. On or about 6/23/2014 Respondent's administrative personnel allowed Student C to be admitted to the program despite not meeting the faculty determined admission requirements, a violation of R4-19-205 (C), R4-19-203 (G) (1)(2)(3) and R4-19-204 (G) (1)(2)(3).
12. On 9/5/2014 respondent failed to provide appropriate faculty office space, as only one full time faculty member has a private office, all other faculty share office space. Nursing faculty are housed in one large room, situated in small cubicles along one wall. This room is shared by other disciplines including: medical assisting, occupational therapy, surgical technology, criminal justice, math, and other general education associate faculty. This is not comparable to other approved private associate degree nursing programs who house nursing faculty in a separate area from other faculty and is a violation of R4-19-202 (A)(1) and (3).
13. Private grading information was discussed with Student A in faculty offices where other faculty could overhear on or about 2/28/2014, a violation of R4-19-202 (A)(3)(c).
14. Respondent reversed Students A's and B's failing grades from NUR 2890 (Leadership and Transition to Nursing Practice) despite a preponderance of

evidence that both Students A and B failed “skills check off” and posed a risk to the safety and well-being of potential patients. This passing grade resulted in Student B graduating from BMC nursing program in August 2014, deficient of essential medication administration skills needed to perform safely, a violation of R4-19-211 (A)(12), R4-19-206 (2)(4)(5) and R4-19-203 (G) (1)(2)(3), *inter alia*.

15. Respondent appointed BM as interim NPA from 8/28/2014 to 10/28/2014 McAllister was simultaneously responsible for other administrative responsibilities and Respondent failed to designate a program faculty member to assist with program management, a violation of R4-19-203 (E).
16. On multiple occasions between, but not limited to, 2/1/2014 – 9/4/2014, according to faculty witnesses MS, CM, RP, and NPA KR, Respondent’s instructors were admonished by KR, BM, and MF not to communicate with the Board.
17. On or about 2/7/2014 Respondent’s syllabus for NUR 2400 was revised after start of class and did not follow nursing student handbook on Assessment Technology Incorporated (ATI) exams.

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.
- 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.
- 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.
- H. The parent institution shall appoint a sole individual to the full-time position of nursing program administrator. The parent institution shall ensure that the individual appointed meets or exceeds the requirements of, and fulfills the duties specified in, R4-19-203, whether on an interim or permanent basis.

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;
 - 3. Include the following:
 - b. Faculty offices that are conveniently located to program classrooms and secretarial support staff;
 - h. Access to a comprehensive, current, and relevant collection of educational materials and learning resources for faculty members and students;
 - 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.

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;
- E. The administrator may have administrative responsibilities other than the nursing program, provided that a nursing program faculty member is designated to assist with program management and the administrator is able to fulfill the duties of this Article.

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

- 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

- C. A nursing program shall have and enforce written policies available to students and the public regarding admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, and dismissal.
- 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.

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;
2. Deficiencies in compliance with the provisions of this Article;
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.

CORRECTIVE ACTION

Respondent shall correct the deficiencies identified above within 3 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. Additionally, Respondent shall submit a comprehensive self-study to the Board by May 31, 2015 to be followed by a site visit.

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 25th day of November, 2014

SEAL

Joey Ridenour R.N. M.N. Sean

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

Executive Director

Copy mailed certified this 25th day of November, 2014 certificate number: 7011 3500 0001
5219 3699 and mailed by U.S. Certified Mail to:

Ronda Collazo, RN, Ph.D.
Brown Mackie College
13430 North Black Canyon Highway
Phoenix, Arizona 85029

Lyn Ledbetter

Legal Secretary