

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF MEADOWS OF  
NORTHERN ARIZONA NURSING  
ASSISTANT NO. 1060  
ISSUED TO:  
MEADOWS OF NORTHERN ARIZONA  
809-A AND B GAIL GARDNER WAY  
PRESCOTT, AZ 86305  
RESPONDENT

**CONSENT AGREEMENT  
AND  
ORDER NO. 181201CNA1060**

**CONSENT AGREEMENT**

A complaint charging Meadows of Arizona Nursing Assistant 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 Nursing Assistant Program, receiving its original approval in 2014. Its last program approval was 10/5/2018.
2. Respondent issued a certificate of completion for Student A to Complainant #1 at Granite Creek Health and Rehabilitation Center, Prescott, AZ, on 11/27/2018, despite Student A missing 24 of the required 40 hours to complete the program. Additionally, Respondent falsified completion hours in the Board-approved testing vendor, D&S’s, site. This is a violation of R4-19-802 (D)(1)(c)(ii) and R4-19-805 (B)(2,5,12). Brown stated she

self reported this violation on 1/11/2019, when in fact she had been notified by Board Staff of the allegations (minus the students name) 12/27/2018. The standard of practice is for program administrators to authorize a certificate of program completion only when all hours are completed. Respondent violated the standard of practice by authorizing a certificate before all requirements were met. Failing to authorize only those who have completed program requirements, harms the public when individuals who have not completed course requirements are allowed to provide patient care.

3. During Respondent's October 1-22, 2018 cohort instruction, Instructor Brown behaved in a demeaning and unprofessional manner toward three students. During this cohort, Instructor Brown referred to students using the terms "stupid" and "retarded", and Brown also told at least one student, Student C, in a frustrated manner, that Student C was incapable of becoming a nursing assistant. The standard of practice for nursing assistant educators requires professional interactions with students to support a positive and productive learning experience and environment. Unprofessional, demeaning communication, such as name calling and personal criticism results in emotional harm to students and an environment in which students do not feel comfortable asking questions and cannot learn due to unnecessary stress due to hostile and/ or verbally abusive language. Respondent's conduct, through Instructor Brown, violated the standard of practice when Brown called students names and told at least one student, out of frustration, that she was not capable of becoming a nursing assistant.

### **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(26)(d)and(h),(j) and A.A.C. R4-19-802 (D) and  
R4-19-805 (1,2,4,9,12,14,16).

26. “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;and

(j) Violating a rule that is adopted by the Board pursuant to this chapter.

#### R4-19-802. CNA Program Requirements

##### D. Clinical and classroom hour requirements and resources

1. A nursing assistant training program shall ensure each graduate receives a minimum of 120  
hours of total instruction consisting of:

c. Instructor-supervised clinical experiences for a minimum of 40 hours, consistent with the  
goals of the program. Clinical requirements include the following:

ii. The program shall provide a minimum of 20 hours of direct resident care in a long-term  
care facility licensed by the Department of Health Services, except as provided in subsection

(iv). Direct resident care does not include orientation and clinical pre and post conferences.

iii. If another health care facility is used for additional required hours, the  
program shall ensure that the facility provides opportunities for students to apply  
nursing assistant skills similar to those provided to long-term care residents.

##### B. Unprofessional program conduct

A notice of deficiency or a disciplinary action including denial of approval or rescission of approval may be issued against a training program for any of the following acts of unprofessional conduct:

1. Failing to maintain minimum standards of acceptable and prevailing educational practice;
2. Any violation of this Article;
4. Failing to follow the program's or parent institution's mission or goals, program design, objectives, or policies;
9. Engaging in fraud, misrepresentation or deceit in advertising, recruiting, promoting or implementing the program;
12. Engaging in any other conduct that gives the Board reasonable cause to believe the program's conduct may be a threat to the safety or welfare of students, faculty, patients or the public.
14. Failing to take appropriate action to safeguard a patient's or resident's welfare or follow policies and procedures of the program or clinical site designed to safeguard the patient or resident;
16. Failing to promptly remove, or adequately discipline or train, program instructors whose conduct violates this Article or may be a threat to the safety or welfare of students, patients, residents, or the public.

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.

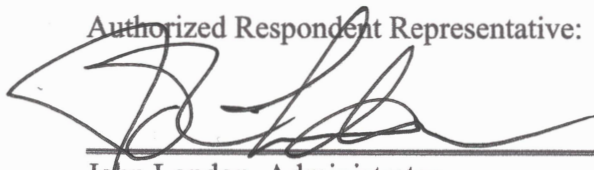
Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement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

/

/

/

Authorized Respondent Representative:



John London, Administrator

Dated: 9/4/2019

ARIZONA STATE BOARD OF NURSING



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

Dated: 9/6/2019

**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 a minimum of 12 months, during which the program must have enrolled students and conduct regular program operations, including didactic and clinical sessions, for a minimum of 12 months.
- C. This Order becomes effective upon the Board 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 is to commence 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 nursing 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." Additionally the Board shall provide public access to this order through its website.

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. Personnel changes, and
- b. Attrition and
- c. Grievances/Complaints-Any written or verbal complaints or concerns, formal or informal, including comments on evaluations, regarding the nursing program, including advertising/recruiting, made by students, prospective

students, or members of the public, brought to the attention of faculty and/or the program coordinator, and their resolution, and

- d. D&S Diversified (Headmaster) pass rates
- e. Results of confidential and anonymous student evaluations of nursing assistant courses, instructors and the overall program, from every cohort.

Please attach each evaluation to your report.

- f. Remedial Education:
  - a. Ethics\*
  - b. Professional Communication\*

\*Within 45 days, Administrator London and Coordinator Brown will take Board approved courses on Ethics and Professional Communication ( a minimum of one hour classes), and submit evidence of successful completion.

3. Interview with the Board or Its Designee

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

4. 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 the approval and otherwise maintain approval for a nursing program in Arizona.

5. Obey All Laws

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

6. Costs



Respondent shall bear all costs of complying with this Order.

7. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's accreditation agency, including the institutional accrediting agency, of the noncompliance. Additionally, 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.

8. Voluntary Surrender of Approval

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

9. Completion of Order

Respondent not eligible for early termination of this Order. Upon successful completion of the terms of probation Respondent may request formal review by the Board, and after formal review by the Board, Respondent's approval may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

10. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. Failure to provide for the release of information, as required by this paragraph constitutes noncompliance with this Order.

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: 9/6/2019

JR/CG:ll

Sent via secure email on 8/5/2019 to: john.meadownaz@gmail.com

Duly signed copy mailed this 12th day of September, 2019 via email  
john.meadownaz@gmail.com and U.S. Certified Mail certificate number: **7016 0750 0000 4921**  
**6835** to:

Meadows of Northern Arizona  
John London  
809-a and B Gail Gardner Way  
Prescott, AZ 86305

Signed in the Board Office this 12th day of September, 2019.

By: Lyn Ledbetter  
Administrative Assistant