

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PARADISE VALLEY
HIGH SCHOOL, NURSING ASSISTANT
PROGRAM, APPROVAL NO. 4134

ISSUED TO:
PARADISE VALLEY HIGH SCHOOL
3950 E. BELL RD., PHOENIX, AZ 85032

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 200202NA4134**

CONSENT AGREEMENT

A complaint charging Paradise Valley High School (“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, operating in Phoenix, Arizona, receiving its original approval in 1996. Respondent’s last program approval was on 10/23/2017.

2. 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 36% and the written was 64%. 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.

3. On a site visit conducted by Board Staff on May 28, 2020, it was discovered that Respondent exceeded the 1:10 clinical supervision ratios as required in R4-19-802(B)(3)(b) by having 1 RN Instructor to 12 students for the 2018-2019 school year.

4. On a site visit conducted by Board Staff on May 28, 2020, it was discovered that Respondent failed to provide the opportunity for students in the 2018-2019 school year to anonymously and confidentially evaluate the course Instructor, curriculum, classroom environment, clinical Instructor, clinical setting, textbook and resources of the program as required in R4-19-801(A)(9).

5. For the 2018-2019 school years, Respondent failed to comply with R4-19-801 (D)(2)(b) by not maintaining completed skills checklists in its student files. This was discovered by Board staff on May 28, 2020, at a renewal site visit. Failure to maintain skills checklists in student files is a violation of the standard of practice, which requires programs to have an RN validate required skills of each student before each student is allowed to attend clinical and ultimately complete the program. Without signed skills sheets, a program has no validation of completion of student skills and competency of each student, which places both patients and students at risk of potential errors and harm during clinical rotations, R4-19-805(D) (1,2,4,12,14). On a site visit conducted by Board Staff on May 28, 2020, it was discovered that Respondent failed to document each student's performance each day, consistent with course skills and clinical objectives as required in R4-19-801(C)(10)(d) for the 2018-2019 and 2019-2020 school years.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1644, 32-1646, 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(d) and (j), and A.A.C. R4-19-801(A)(9);

(C)(10)(d); (D)(2)(b); R4-19-802(B)(3)(b); (E); R4-19-805 (D)(1,2,4,12,14)

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

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

C. Classroom and clinical instruction:

10. A qualified RN instructor shall supervise any student who provides care to patients or residents by:

- d. Documenting each student's performance each day, consistent with course skills and clinical objectives;

D. Records:

2. A training program shall maintain the following student records either electronically or in paper form for a minimum of three years for NA programs and five years for CMA programs:

- b. A completed skill checklist containing documentation of student level of competency performing the skills in R4-19-802(F) for nursing assistant, and in R4-19-803(D)(4) for medication assistants;

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.

R4-19-802. Nursing Assistant (NA) Program Requirements

B. Program coordinator qualifications and responsibilities

3. A program coordinator's responsibilities include: b. Ensuring that instructors meet Board qualifications and there are sufficient instructors to provide for a clinical ratio not to exceed 10 students per instructor;

R4-19-805. Deficiencies and Rescission of Program Approval, Unprofessional Program Conduct, Voluntary Termination, Disciplinary Action, and Reinstatement:

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;
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;

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, officers, 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.

//

//

//

//

//

//

Andre Long

Andre Long, Assistant Superintendent, Paradise Valley Unified School District (Oct 20, 2020 14:29 PDT)

Signature or Approved Respondent Representative
Sandra Fabian, Paradise Valley High School



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: 10/20/2020

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 24 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. Admissions, and
- b. Attrition, and
- c. Student evaluations for each cohort, and
- d. Completion rates, and
- e. Curriculum changes, and
- f. Grievances/complaints - Any written or verbal complaints or concerns regarding the nursing program brought to the attention of the nursing program administrator and their resolution including informal complaints and comments on evaluations, and
- g. D&S pass rates, and

- h. Clinical documentation for each student
 - i. Personnel changes, and
 - j. Clinical attendance sheets, and
 - k. Status of all recommendations from external consultant, and
 - l. All policy revisions, and
 - m. Timely notification of any program changes that are or may be in violation of this agreement
3. Program Staff Education
- a. Program staff will attend the next D&S skills workshop (to be completed within the next 12 months)
4. 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.

5. 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.

6. 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.

7. Costs

Respondent shall bear all costs of complying with this Order.

8. 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.

9. Voluntary Surrender of Approval

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

10. Completion of Order

Respondent is not eligible for early termination of this Order. Upon successful completion of the terms of probation or after 24 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.

11. 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



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

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

Dated: 10/20/2020

JR/CG:ll

//
//
//
//
//
//
//
//

Transmitted this 30th day of September, 2020, via Adobe Sign to:

Sandra Fabian, Paradise Valley High School, sfabian@pvschools.net

Signed in the Board Office on 10/27/2020.

By: 
[Lyn Ledbetter \(Oct 27, 2020 06:29 PDT\)](#)
Administrative Assistant

Fully Executed copy sent this 27 day of October, 2020, via Adobe Sign to:
Sandra Fabian, Paradise Valley High School, Email Address: sfabian@pvschools.net



Doug Ducey
Governor



Joey Ridenour
Exec. Director

Arizona Board of Nursing

1740 W. Adams Street, Suite 2000
Phoenix, AZ 85007
Phone 602-771-7800 | Website: www.azbn.gov

10/27/2020

Paradise Valley High School
3950 E. Bell Road
Phoenix, AZ 85032

Sent Via Adobe sign: Paradise Valley High School, sfabian@pvschools.net

Re: FINAL Consent Agreement and Order Number 200202NA4134

Dear Sandra Fabian:

Please see the enclosed duly signed Consent Agreement for Probation. The effective date of this order is 10/20/2020. 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:

- 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:
 - Admissions, and
 - Attrition, and
 - Student evaluations for each cohort, and
 - Completion rates, and
 - Curriculum changes, and
 - Grievances/complaints - Any written or verbal complaints or concerns regarding the nursing program brought to the attention of the nursing program administrator and their resolution including informal complaints and comments on evaluations, and
 - D&S pass rates, and

- Clinical documentation for each student
 - Personnel changes, and
 - Clinical attendance sheets, and
 - Status of all recommendations from external consultant, and
 - All policy revisions, and
 - Timely notification of any program changes that are or may be in violation of this agreement
- Program staff will attend the next D&S skills workshop (to be completed within the next 12 months)

Your first quarterly report is due on January 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 **200202NA4134**)

Upon successful completion of the terms of probation, 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, please contact Cindy George at 602-771-7857 or cgeorge@azbn.gov.

Sincerely,



Cindy George RN, BSN
Education Program Administrator
CG:ll

Cc: Kathy Malloch