

**BEFORE THE ARIZONA STATE BOARD OF NURSING**

IN THE MATTER OF EAST VALLEY  
INSTITUTE OF TECHNOLOGY-ADULT  
CERTIFIED NURSING ASSISTANT  
PROGRAM NO. 4133  
ISSUED TO:  
1601 W. Main St., Mesa,  
AZ 85201

RESPONDENT

**CONSENT AGREEMENT  
AND**

**ORDER NO. 200202NA4133**

**CONSENT AGREEMENT**

A complaint charging East Valley Institute of Technology CNA 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 it’s original approval in 1999. It’s last program approval was 1/30/2019.
2. Respondent failed to adequately prepare students to pass the written and skills exam. Respondent’s Nursing Assistant (NA) program’s first time student pass rate on the skills and the written certifying examinations, are below the minimum requirement as required in R4-19-802(E). Specifically according to D&S Diversified Technologies, the approved test

vendor, Respondent's annual pass rate for the skills exam in 2019 was 43% and the written was 29%. The Arizona State average for the 2019 calendar year was 87% for written and 82% for the manual skills exam. Programs falling below the standard are those with less than 67% on the written exam and 62% on skills. The program tested 7 students for 2019. Respondent's annual pass rate for the skills exam in 2018 was 59%. This is the second year in a row in which the Respondent failed to provide adequate instruction for successful student completion of the program and become 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(24) (d) and (j):

24. "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.

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

### **VII. POTENTIAL VIOLATIONS OF RULES:**

R4-19-801. Common Standards for Certified Nursing Assistant (CNA) and Certified Medication Assistant (CMA) Training Programs

E. Certifying Exam Passing Standard: A training program and each site of a consolidated program under R4-19-801(E) shall attain, at a minimum, an annual first-time passing rate on the manual skill and written certifying examinations that is equal to the Arizona average pass rate for all candidates on each examination minus 20 percentage points. The Board may waive this requirement for programs with less than five students taking the exam during the year. The Board shall issue a notice of deficiency under A.A.C. R4-19-805 to any program with five or more students taking the exam that fails to achieve the minimum passing standard in any 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.

*Stephanie Bondeson*

Stephanie Bondeson (Aug 25, 2020 08:43 PDT)

Authorized Respondent Representative  
Stephanie Bondeson

ARIZONA STATE BOARD OF NURSING

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

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

Dated: 8/25/2020



## **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. Program changes and policy revisions, and
- b. Completion information, and
- c. Personnel changes, and
- d. Curriculum changes and
- e. Admissions and attrition, and
- f. 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
- g. Results of confidential and anonymous student evaluations of nursing assistant courses, instructors, clinical experience and the overall program
- h. D&S Diversified (Headmaster) pass rates for each cohort.

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. Respondent shall report to the Board, within 10 days, any violation or potential violation of the Nurse Practice Act, Board of Nursing Rules or any federal, state or 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.

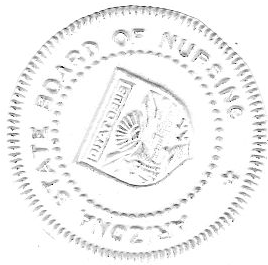
8. Voluntary Surrender of Approval

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

9. Completion of Order

Respondent is eligible for early termination of this Order. Upon successful completion of the terms of probation or after 12 months of compliance, 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.

ARIZONA STATE BOARD OF NURSING



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

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

Dated: 8/25/2020

JR/II:



Mailed this 30th day of July, via adobe sign to:

East Arizona Valley Institute of Technology - Adult

sbondeson@evit.com

Revised copy correcting typographical errors was mailed this 10th day of August, via adobe sign to:

East Arizona Valley Institute of Technology - Adult


sbondeson@evit.com

Fully executed copy mailed this 25th day of August, via adobe sign to:

East Arizona Valley Institute of Technology - Adult

sbondeson@evit.com

Signed in the Board Office on August 25, 2020.

By:   
Lyn Ledbetter (Aug 26, 2020 11:27 EDT)  
Administrative Assistant



**Doug Ducey**  
**Governor**



**Executive Director**  
**Joey Ridenour**

## ***Arizona State Board of Nursing***

1740 West Adams Street, Suite 2000

Phoenix, AZ 85007-2607

Phone (602) 771-7800 | Home Page: <http://www.azbn.gov>

August 25, 2020

Stephanie Bondeson  
East Valley Institute of Technology  
*Sent Via Adobe Sign: sbondeson@evit.com*

### **Re: FINAL Consent Agreement and Order Number 200202NA4133**

Dear Stephanie Bondeson:

Please see the enclosed duly signed Consent Agreement for Probation. Your program has been placed on probation for a minimum of 12 months. The effective date of this order is 8/25/2020. All terms of the agreement are listed in the actual document but as a courtesy I have outlined some dates for you to be aware of:

- The program must have enrolled students and conduct regular program operations, including didactic and clinical sessions, for a minimum of 12 months.
- 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: "FULL - Active Consent Agreement." Additionally the Board shall provide public access to this order through its website.
- 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. Program Changes
  - b. Completion Information, and
  - c. Personnel changes
  - d. Curriculum changes
  - e. Admissions and attrition, and
  - f. 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
  - g. Results of confidential and anonymous student evaluations of nursing assistant courses, instructors, clinical experience and the overall program
  - h. D&S Diversified (Headmaster) pass rates for each cohort.

**UNDER ARIZONA ADMINISTRATIVE CODE RULE 4-19-202 (B)(4), THIS DOCUMENT AND ANY ENCLOSURES SHOULD BE RETAINED BY THE PROGRAM FOR A MINIMUM OF 10 YEARS**

*Your first quarterly report is due on 10/30/2020. (30 days after the end of each quarter).* The order number needs to be included on all quarterly reports and supporting documents. (**Order 200202NA4133**)

Please remember your program is eligible for early termination of this Order. Upon successful completion of the terms of probation or after **12 months of compliance**, you may request formal review by the Board, and after formal review by the Board, your approval may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

Should you have any questions or concerns regarding this Consent Agreement please contact **Cindy George** at 602-771-7857 or via email [cgeorge@azbn.gov](mailto:cgeorge@azbn.gov).

Sincerely,  
Lyn Ledbetter  
Education Department